



UCL



Supporting Disabled People in the workplace: guidance for Disabled staff and their managers

Why do UCL managers require guidance?

UCL is committed to fostering an environment where Disabled people can flourish and achieve their maximum potential.

The equal treatment of Disabled People does not always mean treating people the same as one another. Making sure that Disabled People are treated equally can therefore sometimes be complex, especially for those who have no personal experience of disability. This guidance is intended to equip Disabled People and any non-Disabled person managing Disabled colleagues with the information and skills they might need. Focus groups of Disabled Staff have consistently identified their managers as being the single most important group in determining whether they are able to work effectively at UCL.

What is Disability?

The Social Model of Disability describes disability as 'discrimination based upon impairment or behavioural difference'. This is useful because it enables non-Disabled people to act as allies of Disabled People by helping to remove barriers which place people with physical or mental health conditions at a disadvantage. Such barriers include inaccessible features of buildings, equipment which doesn't take account of impairment, or work patterns which mean that people are forced to work at times or in places which are hard for them due to the nature of their medical conditions. Managers can help to remove disabling barriers in the workplace. UCL policy and this guidance is intended to help managers to do this.

The Equality Act 2010 defines disability as 'a physical or mental impairment which has a substantial and long-term adverse effect on someone's ability to carry out normal day-to-day activities'. In this definition 'long-term' means that a condition is likely to last for twelve months or more. 'Day-to-day activities' can be anything someone does on a regular basis as part of their normal life.

UCL is committed to supporting all Disabled Staff. This means anyone with a longstanding physical, cognitive or mental health condition - including any conditions which are not visibly apparent most of the time, e.g. those with chronic pain or mental health conditions. If someone is uncertain as to whether or not they can describe themselves as a Disabled Person (within the meaning of the definition contained in the Equality Act 2010) they can seek advice from the Equality, Diversity and Inclusion (EDI) Team by emailing equalities@ucl.ac.uk. Progressive conditions such as HIV/AIDS, Cancer and Multiple Sclerosis are covered by the Equality Act from the point of diagnosis, regardless of whether or not an individual's day to day activities are affected. If the effects of a condition are managed through use of medication, a prosthesis or other equipment meaning that day-to-day activities are not affected, an individual can still be defined as a Disabled Person within the

meaning of the Act.

At UCL, two of the most prevalent conditions experienced by Disabled People are mental ill health and musculoskeletal impairment, which can result in chronic pain.

What are managers expected to do?

Employers are required to make 'reasonable adjustments'. These can be to the physical features of premises and/or the arrangements for employing Disabled People. Factors to be weighed up in determining 'what is reasonable' include:

- The views of the Disabled Person about what they need
- How effective the adjustment would be in overcoming the disadvantage
- How practicable it is to make the adjustment
- The extent of any disruption to activities that making the adjustment would cause
- Effects on other staff
- The sustainability of the proposed adjustment
- The likely financial and other costs incurred as a result of making the adjustment

It is not necessary for UCL managers to be 'experts' in disability equality. UCL's EDI team believes that there are three key elements that managers should demonstrate:

- An open-minded problem solving approach to making adjustments
- Positive and accepting behaviour
- An open style of communication

What kinds of adjustments have been made at UCL?

Examples of reasonable adjustments have included:

- Making adjustments to premises. This could include structural or physical changes such as widening a doorway, building a ramp or fitting power-assisted doors
- Acquiring or modifying equipment. For example, providing screen reading software for a visually impaired person or an adapted keyboard for someone with arthritis
- Providing a support worker, such as a hearing assistant
- Allowing the Disabled Person to be absent during working hours for medical treatment. For example, to attend physiotherapy or hospital appointments
- Reallocating some of the Disabled Person's duties to another person. For

example, if a job occasionally involves taking files to another floor, this task could be transferred to someone who does not have an ambulatory impairment.

- Altering the Disabled Person's working hours. For example, allowing the Disabled Person to work flexible hours to enable additional breaks minimising fatigue or enabling travel at less busy times
- Assigning the Disabled Person to a different place of work. For example, enabling them to work from premises other than those used by their colleagues or allowing someone to work from home for some of the time.

Who is responsible for paying for reasonable adjustments?

Not all adjustments will have a cost. For instance, if a change is made to someone's working hours but they do the same number of hours overall, this could be a reasonable adjustment. When there is a cost to a department/division there are a number of sources of funding. Given the expectation that all departments have a range of funding streams available to them and taking into account the overall size of UCL, it would be very unusual for cost alone to be a justifiable reason for failing to make an adjustment.

a) Access to Work

Access to Work (ATW) is a government fund run by the Department for Work and Pensions and provides support to Disabled People to help them remove work-related obstacles.

Disabled People themselves need to apply to the ATW Scheme but managers should assist with and facilitate this process; for example, managers will need to sign-off on any funding agreements made between ATW and individual employees for support. Departments will typically buy equipment, services or support agreed by ATW and then reclaim this cost from ATW, thereby ensuring that individual employees do not incur additional expenditure in order to have their needs for support at work met. Advice is available from HR Advisory Services or in more complex situations support can be obtained from the EDI team.

A Disabled Person needs to apply for ATW support within six weeks of starting any new job. For example, if someone changes their job at UCL and this results in different access needs arising, a fresh ATW application should be made. If an application is not made within 6 weeks of an employee's start date, ATW will not pay 100% of the cost of a workplace adjustment. An ATW application can be made whether a job is part-time or full-time, permanent or temporary. Unemployed or employed Disabled People needing help with a communicator at a job interview can also get help from ATW.

