

# Code of Good Practice on the Employment of Disabled People

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**This Code applies to all managers and staff.**

If you would prefer this document in an alternative format, please contact the People Services Hub.

## 1. Introduction

This Code gives staff and managers guidance that supports the development of a working environment which will ensure that disabled people are not discriminated against either during the recruitment process or their employment.

## 2. The Code's aims and objectives

The Code aims to support managers and staff to ensure that there are no barriers to employment, training or progression for disabled people at all levels within the University and to create a working environment where disabled staff can experience full participation in the life of the University.

Where a member of staff becomes disabled during the course of their employment the aim is to enable the employee to retain their current job through applying reasonable adjustments, wherever appropriate.

The objectives are:

- To promote a positive working climate so that disabled people are readily integrated within the organisation.
- To ensure that the work environment and working practices do not present unreasonable barriers which may prevent disabled people participating fully in the life of the University.

- To ensure the development of the skills and potential of disabled staff, according to their abilities, through staff development and promotion opportunities.
- To ensure that disabled applicants receive full and fair treatment and are considered solely on their ability to do the job.
- To retain staff who become disabled in their current role through applying reasonable adjustments where applicable.
- To ensure that, where practicable, all new and existing University buildings, whether offices or study centres, are accessible and comply with equality and other legislation.

Much of the content of this Code reflects good equal opportunities and diversity practice.

### 3. Legislation

The Equality Act 2010 applies to all employers and covers people who currently have, or have had, a disability. However the definition of disability is a legal one and only a court can decide if an individual is disabled or not. It is legally safest and best practice to make reasonable adjustments should they be required.

Equality legislation defines a disabled person as someone with ‘a physical or mental impairment which has a substantial and long-term adverse effect on his/her ability to carry out normal day to day activities’.

A **physical impairment** is a condition affecting the body, for example, through sight or hearing loss, a mobility difficulty or a health condition, such as diabetes.

A **mental impairment** is a condition affecting mental functioning, for example, a learning disability such as dyslexia, or a mental health condition, such as depression.

The impairment must last or be expected to last for 12 months. Conditions which have a slight effect on day to day activities, but are expected to become substantial, are covered. Severe disfigurement

is also classed as a disability. People with HIV, cancer and multiple sclerosis (MS) are covered from the point of diagnosis.

The law protects disabled people against discrimination and unfair treatment. It is unlawful for an employer to treat a disabled person less favourably than someone else because of their disability. This means that bringing about equality for disabled people may mean changing the way in which employment is structured, the removal of physical barriers and/or providing extra support for a disabled employee.

This is the duty to make reasonable adjustments. The aim of reasonable adjustments is to make sure that, as far as reasonably possible, a disabled worker has the same access to everything that is involved in doing and keeping a job as a non-disabled person. Where the duty is applicable, the University is under a positive and pro-active duty to take steps to remove, reduce or prevent the obstacles a disabled worker or job applicant faces.

The duty applies to any disabled person who already works for the University; applies to the University for a job, or tells us they are thinking of applying for a job with the University. It applies to all stages and aspects of employment and covers recruitment, training, promotion and dismissal.

The duty contains three requirements that apply where a disabled person would otherwise be placed at a substantial disadvantage compared with people who are not disabled:

- Making reasonable changes to the way things are done (provision, criterion or practice),
- Making reasonable changes to overcome barriers created by physical features in the workplace (physical features).
- Providing, where reasonable, extra equipment (auxiliary aid) or getting someone to do something to assist the disabled person (auxiliary service).

#### 4. Overview of reasonable adjustments

Employers have a duty to look at what changes they could make to the workplace, or the way work is done, which would overcome the effects of the disability, and make any changes that are reasonable. Some examples of adjustments are:

- Making physical changes to premises
- Altering their working hours
- Assigning them to a different place of work
- Allowing them to be absent during working hours for rehabilitation, assessment or treatment
- Giving or arranging training
- Acquiring or modifying equipment
- Modifying instructions for reference manuals
- Modifying procedures for testing or assessment
- Providing a reader or interpreter
- Providing supervision or support

**Please note that the above list is not exhaustive.**

Further examples of reasonable adjustments are shown in Appendix A.

#### 5. Managers' responsibilities for disabled staff

Managers are responsible for:

- Setting a good example and treating all staff with dignity and respect
- Preventing bullying and harassment of disabled staff by understanding and implementing the Bullying and Harassment Policy
- Ensuring reasonable adjustments are identified, discussed with the employee and implemented in a timely way
- Monitoring and reviewing reasonable adjustments periodically
- Complying with the University Health and Safety requirements for disabled staff.

