

Disability Discrimination Policy

Revised AUGUST 2018

The Disability Discrimination Act

The Disability Discrimination Act (DDA) 1995 aims to end the discrimination that faces many people with disabilities. This Act has been significantly extended, including by the Disability Discrimination (NI) Order 2006 (DDO). It now gives people with disabilities rights in the areas of:

- employment
- education
- access to goods, facilities and services, including larger private clubs and transport services buying or renting land or property, including making it easier for people with disabilities to rent property and for tenants to make disability-related adaptations functions of public bodies, for example issuing of licences

The legislation requires public bodies to promote equality of opportunity for people with disabilities.

The Iona School Association is committed to a policy and practice under which they recognise their obligations under the Disability Discrimination Act, 1995 (the Act) not to discriminate unlawfully against people with disabilities at any stage of employment, and undertake to:

- seek to employ people with disabilities in jobs suited to their aptitudes, abilities, and qualifications, making any reasonable adjustments necessary to do so;
- seek to ensure that employees with disabilities are considered for promotion according to their aptitudes, abilities, and qualifications, making any reasonable adjustments necessary to do so;
- ensure that assessments are carried out of the scope of reasonable adjustments which may be made to the workplace and its environment, so as to make it possible to retain an employee with a disability or to recruit a person with a disability;
- make any reasonable alterations to School premises required to ensure that they are accessible and safe for people with disabilities;
- make reasonable changes to the workplace and to employment arrangements so that a person with a disability is not at any substantial disadvantage compared to a non-disabled person.

The following notes explain the Policy. In these notes the term "appropriate authority" means the relevant officers in the Personnel Team of the Iona School Association, acting on behalf of its Trustees and or/Association, as appropriate.

OBJECTIVES

The policy is designed to:

- emphasize that applicants must be considered for employment according to their aptitudes, abilities, and qualifications, and that applicants with a disability are not at any substantial disadvantage compared to non-disabled applicants;
- provide information within the Iona School Association on the recruitment of those with disabilities;
- assist staff who develop a disability during their employment to adapt to the disability and, where reasonable changes to premises or employment arrangements can be made, to enable them to continue in post or take alternative employment.

THE TERM 'DISABILITY'

The Disability Discrimination Act defines disability as:

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.

People who have a disability, and people who have had a disability but no longer have one, are covered by the Act. The terms of the definition are further explained below.

Impairment. The definition covers physical impairments and impairments affecting the senses such as sight and hearing. It also covers mental impairments, including learning disabilities and mental illness (where a condition is recognized by a respected body of medical opinion).

Substantial. For an effect to be 'substantial', it must be more than minor or trivial; examples of substantial effects are: inability to see moving traffic clearly enough to cross a road safely, inability to turn taps or knobs, or inability to remember and relay a simple message correctly.

Long-term. These are effects that have lasted for at least twelve months, or are likely to last for at least twelve months, or are likely to last for the rest of the life of the person affected. Long-term effects include those which are likely to recur. For example, an effect will be considered to be long-term if it is likely both to recur and to do so at least once beyond the twelve-month period following the first occurrence.

Day-to-day activities. These are normal activities carried out by most people on a regular basis, and must involve one of the following broad categories:

- mobility;
- manual dexterity;
- physical co-ordination;
- continence;
- the ability to lift, carry, or move ordinary objects;
- speech, hearing, or eyesight;
- memory, or ability to concentrate, learn, or understand;
- the ability to recognize physical danger.

Particular cases or conditions

- Severe disfigurements are treated as disabilities, although they may have no effect on a person's ability to carry out normal day-to-day activities.
- Medication or equipment (such as an artificial limb) which helps an impairment is not taken into account when considering whether an impairment has a substantial effect. An exception to this principle is made in the case of people who wear spectacles or contact lenses which fully correct the visual impairment.
- The Act covers progressive conditions where impairments are likely to become substantial, such as cancer, HIV infection, multiple sclerosis, and muscular dystrophy. The Act covers people with these conditions from the moment that there is a noticeable effect on day-to-day activities, however slight.
- The Act does not cover people with a gene that causes a disability unless they actually develop the disability.
- The definition covers people who have in the past had a disability which is covered by the Act. They are still protected if they have recovered, even if they recovered before the Act came into force. For example, people with epilepsy are protected by the Act even if they have not suffered an epileptic attack for several years, and someone who has suffered a nervous breakdown in the past is still protected against discrimination, even if subsequently he or she has fully recovered.

