



# Supporting Disabled Workers

Guidance information for Managers & Employees

## Contents

The purpose of this policy .....	2
How is disability defined? .....	3
Roles and Responsibilities .....	3
What is a Reasonable Adjustment?.....	6
What is a Reasonable Adjustments Passport? .....	7
Guidance for employees .....	7
Seeking support from your GP.....	8
Speaking with your line manager.....	8
If someone feels discriminated against.....	9
Guidance for managers.....	9
Making reasonable adjustments .....	9
If reasonable adjustments do not sufficiently support workers .....	10
Disability-related sickness absence.....	11
How much disability-related sickness absence is reasonable? .....	11
Recording disability-related sickness absence.....	12
Disability-related leave .....	12
Recording disability-related leave .....	12
Additional Support Available.....	13
Resources.....	14
REASONABLE ADJUSTMENTS DISABILITY PASSPORT.....	15

This procedure has been agreed by the Joint Unions Consultative Committee in consultation with the University.

## The purpose of this policy

Aston University is committed to inclusive policies and practices and dedicated to implementing, maintaining, and continuously improving equality, diversity and inclusion. The University aims to provide an accessible environment and a wide range of support services to enable staff with disabilities to experience an inclusive work environment.

This policy sets out Aston University's commitment to disabled staff to remove any barriers to their full participation in University life.

Stigma and fear of discrimination may deter workers from disclosing their health or other conditions. Through the implementation of this policy, the University actively seeks to encourage a supportive environment in which workers will be treated with sensitivity, respect and dignity and can reach their full potential.

## How is disability defined?

The Equality Act 2010 uses a broad definition of disability. The formal definition situated in the Act is:

*“A physical or mental impairment which has a substantial and long-term adverse effect on a person’s ability to carry out day-to-day activities.”*

The definition of ‘day to day activities’ is wide and can include, for example, lifting heavy weights, standing for long periods, taking telephone calls, typing, and interacting with colleagues. The Equality Act defines ‘substantial’ as being more than trivial and ‘long-term’ as more than 12 months or likely to last 12 months. An impairment that would substantially affect a person, but controlled by medical treatment or prosthesis, is still covered by the definition of disability.

Certain conditions are “deemed disabilities”, including cancer, HIV/AIDS and Multiple Sclerosis, which are immediately classed as disabilities from the point of diagnosis.

Examples of disabilities include, but are not limited to, people with physical or mobility impairments, such as visual impairments, hearing impairments, dyslexia, dyspraxia, dyscalculia, AD(H)D, medical conditions, mental health difficulties, autistic spectrum conditions, Chronic Fatigue Syndrome, M.E. and ‘unseen disabilities’ (e.g. asthma, epilepsy, heart conditions, diabetes, long-term mental health conditions).

The University has adopted the social model of disability. This model shows how people are impaired by barriers and attitudes in society rather than individual impairments. Focusing on the social model helps ensure these barriers are prevented, removed, or reduced in the workplace.

## Roles and Responsibilities

### The employer’s responsibility

The law requires that employers make positive and proactive reasonable adjustments to remove reduce or prevent disabled people being placed at a substantial disadvantage than those who are not disabled. If a substantial disadvantage does exist (i.e. anything more than minor or trivial), the employer must make reasonable adjustments to remove the disadvantage. However, these adjustments need to be ‘reasonable’ to make, which is covered more extensively within this policy guidance.

The Equality Act 2010 also places a general duty on all organisations to promote inclusion. Under these duties, concerning disability, Aston University is required to:

- Meet the needs of people with disabilities
- Eliminate unlawful discrimination against people with disabilities
- Involve people with disabilities in policy and process review and development
- Promote equality of opportunity for people with disabilities
- Identify and take action against potential discriminatory policies, practices and procedures in all our activities
- Promote positive attitudes towards people with disabilities

Wherever possible, the University takes an anticipatory approach, rather than being reactive to specific circumstances.