## **6. How do I know a reasonable adjustment is needed?**

The duty to make reasonable adjustments commences as soon as you know or can be reasonably expected to know someone has a disability.

### **Job applicants:**

Staff involved with interviewing for vacant positions should make themselves familiar with the contents of the Effective Recruitment and Selection guide, which can be found on the People Services intranet site.

Help and advice on producing materials in alternative formats can be obtained from the Equality, Diversity and Inclusion (EDI) Team. Staff Tutors should seek advice from the AL Services Team. Job applicants should be asked in the invitation to interview letter if they need a reasonable adjustment for the interview process. Most disabled job applicants will not require a reasonable adjustment either during the recruitment process or in order to do the job, however if requested, reasonable adjustments must be made to the recruitment process (including any tests) to enable a disabled applicant to compete fairly. If reasonable adjustments are requested then this should be discussed with them and put in place before the interview. Funding is usually available from the Government's Access to Work scheme for candidates requiring reasonable adjustments during the recruitment process, for example an interpreter or support person. Details of this scheme can be found at [www.gov.uk/access-to-work](https://www.gov.uk/access-to-work) and Appendix B.

If a disabled person is the best candidate for the job then they must be appointed unless there are very good reasons why making the required adjustments would not be reasonable. These reasons should be discussed by the Chair of the interview panel with the People Services Hub or relevant AL Services Manager, who may obtain further information from the People Services Hub.

Questions about health and disability (including questions relating to sickness absence) are not permitted before an offer or conditional

offer is made, however it is acceptable to ask questions to establish if the candidate can carry out a function that is intrinsic to the work concerned (e.g. a scaffolder's ability to climb ladders). If an applicant raises the issue of reasonable adjustments themselves at the interview then these conversations should be handled with care. It is advisable to thank the candidate for sharing the information about their disability and let them know that you will discuss any reasonable adjustments in detail should an offer be made. Any information the candidate provides at the shortlisting and interview stages must not influence the decision of who is the best person for the job. The offer of appointment letter will ask candidates to contact the Unit if they need reasonable adjustments to do the job.

## **New staff**

### **Before employment starts**

It is advisable to identify and discuss reasonable adjustments with the individual before the start of employment, using the Reasonable Adjustment Support Plan available on the [People Services intranet](#) so that arrangements can be made in advance of the employment start date. This is so the new member of staff can participate fully as an employee and be productive as soon as possible. Use it as an action plan to ensure that reasonable adjustments are implemented, and a guide to checking whether the reasonable adjustments are effective or if further intervention is required. Even if the disabled employee does not know what to suggest, you must still consider and discuss with them what reasonable adjustments may be needed. Supplementary information about the Reasonable Adjustment Support Plan can be found in Appendix E. A list of where to go for advice is contained in internal Sources of Information and Advice in Appendix C.

As a manager you would need to decide whether the adjustments are reasonable before taking action to put them in place. For guidance on how to make that decision please contact the People Services Hub.

Funding may be available from the Government's Access to Work scheme for employees requiring reasonable adjustments to enable them to start work. Details of this scheme can be found at [www.gov.uk/access-to-work](https://www.gov.uk/access-to-work) and Appendix B.

## **Induction**

As part of the induction process, managers should check that any reasonable adjustments are in place and that they are appropriate for the new member of staff. Where it has not been possible to make the reasonable adjustment before the commencement of work, for example where a piece of equipment has been ordered but not yet delivered, the manager should make efforts to get the reasonable adjustment in place as soon as possible and keep the member of staff informed of the situation. Any new requirements identified in the first few weeks at work should also be implemented as quickly as possible.

Induction programmes should be accessible to all staff. Some disabled starters may require equipment on the first day of employment in order to participate in the induction process, for example assistive technology.

It is recommended that an existing member of staff should act as a temporary mentor to offer assistance if necessary to the new employee, however the manager will be the first point of contact for advice or assistance for any issues relating to their disability

## **Health and Safety**

Managers should ensure that disabled staff are consulted about their individual needs for evacuating their building in a safe and dignified manner, in advance of any emergency. A risk assessment should be carried out in accordance with the University's Health and Safety Policy and a Personal Emergency Evacuation Plan (PEEP) drawn up in conjunction with the Health and Safety department.

