



Conservatoire for Dance and Drama

Guidelines for Affiliate Schools on Recruiting and Supporting Disabled Members of Staff

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Section 1: Introduction

Why do we need these guidelines?

- 1.1. Over the past few years, we have worked hard to improve the provision we are able to offer our disabled students. We provide information on student support on our websites and have effective procedures in place to offer support to disabled applicants at audition and interview. We understand the need to encourage disclosure whilst protecting confidentiality and our students can expect to receive help in applying for appropriate funding such as the Disabled Students' Allowance. We take a professional approach to writing and reviewing Learning Agreements and in making appropriate reasonable adjustments for those students who would benefit from this kind of support. We provide diagnostic assessment and specialist teaching for our dyslexic students and offer counselling for students experiencing mental health difficulties.
- 1.2. However, like many universities and other higher education institutions, our policy and practice in supporting our disabled employees lags behind the level of support we currently offer to our students. We now need to turn our attention to developing best practice in the way we recruit, select and offer support to our disabled staff.
- 1.3. To do this we need to know who our disabled staff are. The Equality Challenge Unit (ECU) has recently reported that the Higher Education Statistics Agency (HESA) data for 2004/05 shows that only 2.34% of people employed in higher education disclosed as disabled people. In contrast, the British Labour Force Survey (2004) found that 9% of the people who indicated that they worked in higher education, said that they were disabled - a much larger figure. These statistics point to a significant level of under-disclosure. The Conservatoire's HESA return for 2006-07 shows that 1% of the workforce in affiliate schools identified themselves as disabled, but we know from staff involvement activities for our Disability Equality Scheme (DES) that the figure is much higher. Further information on this work is available from the Conservatoire's Equality and Diversity Manager, Lois Keith at lois.keith@cdd.ac.uk
- 1.4. The aim of this set of guidelines is to give practical advice on supporting disabled staff in all areas of recruitment and employment. This is in line with the current anti-discrimination legislation for

disabled employees, the priorities identified in our DES and best practice. It includes guidance on who is covered by the Disability Discrimination Act (DDA); advice on what is meant by a 'reasonable adjustment'; specific guidance on areas such as supporting staff with 'hidden' or progressive conditions; managing disability related sickness leave and long term absence; and supporting staff experiencing stress and other mental health conditions.

- 1.5. The need for specific guidance on supporting disabled employees arises because the Disability Discrimination Act is the only equalities legislation that requires the employer to make provision for **reasonable adjustments**. We are required to make these adjustments in order to ensure that we do not discriminate against disabled people by placing them at an unfair disadvantage in relation to their non disabled peers.
- 1.6. This work, as with our work to support disabled students, is based on the **Social Model of Disability** and it is this perspective which helps us to form all our guidance on policy and *practice*. *The Social Model* takes the view that society creates barriers that 'disable' people from participating fully and on an equal basis with others and wherever possible, *these barriers ought to be removed*. *Some practical examples* of this approach can be found in the Conservatoire's *Support for Disabled Students* guide www.cdd.ac.uk/student-info/disability-support/
- 1.7. There are about 10 million disabled adults in our society and of these, approximately 6.8 million people are of working age. Discussions with staff in our affiliate schools show that our own work force includes people with a wide variety of impairments and conditions and these staff members have different requirements for support in order to address the difficulties they currently face and remove any barriers which prevent them doing their job to the best of their ability. In most cases, the steps to avoid discrimination cost the employer little or nothing and are easy to implement.
- 1.8. There is a strong business case for supporting this work and any truly diverse work force will include disabled people. Organisations with expertise in managing and supporting disabled people in the workplace report better ability to minimise costs associated with unnecessary early medical retirement, work related injuries and stress related absenteeism, litigation or unnecessary negative publicity.

Using these guidelines and case studies in management training

- 1.9. In this document, each section begins with a box which contains information and advice and this is followed by a checklist. At the end of some sections there is also additional guidance on such areas as the law, codes of practice and contact details for relevant organisations.
- 1.10. In some cases this is followed by a box which contains a case study. This illustrates the issues that a disabled member of staff in your school might face. These case studies are included to facilitate discussion on what support and adjustments are currently in place in your school and the kind of reasonable adjustments that are needed in order to support this member of staff. In the second part of this box, there is a detailed description of actions that can be put in place to ensure best practice.
- 1.11. In summary, the overall aim of this guidance is to help us:
- become a disability confident organisation
 - anticipate the needs of disabled staff in recruitment, selection and at work
 - ensure that the provision we offer is available to at least the same standard provided to disabled students
 - identify key members of staff to make this work
 - appreciate that the work of supporting disabled staff is relevant to all those who work and study in our organisation.
 - ensure that all disabled staff are aware of the support on offer and have access to this support, regardless of the job they do within the organisation
 - actively work to implement the social model of disability to identify and remove any barriers so that disabled members of staff are able to reach their full potential
 - review the actual implementation of this work at line manager level
 - not make assumptions about what a disabled employee is unable to do now or may not be able to do in the future

The Legal Position

- 1.12. In 1995, the Disability Discrimination Act (the Act) brought in measures to prevent discrimination against disabled people in employment. The Act was based on the principle that disabled people should not be discriminated against in employment or when seeking employment. This replaced the 'quota system' that was previously in operation. Part 2 of the Act (2004) amended and strengthened the original legislation to include all employees no matter how many (or how few) are employed. Under the Act, it is unlawful for an employer to treat a disabled person less favourably for a reason related to their disability without justification.
- 1.13. An employer has a duty to make reasonable adjustments to prevent a disabled employee from being placed at a substantial disadvantage by any physical feature of the premises, or by any provision, criteria or practice of the employer. The duty applies to all aspects of employment including recruitment and selection, training, career development and retention. Failure to make a reasonable adjustment to a policy, procedure or practice, or to a physical feature of a workplace where this is placing a disabled person at a substantial disadvantage, is unlawful and cannot be justified.
- 1.14. The purpose of a reasonable adjustment is to ensure equality for disabled people and to enable an applicant for a job or an employee to perform to the best of their ability and to make a valuable contribution to your organisation. Further information on whether or not an adjustment is reasonable can be found in Section 5 of this guidance.
- 1.15. More information on recent anti-discriminatory legislation on employment can be found on the Disability Rights Commission Codes of Practice on Employment and Occupation:
www.equalityhumanrights.com/uploaded_files/drc_employment_code.pdf
- 1.16. The Disability Discrimination Act protects those people who are defined as disabled according to the definition in the Act. This definition of disability is a 'physical or mental impairment which has a substantial and long-term adverse effect on a person's ability to carry out normal day to day activities'. In most cases, it will be clear who is covered by the Act, but Appendix One gives detailed guidance on the definition of disability.

Section 2: Data Collection

The Disability Equality Duty requires us to collect data on the recruitment, retention and development of disabled staff. This was identified as a key area for action in our Disability Equality Scheme (2007). Data may be quantitative, e.g. the numbers of disabled applicants and/or staff members, and it may also be qualitative, e.g. disabled staff members' views on aspects of their employment. This data helps us to monitor our provision for disabled staff and set targets for future actions.

It is important to remember that data collection should be anonymous and the way in which it is used or presented should not identify individuals: this is sometimes challenging in small schools.