An ATW application can be made more than six weeks after someone has started a job (for example either because someone acquires an impairment whilst working for UCL or they were previously unaware of the support they needed). Under these circumstances, ATW is unlikely to meet 100% of the cost of any adjustments but they may still make a substantial contribution.

If an application is made, UCL is expected to pay the first £1000 and then 20% towards costs up to £10,000. ATW should pay the other 80%. ATW should however pay up to 100% of the approved cost of support, equipment or adaptations between £10,000 and £41,000. In all cases, ATW is likely to ask for a 'voluntary contribution' from the employer.

ATW does have some exclusions covering items for which the scheme will not pay: for example ATW is unlikely to pay for the cost of purchasing standard office equipment, even if it is needed by a Disabled Employee only because of the barriers they are experiencing in the workplace.

For a more detailed list of what is covered see:
www.ucl.ac.uk/hr/equalities/disability/what_is_covered.doc

Full details of the process are detailed on UCL's Access to Work web page:
www.ucl.ac.uk/human-resources/equality-diversity-inclusion/equality-areas-and-support-staff-and-managers/disability-equality-2

Whilst requests for ATW support need to be made directly by Disabled individuals, making applications to ATW should be viewed as a collaborative process by managers of Disabled Staff; for example, the support applied for by an individual employee should be discussed with and supported by a manager prior to any application being made. This will strengthen the likelihood of AtW granting the type of support requested and will help to ensure that the support needed by individuals is smoothly and successfully provided. Managers need to ensure that Disabled Employees are aware of ATW funding as making ATW applications will maximise the available support to disabled people and help UCL to remove barriers in the workplace.

b) UCL's central fund for reasonable adjustments

In order to bridge any shortfall between ATW funding and departmental budgets, UCL has created a central budget for reasonable adjustments. For items that cost between £500-1000, the central budget will contribute towards half the costs. The budget will cover the full costs of adjustments over £1000.

To make an application, after consulting with a Disabled Employee about their needs, emails should be sent to equalities@ucl.ac.uk outlining:

- The barriers experienced by the Disabled Employee

- The amount of funding requested. You should give details of any other sources of funding which have been tried unsuccessfully and/or which are exhausted
 - How the adjustment will enable the individual to fulfil their role
- c) Estates and Facilities maintenance budget

Alterations to the UCL estate, such as the building of a ramp or the installation of buttons which enable doors to be opened automatically, should be requested through the usual maintenance process:
www.ucl.ac.uk/efd/maintenance/

Disability-related alterations will be given priority over routine maintenance works, so it should be made clear that this is a disability-related request.

d) Departmental/divisional budgets

Adjustments costing less than £500 should normally be paid for using departmental budgets, unless there is very limited grant funding available.

Who can I go to for advice at UCL?

Advice on adjustments can be sought from:

- The Disabled staff member, who may wish to replicate an arrangement in their previous job or have direct personal knowledge of the best solution to meet their needs and remove barriers to their equal treatment at work
- UCL's Occupational Health Service (OHS), www.ucl.ac.uk/hr/occ_health/
- UCL's Equality, Diversity and Inclusion (EDI) team, www.ucl.ac.uk/hr/equalities/contacts/index.php
- HR Advisory Services, www.ucl.ac.uk/hr/consultancy/index.php
- The UCL SENIT suite for support on adaptive technology, including hardware and software, www.ucl.ac.uk/disability/services/senit
- External organisations with specialist expertise for example Mind, Action on Hearing Loss, Diabetes UK.

It is for the manager to decide, in consultation with the relevant member of the HR Advisory Services team and where necessary involving the EDI Team, whether the potential adjustments identified are reasonable to implement within that particular workplace. If not, managers need to consider and take advice regarding what alternative arrangements might be practical, in terms of either an alternative work

location or change of role.

Ultimately, the test which a manager needs to apply in determining whether or not an adjustment is reasonable, is whether it constitutes 'a proportionate means of achieving a legitimate aim'. In this instance, the 'legitimate aim' is likely to be that the change will enable the Disabled Person to do their job.

Mental health

People with long-term mental health conditions, such as 'pronounced depression' and 'bipolar' are Disabled People within the definition contained in the Equality Act. UCL is mindful of the fact that there remains a stigma in our society around mental health conditions. This prejudice can be especially pronounced in the workplace, where people with mental health conditions may be fearful that their capability to do the job or ability to cope in stressful situations may be undermined due to discriminatory attitudes.

Staff who declare to their managers and/or colleagues that they have a mental health condition should be reassured that UCL will take all reasonable steps to ensure that they have a supportive working environment and that confidentiality will be respected. They should also be made aware that UCL does not tolerate bullying and harassment in the workplace.

For information about supporting employees with mental health conditions, please see the mental health guidance for managers, www.ucl.ac.uk/human-resources/sites/human-resources/files/mh_guidance.pdf


Disabled students at UCL

For advice on supporting Disabled students at UCL, contact Student Disability Services, www.ucl.ac.uk/disability/

Further reading

Learning disabilities

www.ucl.ac.uk/human-resources/equality-diversity-inclusion/equality-areas-and-support-staff-and-managers/disability-equality-3



UCL Equality, Diversity & Inclusion
Gower Street
London
WC1E 6BT

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