

Disability guidance for managers

Definition of disability under the Equality Act 2010

The general definition of disability for the purposes of the Equality Act (hereinafter referred to as “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 normal day-to-day activities”. The Act defines long-term in this context as having lasted, or being likely to last for at least 12 months or the rest of the person’s life. Substantial is defined as more than minor or trivial.

Some people are deemed to be disabled for the purposes of the Act. For example, people with cancer, HIV and multiple sclerosis are protected effectively from the point of diagnosis.

Making Reasonable Adjustments for disability

The University as an employer has a duty under the Act to make reasonable adjustments where a disabled member of staff (or applicant) is put at a substantial disadvantage compared to others, by the application of a “provision, criteria or practice”.

Reasonable adjustments may be required at various stages of a disabled person’s employment, for example, at the recruitment stage, during the person’s day-to-day employment, during selection for redundancy or promotion, and during disciplinary proceedings. A failure to make reasonable adjustments for a disabled member of staff or applicant will amount to disability discrimination.

If a member of staff indicates to you that they have a disability, you should meet with them to discuss their circumstances so that you can establish what (if any) reasonable adjustments are needed.

Whether an adjustment is reasonable is not always an easy judgement – managers are advised to contact their HR Adviser to discuss requests made by individuals, and to consider adjustments that they themselves may have identified.

The duty to make reasonable adjustments does not apply where the employer does not know, and could not reasonably be expected to know, that an individual has a disability.

Input from HR and Occupational Health

Managers should seek advice from their HR Adviser when considering reasonable adjustments for disabled members of staff or job applicants. Where appropriate, the manager should seek advice from the University’s Occupational Health service to obtain an assessment of the individual’s disability and any consequent disadvantage suffered, as well as recommendations for reasonable adjustments. The manager should discuss the advice received from Occupational Health with the HR Adviser.

Examples of reasonable adjustments

The Act does not list the sorts of adjustments that you might have to make, but examples might be:

- providing recruitment literature in large print;
- in interview situations, providing extra equipment at reasonable cost, removing movable barriers like furniture, or holding the interview in a different, wheelchair accessible room;
- allowing a guide or hearing dog into the workplace;
- purchasing specialist equipment, such as an ergonomic chair or specialist software;
- providing additional supervisory guidance / support;
- changing the way information is communicated: e.g. communicating in writing rather than orally, or vice versa, and using different font sizes, colours and language;
- including a disabled parking space in the car park;
- adjusting working hours.

Procedure for obtaining a disabled parking permit for campus parking

A member of staff who would benefit from a disabled parking space should obtain a letter confirming this need from the University's Occupational Health Service. This should then be submitted to the University's Transport Manager who will issue the member of staff with a disabled parking permit free of charge. The permit will enable the individual to park in any of the University's disabled parking bays across campus. If an individual requires a designated disabled parking space, this should be clearly stated in the letter from Occupational Health, and a designated space will be provided.

Further information:

Reasonable adjustments

Equality Challenge Unit guidance on [managing reasonable adjustments for staff and students in higher education](#).

Equality and Human Rights Commission guidance on [workplace adjustments](#)

Guidance on matters to be taken into account in determining questions relating to the definition of disability

<http://www.homeoffice.gov.uk/publications/equalities/equality-act-publications/equality-act-guidance/disability-definition>