Good Practice Checklist	Done ✓
<p>2.1 Systems are in place to collect and record quantitative data in relation to disabled staff and applicants for posts. This data should include numbers of: disabled applicants for posts; disabled people recruited to posts; disabled staff in different types and level of post, including part-time and sessional staff. Data could also be collected on development opportunities, e.g. staff attending training.</p> <p>Ideally this data should be collected using the HESA categories for disabled staff (see Appendix Two for guidance on the categories).</p>	
<p>2.2 Opportunities are provided for disabled staff to give their views on aspects of their employment. This could be done by including a question pertinent to disabled staff in any staff questionnaires; through targeted questionnaires, focus groups or through individual discussions between a disabled member of staff and their line manager.</p>	

Good Practice Checklist	Done ✓
2.3 Information given by disabled applicants on the support they require at interview is recorded but held separately to anonymous data collected in equality and diversity monitoring forms.	
2.4 Anonymised data is analysed and presented to decision-makers so that it can be used to identify barriers and to plan and develop provision for disabled staff.	

Section 3: Recruitment and Interviews

Each affiliate will have its own procedures for recruiting, interviewing and selecting new members of staff. Recruiting a new employee means ensuring that attention is paid to removing unnecessary barriers for disabled people at each stage of the application process so that disabled candidates have the same opportunity to succeed in job applications as their non-disabled peers.

The work that affiliate schools have done over the past few years in providing information and support to disabled (student) applicants can, with some small adjustments, be used in this work. The welcoming statement and opportunity to disclose on the student application form; the leaflets schools have prepared on access to building/s, transport routes and parking can all be included in the job information pack.

Job descriptions and candidate specifications: When preparing job descriptions and candidate specifications, it is important to keep in mind that a disabled person might carry out a task differently but with the same result. It is better to focus on what is to be achieved rather than how this is to be achieved. For example 'must be able to touch type' can be replaced with 'must be able to produce accurate reports.' This then does not discriminate against those who may need to use voice activated software.

Advertisements: If possible, and where cost and size permit, the advertisement should include a general equalities statement, information encouraging disabled people to apply and a named person to contact for additional information. A disabled applicant may need to ask different questions before deciding whether to apply for a post or at any stage of the recruitment process. The person offering this support and information needs to be disability confident and have the authority to discuss the kind of support that can be offered to a disabled person. If not in the advertisement itself, this information could be supplied as part of the job pack.

Short listing: Disabled applicants may have some gaps in their employment history which needs to be taken into account when short listing. Ideally since disabled people are currently under-represented in affiliate schools, interviews should be offered to all suitably-qualified disabled applicants.

Adjustment at interview: It is important to ensure that adjustments are in place for all those who have requested them. Where applicants are also asked to make a presentation or teach a demonstration class, separate or additional adjustments may need to be put in place.

Most adjustments made at interview stage will cost little or no money. They are likely to be things like providing written information in a larger format, changing to a more accessible room or arranging for a parking space for the interviewee. However, some adjustments will have cost implications, for example providing a sign language interpreter and a budget needs to be allocated to cater for this possibility.

The interview process: Becoming a disability confident organisation means that the interview panel will not make negative assumptions about what a disabled candidate might or might not be able to do for reasons of their condition or impairment. Disabled candidates are likely to have developed their own solutions to work based challenges.

All interview questions should be focused on the requirements of the job and the candidate's ability to do the job effectively.

Towards the end of the interview, it is helpful to ask every applicant if they would need any adjustments to help them do the job. This would allow disabled applicants to discuss their support needs if they wish to, but would also allow all candidates to talk about flexibility at work, perhaps because of caring responsibilities. Candidates may choose to discuss their access and support issues in the section of the interview when they are asked if they have any questions, but they may prefer to do this only when offered the job.

Using recruitment agencies: Many schools use agencies to recruit staff and draw up short lists. These agencies should already have procedures in place which comply with the DDA but it is important that you talk to them about what you require from them and your policy on best practice in this area. All the information sent out by agencies should include equality statements and give applicants the opportunity to disclose any support needs on or before applying for the post. They should also be able to supply you with statistical information about the numbers of disabled applicants.

Asking for references: Completing a reference takes time and proper thought. A form confirming dates of employment, and particular skills might be all that is necessary. You should not expect to receive information relating to a candidate's condition or impairment or the reasonable adjustments previously in place as part of a reference.

Medical information: If asking for information about sickness absence, it is helpful to ask for information about attendance figures over a longer period of time than, for example, the last 6 months. Do not make judgments on the figures alone. If you are concerned, contact the candidate to find out more.

In cases where it is appropriate to ask the candidate to complete a medical questionnaire or seek a medical report, these need to comply with the requirements of the DDA.

More detailed information on this subject is available in the Employer's Forum on Disability's publication: *Line Manager Guide*:
<http://www.efd.org.uk/publications/line-manager-guide>

Good Practice Checklist	Done ✓
<p>3.1 Applicants are provided with an Application Pack that includes: a job description and person specification; an application form which includes a ‘welcoming statement’ for disabled people and a space to disclose any support needs; and access information on building/s used by the school.</p> <p>The support information given by disabled applicants is kept separately from the information given on equality and diversity monitoring forms.</p>	
<p>3.2 The advertisement and/or information pack includes contact details of a named person who can be contacted for information about the organisation and/or a discussion about making adjustments at interview. The person offering this support is disability confident.</p>	
<p>3.3 Accessible or alternative formats for recruitment papers and information should be made available on request.</p>	
<p>3.4 As part of the shortlisting process the selection panel should be mindful of the fact that some disabled applicants might have gaps in their employment history. Ideally, interviews are offered to all suitably qualified disabled applicants.</p>	
<p>3.5 Procedures are in place to arrange for reasonable adjustments for the selection process; this includes the interview and any other selection activities.</p>	

Good Practice Checklist	Done ✓
<p>3.6 Any recruitment agencies used should adhere to the good practice recommended in this guidance and all application materials produced by them should reflect this. Agencies should be able to provide statistical information as well as information about the support needs of any short-listed applicants.</p>	
<p>3.7 Reference forms should only be sent out where necessary and appropriate and with the candidate's consent. Reference guidance should advise the person completing the form that the reference should comment on competence only.</p> <p>The form gives the previous employer the opportunity to give information about sickness absence over a long period of time, rather than a few previous months, to take account of the possibility of disability related sickness.</p>	
<p>3.8 Where it is appropriate to ask the candidate' to complete a medical questionnaire or seek a medical report, these forms comply with the requirements of the DDA</p>	

Section 4: Encouraging Disclosure, Protecting Confidentiality

There are likely to be many staff members who are covered by the DDA but do not identify themselves as a disabled person. Others who do identify in this way may be reluctant to disclose their impairment or condition for a variety of reasons. They may feel that they will be discriminated against, taken less seriously or that their career might be adversely affected. Some, for example people with mental health difficulties may feel that there is little others can do to help them.

Disclosure is the first step to the provision of reasonable adjustments:

A low rate of disclosure might be an indication that the organisation is not doing enough to provide a supportive environment for disabled staff and those with long term health conditions. Organisations need to be confident that they know who is covered by the Act. For example, a member of staff may tell their manager that they have recently been told that are HIV positive without being aware that they are covered by the DDA from the point of diagnosis.

The benefits of disability disclosure should be regularly promoted and staff should be encouraged to disclose in a number of ways. For example, by providing information on the support the organisation can offer at staff induction; in newsletters or email updates; inviting staff to talk to their line manager or a senior manager to see if there are any ways they can help them to do their job better; or by providing information to all staff about new developments in support for disabled staff such as the Government's Access to Work Scheme.

Staff will need to be reassured that disclosure will have a positive outcome and will not lead to discrimination, or otherwise prevent promotion or career chances.

Protecting confidentiality:

It is important that we have procedures in place to protect the confidentiality of disclosed information and to comply with data protection requirements. Our schools are small and staff are well known to each other. Disabled staff, particularly those with ‘hidden’ impairments or who have received a recent diagnosis of a condition, may not wish their impairment or condition widely known or for the information to be shared across the organisation.

