

## Disability and Employment Policy

First published in The Cambridge University Reporter, 16 July 1997.

The Council, the General Board, and the institutions under their supervision are committed to a policy and practice under which they recognize their obligations under the Equality Act 2010 not to discriminate unlawfully against people with disabilities at any stage of employment, and undertake:

- a. to seek to employ people with disabilities in jobs suited to their aptitudes, abilities, and qualifications, making any reasonable adjustments necessary to do so;
- b. to 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;
- c. to 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;
- d. to make any reasonable alterations to University premises required to ensure that they are accessible and safe for people with disabilities;
- e. 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 following notes explain the policy. In these notes the term “appropriate authority” means the relevant officers in the Human Resources Division of the University Offices, acting on behalf of the Council or the General Board, as appropriate.

### 1. Objectives

The policy is designed:

- a. 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;
- b. to provide information within the University on the recruitment of those with disabilities;
- c. to 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.

### 2. The term “disability”

**2.1** The Equality 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.

#### 2.2 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).

#### 2.3 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.

#### 2.4 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.

### **2.5 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.

### **2.6 Particular cases or conditions**

1. 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.
2. 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.
3. 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.
4. The Act does not cover people with a gene that causes a disability unless they actually develop the disability.
5. 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.

## **3. The Working Environment**

**3.1** 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.

### **3.2 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.

### **3.3 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.

### **3.4 Changes to employment arrangements**

The Act applies to all stages of the employment process, including recruitment (see section 4 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.

## **4. Recruitment**

**4.1** 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 University is committed to a policy of equal opportunities in employment. A copy of the Job Vacancies ("Blue List") will be sent to the Employment Service Job Centre and the Disability Employment Adviser.

**4.2** 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.

**4.3** Anyone concerned with recruitment to the University 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.

**4.4** 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.

## **5. Health & Safety**

**5.1** 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.

**5.2** 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. The appropriate authority will contact the Occupational Health Service as necessary.

## **6. Treatment of Members of Staff with a disability**

**6.1** [Section 3](#) explains the way in which the University 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

**6.2** 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. In exceptional cases advice may be sought from the appropriate authority

**6.3** 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 Head of the institution.

## **7. Assisting members of staff who develop a disability**

**7.1** Losing the services of staff who develop a disability deprives the University of a considerable asset and investment in terms of their skills, experience, and training. Where reasonable, in accordance with the requirements of the Equality Act, the University should attempt to retain staff who develop a disability and to ensure suitable employment for them. Senior and supervisory staff should be aware of the problems that may be experienced by those who develop a disability, and should deal sensitively with 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.

**7.2** 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 Head of their institution at the earliest opportunity. The Head 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 the Head of the institution 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 Equality Act and to ensuring that all the steps outlined in this policy can be taken.

### **7.3 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.:

1. continuing in the same post;
2. redeployment;
3. premature retirement on grounds of incapacity;
4. termination of employment.

These alternatives are discussed below. Any action taken should be in accordance with the appropriate procedures, as prescribed by the Statutes and Ordinances of the University, the rules governing employment by the University, and the relevant national legislation.

**7.4** 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 organization 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 (eg. equipment or special aids).

The options to be considered are as follows:

**7.5 Continuing in the same post.** University authorities should 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 in [Section 6](#). 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 Head of the institution 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.

### **7.6 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. A member of staff who has recently developed a disability should be interviewed by the Head of the institution. A representative of the appropriate authority should be present at the interview and the member of staff may be accompanied by a staff representative. The individual's preferences and skills should be assessed in conjunction with advice from the Occupational Health Service and the Disability Employment Adviser. 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:

1. Wherever feasible and appropriate, a trial period of up to twelve 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.
2. 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 University Consultant Occupational Physician, in consultation with the member's general practitioner, should be provided which specifies the number of hours for which the person is fit to work.

### **7.7 Premature retirement on grounds of incapacity**

Assistant staff may be considered for premature retirement on grounds of incapacity where, in consultation with the Human Resources Division, it has been decided that reasonable adjustments cannot be made and that redeployment is not possible. The conditions of



service for University officers and other graduate staff are different from those for assistant staff; in such cases reference to the appropriate authority is required, and any action taken in such circumstances will be in accordance with the Statutes and Ordinances of the University and the relevant national legislation.

### **7.8 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 Equality Act, and the reason for it would have to be one which could not be removed by a reasonable adjustment (see paragraph 7.5 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 Equality 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

### **8. Responsibilities**

Members of the University and University staff are expected to be aware of these guidelines and to treat those with disabilities in accordance with their provisions. The appropriate authority has special responsibility for advising staff on all matters affecting the employment of those with disabilities, for liaison with the Employment Service Disability Employment Advisers and other advisory services, and for promoting a positive approach to the employment of people with disabilities throughout the University.

### **9. Harassment**

Harassing a person with a disability on account of that disability is unacceptable behaviour and unlawful under the terms of the Equality Act. This issue is dealt with in detail in the University's Dignity at Work Policy.

### **10. Further Help, Advice and Guidance**

Information concerning financial or practical help and guidance available to the University and to individual members of staff may be obtained from the appropriate authority. Advice can be sought in all cases from the following:

#### **Occupational Health Service**

email: [occhealth@admin.cam.ac.uk](mailto:occhealth@admin.cam.ac.uk) telephone: 01223 336594

#### **Human Resources Division:**

Contact the [HR School Team](#) for the institution where the individual is employed.

#### **Useful Links**

- [Equality Act 2010 Guidance](#)
- [Information for disabled staff](#)
- [Occupational Health](#)
- [Disability Resource Centre](#)