

Disability declaration guidance (staff)

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February 2014: Minor updates

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September 2017: terminology updates

February 2019: Disclosure and Consent form updated following advice from the OH Service provider (OH Works)

April 2021: Guidance and form updated following review by our Students Disabilities and Dyslexia Service

March – September 2023: Reviewed in consultation with our Staff DisAbility Network Chair, to incorporate a Reasonable Adjustments Passport (a record of agreed reasonable adjustments, which can be shared where consent is given (in response to a UCU suggestion) and to clarify when disabilities can be declared and what happens following a disability declaration. Disclosure and disclose terminology updated to declaration and declare.

November 2023: SLT approved for pilot

1. Scope and purpose

This guidance provides details of our disability declaration process for staff.

2. Policy statement

We are committed to taking positive steps to provide an environment where disabled employees can maximise their potential, contribute to the best of their abilities and have equality of opportunity in recruitment, training and promotion within the University. We are also committed to promoting positive attitudes toward disabled people.

We believe that it is primarily the attitudes, behaviour and environmental barriers that disabled people face, which can disadvantage, exclude and marginalise them in society. We will therefore strive to identify the needs of disabled employees in consultation with them, provide appropriate support, reasonable adjustments to practices and premises, and raise awareness and understanding of the issues surrounding disability, challenge prejudices in relation to disability and incorporate disability equality awareness into the corporate approach to disability.

We are positive about taking action to support individual disabled employees, to monitor progress corporately and to identify good practice. Employees are therefore encouraged to discuss specific needs with their Head/Director or line manager in the first instance, who may take advice from the Occupational Health Service, to facilitate support, access or equipment to meet their requirements.

We understand that some employees may be reluctant to declare a disability and that they need to be able to talk about issues affecting them in confidence. Some employees may only choose to declare their disability when they feel confident that their needs will be understood and supported, or when they have established a rapport or good relationship with one particular employee. Other staff may not be aware of their disability, for example, that they have dyslexia, when they join us or may have been unaware that their condition counts as a disability.

Staff who have concerns or consider that they might have a disability are advised to contact their GP in the first instance. They can also seek support and discuss their concerns with their line manager or with Human Resources, if they wish to.

Every reasonable effort will be made to enable employees to be able to continue to contribute meaningfully to the University and so retain their employment.

3. Overview of legislation addressing the needs of disabled staff

Disability is one of the protected characteristics covered by the Equality Act 2010. The Equality Act places a general duty on public bodies, including higher education institutions, to advance equality of opportunity; and foster good relations between people of different protected characteristics.

The Disability Discrimination Act of 1995 (DDA), amended by the Special Educational Needs and Disability Act of 2001 (SENDA) and the Disability Discrimination Act 1995 (Amendment) Regulations 2003, makes it unlawful for universities and providers of higher educational and related services to discriminate against disabled applicants, potential applicants or students. The Disability Discrimination (Public Authorities) (Statutory Duties) Regulations 2005 which came into force on 5 December 2005 extends the DDA to cover all the functions of public bodies and introduces the new duty for public bodies to promote equality of opportunity.

The legislation makes it unlawful for an employer (or prospective employer) to:

- Discriminate against a disabled person in employment, for example, terms and conditions of employment offered, opportunities for promotion, a transfer, training or receiving any other benefit
- Fail to provide any necessary reasonable adjustments for disabled employees
- Discriminate against a disabled job applicant during the recruitment and selection process, for example, whilst assessing application forms; conducting interviews and other selection methods; through the terms and conditions on which jobs are offered or refusing to offer someone a job because of their disability
- Subject a disabled person to harassment
- Subject a disabled person to victimisation because they have brought or given evidence to information in connection with proceedings under the Equality Act (2010)
- Undertake disability-related discrimination.

Employers' obligations under the Equality Act arise where they know or may reasonably be deemed to have known that a person was disabled and/or required a reasonable adjustment. Not being aware of an employee's disability cannot be reasonably relied upon as a defence in law for failing to make a reasonable adjustment. It is unlikely that an employer could justify failure to make reasonable adjustments unless a proper attempt had been made to obtain good information from a reputable source, for example, Human Resources, the Jobcentre Plus's Disability Service Teams that can be contacted through local Jobcentres and Access Centres and the Disability Rights Commission.

Employers are liable for the discriminatory actions of their staff and their agents, whether or not those acts are done with the employer's knowledge or approval. The employer's obligation is to demonstrate that such steps as were reasonably practical were taken to prevent discrimination.

4. When can disabilities be declared?

4.1 At the recruitment stage

Applicants can declare a disability when they apply for a post at the University.