Disclosure may be done formally or informally. Whichever way a line manager or other member of staff is told, it is important to recognise that even information provided informally (perhaps as part of a general conversation), counts as disclosure and needs to be dealt with appropriately and confidentially.

Good Practice Checklist	Done ✓
4.1 The benefits of disability disclosure are promoted to staff regularly and in different formats and ways. Reassurance is provided that disclosure will have a positive outcome.	
4.2 Staff are provided with information about who is protected under the DDA. This information will be particularly important for some members of staff who have unseen or progressive conditions or mental health difficulties or staff may be unsure whether they can be described as disabled under the DDA.	
4.3 Staff are provided with clear information on the different ways to disclose, what will happen as a consequence of this disclosure, and how this information will be managed in a way that preserves confidentiality.	

Good Practice Checklist	Done ✓
<p>4.4 The school has a procedure for recording and dealing with disclosure about a physical or sensory impairment, a mental health or a long term medical condition, that respects confidentiality, complies with data protection legislation, and which then leads to a positive and open discussion about the support and any adjustments that the staff member might require.</p>	
<p>4.5 In order to preserve confidentiality and comply with data protection legislation, the school has a disability disclosure consent form. If confidential information is to be passed to other named members of staff, then the disabled staff member should sign to give their permission for this to happen.</p> <p>See Appendix Three for an example of a form which includes permission to disclose information.</p>	
<p>4.6 Line managers are clear how they should respond to disability disclosure and what the next steps are, whether the disclosure has been made formally or informally.</p> <p>Line managers have received recent training in equality issues relating to employment.</p>	
<p>4.7 Some staff members may be unwilling to disclose their impairment to their immediate line manager and may prefer to have this discussion with another staff member, for example a more senior staff member or the HR manager. They should be encouraged to disclose disability related information and not feel that they may be disadvantaged in any way by choosing to disclose to someone other than their immediate line manager.</p>	

Case Study One: Tom

Tom is a senior acting teacher at a drama school and has been working there for the past couple of years. In addition to his teaching responsibilities, the school also employs him on a freelance basis to direct a yearly production.

Tom has had epilepsy since he was a teenager but this is now successfully controlled by drugs. He still has occasional seizures and these tend to occur when he is under stress or particularly tired. Tom did not disclose this information to any member of staff during the first year he taught at the school. There was no opportunity to do this when he applied or during his interview and he was reluctant to discuss this issue as he was concerned that people's attitudes towards epilepsy might mean that his chances of career development or promotion would be limited.

Following a discussion at a seminar with other disabled members of staff, Tom decides to disclose to two members of staff at the school: his line manager and a member of the technical staff who he knew had personal experience of epilepsy. This goes well; his confidentiality is respected and Tom feels confident about talking to his year group of students about what would happen if he had a seizure and what they needed to do.

However, following some staff changes, there is no-one at the school who knows about this and Tom feels that he has to start all over again.

He approaches the new Head of School and is pleased with the suggestion that they work together to draw up a Staff Confidentiality and Adjustments Agreement Form. Please see Appendix 3 for a copy of this completed form.

Section 5: Supporting Staff and Making Reasonable Adjustments

Schools have a duty under the DDA to provide appropriate support and reasonable adjustments for disabled staff members so that they are able to carry out their duties and responsibilities and can participate in an equal way in the work and life of the school. Reasonable adjustments help to remove the barriers experienced by disabled people in employment. Most adjustments are simple to put in place with little or no cost. They can include things such as fitting handles or grab rails, re-arranging office space or allowing staff to work in a quieter area of the office, organising a parking place or issuing laptops to dyslexic staff.

Research shows that the most frequently requested adjustment for disabled people is for flexible working hours.

A small number of reasonable adjustments may have significant costs associated with them and very often these can be funded through the Access to Work Scheme with the school only having to make a small contribution. Each organisation needs to have staff members who are familiar with this scheme and its developments; for example, the recent Government initiative to provide additional funding for staff experiencing mental health difficulties.

Informal arrangements between the line manager and the disabled staff member may have historically worked well. However, if the staff member's requirements change, if the working environment changes, or if the line manager changes, then a more formal procedure can help to safeguard arrangements. It is important to ensure that the support provided is co-ordinated, ongoing and active and not just a 'one-off'. A written document is very useful in this process and can be used in a number of ways. An example of a Staff Confidentiality and Adjustments form is included in Appendix Three.

Many disabled staff members have ‘hidden disabilities’: conditions which are not always evident to their colleagues. This may include staff with dyslexia, those who have a hearing loss, and staff with medical conditions such as diabetes, asthma, ME, epilepsy or mental health difficulties. It is important that line managers talk through the important issues with the staff member and do not make assumptions about what a staff member can or cannot do, either now or in the future.

Good Practice Checklist	Done ✓
<p>5.1 When staff disclose an impairment this is the beginning of a procedure which invites them to discuss the support they require and the adjustments that could be made. This system applies to all disabled staff including part time staff, occasional staff and those involved in outreach work.</p>	
<p>5.2 Managers have the confidence and knowledge to discuss a disabled staff member’s support requirement with them, to listen to their concerns and their own suggestions for improvements and to consider and implement practical and appropriate reasonable adjustments. (See below for a legal definition of what is meant by a reasonable adjustment.) This conversation should cover all aspects of their work and their interactions with colleagues, e.g. at meetings or social events. It may involve discussions with internal and/or external agencies. (See Section 6 on Managing Sickness Leave and Long Term Absence for further details.)</p>	

Good Practice Checklist	Done ✓
<p>5.3 There is a system in place for recording, reviewing and updating these arrangements. Appendix Three provides an example of a Staff Confidentiality and Adjustments Form that can be used as a record of the support and adjustments that have been agreed with the disabled staff member. A worked example is provided in Appendix Four.</p> <p>Line Managers feel confident in recommending the use of this form as a way of ensuring that any agreed adjustments are put in place, that relevant staff are informed and updated and that confidentiality will be respected.</p>	
<p>5.4 Systems are in place to regularly review the arrangements that have been made for individual disabled staff members. For further details, see Section 7 on Managing Performance.</p>	
<p>5.5 Disabled staff and their line managers are provided with information and guidance about the support that can be obtained through Access to Work Scheme. There is a system in place for supporting disabled staff members for an Access to Work assessment of their support requirements. (See the Additional Guidance section for more information on this scheme.)</p>	
<p>5.6 The school has systems in place to fund reasonable adjustments. This should include funding for a diagnostic assessment for staff who may be dyslexic. The funding should also be able to cover small items of equipment (e.g. a portable hearing loop for a deaf member of staff or a laptop), minor modifications to buildings such as fitting grab rails or a ramp or the provision of information and documents in a suitable alternative format.</p>	

Good Practice Checklist	Done ✓
5.7 The school has systems in place to provide a Personal Emergency Egress Plan (PEEP) for every disabled staff member who requires it (see Section 9 for further guidance on PEEPs).	

Additional Guidance on Reasonable Adjustments

a) Reasonable Adjustments

The Code of Practice associated with the employment provisions of the Disability Discrimination Act says:

“The duty to make reasonable adjustments arises where a provision, criterion or practice applied by or on behalf of the employer, or any physical feature of premises occupied by the employer, places a disabled person at a substantial disadvantage compared with people who are not disabled. An employer has to take such steps as it is reasonable for it to have to take in all the circumstances to prevent that disadvantage – in other words the employer has to make a ‘reasonable adjustment’. Where the duty arises, an employer cannot justify a failure to make a reasonable adjustment.”