### **Employees' responsibilities**

All employees, regardless of whether they experience disability or not, should:

- Take personal responsibility to look after their personal health and well-being
- Familiarise themselves with this policy
- Contribute to a respectful and productive working environment
- Be willing to help and support their colleagues.

### **Managers' responsibilities**

All managers should:

- Understand that making reasonable adjustments for disability is a legal requirement
- Familiarise themselves with this policy and the attached Reasonable Adjustment Passport, and approach HR should they require any further information or training
- Be ready to have open discussions with staff, treating any discussions sensitively and professionally and appreciating the personal nature of these discussions
- Bear in mind that staff may prefer to speak to an alternative colleague, and be willing to facilitate this if appropriate
- Review and agree with the individual how they can best be supported, and any adjustments they may require
- Seek advice from Human Resources and Occupational Health for advice about making reasonable adjustments which are tailored to meet individual needs
- Record what support and adjustments have been agreed and any actions to be implemented in the Reasonable Adjustment Passport

- Ensure that any process for monitoring the effectiveness of any adjustments does not lead to a more intensive form of performance management for staff with disabilities than you would normally have
- Allow the worker reasonable time off for disability-related absence and ensure this is accurately recorded
- Ensure ongoing dialogue and review dates (if appropriate for the specific disability)
- Ensure that confidentiality and discretion are maintained.

## **The role of Occupational Health**

The role of Occupational Health is to:

- Carry out a holistic assessment of the needs of employees
- Make recommendations to the employer about reasonable adjustments
- Signpost to appropriate sources of help and advice
- Provide support and advice to HR and line managers on enabling adjustments, if required.
- Occupational health or other providers may be asked to conduct briefing sessions for employees.

## **The role of Human Resources**

The role of the Human Resources department is to:

- Offer guidance to managers and employees on the interpretation of this policy ensuring consistent implementation
- Signpost to appropriate sources of help and advice
- Refer to Occupational Health services
- Implement training sessions and develop briefing sessions for staff
- Monitor and evaluate the effectiveness of this policy in respect of related absence levels and performance
- Assist staff with securing an alternative route to support, for example, in situations where a member of staff does not feel comfortable in having these discussions with their line manager
- Support liaison with specialist local services or organisations to meet the needs of new and existing staff.

## **The role of the Trade Union representative**

There are two trade unions at Aston; UNITE usually represents grades 1-6 plus technical staff in higher grades, and UCU represents staff in grade 7 and above.

The role of the Trade Union representative is to:

- Provide support and advice to their members on their specific situation. This includes offering informal advice and assisting with formal processes and grievances.
- Raise collective issues where appropriate.

## What is a Reasonable Adjustment?

Employers must make reasonable adjustments to make sure workers with disabilities, or physical or mental health conditions, aren't substantially disadvantaged when doing their jobs. This applies to all workers, including trainees, apprentices, casual staff, and contract workers.

What is deemed as 'reasonable' will depend on each situation. The employer needs to consider carefully if the adjustment:

- will remove or reduce the disadvantage for the person with the disability
- is practical to make
- is affordable by the employer or business
- could harm the health and safety of others.

Examples of reasonable adjustments include changing the recruitment process so a candidate can be considered for a job, such as by:

- ensuring wheelchair users can have interviews on the ground floor or another accessible area
- allowing a British Sign Language interpreter to attend an interview
- allowing another support worker to accompany the candidate to interview.

Within a day-to-day work context, reasonable adjustments could be, for instance:

- doing things another way, such as allowing someone with social anxiety disorder to have their own desk instead of hot-desking
- making physical changes to the workplace, like installing a ramp for a wheelchair user or an audio-visual fire alarm for a deaf person, or changing equipment, for instance providing a special keyboard where someone has arthritis
- allowing employees who become disabled to make a phased return to work, including flexible hours or part-time working
- allowing more frequent breaks for someone with diabetes to get the right amount of food or drink throughout the day.
- Changing the hours of work due to the impact of some medication
- Changing the tasks assigned to the postholder and/or giving more time for their completion

If a staff member requires reasonable adjustments, these should be recorded in a Reasonable Adjustment Passport (see Appendix 1). This will ensure that both the

staff member and manager have a thorough record of what has been agreed. Additionally, it will help facilitate conversations should the employee's role or line manager change over time.