All staff are required to complete a Display Screen Equipment (DSE) assessment using the online Healthy Working programme. Further

information can be found in the [Health and Safety Policy Guidance](#) or by contacting a local DSE Assessor.

## **Existing staff**

### **Acquired disability**

Some staff will acquire a disability during the course of their employment. You may already be aware of staff that have recently acquired a disability due to requests for time off to attend medical appointments or treatment or an accident resulting in a disability that may have caused them to be absent from work for an extended period of time.

However not all disabilities are obvious nor do they all require regular medical treatment. For example someone may be diagnosed as diabetic, whose symptoms include extreme tiredness and blurred vision or Irritable Bowel Syndrome, which can be extremely uncomfortable for the individual but where changes to their diet is often the first intervention. Some staff might tell you, or their behaviour might alert you by being different from usual or their work may be affected in some way. Any of these reasons give cause to have a conversation with them and identify ways in which they can be helped.

Encourage staff to be open about their disability so that you can be pro-active and put appropriate reasonable adjustments in place.

### **Reasonable Adjustment Support Plan**

Complete a [Reasonable Adjustment Support Plan](#) with the employee and use it as an action plan and a guide to checking what reasonable adjustments are required. Even if the disabled employee does not know what to suggest, it is an employer's responsibility to investigate, so you must still consider and discuss with them what reasonable adjustments may be needed. Supplementary information about the Reasonable Adjustment Support Plan can be found in Appendix E. A list of where to go for advice is contained in Other Sources of Information and Advice in Appendix C.



As a manager you would need to decide whether the adjustments are reasonable before taking action to put them in place. For guidance on how to make that decision please contact the People Services Hub.

Where staff become disabled during the course of their employment with the University or have a disability which worsens, it may be possible to enable staff to retain (or return to) their former job or be found suitable alternative employment within their Unit. Where this is not possible and as a last resort, redeployment to a suitable vacant post in another Unit of the University may be explored. The issue of retention might also arise when an employee has a stable impairment but the nature of their employment changes (e.g. departmental re-organisations leading to change of duties).

The manager will need to consult the disabled person at appropriate stages about what their needs are and what effect the disability might have on future employment – for example, where the employee has a progressive condition.

Staff will be given the opportunity to discuss their expectations, anxieties and wishes. Such discussions with their manager and the People Services Hub might include: the University's medical adviser; Health and Safety; any Access to Work provision; the possibility of a phased return to work or part-time working; sick pay entitlements; pensions information and ill-health or early retirement information. The nature of the reasonable adjustments which an employer may have to consider will depend on the circumstances of the case.

If appropriate, managers should append the Reasonable Adjustment Support Plan to employees' Performance Improvement Plan and/or Sickness Support Plan.

Confidential advice is available from the People Services Hub. The University's Occupational Health provider and Health and Safety may also be involved in advising on tasks and work equipment.

### **All disabled staff**

Care should be taken to identify conditions that may develop into a disability and, if appropriate, take remedial action. e.g. The Display Screen Equipment Operational Standard states “As with any work, poor ergonomic design, layout and organisation of DSE work can give rise to conditions ranging from mild discomfort, fatigue, aches, pains, work related upper limb disorders and even to disabling injuries.” Although a condition may not be classed as a disability initially, a condition could become one if no action is taken, such as Repetitive Strain Injury (RSI).

Effort should be made to implement reasonable adjustments as soon as practically possible. If necessary, ask an appropriate member of staff with health and safety responsibilities to co-ordinate the reasonable adjustment(s). They could order any equipment, follow up on any delayed deliveries, arrange installation and keep the employee and the manager informed of progress. In these circumstances, the manager maintains overall responsibility for ensuring the reasonable adjustments are put in place.

An indicative timeline for handling reasonable adjustments is shown in Appendix D.

Both parties should be open minded when discussing adjustments and not pre-judge individual or business needs. Both parties may need to consider doing things differently and it's important to get the balance right. Consider the facts and points of view from the relevant parties before coming to any conclusions about the situation.

When considering reasonable adjustments, the factors to take into account include:

- How effective the reasonable adjustment would be in overcoming the disadvantage
- How practical it is to make the reasonable adjustment
- The financial and other costs incurred by the University and the extent of any disruption to activities
- The extent of the University's financial and other resources
- The availability of financial and/or other assistance in making the reasonable adjustment

- The nature of the University's activities and size of undertaking

Managers are advised to seek advice from the People Services Hub before refusing any reasonable adjustment requests. Managers should be willing to explain their decisions to the disabled employee – especially if an adjustment request was turned down. This would help the disabled employee to understand and accept the decision or they could consider another option.