Examples of types of reasonable adjustments and what is meant by the term ‘reasonable’ are given in the Code of Practice, Section 5
www.equalityhumanrights.com/uploaded_files/drc_employment_code.pdf

and in the Equality and Human Rights Commission’s publication, ‘An employer’s guide to reasonable adjustments under the DDA’:
www.equalityhumanrights.com/uploaded_files/dda_employers_guide_reasonable_adjustments.doc

Another useful publication is the Employers Forum on Disability, ‘Reasonable adjustments: Line manager guide’:
www.efd.org.uk/publications/reasonable-adjustments-line-manager-guide

b) Access to Work

Access to Work is a Government scheme which provides disabled employees with the support they need to carry out their work. It can pay for a wide variety of support for disabled staff members, for example: travel to work where it is not possible to use public transport or equipment such as digital hearing aids, specialist software or mobility aids. It can also pay for human support such as sign language interpreters, personal assistants for people with visual or mobility impairments or mentors for people with mental health difficulties.

Application for assessment and funding for adjustments through the Access to Work scheme need to be made by the individual disabled employee but support from their school is an essential part of this process. Information about Access to Work, what it covers and guidance on how to apply can be found at:

www.direct.gov.uk/en/DisabledPeople/Employmentsupport/WorkSchemesAndProgrammes/DG_4000347

c) Specialist Help Within and Outside the Organisation

IT managers and developers need to develop their knowledge of enabling equipment and technology in order to provide the adjustments that can be beneficial to many disabled people.

Case Study Two: Susan

Susan is a free-lance dyslexia specialist who works one to one with students. She has been aware for some time that she is finding it difficult to hear in spaces where there is an echo or when she is part of a large group.

She is very pleased to be offered a permanent part time job at the school. Her work will now involve teaching small groups, observing students' studio work and attending staff meetings.

After six months in her new job, Susan realises that in certain situations she is finding it increasingly difficult to hear. Through a friend of a friend she learns about the Access to Work Scheme.

Susan approaches her employer and gets in touch with Access to Work through the local Jobcentre Plus. The first interview is conducted over the phone and they send her a form to complete. She and the HR Manager complete the form together so that they both understand the process.

The Access to Work scheme provides Susan with digital hearing aids. However, as Susan has been working in her job for more than six weeks, her employers will have to pay 20% of the costs. They agree to do this.

Susan had not been given the opportunity to discuss confidentiality or the adjustments that would help her in her work, so she raises this at her annual appraisal with her line manager. The following adjustments are put in place.

- A confidentiality and adjustments agreement form is drawn up giving information about Susan's hearing difficulty and support needs. Susan and her manager agree the names of people who should be informed and the agreement is circulated to these people
- It is agreed that all staff meetings will be taped so that whoever does the minutes can listen again if they need to be reminded.
- Susan and her line manager walk round the building and identify difficult areas. Susan points out areas which are dark, making lip reading impossible, and those which have difficult acoustics (e.g. the lighting studio and theatre). Her line manager agrees not to timetable these spaces for her group teaching sessions and meetings.
- The school adopts an overall inclusive 'disability confident' approach and includes a memo with the monthly pay slip asking all staff if there is anything they can do to support them in their work.

Section 6: Managing Sickness Leave and Long Term Absence

It should not be assumed that disabled employees will need to take an increased amount of time off work. Some disabled people have a stable condition, e.g. dyslexia, a visual impairment, mobility difficulty or hearing loss: they are not ill and are unlikely to have sickness absence records that are different or worse than their non-disabled colleagues.

An employee may disclose that they are disabled on a sickness absence form. If this is new information, it is vital that this disclosure is followed up by a confidential discussion with the employee which may result in support and adjustments being put in place. Employees who have received a recent diagnosis of a long term physical or mental health condition, might not realise that they are covered by the DDA and it is the employer's responsibility to offer appropriate support and make sure it is in place.

When disabled employees are absent and unwell for a reason relating to their impairment or medical condition, it may be fairer to record this absence as 'disability leave' or 'disability-related sickness' (see the Additional Guidance at the end of this section). Although the legal position on this is complex, recording disability-related absences separately will make it easier to make decisions about sick pay and it should also ensure that disciplinary proceedings for sickness absence are not triggered without proper consideration.

Time off for disability related medical appointments or specialist advice, for example a visit to a dyslexia centre or a rehabilitation clinic should not be recorded as sickness absence.

A member of staff who has had a long-term absence may benefit from a phased return to work. For example, a person returning to work following a diagnosis of a long term medical condition or after a period of depression may need to work shorter days for a fixed period of time. These arrangements may be set up in consultation with a freelance Occupational Health Adviser (see the Additional Guidance at the end of this section).

It is advisable to keep in touch with employees on long-term sickness leave in order to facilitate their eventual return to work and to discuss any additional adjustments they may need. There will need to be an agreement about how other colleagues will be informed of the absence from work which respects confidentiality.

There is considerable case law in relation to sickness absence and disabled employees, and the issues are complex. If in any doubt, schools should consider taking legal advice to ensure that their actions are supportive to their disabled staff and do not represent unjustifiable discrimination.

Good Practice Checklist	Done ✓
6.1 Consider establishing systems to record 'disability leave' and 'disability-related sickness' separately from other sickness absences (see the additional guidance below for further information about these terms).	
6.2 Time off can be permitted for medical, therapeutic or rehabilitation appointments as an agreed reasonable adjustment. This is not regarded as a sickness absence.	
6.3 Reasonable adjustments that allow a higher than normal level of sickness leave for a disabled employee can be permitted in certain circumstances.	
6.4 Systems are in place to manage long term sickness leave, including keeping in touch with the absent staff member, agreeing a way to inform other colleagues of their absence which respects confidentiality, and managing their return to work possibly with additional reasonable adjustments.	
6.5 Where an employee discloses (for the first time) on a sickness absence form that they have an impairment or disabling medical condition, systems are in place to discuss the implications of their disclosure and to consider the provision of support and appropriate adjustments.	
6.6 The school has established procedures for seeking medical, specialist or other diagnostic evidence that are transparent, proportionate and respectful to the disabled employee.	

Good Practice Checklist	Done ✓
<p>6.7 The school has established procedures for seeking advice from external specialists, e.g. Occupational Health Advisers, about the provision of reasonable adjustments for disabled employees. This is likely to be particularly helpful in relation to the sickness absence of disabled employees and their subsequent return to work. This advice is sought in a way which is transparent, proportionate and respectful to the disabled employee.</p>	

Additional Guidance on Managing Sickness Leave and Long Term Absence

a) 'Disability Leave'

A reasonable adjustment for a disabled employee may be to allow time off work to attend medical, therapeutic, rehabilitation or other specialist appointments since it may not be possible for the employee to arrange these appointments in their 'own' time. This absence should be recorded separately from sickness absence, for example by calling it 'disability leave'. This type of leave is usually for fixed or set periods and is known about in advance which means that it may be possible to make arrangements to cover work.

b) 'Disability-related sickness absence'

Some disabled employees may have periods of sickness absence the causes of which are directly related to their impairment or medical condition. So for example, cold and damp weather in the winter may exacerbate the symptoms of MS or arthritis which may make the employee unwell and unable to come to work. Some employees with mental health problems may need to take time off if they become mentally unwell and may need a period in hospital or to wait while new medication takes effect. It is sensible to record this type of absence separately as 'disability-related sickness' absence. Doing this will help managers make decisions. For example if the employee is well enough, they may be able to do some work at home or to come in at a later time and this could be regarded as a reasonable adjustment. The employer may also decide that, for 'disability-related sickness' absences, the trigger point for reducing sick pay should be extended. Supportive adjustments may need to be considered when the employee returns to work, e.g. a shorter working day for a period, different duties or a period of additional support from their line manager or other colleagues.