Once agreed, reasonable adjustments are normally considered permanent and should remain in place unless a review reveals that they are no longer sufficient to remove barriers faced by the staff member.

## What is a Reasonable Adjustments Passport?

A worker may require reasonable adjustments to remove workplace barriers because of environmental, attitudinal, or organisational issues. The reasonable adjustment passport is intended to provide a documented record of an individual's needs, and the adjustments that have been put in place to support them.

Whenever a worker moves roles or changes line manager, a reasonable adjustments disability passport can be used to ensure that new managers are aware of required adjustments or information relating to an individual's requirements without the need to repeat potentially sensitive conversations. Completion of the reasonable adjustments' disability passport is voluntary but should be offered to every worker.

A passport can be requested by the worker or proactively offered by the employer. The worker's reasonable adjustments passport will be 'owned' by the worker, who will decide who can see it, although a signed copy of the passport should be held by the worker, the manager, and HR.

It is also usual practice for the worker to consent to their new line manager accessing their passport. The passport may be reviewed at the worker's request to ensure that any adjustments remain fit for purpose. A worker may initiate an earlier review of the passport if:

- their disability or health condition changes
- their personal circumstances change
- their job requirements change
- they change post
- there is a change to the working environment.

A disability passport template is available in appendix one.

## Guidance for employees

Although the disclosure of a disability is voluntary, the University recommends that staff with a disability or ongoing illness speak with their line manager as soon as possible to discuss available support.

New employees can disclose a disability at application stage, although all employees can declare a disability to be registered on Core HR at any point, or by speaking with their line manager or HRBP.

Depending on your personal circumstances, it may be helpful to speak with your GP before meeting with your line manager, if you have not already done so.

## Seeking support from your GP

To help you prepare for your GP appointment, and ensure that you get the most out of your meeting with your doctor, you may wish to consider:

- **Requesting a longer appointment.** If you are worried that your standard appointment would not be long enough, ask your surgery if it would be possible to book a double appointment.
- **Bring a friend or partner along.** Your partner or a close friend could support you at the appointment.
- **Keep a record of how your day to day activities are affected.** It might be helpful to refer to this when you meet with your doctor. This will help them consider what recommendations to make.
- **Don't be afraid to ask for a second opinion.** If you do not feel that you have received the help you need, ask to speak with someone else. You know how you are feeling and how you are affected.

## Speaking with your line manager

It is recommended that you speak to your line manager about your needs and what support and adjustments may be appropriate. If your doctor made any recommendations, remember to raise these with your manager as well. If you feel unable to discuss this with your line manager, you could contact your HRBP or your trade union representative.

Your line manager may suggest arranging a meeting with an Occupational Health practitioner (OH), who is professionally trained to medically assess your needs and make recommendations to the employer about reasonable adjustments. It is then for the employer to consider these recommendations and implement all the adjustments that it reasonably can to remove the barrier to the disabled employee.

The University recommends that you meet regularly with your line manager, or alternative source of support, to update them on how you feel, if the support and adjustments put in place have been helpful, or if they are not sufficient. You may need to experiment with different support types before you find something that works for you, so do not be discouraged if things do not work immediately.

The aim is to maintain an open dialogue with your line manager, ensuring that any further adjustments and support recommended by OH and agreed to implement by the manager are logged in your Reasonable Adjustment Passport (see Appendix 1).



## If someone feels discriminated against

Suppose your line manager/employer believes a suggested adjustment is unreasonable. In that case, they should talk with you to explain why they think the adjustment is not possible and work with you to attempt to find another option. If a line manager unreasonably refuses or fails to make reasonable adjustments for an employee or job applicant with a disability, it counts as discrimination under the law.

