

Access to Work

Guidance for managers

The University was awarded the Disability Symbol in January 2004. This builds upon the commitment we have to our existing disabled staff, whilst encouraging and welcoming others to apply to join us.

In being awarded this symbol the University has made the following five commitments:

1. To interview all applicants with a disability who meet the essential criteria for a job vacancy and consider them on their abilities.
2. To ensure there is a mechanism in place to discuss, at any time, but at least once a year, with disabled employees what managers/supervisors can do to make sure they can develop and use their abilities.
3. To make every effort when employees become disabled to make sure they stay in employment.
4. To take action to ensure that all employees develop the appropriate level of disability awareness needed to make these commitments work.
5. Each year, to review the five commitments and what has been achieved, to plan ways to improve on them and let employees and the Employment Service know about progress and future plans.

What is a Disability?

Under the Disability Discrimination Act (DDA) disability is defined as:-

“someone with a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.”

A person's day-to-day activities include their:-

- mobility,
- manual dexterity,
- physical co-ordination,
- continence,
- ability to lift, carry or otherwise move everyday objects,

- speech, hearing or eyesight,
- memory or ability to concentrate, learn or understand,
- perception of risk of physical danger.

Most disabilities aren't obvious; many disabled people show no obvious signs of impairment. Conditions such as epilepsy, deafness, diabetes and dyslexia are often completely hidden. Advice given by the Employers' Forum on Disability is that if you think a person could be disabled, or that person thinks that they are disabled, then treat them as if they are protected by the DDA in the first instance. Progressive or recurring illnesses, such as HIV, cancer and arthritis are classed as a disability.

What is Access to Work?

Access to Work is a government scheme. Its aim is to help to overcome problems in employment which occur as a result of disability. Through the scheme, both employers and employees can access practical advice, based on each individual's requirements, as well as providing funding towards any employment costs which are incurred as a direct result of someone's disability.

Who is eligible?

All existing or new employees, full-time, part-time, fixed term or permanent, who meet the definition of being disabled contained in the DDA.

The Application Process

All applications have to come from the individual; the employer cannot make the claim on their behalf. Initially, the employee rings the Access to Work Team, currently:-

Jobcentre Plus Business Centre P.O Box 313 Bolton BL1 1FW	Tel: 01204 516 480 Textphone: 01204 516 492
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After contacting this team the individual will be sent some forms. Once completed and received by the above office, the individual will be assigned a Disability Employment Advisor who will remain their contact throughout the process.

What is likely to happen then?

The outcomes of each application are thoroughly dependant upon the individual's disability. For example, if the disability is a long term chronic back complaint, a workplace assessment will be arranged. A trained ergonomist will carry out this assessment and provide the individual and employer with a full report that documents any advice given and what equipment will need to be purchased with full details of supplier, cost and specification.

Each case will result in the production of a report from the Access to Work team and it may go directly to the individual. It is important that you as line manager or your Personnel Officer receive this report as it becomes the responsibility of the University to order any specified equipment or to arrange for work to take place.

Who raises the orders for any suggested equipment?

Ultimately, it is the role of the line manager. Your Personnel Officer will help with this, taking on a co-ordination and support role if the order isn't straightforward or there are unexpected delays in the process. Ideally, all orders for furniture should be raised through the Estate Planning Services Division but if this isn't possible it is essential that the faculty officer responsible for the purchase of furniture is kept informed of any orders made.

Who pays?

If it is a new employee, who hasn't started yet or has been with us for less than six weeks, Access to Work will cover up to 100% of the costs. Generally, an employer of our size and financial status would be expected to contribute around 10% of the total cost in these circumstances. If it is an existing employee, Access to Work will cover up to 80% of any cost over £300.

The Department/Division will meet the cost initially then claim it back from Access to Work by completing the relevant paperwork.

What happens when equipment is received?

As part of the assessment the ergonomist will arrange to come back to assess the suitability and set up of any new equipment.

Ownership of Equipment

There is no published guidance from Access to Work on this. This will only become an issue if the equipment becomes broken or the employee is leaving and wants to take the equipment with them. You will need to contact Access to Work as each case will be different.

The Disability Discrimination Act – Employers Obligations

The Act makes it unlawful for an employer to discriminate against a disabled person. The Act says that discrimination occurs in two ways:

- For a reason which relates to a disabled person's disability, the employer treats that disabled person less favourably than the employer treats, or would treat, others to whom the reason does not or would not apply and that treatment cannot be justified

and

- An employer fails to comply with a duty of reasonable adjustment imposed on him by section 6 in relation to the disabled person and cannot show that this failure is justified.

Adjustments may include:-

- adjustments to premises,
- re-allocation of some of the disabled person's work,
- transfer of the disabled person to fill an existing vacancy (if they become disabled during the course of their employment or their disability worsens),
- altering working hours,
- moving the disabled person's work area, eg different building, site or floor,
- arranging training,
- acquiring or modifying equipment,
- modifying instructions/guidance documents,
- modifying procedures for testing or assessing individuals,
- providing a reader or interpreter.

Personal Development Reviews, Personal Development Plans and Time to Talk sessions can provide the opportunity for managers and staff to discuss, agree and review suitable support and development needs.

When determining whether it is reasonable for an employer to have to take a particular step in order to comply with the Act we should consider: -

- (a) How effective the step we take would be towards preventing disadvantage;

For example, the impact of any adjustment we make has to be of benefit to the disabled employee.

- (b) How practicable it is for us to take the step;

We need to assess the practicability of any step we take.

- (c) Financial and other costs which would be incurred in taking the step and the extent to which taking it would disrupt any activities;

If it is of little cost or disruption it is likely to be classed as reasonable.

- (d) The extent of our financial and other resources;

As a large, financially viable employer it is likely to be considered reasonable for us to make adjustments with high costs, than for an employer with less resource.

- (e) The availability of financial or other assistance with respect to taking the step, eg Access to Work;

If the costs are too high, we should involve the Access to Work Team.

Advice and Resources

As a line manager, if you are in a position where you are considering the recruitment of a disabled person, or one of your existing staff becomes disabled, or their disability worsens, advice should be sought from your Personnel Officer.

The equalities section of the MMU website contains links to more information and if you would like to consult specialist disability organisations for advice please go to the following:

<http://www.mmu.ac.uk/humanresources/equalities/links/index.php>.

You can also access the two interactive disability e-learning packages available from the development and training section of the University's website.

Disability Confident – challenging attitudes and changing behaviour:

<http://www.mmu.ac.uk/humanresources/devandtrain/DisabilityConfident2/index.php>

Accessible Education – The Disability Discrimination Act:

http://www.mmu.ac.uk/humanresources/devandtrain/accessible_education/index.php