Flexible working hours or working from home is likely to present managers with particular difficulties when managing long-term disability related absence for staff whose major or only role is teaching. It may still be possible to make some reasonable adjustments such as only coming in for teaching hours and critical meetings and/or being provided with equipment to write reports, or to do marking at home.

Issues of how to record leave for disabled employees are by no means clear cut. For example, disabled employees may have 'ordinary' sickness and need the same leave as everyone else but their period of illness may be lengthened for a reason relating to their impairment or medical condition, e.g. a person with asthma or chronic fatigue may take longer to get over a bout of flu than their non-disabled colleagues. Further advice and guidance on these complex issues is provided by the Employers Forum on Disability publication, '*Attendance Management and Disability*'. www.efd.org.uk/publications/attendance-management-and-disability

Case Study Three: Belinda

Belinda is an experienced Head of Performance with a very good reputation for teaching and managing the staff in her department. However in recent weeks, other staff members and some students have commented that she has been behaving differently. She is sometimes irritable and bad tempered and less reliable. This is quite unlike her usual behaviour.

At the end of the summer break, the principal receives a 'sick note' which gives a diagnosis of 'stress related illness.' Belinda has been signed off for two months, starting on the first day of the new term.

The principal needs to decide the best strategy for the disclosure of this information. This will include how to handle Belinda's absence, how to keep her feeling that she is still an important part of the school team and make plans for her eventual return to work.

The Principal writes a letter to Belinda expressing goodwill and hoping she will soon be better. She asks if they can remain in contact during her absence and whether Belinda would prefer this to be by email, letter or in person.

Staff who Belinda works with are sent an email with the simple information that she will be away for some time because of sickness and naming her temporary replacement. The Vice Principal sends this email to Belinda asking for her approval as a matter of courtesy before it is sent out to colleagues. The school sends flowers and a card wishing Belinda well.

After a few weeks, the VP and Belinda agree to meet up in a cafe near the school. The VP reassures Belinda that her work load is being managed and they agree to meet again in a few weeks time.

- Belinda's return to work is carefully planned with the support of the Principal and the VP and the following adjustments are agreed:
- The temporary replacement employed to cover the work in Belinda's absence will stay on for the first two weeks after Belinda's return to work.
- For the first month she will work on a 0.8 basis without loss of pay.
- Belinda will do admin work from home for a fixed period and come in later to avoid the anxiety caused by rush hour traffic.
- Belinda is allowed time off to see a counsellor.
- Another member of Belinda's team will run the first department meeting after her return to work.
- This support will be reviewed on a monthly basis and Belinda is given the opportunity to choose who she would like to attend these meetings.

In many ways, the issues involved in managing the work and performance of disabled staff are similar to those of all other employees. Line managers should not assume that managing disabled staff members will necessarily be more difficult or time consuming. However they need to be aware of how disabled employees are protected by legislation and their responsibilities to consider and make reasonable adjustments.

To support line managers, the school needs to ensure that its HR policies and procedures are inclusive and that the requirements of disabled employees are properly considered at each stage of the employment life cycle. In some cases disabled employees do need to be treated differently, e.g. making reasonable adjustments, and affiliates' policies and procedures must make this clear to line managers so that they do not inadvertently discriminate.

If good practice in managing the performance of disabled employees is evident within the school, this is likely to encourage disclosure. This in turn will enable the discussion of adjustments that can support disabled employees in their work and will lead to disabled employees achieving their potential within a 'disability confident' working environment.

More detailed information on this subject is available in the Employer's Forum on Disability's publication: *Line Managers Guide, a best practice approach to working with disabled colleagues.*

www.employers-forum.co.uk

Good Practice Checklist	Done ✓
7.4 Where a new member of staff has already disclosed an impairment or medical condition, any individual adjustments that they require for their induction are put in place	
Training and development	
7.5 Internal and external training and development sessions should be accessible to staff with a range of impairments and conditions, e.g. provided in accessible venues, training videos have subtitles, dyslexia friendly format and print. Programmed rest breaks and regular recaps will be of benefit to many disabled people.	
7.6 Arrangements are made to provide the agreed adjustments required by individual employees so that they are able to fully access training and development opportunities, e.g. a back supporting chair, provision of materials and presentations in appropriate accessible formats.	

Good Practice Checklist	Done ✓
Reviewing individual adjustments	
<p>7.7 Systems are in place to regularly review the arrangements that have been made for individual disabled staff members to ensure that they are continuing to meet needs and are 'fit for purpose'. This is particularly important in cases where, for example, a staff member's impairment or medical condition changes in any way; where their condition is fluctuating or progressive; if they are required to undertake additional or different duties; or if they are returning to work after a period of sick leave.</p> <p>An agreement is made between the disabled staff member and their manager about how and when the review of adjustments will take place. This could be as part of the regular staff appraisal process but staff may feel it is more appropriate to review their adjustments on another occasion and to separate it from a review of performance and target setting.</p>	
<p>7.8 Line managers receive training and support so they feel confident in discussing disability issues and reviewing previously agreed adjustments. Line managers will of course be appraised on their own work and one aspect of their own appraisal should review the way in which they support disabled staff members</p>	

Good Practice Checklist	Done ✓
Managing teams	
<p>7.9 The adjustments provided for a disabled employee may impact on other members of staff. For example, responsibilities may need to be re-allocated within a team if the disabled staff member has a period of disability-related leave or is temporarily working reduced hours. Also if suitable adjustments cannot be made to allow a disabled staff member to carry out a particular aspect of their role, then responsibilities may need to be renegotiated within the team.</p> <p>In making these arrangements, managers must be aware of the need to preserve confidentiality and dignity. An agreement must be reached with the disabled staff member about what information (about their impairment or needs) they wish to share with colleagues. It is important to understand that other members of the team do not have a right to know personal and confidential details about a disabled colleague.</p> <p>Managers are able to deal with these team issues with confidence and sensitivity.</p>	
<p>7.10 Line managers ensure that team activities, such as meetings, are fully accessible to disabled staff members. Things may need to be done differently if adjustments cannot be made, e.g. if the minute-taker rotates at team meetings, a hearing impaired team member who lip reads is likely to find it difficult or impossible to take minutes as well as participating in the meeting.</p> <p>If external activities or social events are organised they must be accessible for all members of the team</p>	

Good Practice Checklist	Done ✓
Moving on: promotion, redundancy, resignation and retirement	
<p>7.11 Procedures are in place so that when decisions are made regarding promotion or redundancy, disabled employees are not discriminated against or penalised for needing reasonable adjustments. Job descriptions and person specifications may need to be reviewed to ensure that they are not inadvertently discriminatory, e.g. by formally requiring occasional work at a site with known physical access difficulties.</p>	
<p>7.12 Disabled staff who are made redundant are offered the same redeployment opportunities as other redundant staff. Selecting someone for redundancy because they are disabled is unlawful.</p>	
<p>7.13 When disabled staff leave (through resignation or retirement) they are given the opportunity to have an exit interview to discuss whether satisfactory adjustments were made and whether there was anything else that the employer could have done, or done differently, to support them. Information gathered in this way is used to review the way in which disabled employees are supported.</p>	

Case Study Four: Kieran

Kieran works as a technician in the stage management department of a drama school. He does not have teaching responsibilities. He has been diagnosed with a progressive condition which affects his mobility. He is still able to do his job properly, but the space where he works is often full of props and other equipment and he sometimes finds it difficult to move around and to get the things he needs from cupboards and drawers. During the performance period, there is a lot of equipment that has to be moved from the studio to the theatre and in the past he has been happy to do this.