If an employee is not content with the adjustments made, they should speak with their line manager in the first instance to try to resolve the issue informally. If it cannot be resolved informally, the employee should talk with their HR representative or trade union representative for support or raise a formal grievance.

## Guidance for managers

If an employee informs you of a disability which requires reasonable adjustments, you should arrange a meeting with the employee as soon as possible to develop a support plan. If your employee wants to bring a work colleague or trade union representative along for support, they should be allowed to do so.

You may also wish to invite your HRBP who can provide advice and guidance. Before the meeting, be sure that the staff member is aware and comfortable with who will be attending.

By law, an employer must consider making reasonable adjustments when:

- they know, or could be expected to know, an employee or job applicant has a disability
- an employee or job applicant with a disability asks for adjustments
- an employee with a disability is having difficulty with any part of their job
- an employee's absence record, sickness record or delay in returning to work is because of or linked to their disability

The employer must make the changes if they're reasonable and what is reasonable will depend on each situation. See 'What is a Reasonable Adjustment' on page six for more information.

## Making reasonable adjustments

Before agreeing to adjustments, you should discuss these with your HRBP who can offer further advice and guidance. It may be necessary for staff members to speak with their GP in some circumstances if they have not already done so. For example, if the staff member has a disability, but the condition has worsened/changed. It may also be appropriate to refer them to Occupational Health to make recommendations for adjustments based on their medical opinion.

The implementation of reasonable adjustments is often out of the disabled employee's control who is left waiting. This can be stressful, particularly if not kept up to date of progress. To help avoid stress-related absence, managers are advised to:

- Keep the employee informed
- Ensure short term solutions are implemented
- Hold regular discussions with the worker about the effectiveness of short-term interventions to ensure that the support/solutions are fit for purpose.

Adjustments that have been agreed can then be recorded in a Reasonable Adjustment Passport, in collaboration by the line manager and worker. This should outline their specific circumstances and how these affect them (on good and not so good days), what reasonable adjustments are agreed, and when these will be reviewed. Both you and the member of staff should save a copy of the agreed Reasonable Adjustment Passport.

Your HRBP should be informed of any adjustments that have been agreed, and a copy of the Reasonable Adjustments Passport should be placed on the employee's file for future access. Any adjustments that affect the worker's work hours and working patterns should be recorded and updated on applicable HR/Payroll systems.

It is good practice to meet regularly with the staff member to review that the support and adjustments remain sufficient and appropriate (although this may not be needed for all disabilities). If the adjustments and support are not sufficient, you should discuss a referral to Occupational Health for further advice. *Managers should be proactive in discussing a potential disability with staff, before initiating a referral to Occupational Health. It is important to make staff aware of why they are being referred in order to prevent anxiety.*

Any agreed changes to reasonable adjustments should be added to the Reasonable Adjustment Passport. This should be sent to your HRBP who will ensure the most up-to-date version is retained on file.

Managers should also ensure that disability-related absence is recorded correctly on core HR and should be willing to accommodate a higher level of absence where absence relates to a disability. Please refer to the section below on Disability-Related Absence.

### If reasonable adjustments do not sufficiently support workers

If it is found that no reasonable adjustment can be made to the worker's existing role, or if the adjustments requested are not sufficient, then redeployment should be considered. Managers must discuss the circumstances with Human Resources before taking any further action. Occupational Health input may also be required to determine whether an alternative role is suitable. In conjunction with HR, managers may discuss the matter further with the individual to find a satisfactory resolution.

It is good practice to familiarise yourself with the Equal Opportunities Policy, the Reasonable Adjustment Passport, and also examples of reasonable adjustments that could be made ([ACAS](#) provide a useful overview).

## Disability-related sickness absence

Disability-related sickness absence is where the individual is not well enough to attend work or perform their duties due to illness relating to their disability.