4.2 At the appointment stage

New starters can declare a disability using the Personal details form that HR sends to all new appointees.

4.3 During their employment with the University

Employees can declare a disability at any time during their employment, using our Disability Declaration and Consent Form (Staff).

5. What happens once a disability declaration is made?

5.1 At the recruitment stage

If an applicant declares a disability when they apply for a post at the University, the shortlisting matrix will inform the shortlisting panel that an applicant has a disability. We aim to shortlist all disabled applicants who demonstrate they meet the essential (minimum) criteria outlined in the person specification.

Guidance for recruiting managers on disabled applicants is set out in our [Guidelines for recruiting managers where an applicant is disabled](#) (Appendix 4 of our Recruitment and Selection Guidance).

5.2 At the appointment stage

5.2.1 To HR

If a new starter declared their disability at the application stage, this will transfer to their employment record and will be recorded on the HR system.

If a new starter declares a disability using the Personal details form that HR sends to all new appointees, this will be recorded on the HR system.

HR will contact the new starter and seek their consent to share this information with their manager, so that the manager can talk to the new starter during or before their induction, about any support that they might need and any reasonable adjustments that might help them to undertake their job.

The manager might wish to seek advice from our Occupational Health service on any recommended reasonable adjustments, via an OH referral. The manager might also wish to seek HR advice.

5.2.1 To Occupational Health (OH)

If a new starter declares a disability to our OH service via their Fit4Jobs form, they will be referred to Stage 2 of the Fit4Jobs process and the manager will receive a report with recommendations for any recommended adjustments.

5.3 During their employment with the University

Employees who declare a disability during their employment via our Disability Declaration and Consent Form (Staff), have options regarding who the information will be shared with, including their manager; the OH service and other support services within the University.

Through this form, the member of staff can consent to their manager referring them to the University's Occupational Health Service for advice on any recommended reasonable adjustments.

6. Assessing the needs of disabled staff

We will make reasonable adjustments for employees on an individual basis. To facilitate this we may ask colleagues to tell us about their individual needs so that we can make reasonable adjustments for their role(s).

6.1 What is a reasonable adjustment?

An employer must make reasonable adjustments to prevent disadvantage when any provision, criterion or practice or physical feature places a disabled person at a substantial disadvantage compared with people who are not disabled. Failure to make reasonable adjustments without justification could constitute a form of disability discrimination.

Some reasonable adjustments can be made following discussions between a member of staff and their line manager or following advice from our Occupational Health Service set out in an OH report. Other adjustments might require specialist input, for example by the member of staff contacting [the Access to Work service](#) for assessment.

It is recommended that agreed reasonable adjustments are documented on our Reasonable Adjustments Passport, which encompasses the principle of letting staff give permission to allow information to be shared with managers in a "passport" style fashion. The aim of this form is to:

- provide staff and managers with clarity about agreed reasonable adjustments; and
- aid transparency for staff who might move departments or whose manager might change thereby
 - reducing the need to re-assess adjustments every time a member of staff changes jobs or relocated or are assigned a new manager; and
 - reducing potential anxiety arising from further discussion and agreement seeking.

To ensure that adjustments are regularly reviewed and updated when necessary, the passport includes a provision for a reviewed between the member of staff and their line manager at least every six months and the date of the last review can be recorded on the document.

6.2 Who gets disability data and why?

Employees who identify particular needs may give their consent, on our Disability Declaration and Consent Form, to relevant information being made available to their line manager and other University services they specify, to facilitate potential reasonable adjustments.

Information provided on a Disability Declaration and Consent Form will only be shared with those set out on that form, and with staff consent where sought and stated.

Our [Data privacy statement for staff](#) sets out how we use data that we hold on our staff. Further information on Data Protection is set out in our [Data Protection Policy](#).

6.3 Induction

The Dean/Head/Director/Line Manager will discuss any reasonable adjustments with the new member of staff as part of their induction. Adjustments or support which are funded through the Access to Work Scheme will require written confirmation from Access to Work.

6.4 What to do if an employee declares a disability to you or if you are concerned about a disabled employee

Ask the employee if they have previously declared their disability and signed a declaration in order to have any needs assessed.

- If they have not, invite the employee to complete and sign a confidential [Declaration and Consent form \(Staff\)](#) and send it to their line manager.

Line Managers should consider what adjustments can be implemented as soon as possible and consider whether to refer the member of staff to the Occupational Health Service for advice. The Occupational Health Service can advise managers on reasonable adjustments or additional support needs that might help support a member of staff.

Information on our Occupational Health Service is set out on the [OH Service webpage](#).

6.5 Updating a declaration

Staff can update a declaration they have previously made at any time by completing and submitting a new Disability Declaration and Consent form.