

Disability disclosure guidance (staff)

First published November 2006

January 2012: Minor updates

February 2014: Minor updates

August 2015: Minor updates

April 2016: Minor updates

September 2017: terminology updates

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

1. Scope and purpose

This guidance provides details of our disability disclosure 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 disclose 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.

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. 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.

4. 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 DDA
- Undertake disability-related discrimination.

Employers' obligations under the DDA 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.

5. Assessing the needs of disabled staff

We will make reasonable adjustments for employees on an individual basis. To facilitate this we may ask you to tell us about your individual needs so that we can make reasonable adjustments for your role.

5.1 Who gets data and why?

Individuals who identify particular needs may give their consent, on our disability disclosure form, to relevant information being made available to their line manager and other University services they specify, to facilitate reasonable adjustments.

5.2 Induction

The Head/Director/Line Manager will discuss any reasonable adjustments with the new member of staff as part of their induction. Staff should note that any adjustments or support which are funded through the Access to Work Scheme may require their advance approval in writing.

5.3 Employees who become disabled during employment

Employees who become disabled at any time following employment or identify a new need at any time may declare a disability or request a needs assessment by completing our Disability Disclosure and Consent Form (Staff).

5.4 What to do if an employee discloses 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 [Disclosure 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 should review this following receipt of any advice from the OH Service