Confidentiality should be maintained at all times. The manager, in discussion with the disabled member of staff, should decide what information concerning their disability or the support they require, is divulged to their colleagues and where applicable, the co-ordinator.

Reasonable adjustments are an on-going obligation and should be reviewed on a regular basis.

Managers should encourage staff to tell them about their disability and to remind staff to update their personal details on SuccessFactors.

If managers leave or move to another area of the University, then Reasonable Adjustment Support Plans should be handed over to the new manager so delays and misunderstandings are avoided.

Managers should pay particular attention to any individual health and safety issues relating to disabled staff to ensure that they and their colleagues are fully aware of the safety procedures to follow in case of emergency, such as Personal Emergency Evacuation Plans (PEEPS).

Managers should make disabled staff aware of their responsibilities when visiting other University buildings or when working from home.

### **Career development**

If a member of staff is disabled you must make reasonable adjustments so that they can participate in training and development, promotion and transfers. In particular the need to

make reasonable adjustments for an individual must not be a reason not to promote a worker if they are the best person for the job.

## **7. Issues and concerns raised by applicants and staff**

It is the University's intention that any issues raised will be investigated and resolved internally wherever possible.

If an applicant for a job vacancy feels that they have experienced discrimination or disadvantage in relation to their disability during the recruitment process this should be drawn to the attention of the People Services Hub who will investigate.

If a member of staff who has a disability has concerns relating to their employment then they should raise the matter with their line manager in the first instance. If they do not feel that this is suitable they can raise the matter with a more senior manager, or if the matter is not resolved the People Services Hub can be consulted.

## **8. Useful References**

Bullying and Harassment Policy

Disability Awareness Resource Pack

Reasonable Adjustment Support Plan

Disability and Employment website

Effective Recruitment and Selection Guide

Personal Emergency Evacuation Plan (PEEP) Operational Standard

Health and Safety Policy

Working From Home Operational Standard

Employee Assistance Programme

Values in Action

### Examples of reasonable adjustments

- Promotion opportunities are normally advertised on a full time basis. The manager agrees to a disabled employee whose disability causes fatigue to apply on a part time or job share basis.
- A manager provides training for employees on conducting meetings in a way that enables a deaf employee to participate effectively.
- A member of staff has a mental health condition that leads them to feel very anxious and distressed in large groups of people. The manager gives the person opportunities for more frequent short breaks.
- A handrail is fixed along a corridor to give a member of staff who is less mobile some independence when moving from one area to another.
- A manager agrees with an employee with dyslexia to receive health and safety rules in an audio format.
- An employee has arthritis in their wrist and hands. The manager agrees with the employee that an adapted keyboard or mouse may help alleviate the effects of the condition.
- A manager arranges for assistive technology to enable an employee with serious sight impairment to use their computer.

### Government Access to Work Scheme

Disabled employees are entitled to a range of different services under the Access to Work Scheme, subject to the scheme conditions which are subject to changes from time to time, including:

- Interpreter support (also available for job applicants at interview)
- A support worker for activities such as reading to a visually impaired person
- Special aids and equipment
- Adaptations to premises or to existing equipment
- Help with the additional costs of travel to, or in, work if unable to use public transport.

For new employees or those who have been recruited less than 6 weeks ago the scheme will pay up to 100% of full costs.

For existing employees the University will be expected to meet part of the cost of aids and equipment. If the Unit where the person is employed is unable to meet this cost, please contact the People Hub. In the case of AL staff, the appointing region/nation should contact the AL Services Team for advice on funding.

Full details of this scheme can be obtained from:

[www.gov.uk/access-to-work](https://www.gov.uk/access-to-work)

### Applications for Access to Work Funding

The manager, in consultation with the individual (and the People Services Hub if required), can arrange for assessment of an individual's needs through the local Access to Work Centre. The employee concerned, not the University, has to make the actual application for Access to Work funding.

Once approval has been given for funding, the individual and the manager will be informed and details given of suppliers of any equipment required. Equipment should then be ordered and paid for by the Unit. Once the equipment is delivered, part or all of the cost can be claimed back from Jobcentre Plus.

Further advice on individual circumstances can be discussed in the first instance with the People Services Hub. Any difficulties experienced with Access to Work applications can be discussed by the individual or the manager with the People Services Hub.

