

# **Ormesby Village Schools**

## **Equal Opportunities in employment policy - Disability Policy and Procedure**

<b>Formally adopted by the Governing Body of:-</b>	<b>Ormesby Village Schools</b>
<b>On:-</b>	<b>5.7.18</b>
<b>Chair of Governors:-</b>	<b>Clive Sillitoe</b>
<b>Last updated:-</b>	<b>5.7.18</b>

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## Model policy and procedure guidance [delete once adopted]

Governing boards and Trusts have the option of adopting this model policy and procedure or developing their own. This model policy and procedure includes any requirements of statute, any national and/or local conditions of service and identifies access to LA funding where this is available (maintained schools only). Any school/academy choosing not to adopt this model must ensure that any local policy complies with the requirements of statute and any relevant national or local conditions of service. A local policy would need to be the subject of full consultation with all the recognised trade unions before adoption.

With regard to this model, the school/academy can:-

- adopt it as their policy (with choices being made from within the identified options written in pink or red text),
- adapt it to be their policy (using the model as a basis but with changes being made), or
- ignore it (and develop or adopt an alternative policy).

Where reference is made to model policies, guidance or forms provided by Educator Solutions HR Services (via HR InfoSpace) these are shown in italics. Schools and trusts, in considering adoption of this policy, will need to adjust references to these documents to reflect whether or not employees are given access to HR InfoSpace content or should be changed to signpost to school/trust versions.

Where there are options for the School/Trust to consider these will be written in pink text for further/other options. Red text highlights where establishment specific information needs to be entered or existing text needs to be removed because it doesn't apply to the establishment adopting the policy. Trusts will need to ensure the policy, where required, reflects its scheme of delegation. Where there are important points to share regarding considerations for strategy relating to the policy these will be shown in green text.

Throughout the model policy, reference is made to “Headteacher” but this should be changed on adoption where the individual school/academy leader holds the post of “Principal” (or other appropriate title). Similarly, where reference is made to “schools” this should be changed on adoption where any individual establishments within a Trust etc. are known as “academies”.

Please note that ‘school’ in this document refers to any maintained school and ‘academy’ means any academy or free school. It is likely that an academy Trust will want to determine a policy to be applied equally across any academies it is responsible for. Equally, any schools that are joined together under one governing board should have one policy covering all employees. However, where TUPE applies any contractual terms and conditions, which may affect this policy, should continue to apply to the group(s) of staff who have TUPE transferred.

**Academies Only:** Throughout the document, references to the Board should be taken to refer to the entity that is responsible for exercising governance functions within the Trust. Depending on the Trust’s Scheme of Delegation, some decisions may need to be taken by the overarching Board of Trustees, but some may be delegated to committees, local Governing Boards, the Chief Executive Officer or the Headteacher/Head of School. Where decisions are required by a specific person(s) this document refers to ‘the Board’ or ‘the decision maker’ - where dismissal could be an option - or the ‘appeals committee’. The Board should ensure when considering adoption, that the Scheme of Delegation is reflected appropriately in the policy document and that the appropriate degree of separation is applied between each level of decision making. Allowance should also be made for who in the Trust will manage any disciplinaries relating to the Headteacher and Chief Executive Officer.

This model has been the subject of consultation with the recognised trade unions at County (Norfolk) level. Any school or academy looking to adopt, or adapt and adopt, as their own should consult recognised trade unions at local level.

## 1. Scope

This school is committed to an active equal opportunities policy from recruitment and selection, through training, development, appraisal and promotion to retirement for all employees including those with a disability. It is our policy to promote an environment free from discrimination, harassment and victimisation.

### 1. Introduction

The Equality Act 2010 gives disabled people the right not to be discriminated against in employment, whether seeking employment or when employed.

The Equality Act 2010 defines a disability as a long term health condition that affects someone’s ability to carry out normal day-to-day activities. “Long-term” means that it must have lasted, or be expected to last, at least 12 months.

The definition of disability can cover:

- Physical, visible and sensory impairments
- Invisible conditions such as epilepsy or diabetes

- Mental illness such as depression or anxiety disorder
- Other mental impairment such as learning difficulties or dyslexia.

