

## UEA CODE OF PRACTICE: DISABILITY IN EMPLOYMENT

### 1.0 Introduction

- 1.1 The University of East Anglia, referred to as “the University” throughout this document, has developed this Code of Practice to demonstrate the steps that will be taken to ensure equality in respect of disability and to ensure its compliance with the Equality Act 2010.
- 1.2 This Code of Practice is underpinned by the University’s [Equality & Diversity Strategy](#) and the [Equality & Diversity Code of Practice](#) for staff, which can be accessed on the Human Resources Division’s intranet sites.
- 1.3 The University is committed to ensuring that it makes every reasonable effort to provide a supportive, inclusive environment to staff with disabilities and staff that acquire disabilities during the course of their employment.
- 1.4 The aim of the University is to remove barriers and/or make reasonable adjustments to the working environment and/or policies, procedures and processes which could disadvantage staff with disabilities, and wherever possible support disabled staff in being retained in the employment of the University.
- 1.5 This Code of Practice sets out the steps that will be taken to achieve disability equality in respect of recruitment and employment. Information relating to [recruitment and selection](#) can be accessed on the Human Resources intranet.

1.6 This Code of Practice should be read in conjunction with other key University documents, including but not limited to the Equality & Diversity Code of Practice for Staff, Recruitment & Selection Guidelines, Sickness Absence Guidelines, Flexible Working Guidelines and Capability Guidelines.

## **2.0 Purpose**

2.1 The purpose of this Code of Practice is:

- to raise the awareness of the University's staff about disability issues and their responsibilities under the Equality Act 2010;
- provide guidance to managers to ensure that disabled staff are supported in their work activity at the University;

## **3.0 Scope**

3.1 This Code of Practice applies to all staff employed by the University, individuals registered on staffing registers, individuals holding honorary and/or secondment contracts, individuals undertaking work experience and self-employed individuals.

## **4.0 Responsibility of all staff**

4.1 All staff are required to comply with this Code of Practice and with the relevant legal requirements. Anyone with responsibility for managing staff has additional responsibilities which are detailed in Section 5.0.

4.2 Staff are encouraged to disclose their disability and staff can update their personal circumstances online via the UEA Portal or in writing to Human Resources. See [Briefing Note 1 – Disclosing a Disability](#) for further information.

- 4.3 Staff should consider making their manager and/or Human Resources Manager aware of changes to their circumstances, particularly where this relates to their health and safety in the workplace.
- 4.4 All staff are required to complete the online Equality and Diversity training module that can be accessed via the Equality & Diversity, Human Resources and CSED webpages.

## **5.0 Responsibility of all managers**

- 5.1 All individuals with management and supervisory responsibility are responsible for the implementation of this Code of Practice within their Service, Faculty, School, Department, Office areas.
- 5.2 Managers need to be aware of their responsibilities under this Code of Practice and under the Equality Act 2010 and ensure that they are carried out appropriately.
- 5.3 Managers must take steps to ensure that disabled staff have the opportunity to discuss whether they require any particular equipment or arrangements in the workplace and, in consultation with Human Resources, ensure that appropriate and steps are taken to make reasonable adjustments in a timely manner. See [Briefing Note 2 – Adjustments under the Equality Act 2010](#) for further information.
- 5.4 The term “reasonable” is not defined under the Act and therefore it is for the University to determine what is considered as “reasonable” taking into account the size and resources of the University. **Such discussions must involve Human Resources.**

5.5 Reasonable adjustments might include, but are not limited to:

- Altering working hours
- Providing relevant training
- Buying or modifying equipment
- Modifying instruction or reference materials
- Modifying recruitment testing or assessment procedures
- Providing a reader or interpreter
- Providing specialist software
- Redeploying to an alternative post
- Making adjustments to buildings

## 6.0 The Legislation – Equality Act 2010

6.1 The main provisions of the Equality Act 2010, referred to as “the Act” throughout this document, came into force on 1 October 2010 and the provisions relating to positive action in recruitment and the public sector duty came into effect on 1 April 2011.

6.2 The Act consolidated the many equality and anti-discrimination laws, including the Disability Discrimination Act, into a single Act covering nine protected characteristics:

- [Age](#)
- [Disability](#)
- [Gender reassignment](#)
- [Marriage and civil partnership](#)
- [Pregnancy and maternity](#)
- [Race](#) (including Caste)<sup>1</sup>

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<sup>1</sup> Current case law also means that race in the Equality Act can also pertain to caste.