Kieran has tried to talk to his immediate line manager about this on more than one occasion, but he feels that his concerns aren't being taken seriously. Their conversations tend to fall into an unhelpful, 'jokey' style and Kieran is finding it hard to assert his needs. He does not want to get into a discussion where he is asked to talk about whether his condition is going to 'get worse'.

Kieran decides to approach the Vice Principal who has overall responsibility for his area of work. This is prompted by his need to take some time off work for series of appointments to see a rehabilitation specialist at the hospital. The VP finds a tactful way to include Kieran's line manager in a more formal, planned meeting to agree on his support needs and to complete a Confidentiality and Adjustments Agreement form. They discuss the support that would be most helpful to Kieran and agree the following adjustments:

- There will be a general clear out of the studio and all staff who work in this area will take individual responsibility for keeping it tidy.
- Kieran can keep his equipment in the top two drawers of the storage cupboards to avoid having to bend too low; wide handles will be fitted.
- A more comfortable chair with wheels will be moved from another department for Kieran's use.
- They discuss and reject the possibility of applying to Access to Work for personal assistance to help with lifting and moving equipment and decide that since this is an occasional rather than a constant need, they will employ students and/or recent graduates to do this for

the moment. The money for this and for the new handles etc. will be paid for out of the technical budget held by the head of department.

- Kieran's hospital visits are pre-planned; he will give notice of his appointments and this will not be recorded as sickness absence
- The date for the first review meeting is set for one month's time and there will then be review meetings every three months. Kieran is also encouraged to come to discuss any changes or additional needs with the VP on an 'as and when' basis.

Section 8: When Problems Arise

In cases where disciplinary action is being considered against a disabled employee or where there are professional competency or capability issues, it may not always be easy to distinguish between performance which is affected by reason of an employee's impairment, and general poor performance. Each affiliate should have policies in this area as part of their HR strategy and they should help to ensure that disabled employees who are in this position are dealt with in a non-discriminatory and appropriate manner.

Schools' policy and procedures relating to harassment and bullying should specifically include issues relating to disability. Harassment for a reason relating to a employee's impairment or medical condition is illegal under the DDA. This type of harassment or bullying is defined as, "unwanted conduct which has the purpose or effect of violating the disabled person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for him or her". Examples of disability related harassment may include

- 'teasing' or ridiculing a dyslexic employee in front of others for the spelling mistakes they have made in a document
- requiring a person with a speech impairment to join in verbal introductions at a meeting when it is known to be difficult for them.

The Disability Equality Duty also stipulates that all HEIs must take action to eliminate harassment of disabled people.

Good Practice Checklist	Done ✓
<p>8.1 Where disciplinary, competency or capability issues arise relating to a disabled employee, a system needs to be in place so that the first thing that managers do is to review whether appropriate adjustments are being made and whether they are continuing to meet needs. If no adjustments can be made, the manager may need to consider other options, such as whether the employee should be offered different work. Where competency or capability issues arise relating to an employee's impairment all these options should be investigated before proceeding. It is very important that line managers document all actions and decisions.</p>	
<p>8.2 Staff may first disclose an impairment or medical condition when disciplinary, competency or capability issues arise. For example, a staff member repeatedly arriving late without sufficient explanation may eventually disclose that they have difficulties getting up in the morning due to the side effects of medication or they may not be able to use public transport when it is difficult to find a seat. This disclosure should not be seen as an 'excuse' but as an opportunity to discuss and implement adjustments. Managers should be equipped to deal with this situation confidently and sensitively.</p>	
<p>8.3 Harassment and bullying for a reason related to an employee's impairment or medical condition is not tolerated and the school's policy in this area, and any associated training, makes this clear.</p>	
<p>8.4 Schools might consider nominating and training a member of staff as a harassment adviser. Such a person would be able to support and advise a disabled employee who believed they had been harassed or bullied at work for a reason relating to their impairment.</p>	

Good Practice Checklist	Done ✓
<p>8.5 Information about disciplinary, competency and capability, complaints and grievance, and harassment and bullying procedures should be available in accessible formats, including electronically. Any meetings must be made accessible to the disabled employee.</p>	
<p>8.6. Disabled staff involved in these procedures should be able to bring an assistant or supporter to the meetings. They may have various roles depending on the nature of the person's impairment, e.g. sign language interpreter or note-taker. In certain circumstances the supporter may need to speak for the employee, e.g. to set out the case for a employee with an anxiety disorder who finds it difficult to do so him or herself.</p>	

Section 9: Health and Safety Issues

Under the DDA, employers are not required to make any adjustments that would endanger the health and safety of any person, including the disabled person. However, all options should be considered before deciding that an adjustment for a disabled employee is not possible on health and safety grounds. The DDA emphasises that health and safety concerns must not be used spuriously.

Schools should take a proportionate response when assessing risk and not act over-zealously. The disabled employee is likely to have encountered and dealt with many situations in their everyday and working life and is well placed to suggest strategies to reduce or manage risk. Assumptions should never be made about what a disabled employee can and cannot do or what might pose a risk. The disabled employee must always be involved in all discussions about health and safety and risk.

Schools need to have procedures in place to safeguard the health and safety of their disabled employees. This may include providing an ergonomic working environment for those using computers or adapting equipment so that it is easy to grip and hold. Many of these arrangements will be considered as reasonable adjustments.

All buildings will have standard arrangements for emergency evacuation but disabled staff members who need additional arrangements in order to safely evacuate the building will need an individual Personal Emergency Evacuation Plan or PEEP. This could include staff with quite a wide range of impairments and conditions, e.g. those who cannot use stairs or may have difficulty doing so safely in an emergency situation, those who cannot hear a fire alarm bell, people with asthma who may be disproportionately affected by smoke, people with visual impairments and those with anxiety issues.

Good Practice Checklist	Done ✓
<p>9.1 The school's health and safety policy and procedures takes into account that there are likely to be disabled people working and studying in the building. Health and safety officers and advisers understand the issues experienced by disabled staff and the requirements of the DDA.</p>	
<p>9.2 An individual PEEP is available for all disabled employees who need one. It should cover arrangements for safe evacuation from all areas of the school that the member of staff uses, both for work and social purposes. The PEEP is written in discussion with the disabled staff member, their line manager and the school's health and safety officer. The PEEP may need to be shared with other members of staff, e.g. work colleagues and other managers, with permission from the disabled employee.</p>	
<p>9.3 A system is in place to alert Deaf and hard of hearing people who are unable to hear standard fire alarm bells. This may include providing personal vibrating pagers which are activated by the building's emergency alarm system.</p>	
<p>9.4 Risk assessment procedures are in place and can be used to safeguard the health and safety of disabled employees. The risk assessment process should identify relevant hazards and risks and should determine what needs to be done to reduce risks and manage hazards. These discussions and decisions must always involve the disabled employee.</p>	

Section 10: Governors and Trustees

Governors and trustees have a key role to play in promoting culture change to provide equality in employment for disabled staff. Board members need to have a clear understanding of their legal responsibilities towards disabled employees and must ensure that these duties are carried out through non-discriminatory policies and practices so that schools can develop as disability confident employers.

These responsibilities should be incorporated into the mainstream work of the Board so that they are appropriately considered in all their activities and decision making.

Good Practice Checklist	Done ✓
11.1 Governors and trustees understand the content and implications of the employment provisions of the DDA and how this might impact on their decision- making activities and role.	
11.2 Governors and trustees ensure that senior managers and other staff in their organisation understand their legal responsibilities towards disabled staff and have procedures and systems in place to carry them out.	
11.3 Equalities training is provided for governors and trustees which includes aspects relating to disabled staff.	
11.4 The Board has reviewed its own Terms of Reference and its Equalities Statement to ensure that it includes issues relating to disabled staff. In this context, the Board takes an active role in the development of the CDD Disability Equality Scheme and its implementation in their school/ organisation.	