There are five forms of discrimination which apply:

- Direct discrimination
- Failure to comply with a duty to make reasonable adjustments
- Disability related discrimination
- Victimisation
- Harassment

The Equality Act places a duty on employers to make reasonable adjustments. This means employers must take reasonable steps so that the worker can carry out their job.

Any employee who believes that they have been discriminated against for a reason relating to their disability should use the school's grievance procedure.

Disciplinary action will be taken against any employee who is found to have committed an act of discrimination, and serious breaches of this policy will be treated as gross misconduct.

## **2. Recruitment and appointment**

It is unlawful for an employer to discriminate against a disabled person:

- in the arrangements made for determining who should be offered employment
- in the terms on which the person with a disability is offered employment or
- by refusing to offer, or deliberately not offering, the disabled person employment.
- by failing to comply with the duty to make a reasonable adjustment.

Employees will be recruited solely on the basis of work criteria and the applicant's abilities and individual merit. A disability will not of itself justify the non-recruitment of an applicant.

To ensure that a person with a disability is not placed at a substantial disadvantage the law requires reasonable adjustments to be made at all stages of the recruitment process. Reasonable adjustments to the recruitment process will be made as required to ensure that no applicant is disadvantaged because of their disability. Examples of reasonable adjustments at interview stage may include:

- holding the interview(s) in an accessible venue
- providing a sign language interpreter
- allowing an applicant to be accompanied by a person who can support them
- making seating and lighting modifications
- allowing longer for the completion of any assessments or tests
- allowing the applicant to use their own or modified equipment e.g. a modified keyboard for tests undertaken on a pc.

Before an applicant with disabilities is judged to have been unsuccessful, full consideration

will be given to whether any reasonable adjustments would make the applicant the best person for that post.

*All disabled applicants who meet the minimum requirements of the job as set out in the job description and person specification will be guaranteed an interview. This is considered an appropriate expectation of employers, and schools should therefore adopt this same approach when shortlisting.*

### **3. Induction**

On starting work the headteacher will be responsible, in consultation with the disabled employee, for ensuring such reasonable adjustments are made (which have not already been made prior to the employee starting) as are required to enable the employee to work safely and effectively and to secure equal access to the benefits of employment.

Where the headteacher does not have the relevant knowledge or experience to make the reasonable adjustments they will seek advice. Where necessary an outside specialist may be consulted.

### **4. Training and career development**

All employees will have equal access to training and opportunities for promotion and other aspects of career development based solely on their abilities.

In particular, all training will be made accessible to disabled employees by such adjustments as are reasonable.

Where, during the course of employment, a disabled employee recognises the need for a reasonable adjustment to working arrangements or to a feature of the premises, they should discuss this requirement with the headteacher. The headteacher will then determine the appropriate action.

### **5. Harassment**

Harassment is unwanted conduct, whether physical, verbal or non-verbal, that is offensive, humiliating and viewed as unacceptable by the recipient. For further information regarding harassment please see The Dignity at Work Policy.

Harassment of disabled employees will be a disciplinary offence, and may constitute gross misconduct, which could lead to dismissal.

## **6. Retention**

As part of its commitment to equal opportunities for disabled people the school will ensure that all reasonable measures are taken to retain disabled employees in employment.

It will be the responsibility of the headteacher to identify issues of disability and retention with regard to an individual employee, for example where dismissal is being considered on the grounds of sickness or incapacity.

The school will make such adjustments as are reasonable to enable a disabled employee to carry out their duties.

If, as a result of a disability, an employee is absent from work for a period of the school term the school may request a medical assessment of the employee. This process will be managed under the absence management policy and procedure.

There may be cases where the impact of the disability on the individual's ability to do their job is so substantial that consideration has to be given to their continuation in that job. Where this is the case, redeployment should be considered. **Educator Solutions HR Services offer a redeployment service (where the appropriate package is purchased or on an ad-hoc basis). Where all options are explored but unsuccessful, the result will be** termination of employment or ill health retirement. Please seek advice from Educator Solutions HR Services in these circumstances.

Where the post to which the disabled employee is redeployed is of a lesser grade or salary, please refer to the schools staffing adjustment policy and procedure for advice.