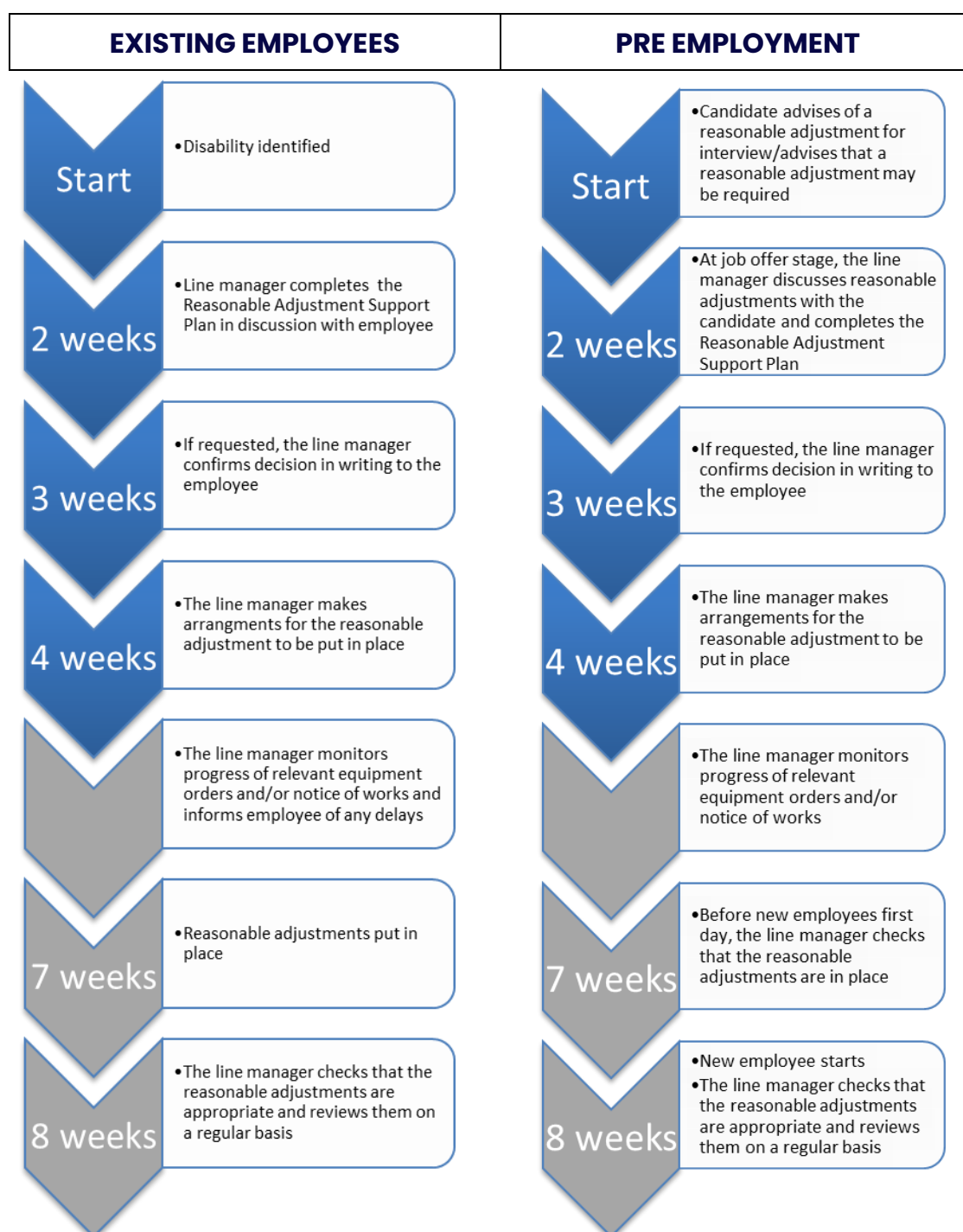
### Internal sources of information and advice

- Advice and support relating to disability situations are available from the People Services Hub. Staff Tutors/ Senior Faculty Managers should contact their AL Services Team.
- The Disability Awareness Resource Pack for those involved with the employment of staff can be found on the People Services Intranet site.
- A Disability and Employment website is available on the University Equality and Diversity site.
- Occupational Health for medical referrals and the University's Occupational Health provider for medical advice.
- Health and Safety for advice on risk assessments, Personal Emergency Evacuation Plans and the University's Health and Safety Policies.
- Estates Team for advice on structural or other physical changes. e.g. widening a door, relocating door handles, installing a flash alarm for a hearing impaired person.
- Employee Assistance Programme for all staff to access for counselling or advice if required.