Within the University's sickness absence monitoring procedures, the following levels of short-term absence should trigger a review by a manager and Human Resources:

- Three or more periods of sickness absence in any 13-week period
- Five or more periods of sickness absence, or ten or more days sickness absence in any 12-month period
- A recurrent pattern of sickness absence

However, if a disabled worker is likely to have increased absences because of their disability, it may be reasonable to accommodate a higher level of sickness absence. ACAS states that "the employer must behave reasonably depending on the level of absence, the prognosis and likely future absences".

Failure to make such adjustments could lead to the less favourable treatment of the person for a reason relating to their disability if, for example, they are disciplined or have their contract of employment terminated without proper consideration being given to their specific circumstances.

This does not mean that disability-related absence is automatically disregarded or that disabled employees are exempt from attendance management interventions if their absence is considerably high or operationally unsustainable. But, managers should be flexible, compassionate and use discretion when considering absence linked to a disability.

## How much disability-related sickness absence is reasonable?

It is essential that disability-related sickness absence is managed on a case by case basis, and reasonable adjustments are applied from the point of disclosure for each situation. It is vital that the individual is involved and that what is 'reasonable' is determined for each case. It is also important to remember that treating everyone the same does not mean that everyone is treated fairly. Instead, people should be treated equitably by taking into account their needs and by making reasonable adjustments.

Occupational Health can advise on the individual's fitness for work and how much disability-related absence is likely. The University can then assess the individual needs and absence levels in balance with operational requirements to determine what level of absence is reasonably sustainable.

## Recording disability-related sickness absence

Disability-related sickness absence should be self-certified in the usual way. A doctor's certificate should be provided for absence longer than eight consecutive days, in line with the absence reporting procedure.

Within Core HR, managers should select the option 'disability-related sickness absence' against the reason for the absence and will be able to make additional notes (e.g. Reason: Disability-related absence / Notes: Depression and Anxiety). By recording the disability-related absence in this way, it allows the disability-related absence to be considered separately from other sickness absence, and for reasonable adjustments to be made in respect of the absence management triggers, where appropriate.

## Disability-related leave

Disability-related leave is paid absence from work for disabled employees who need treatment, rehabilitation or assessment related to their disability, rather than sickness absence. The following are some examples of disability-related reasons, but it is not an exhaustive list. All of these must be linked directly to the employee's disability:

- Hospital appointments, hospital treatment as an outpatient or specialist check-ups including monitoring of related equipment or treatment
- Assessment for conditions such as dyspraxia
- Training with a guide or hearing dog or in the use of specialist equipment
- Counselling/therapeutic treatment
- Recovery time after a blood transfusion or dialysis treatment
- Physiotherapy
- To allow time for adjustments or adaptations to be made.

Where absence can be foreseen, such as scheduled medical appointments, or planned time off for therapy, the worker should let their manager know of this as soon as possible.

If absence levels exceed expectations or become operationally unsustainable and unreasonable, the manager should discuss this case with their HRBP in the first instance to seek advice before taking further action.

If an employee is paid sick pay while waiting for reasonable adjustments to enable them to return to work, their sick pay entitlement may be extended at the discretion of the Executive Director of HR and Organisation Development. In consultation with HR, the line manager should ensure that appropriate measures are taken to ensure that the employee is not substantially disadvantaged.

## Recording disability-related leave

Disability related leave should be selected from the dropdown menu as a reason for leave. The individual can request this like annual leave, study leave, compassionate leave, for instance, via the staff portal as an employee request. Managers can then approve the leave in the same way that they would any other type of leave request.

Disclosure of a disability is sensitive personal data and should be kept confidential. Therefore, managers should not divulge to other colleagues that a worker is away because of disability-related absence unless the individual expressly consents and wishes for this to be known.

## Additional Support Available

### Human Resources

If you wish to discuss your disability, barriers within your working environment, or reasonable adjustments with someone in the human resources team, please contact your HR Business Partner, who will be able to advise and provide additional support.

