Equal Opportunities in Employment - Disability

Approved by:	FGB Drayton CE VC Junior School
Last reviewed on:	Jul 2025
Next review due by:	Jul 2026

Contents

(Click on the headings below to jump to the relevant section)

1. Scope 3
2. Introduction 3
3. Recruitment and appointment 4
4. Induction 5
5. Training and career development 5
6. Harassment 5
7. Retention 5
8. Reasonable adjustments 6
9. Removing barriers 8
10. Funding reasonable adjustments 8
11. Confidentiality 8
12. Health and safety arrangements 9
Appendix 1 – Table of changes 10

This model policy has been subject to consultation with the recognised trade unions at County 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.

Through the implementation of this policy and procedure, the Governing Board will be mindful of the employer obligation to seek to maintain and protect the mental health and wellbeing of all staff as far as is reasonably practicable.

2. 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.

3. 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.

4. 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.

5. 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.

6. 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 Discrimination, Bullying and Harassment Policy.

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

7. 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. The school may take account of recommendations made by occupational health when considering any adjustments that may be required to support the employee. Whilst there is no obligation on the school to implement any recommendations made by occupational health, it is good practice to take such recommendations into consideration when determining what adjustments should be made for disabled employees.

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. Where all options are explored but unsuccessful, the result will be termination of employment or ill health retirement. Advice will be sought from Education**HR** in these circumstances.

Where the post to which the disabled employee is redeployed is of a lesser grade or salary, reference will be made to the school's Staffing Adjustment Policy and Procedure for advice.

8. Reasonable adjustments

The duty to consider making reasonable adjustments is triggered where the school is aware that an employee is disabled or ought to have been aware that an employee is disabled and in both circumstances their disability was liable to place them at a substantial disadvantage.

The duty to make reasonable adjustments arises when a disabled person is placed at a substantial disadvantage by:

- The employer's provision, criterion or practice (e.g. where an employee requires more frequent breaks, but their contract only permits one 30-minute break per day);
- A physical feature of the employer's premises (e.g. whether an employee requires a wheelchair ramp or lift to access the employer's premises);
- Failure to provide auxiliary aids (e.g. an adapted keyboard or specialised software).

When considering whether a disabled employee is placed at a substantial disadvantage, schools should consider the disadvantage to the individual and not the disadvantage to a group of employees. Substantial disadvantage should be assessed objectively and requires comparison with those who are not disabled.

Schools need to be able to demonstrate that they have done everything they can to identify where any employee is disabled and requires reasonable adjustments. This includes speaking with the employee and/or referring them for an occupational health assessment.

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.

Records should be kept of all agreed adjustments. The TUC Adjustment Passport Template is a method that can be used to record such adjustments.

9. Removing barriers

Public sector organisations have a statutory obligation 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 are required to publish an equality information and objectives plan. This plan will highlight any barriers to equality and what action is being taken to remove them.

10. Funding reasonable adjustments

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 Education**HR** by telephone on 01603 307760 or by emailing EHRenquiries@norfolk.gov.uk. 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.

11. Confidentiality

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

12. 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.

13. 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.

Appendix 1 – Table of changes

Date of change	Paragraphs affected	Summary of update
16/11/2021	1	Additional paragraph to include consideration for employees with mental health issues.
11/05/2021	8	Updated to state that adjustments can be recorded on an adjustment passport.
19/05/2020	6,7	Update to state that it is good practice to take account of OH recommendations as well as the situations in which the duty to make reasonable adjustments arises.
14/05/2019	5	References to Dignity at work policy updated to Bullying and Harassment policy.
18/05/2018	All	New policy added to HR InfoSpace