- [Religion or belief](#)
- [Sex](#)
- [Sexual orientation](#)

6.3 The Act makes it unlawful to discriminate on the grounds of disability. Acts of discrimination can occur in a number of ways, which include:

- **Direct discrimination** where an individual is treated less favourably than another individual because they have a disability.
- **Indirect discrimination** occurs where a condition, rule, policy or practice that is applied equally to everyone has the effect of disadvantaging a particular group of individuals who are disabled.
- **Discrimination by association** is direct discrimination and occurs where an individual is treated less favourably because they associate with another individual who has a disability.
- **Discrimination by perception** is direct discrimination and occurs where an individual is treated less favourably because they are perceived to have a disability. The individual does not need to have a disability.
- **Discrimination arising from disability** occurs where a disabled person has been treated unfavourably because of something arising in consequence of their disability.
- **Harassment** is unwanted conduct related to a person's disability that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

- **Victimisation** happens when an individual is treated less favourably because they have made or supported a complaint or raised a grievance, or are suspected they might do so under the Act.

6.4 Under the Act (section 6 and Schedule 1 of the Act) a person is recognised as having a disability if he or she has a physical or mental impairment and the impairment has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.

6.5 Although, only adjudicating bodies, such as an Employment Tribunal, can determine finally whether an individual has an impairment that meets the definition of a disability under the Act and is considered to be a disabled person for the purposes of the Act, the University will make a decision based on a range of information.

6.6 Details regarding definitions can be found in the Equality Act 2010 and in the Office for Disability Issues document Equality Act 2010 Guidance.

6.7 There are a number of conditions that are not considered an impairment. These include, but are not limited to, hay fever, tattoos and addiction or dependency on alcohol, non-prescribed drugs, and nicotine.

## **7.0 Disability Related Sickness Absence and Disability Related Leave**

7.1 The University maintains records of sickness absence declared by staff and proactively monitors the absence levels of staff. Where an individual has a disability some of their sickness absence may be related to their disability.

7.2 All cases of sickness absence, whether related to an individual's disability or not, are managed under the University's Sickness Absence Guidelines.

These Guidelines provide a framework for discussing an individual's absence and support mechanisms, and identifying those absences that are disability related.

- 7.3 Where an individual has a declared disability, consideration will be given to potential adjustments to support the individual in attending the workplace. This might include an adjustment to the absence triggers following a management referral to Occupational Health by Human Resources to try and determine how often in a given year an individual might be absent from work due to their disability. These matters are dealt with as fairly and as consistently as possible on a case by case basis.
- 7.4 Time off for disability related appointments are managed within the principles of the University's [Time off Work: Employee Rights and Management Guidelines](#). Where individuals have chosen to formally disclose to Human Resources that they have a disability or a long term health condition consideration is given to reasonable support mechanisms and/or adjustments.
- 7.5 In the first instance individuals can discuss the potential for disability related leave with their manager and/or a member of the Human Resources team and a [management referral](#) to Occupational Health is likely to be necessary. Consideration of adjustments is given on a case by case basis as the needs of individuals can be very different and can change over time.
- 7.6 Disability related leave should not be used to extend periods of Occupational Sickness pay or be used for disability related sickness absence. These matters are managed within the University's [Sickness Absence Guidelines](#). [Human Resources](#) can provide clarification on this matter.

## **8.0 Monitoring and Review**

- 8.1 The Human Resources Division, on behalf of the University, is responsible for monitoring and reviewing the implementation of this Code of Practice to ensure its effectiveness.
- 8.2 The University will continue to monitor and review the impact of its policies, procedures and practices on staff and applicants for employment with disabilities and take positive action where appropriate to ensure that its policy on disability is fully implemented.
- 8.3 Such action will include the provision of training and awareness, particularly for key staff groups where monitoring indicates that an area of policy, procedure or practice requires revision.
- 8.4 The University will develop and keep under review indicators of the impact of its policies and practices in employment and the provisions of other services. These will include as a minimum a disability profile for:
- Staff employed at the University
  - Applicants for and those obtaining employment
  - Applicants for and those receiving training
  - Applicants for and those obtaining promotion
  - Staff being appraised
  - Staff whose attendance at work is being measured through the sickness absence guidelines
  - Staff whose performance is being measured through the formal capability process
  - Staff involved in formal disciplinary and grievance processes (including the outcome of said processes)
  - Staff leaving the University

UEA Equality & Diversity Committee – approval date	31 October 2016
Equality Impact Assessment undertaken	Yes
Next Review Date	October 2017
Review frequency	Annually
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Document Ref.	Code of Practice: Disability in Employment