### Access to Work

In some cases, an employee with a disability can apply for funding through the government's [Access to Work scheme](#). To obtain Access to Work funding the employee needs to contact them directly to make an application either online or via telephone. If the application is successful, Access to Work will arrange for a workplace assessment, after which the employee will receive a full report including any recommendations. More detailed information on Access to Work can be found here: <https://www.gov.uk/access-to-work>.

### Access to Work Mental Health Support (Remploy)

This confidential service delivered by Remploy funded by the [Department for Work and Pensions](#) is available at no charge. The Remploy 'Access to Work Mental Health Service', provide independent support and advice for people who are employed and who experience mental ill-health.

Further information on the service, please see <https://www.remploy.co.uk/about-us/current-programmes/access-work-mental-health-support-service>

### PAM Assist

Aston has partnered with PAM Assist to bring you a new Employee Assistance Programme. They provide confidential support for various matters. This can include the provision of counselling.

They are available 24 hours a day, 365 days a year. You can make use of them by calling 0800 882 4102 or going to [www.pamassist.co.uk](http://www.pamassist.co.uk).

The log-in details are shown below:

Username: Aston

Password: Aston1

## **Estates Department**

The Estates department will be able to offer advice and guidance on building/space changes.

## Resources

### **Wellness Action Plans:**

Where individuals have mental health considerations which require support, a wellness action plan may be considered appropriate. Information and templates on wellness action plans can be found here: <https://www.mind.org.uk/workplace/mental-health-at-work/taking-care-of-your-staff/employer-resources/wellness-action-plan-download/>

### **ACAS advice and guidance:**

[ACAS: Reasonable adjustments in the workplace](#)

### **Further information from Gov.UK:**

[Disability Rights](#)

## REASONABLE ADJUSTMENTS DISABILITY PASSPORT

*The information contained in this document is confidential to the worker and their line manager and HR. It should not be shared with anyone without the written consent of the worker. A copy of the passport should be held by the worker, the line manager and HR.*

<b>Name of Worker</b>	
<b>Name of line manager</b>	
<b>Department/College</b>	
<b>Date</b>	

### Reasonable adjustment details

<b>My health condition or impairment interact with barriers within or outside the workplace to create the following impacts on me at work:</b>	<b>The following reasonable adjustment has been agreed:</b>
<i>Example 1: My role requires me to stand for long periods of time, which can be difficult for me due to my mobility condition.</i>	<i>Example 1: Allow adequate rest breaks and where appropriate, allow the individual to remain seated to perform tasks which previously required the individual to stand.</i>
<i>Example 2: I take medication in the mornings which can lead to drowsiness which affects my concentration for the first few hours of the day.</i>	<i>Example 2: Allow the colleague to start work later and to work flexibly to undertake their duties in a way that suits their needs.</i>
<i>Date of implementation:</i>	

## Additional support or medical advice obtained

*Please specify what additional advice was obtained to inform the agreed adjustments, if applicable. For instance, GP, specialist or occupational health advice.*

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## Matters arising

*Please specify if there are any issues arising or matters that have not been fully addressed by the agreed reasonable adjustments.*

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## Review

*The passport and agreed adjustments should be reviewed six months after the worker's adjustments have been put in place to ensure they are removing any identified workplace barriers. Further reviews will be conducted to ensure the adjustments are still appropriate and effective. The worker has a right to be accompanied by a work colleague or trade union representative at these meetings.*

<p>There have been the following changes to my condition and require the following further reasonable adjustments to be made:</p>
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<b>Date of next review:</b>	
<b>Signature of worker</b>	
<b>Signature of line manager</b>	

*NB It is recommended that the employee keep their emergency contact details updated on the HR Portal so that the University can get in touch with your named contact should there be any urgent concerns regarding the colleagues well-being.*



**Author and owner:** Human Resources

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SDWP/2021/1.0	31/01/2021	Newly created policy in consultation with the Trade Unions
SDWP/2021/1.0	15/03/2021	Approved policy launched

## Human resources

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