Good Practice Checklist	Done ✓
11.5 The Board's Strategic Plan, associated action plans and financial planning include a consideration of the present and future requirements of disabled staff.	
11.6 The Board has identified a governor or trustee who has specific responsibility for equality issues including issues relating to disabled staff. This Board member acts as a source of expertise and a conduit of information for other members of the Board, ideally taking the role of an "equalities champion". He or she provides regular reports to other members of the Board on equalities issues including those relating to disabled staff.	
11.7 Governors and Trustees ensure that robust systems are in place in their institutions to regularly monitor and review policies and processes to ensure they are fair and inclusive for disabled employees. A range of qualitative and quantitative data is used by the Board to support monitoring and review. Some of these activities may be linked to their school's programme of equality impact assessments including those specifically relating to disability issues.	
11.8 When making decisions about new projects (e.g. buildings, new courses, new terms and conditions for staff etc) governors and trustees are aware that, in addition to the needs of disabled students, they should also consider the needs of current and potential disabled employees and Board members. Disability impact assessments must be conducted on all new projects and schemes to ensure that they do not have a negative impact on disabled employees.	
11.9 In major building and refurbishment projects, the Board should seek the advice of access specialists, and wherever possible, to employ or engage disabled people to do this work.	

Good Practice Checklist	Done ✓
<p>11.10 If disabled employees of the school or CDD are staff governors or trustees and/or if disabled members of staff are required to be in attendance at Board meetings, then these activities must be fully accessible to them. For example, this may include booking a room with step-free access or one with a hearing loop. Papers for meetings should be available in advance in electronic format and as a general rule should not be tabled at meetings.</p>	

Appendix One: Definition of a Disabled Person

When is a person disabled?

The Disability Discrimination Act protects those people who are defined as disabled according to the definition in the Act. This definition of disability is a 'physical or mental impairment which has a substantial and long-term adverse effect on a person's ability to carry out normal day to day activities'. This includes people with visual, hearing and mobility impairments, those with learning difficulties, including specific learning difficulties such as dyslexia and dyspraxia, those with enduring mental health conditions such as depression, stress and long term eating disorders, those with long term medical conditions which may be progressive such as cancer and HIV, and conditions which affect learning and social skills such as Asperger's Syndrome or Attention Deficit Hyperactive Disorder (ADHD). It also includes people with 'hidden' or unseen impairments or medical conditions which may fluctuate such as asthma, epilepsy or diabetes.

What are the recent changes to the Act?

There have been a number of recent changes to the definition of a disabled person. For example, since December 2005, people diagnosed with cancer, HIV and multiple sclerosis, but not yet showing signs of their illness, are now protected under the Act from the point of diagnosis. People with a mental health impairment no longer have to prove that it is 'clinically well-recognised' before claiming rights under the Act. These changes have significantly broadened the coverage of the DDA, and provide legal protection against disability discrimination for a further quarter of a million people.

What about people who have recovered from a disability?

People who have had a disability within the definition are protected from discrimination even if they have since recovered.

What does 'impairment' cover?

It covers physical or mental impairments; this includes sensory impairments, such as those affecting sight or hearing.

Are all mental impairments covered?

The term 'mental impairment' is intended to cover a wide range of impairments relating to mental functioning, including what are often known as learning disabilities. Since the amendments to the Act made in 2006, a mental illness no longer has to be 'clinically well-recognised' to amount to a mental impairment.

What is a ‘substantial’ adverse effect?

A substantial adverse effect is something which is more than a minor or trivial effect. The requirement that an effect must be substantial reflects the general understanding of disability as a limitation going beyond the normal differences in ability which might exist among people.

What is a ‘long-term’ effect?

A long-term effect of an impairment is one:

- which has lasted at least 12 months, or
- where the total period for which it lasts is likely to be at least 12 months, or
- which is likely to last for the rest of the life of the person affected.

Effects which are not long-term would therefore include loss of mobility due to a broken limb which is likely to heal within 12 months and the effects of temporary infections, from which a person would be likely to recover within 12 months.

What if the effects come and go over a period of time?

If an impairment has had a substantial adverse effect on normal day-to-day activities but that effect ceases, the substantial effect is treated as continuing if it is likely to recur; that is if it is more probable than not that the effect will recur. An example of this might be sickle cell anaemia, a condition where periods of ill health are episodic.

What are ‘normal day-to-day activities’?

They are activities which are carried out by most people on a fairly regular and frequent basis. The term is not intended to include activities which are normal only for a particular person or group of people, such as playing a musical instrument, or a sport, to a professional standard or performing a skilled or specialised task at work. However, someone who is affected in such a specialised way but is also affected in normal day-to-day activities would be covered by this part of the definition. The test of whether an impairment affects normal day-to-day activities is whether it affects one of the broad categories of capacity listed in Schedule 1 to the Act. They are:

- mobility
- manual dexterity
- physical co-ordination
- continence

- ability to lift, carry or otherwise move everyday objects
- speech, hearing or eyesight
- memory or ability to concentrate, learn or understand, or
- perception of the risk of physical danger.

What about treatment?

Someone with an impairment may be receiving medical or other treatment which alleviates or removes the effects (though not the impairment). In such cases, the treatment is ignored and the impairment is taken to have the effect it would have had without such treatment. This does not apply if substantial adverse effects are not likely to recur even if the treatment stops (i.e. the impairment has been cured). An example of this is a person with epilepsy whose seizures are controlled through medication and who may not have had a seizure for many years. Seizures would be likely to return if the medication is stopped.

Does this include people who wear spectacles?

No. The sole exception to the rule about ignoring the effects of treatment is the wearing of spectacles or contact lenses. In this case, the effect while the person is wearing spectacles or contact lenses should be considered.

Are people who have disfigurements covered?

People with severe disfigurements are covered by the Act. They do not need to demonstrate that the impairment has a substantial adverse effect on their ability to carry out normal day-to-day activities.

What about people who know their condition is going to get worse over time?

Progressive conditions are conditions which are likely to change and develop over time. Examples given in the Act are cancer, multiple sclerosis, muscular dystrophy and HIV infection. Where a person has a progressive condition he will be covered by the Act from the moment of diagnosis, even if they are not yet showing signs of their illness.

What about people who are blind or partially sighted?

[SI 2003/712] People who are registered as blind or partially sighted, or who are certified as being blind or partially sighted by a consultant ophthalmologist are automatically treated under the Act as being disabled. People who are not registered or certified as blind or partially sighted will be covered by the Act if they can establish that they meet the Act's definition of disability.

Are people with genetic conditions covered?

If a genetic condition has no effect on ability to carry out normal day-to-day activities, the person is not covered. Diagnosis does not in itself bring someone within the definition. If the condition is progressive, then the rule about progressive conditions applies.

Are any conditions specifically excluded from the coverage of the Act?

Yes. Certain conditions are to be regarded as not amounting to impairments for the purposes of the Act. These are:

- addiction to or dependency on alcohol, nicotine, or any other substance (other than as a result of the substance being medically prescribed)
- seasonal allergic rhinitis (e.g. hayfever), except where it aggravates the effect of another condition
- tendency to set fires
- tendency to steal
- tendency to physical or sexual abuse of other persons
- exhibitionism
- voyeurism

Also, disfigurements which consist of a tattoo (which has not been removed), non-medical body piercing, or something attached through such piercing, are to be treated as not having a substantial adverse effect on the person's ability to carry out normal day-to-day activities.