THE WORKING ENVIRONMENT

Under the terms of the Act, employers are required to make reasonable changes to the workplace and to employment arrangements so that a person with a disability is not at any substantial disadvantage compared to a non-disabled person. The requirement applies to contract workers as well as directly employed staff. The implications of the requirement are explained below.

Reasonable changes. A number of factors influence the decision as to whether changes are reasonable. These include the cost of the measures (financial and in terms of the disruption caused), the ease of making the change, and the extent to which the alteration will improve the situation for the employee or job applicant with a disability. In all cases, the person concerned must be consulted on the reasonable accommodation of his or her needs.

Changes to the workplace. Reasonable changes must be made to the physical features of the workplace, including fixtures and fittings, furniture, and stairways. These changes might, for example, include widening doorways to make possible wheelchair access, altering the lighting for people with restricted vision, allocating a parking space for the car of a person with a disability, and ensuring that there are adequate toilet facilities.

Changes to employment arrangements. The Act applies to all stages of the employment process, including recruitment (see below), setting of pay and conditions, training, and dismissal. Reasonable adjustments might include: altering working hours; allowing absences during working hours for rehabilitation, assessment, or treatment; supplying additional training; modifying procedures for testing or assessment.

RECRUITMENT

Application and selection procedures used in the recruitment and selection of staff must not exclude or discourage those with disabilities. Job descriptions and advertisements must not

discourage them from applying. Advertisements must state that the Iona School Association is committed to a policy of equal opportunities in employment.

At interview, any reasonable adjustment must be made that is needed to ensure that a person with a disability is not at a substantial disadvantage compared to other applicants. This might include ensuring that the interview room is accessible to wheelchairs, or providing a sign-language interpreter.

Anyone concerned with recruitment to the Iona School Association should assess what applicants with a disability can do to meet the requirements of the post, should avoid the assumption that people with a disability are likely to cause problems, and should assess job and career prospects flexibly, bearing in mind that those with disabilities may need to carry out their work in a different way from other people. However, it should be recognized that for those with certain disabilities there may be formal constraints on access to employment in specific occupations, where no reasonable adjustment can be made to allow their employment.

Decisions on appointments should be based on the merit and suitability of the candidates and the needs of the institution concerned. All candidates should be assessed on their abilities, experience, and likely commitment, according to objective criteria concerning the qualities needed to undertake the duties of the post.

Before an offer of employment is confirmed, any person with a disability must undergo pre-employment health screening to assess what adjustments may be needed to the workplace or the work environment.

HEALTH AND SAFETY

Those with disabilities are not necessarily less safe at work than other staff. Special arrangements may, however, be necessary to ensure that a person's disability does not create any hazard either for the person concerned or for others. Specific First Aid training may be necessary, for example, where a member of staff suffers from epilepsy.

Absence from work through ill-health is normally no more prevalent among people with a disability than among staff generally. If a person with a disability is absent from work because of the disability and the amount of time taken off is little more than the acceptable level for staff generally, this is unlikely to be a substantial reason justifying less favourable or discriminatory treatment. If when taking this into account the sickness record of a member of staff with a disability is unsatisfactory, the advice and help of the appropriate authority should be sought, but in other respects the person concerned should be treated no differently from other staff.

TREATMENT OF MEMBERS OF STAFF WITH A DISABILITY

Section 3 above explains the way in which the School may need to make reasonable changes to the workplace and to employment arrangements so that a person with a disability is not at any substantial disadvantage compared to non-disabled people. Information and assistance may be obtained from the Disability Employment Adviser at the Employment Service Job Centre

In order to be properly integrated into the workforce, members of staff with a disability must be accepted by their colleagues. Individuals should be asked whether they wish their colleagues to be informed of their disability, and senior and advisory staff should follow their wishes in this respect.

Staff with a disability should be given the same training opportunities as others. If special arrangements are deemed to be necessary, advice should be sought from the appropriate authority. Any factor relevant to promotion which suggests that a disability might handicap performance in a higher grade should be examined carefully by the College of Teachers.

ASSISTING MEMBERS OF STAFF WHO DEVELOP A DISABILITY

Losing the services of staff who develop a disability deprives the School of a considerable asset and investment in terms of their skills, experience, and training. Where reasonable, in accordance with the requirements of the Disability Discrimination Act, the School should attempt to retain staff who develop a disability and to ensure suitable employment for them. Help should be sought when considering not only the possible effects of, for example, loss of health, but also consequential disadvantages, such as loss of status, financial loss, or reduced self-esteem.