## **7. Reasonable adjustments**

Many adjustments are easy to identify and can be implemented very simply and cost-effectively. Others need more consideration.

Examples of reasonable adjustments (not an exhaustive list)

- Altering hours of work or training
- Adjusting or reallocating work activities or duties
- Allowing the person to be absent during working hours for rehabilitation, assessment or treatment for disability related absence – (see the school's Leave and time off policy)
- Providing extra support e.g. allocating a teaching assistant to help in preparing classroom materials, providing cover for a teacher who needs breaks to take medication; replacing outdoor supervision duties with management tasks such as INSET co-ordination or mentoring
- Giving or arranging training or mentoring
- Acquiring or modifying equipment e.g. providing an induction loop in the school hall/large assembly areas, installing a visible fire alarm system, providing an adapted telephone
- Modifying instructions or reference manuals e.g. providing magnifying equipment
- Providing a reader or interpreter e.g. providing a sign language interpreter at interview

Where an individual requires or may require an adjustment to the working arrangements or environment they should bring this to the attention of the headteacher. The prime responsibility for arranging appropriate adjustments will lie with the headteacher. However, in many cases a team approach will be appropriate, for example when arranging training courses where the responsibility may pass to a member of the office staff who is co-ordinating the training.

The person responsible for arranging the adjustment will at all times consult the employee concerned, whose agreement will be sought. The expertise of the disabled employee concerning their own disability will be recognised.

Where the person with the prime responsibility for arranging reasonable adjustments does not have the relevant knowledge or experience they will seek advice. Where required an outside specialist may be consulted with the agreement of the disabled employee.

Once an adjustment has been made its operation may need to be reviewed at agreed intervals to assess its continuing effectiveness.

## **8. Removing barriers**

Public sector organisations are statutorily required to be pro-active in ensuring disabled people are treated fairly. This school recognises the importance of taking proactive measures to remove barriers from the working environment for disabled people. It is recognised that this will benefit not only disabled employees and pupils but also prospective employees and visitors. It will ensure that the school is able to recruit and retain the best employees on the basis of their abilities and individual merit.

As part of the Public Sector Equality Duty (PSED) Schools and Trusts are required to publish equality information and objectives. This may be in the form of a Single Equality Scheme or plan – see the [Norfolk Schools](#) website. This plan will highlight any barriers to equality and what action is being taken to remove them.

## **9. Funding reasonable adjustments**

**Maintained schools only** – There is a pot of money which maintained schools can access from the local authority to help fund reasonable adjustments. To access this pot of money please contact Educator Solutions HR Services on [hrenquiry@educatorsolutions.org.uk](mailto:hrenquiry@educatorsolutions.org.uk) or 01603 307760. Please include invoices or recommendations for adaptations from approved sources (e.g. access to work), if available.

**Access to Work (AtW)** is a publicly funded employment support programme that can provide practical and financial support for people who have a disability or long term physical or mental health condition. They may provide assistance where the cost of adjustments are over £1000. NB. The [Access to work process flowchart G312c](#) on HR InfoSpace shows how the process works.

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### **10. Confidentiality**

If an employee asks that their disability remains confidential you should respect this as far as possible. Where this can't be honoured, explain who needs to know and for what purpose e.g. ICT or work colleagues. Any information shared should be restricted to the nature of the adjustments and not be about the medical condition or disability.

### **11. Health and safety arrangements**

These also need to be reviewed. A key stage of a risk assessment is to identify who might be harmed, in order to evaluate safe working arrangements. A Personal Emergency Evacuation Plan (PEEP) should also be produced if an employee has a specific need for assistance during evacuation.

NB. For those with access to NCC's Health, Safety and Wellbeing service, a template PEEP is available on HR InfoSpace (F607b).

### **12. Data Protection**

The school processes any personal data collected for equal opportunity in employment purposes in accordance with its data protection policy. Any data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of equal opportunity in employment. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the school's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the school's disciplinary procedure.

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**Appendix 1 – Table of changes**

<b>Date of change</b>	<b>Paragraphs affected</b>	<b>Summary of update</b>
18/05/2018	All	New policy added to HR InfoSpace