Appendix Two: Guidance on HESA categories for collecting data on disabled applicants and staff

HESA intends to adopt the following categories for disabled staff. The text below is taken from “*The Disability Equality Duty: Guidance on gathering and analysing evidence to inform action*” published by the DRC:

www.dotheduty.org/files/DRC_Evidence_Gathering_Guidance.pdf

Please state the type of impairment which applies to you. People may experience more than one type of impairment, in which case you may indicate more than one. If none of the categories apply, please mark ‘Other’ and specify the type of impairment:

- Physical impairment, such as difficulty using your arms or mobility issues which means using a wheelchair or crutches
- Sensory impairment, such as being blind / having a serious visual impairment or being deaf / having a serious hearing impairment
- Mental health condition, such as depression or schizophrenia
- Learning disability/difficulty, (such as Down’s syndrome or dyslexia) or cognitive impairment (such as autistic spectrum disorder)
- Long-standing illness or health condition such as cancer, HIV, diabetes, chronic heart disease, or epilepsy
- Other (please specify)

Appendix Three: Staff Confidentiality and Adjustments Form

Name of Affiliate School

XXX has a commitment to ensuring that no disabled employee faces unnecessary barriers to their working life and general well-being during their time of employment with us. Our aim is to ensure that we do not discriminate against any disabled employees by placing them at an unfair disadvantage in relation to their non disabled colleagues. Our aim is to actively work to implement the social model of disability to identify and remove unnecessary barriers so that disabled members of staff are able to reach their full potential.

Staff members who disclose a support need will be offered the opportunity to discuss the reasonable adjustments that will help them to carry out their work.

This agreement will be tailored to meet the needs of the individual, treated with respect with regards to confidentiality and personal dignity, and regularly reviewed

Other members of staff: If you have been sent a copy of this form, you are asked to ensure that you follow the guidelines suggested in this plan and where appropriate, make the necessary reasonable adjustments.

The information below must be treated as confidential. Any comments or concerns should be sent to (line manager or other senior staff member).

Name of Staff Member:

Job Title:

Date of commencement of this job:

Relevant information about condition or impairment:

--

It has been agreed that the following adjustments would assist xxx in carrying out their work:

Description of agreed reasonable adjustments, e.g. allocation of designated parking place; purchase of a laptop or ergonomic chair; fitting of grab rails or handles; agreement to work flexible hours (give times agreed); support in applying to the Access to Work scheme; extra help, personal assistance or other support.	Done ✓
1	
2	
3	
4	
5	

Manager responsible for ensuring these adjustments are in place:

.....

Financial implications, if any. Please name budget and budget holder:

.....

Date for completion:

.....

Date for review:

.....

Other members of staff to be informed

Please remember that the information you receive must be treated as strictly confidential:

Name	Responsibility

This Plan has been agreed and signed by:

Signature of Staff Member:

Date:

.....

Signature of Line Manager:

Date:

.....

Agreed date and time of review meeting:

.....

Extra information

Appendix Three: Staff Confidentiality and Adjustments Form for Tom Smith (see page 15 for this case study)

XXX has a commitment to ensuring that no disabled employee faces unnecessary barriers to their working life and general well-being during their time of employment with us. Our aim is to ensure that we do not discriminate against any disabled employees by placing them at an unfair disadvantage in relation to their non disabled colleagues. Our aim is to actively work to implement the social model of disability to identify and remove unnecessary barriers so that disabled members of staff are able to reach their full potential.

Staff members who disclose a support need will be offered the opportunity to discuss the reasonable adjustments that will help them to carry out their work.

This agreement will be tailored to meet the needs of the individual, treated with respect with regards to confidentiality and personal dignity, and regularly reviewed.

Members of staff who receive a copy of this form are asked to follow the guidelines suggested in this plan and where appropriate, take responsibility for ensuring that the necessary reasonable adjustments are in place.

The information below must be treated as confidential. Any comments or concerns should be sent to (line manager or other senior staff member).

Name of Staff Member: Tom Smith
.....

Job Title: Senior acting teacher and freelance director
.....

Date of commencement of this job: September 2006
.....

Relevant information about condition or impairment:

Tom has epilepsy. This is mostly controlled by medication but there is a possibility that he may have either of the following types of seizure whilst at work.

Petit mal: this causes disorientation and momentary loss of consciousness. If this happens, a designated member of staff from the list below needs to be contacted, They should contact Tom's next of kin and arrange for him to be sent home in a taxi, ideally with a member of staff to accompany him.

Grand mal is a full seizure. If this happens when Tom is at work, he needs a pillow under his head. Someone should stay with him and make sure that he doesn't injure himself but not try to restrain him. A student should go to fetch any of the key people listed below. This staff member should call an ambulance and his next of kin and then stay with Tom until the ambulance arrives. During this time, they should try to encourage Tom to relax and not re-start working or teaching.

It has been agreed that the following adjustments would assist Tom in carrying out his work:

Description of agreed reasonable adjustments, e.g. allocation of designated parking place; purchase of a laptop or ergonomic chair; fitting of grab rails or handles; agreement to work flexible hours (give times agreed); support in applying to the Access to Work scheme; extra help, personal assistance or other support.	Done ✓
1. Tom will take responsibility for informing the students he teaches or directs of his condition and what they need to do. If at any time, he wishes this to change, he will discuss this with the Artistic Director and any changes will be recorded on a new adjustments form.	

<p>Description of agreed reasonable adjustments, e.g. allocation of designated parking place; purchase of a laptop or ergonomic chair; fitting of grab rails or handles; agreement to work flexible hours (give times agreed); support in applying to the Access to Work scheme; extra help, personal assistance or other support.</p>	<p>Done ✓</p>
<p>2. The Artistic Director or the Director's assistant will take responsibility for passing on this information to the members of staff named below. The Artistic Director will also take responsibility for informing new or any other members of staff following staff changes. Where Tom is directing, the Artistic Director will take responsibility for informing the relevant technical staff before the start of each new production.</p>	

Manager with overall responsibility for ensuring these adjustments are in place:
.....

Artistic Director

Financial implications, if any. Please name budget and budget holder:
.....

**School to organise and pay for taxi home following a petit mal seizure.
Director's budget**

Date for completion:
.....

n/a

Date for review:
.....

Annually but to be held separately from work appraisal. Tom to suggest further dates for review following any episodes of seizures.

Other members of staff to be informed. Please remember that the information you receive must be treated as strictly confidential:

For teaching	
Name	Responsibility
	Artistic director
	Registrar
	Head of studies
	Premises manager

This Plan has been agreed and signed by:

Signature of Staff Member: **Date:**

Signature of Line Manager: **Date:**

Agreed date and time of review meeting:

Extra information

It is important to remember that this is not a 'one off' adjustment and procedures need to be firmly in place so that any new staff members in roles listed above receive this information and understand the need for confidentiality. This is also the case for the relevant technical staff who will need to receive this information before the start of any new production which Tom is directing.

In case of seizures, Tom's next of kin is:

(name and contact information)

Conservatoire for Dance and Drama

Bristol Old Vic Theatre School

Central School of Ballet

Circus Space

London Academy of Music and Dramatic Art

London Contemporary Dance School

Northern School of Contemporary Dance

Rambert School of Ballet and Contemporary Dance

Royal Academy of Dramatic Art



Conservatoire for Dance and Drama
Tavistock House, Tavistock Square,
London, WC1H 9JP

Tel: +44 (0)20 7387 5101 Fax: +44 (0)20 7387 5103

Email: info@cdd.ac.uk Web: www.cdd.ac.uk