Procedure to be followed by staff who develop a disability. Members of staff who develop a disability while in employment will need to inform the School Management Team at their earliest opportunity. The School Management Team and/or School Trustees may already be aware of a potential problem if the staff member has had a period of sick leave, but it is not always the case that onset of a disability or disabling condition is preceded by a period of sick leave. Both the staff member and School Management Team and/or School Trustees should seek advice from the appropriate authority and should always inform the Occupational Health Service. These are necessary preliminaries to making the reasonable adjustments to the workplace and working environment required under the Disability Discrimination Act and to ensuring that all the steps outlined in this policy can be taken.

OPTIONS FOR STAFF WHO DEVELOP A DISABILITY

There are a number of possible options to consider when members of staff develop a disability during the course of their employment, viz.:

- continuing in the same post;
- redeployment;
- premature retirement on grounds of incapacity;
- termination of employment.

When a member of staff develops a disability, the Occupational Health Service should be involved at an early stage to determine the likely prognosis of the illness or disability, to monitor progress, and, in consultation with the appropriate authority, to advise on duties which may be suitable within the organisation and on any special assistance or requirements. Arrangements must also be made for an assessment to indicate whether the person could continue in the same or a similar post, what type of job might be suitable if continuing in the same post is not possible, and what assistance may be necessary to enable the person to continue in the same job or to undertake a new one (e.g. equipment or special aids).

Continuing in the same post. The school will be flexible and sensitive in assisting staff who return to work after developing a disability. In all cases an assessment procedure must be followed covering the scope for reasonable adjustments to the work environment and working arrangements. In some circumstances a return to work will require only the action outlined below. The assessment made of the steps that may be necessary to enable the individual to return to work should include:

- alteration of premises;
- allocation of some duties to another person;
- alteration of working hours;
- transferring to another place of work;
- allowing absences during working hours for rehabilitation, assessment, or treatment;
- supplying additional training;
- acquiring or making changes to equipment;
- alteration of instructions in reference manuals;
- modifying procedures for testing or assessment;
- providing a reader or interpreter;
- providing supervision.

The School Management Team/Trustees should monitor the progress of a member of staff who has recently developed a disability and discuss with him or her the course of action to be followed and the effect that the disability may have on future employment. Work may have a therapeutic effect on a person's condition and thus may influence the choice of options.

Redeployment. If a return to the same post is impracticable, consideration should be given to redeployment by transferring the individual to fill an existing vacancy. This should take into account the job opportunities available, the entry qualifications and skills required, and the suitability of the person concerned for the available job opportunities. Where necessary and appropriate, reasonable retraining should be available to enable the individual to take up a different post.

Where there is a possibility that a member of staff who has developed a disability will face difficulty in continuing in the same post, the following steps should be taken:

- a. Wherever feasible and appropriate, a trial period of up to 12 weeks should be given to assess whether the member of staff can cope with the old job or a new one. Information and assistance may be available from the Disability Employment Adviser at the Employment Service Job Centre.
- b. Consideration should be given to a gradual return to full-time work or a permanent reduction in hours where this is possible. It may be advisable to make a gradual increase in the hours worked until confidence and ability are fully restored. In such circumstances, a medical statement prepared by the School Management Team, in consultation with the staff member's general practitioner, should be provided which specifies the number of hours for which the person is fit to work.

Termination of employment. Termination of employment of a person with a disability for a reason relating to that disability must be justified under the terms of the Disability Discrimination Act, and the reason for it would have to be one which could not be removed by a reasonable adjustment (see above). Thus if all other options have been explored and found to be impracticable termination of employment on grounds of incapacity should be considered. If this proves to be necessary, employment will be terminated in accordance with the requirements of the Disability Discrimination Act in relation to discrimination and in accordance with unfair dismissal legislation, and there will be a right of appeal. Anyone whose employment is terminated in this way should be referred to the Disability

Employment Adviser at the Job Centre, who is able to offer assistance and support in seeking future employment.

RESPONSIBILITIES

All staff members of the Iona School Association are expected to be aware of this Policy and to treat those with disabilities in accordance with its provisions, and for promoting a positive approach to the employment of

DISABILITY DISCRIMINATION ACT EMPLOYEE CODE OF PRACTICE

Additional guidance in all these areas is contained in the Disability Discrimination Act Employment Code of Practice, issued by the Secretary of State for Education and Employment. Copies of this Code of Practice can be seen at the school's administration office upon request.

Issue date

This policy takes effect from August 2009

Review date

This policy will be reviewed and revised by the school manager on an annual basis.

Endorsement

Full endorsement to this policy is given by:

Name:	Mr Martin Taylor
Position:	Iona School Trustee
Signed:	
Date:	07/08/2018

Related policies

- Inclusion policy
- Access policy