## Timeline for handling individual requests

Below is an indicative timeline for handling individual requests, although reasonable adjustments should be made as soon as possible so that disabled staff can participate effectively in their role. Most reasonable adjustments can be accommodated in a much shorter timescale than shown below, for example where the reasonable adjustment can be more easily accommodated. E.g. adjusting working hours or being flexible with the timing of their breaks.



### **Reasonable Adjustment Support Plan Guidance**

The Open University is committed to its duty to consider and implement reasonable adjustments for employees with a disability.

#### **What is a reasonable adjustment?**

It is a change to how something is done, a change to physical features in the workplace or provision of extra equipment or getting someone to assist the disabled person, which would remove or mitigate a disadvantage that an employee with a disability might otherwise encounter.

#### **How do I know what's reasonable?**

It is a judgement. However, you should consider how effective the reasonable adjustment is for the employee, how practical it is to implement and the cost of making the changes in the context of the wider University.

#### **Is there any help available to me?**

Help and advice are available from the People Services Hub, the EDI Team, Occupational Health, Health and Safety, and Estates. The Disability Awareness Resource Pack provided by the OU is packed with useful information.

Access To Work may, in some instances, be able to provide financial assistance with making reasonable adjustments.

#### **What is the purpose of the Reasonable Adjustment Support Plan?**

The purpose of the plan is to:

- Ensure that both the employee and the employer have an accurate record of what has been discussed
- Minimise the need to re-look at reasonable adjustments every time the employee changes jobs, is re-located or assigned a new manager within the University

- Provides employees and their line managers with the basis for discussions about reasonable adjustments at future meetings.

The Reasonable Adjustment Support Plan allows employees to:

- Explain the impact of their disability at work
- Suggest reasonable adjustments to make it easier for them to do their job
- Offer further information from their doctor, specialist or other expert
- Request an assessment by occupational health, Access to Work or another expert
- Review the effectiveness of the adjustments agreed
- Explain any changes in their circumstances

The Reasonable Adjustment Support Plan allows the manager to:

- Understand how a particular employee's disability affects them at work
- Explain the needs of the business
- Recognise the signs that an employee may be unwell
- Consider whether or not the employee needs to be referred for an assessment by the University's occupational health provider to help both parties understand what adjustments are needed
- Review the effectiveness of the reasonable adjustments already in place
- Explain any change in the University's circumstances
- Explain the University's sickness absence policy and reasonable adjustment guidance

### **When should I use the Reasonable Adjustment Support Plan?**

The duty to make reasonable adjustments starts as soon as you reasonably know that someone has a disability (if a job applicant has asked for a reasonable adjustment for their interview, then it is likely that they will require an adjustment to the job).

The best way to identify whether a reasonable adjustment is needed is through a conversation between the manager and the

employee. For new staff this means that you should discuss reasonable adjustments before they begin work and review them once they are in work to see if they are effective.

The employee may find it difficult to discuss their disability or the manager may not initially fully understand the impact of the disability, so managers should give sufficient time for the discussion and arrange a further meeting and/or seek advice if required. Take care not to ask intrusive questions or questions that violate someone's dignity. Think about privacy and confidentiality in what you ask and how you ask it.

Managers should provide reassurance that the University will support the individual with reasonable adjustments in the workplace.

This guidance and reasonable adjustment support plan is designed to help those conversations take place. It can also be used by managers seeking to identify adjustments and support mechanisms for employees with temporary health issues.

If appropriate, managers should append the Reasonable Adjustment Support Plan to employees' Performance Improvement Plan and/or Sickness Support Plan.

### **What do I need to do?**

Step 1: Have a conversation with the employee.

Step 2: Go through the Reasonable Adjustment Support Plan (available on the People Services intranet), discuss any reasonable adjustments. Ensure you contact and agree reasonable adjustments to structural/physical features of the building with Estates Team (via the Liaison Line) before advising the employee.

Step 3: Ensure the reasonable adjustments are implemented effectively and timely.

Step 4: Review on a regular basis or frequently when the employee has a progressive condition or when there is a change in circumstances.

The Reasonable Adjustment Support Plan may be reviewed and updated as necessary:

- At regular one-to-one meetings
- At a return to work meeting following a period of absence
- Before a change of duties or job or introduction of new technology or ways of working
- Before or after any change in circumstances for either party