

 **Accessibility and Workplace Adjustments Guidance 2022**

 **To advance inclusivity and accessibility, the University will ensure prospective and current staff, students and visitors with disabilities have the most appropriate level of support.**

**A. General guidance**

**1. Introduction**

1.1 Bournemouth University is committed to creating a friendly and welcoming environment where staff and students work closely together within a supportive, accessible and inclusive environment which enables them to participate fully in the life of the University. The University wants to attract people of high potential to study and work here and this includes people who are living with a disability or long-term health condition. Some people may not require any support but for others, making ‘reasonable adjustments’ (see section 4) will enable them to flourish and off-set any impact of their disability.

1.2 The Equality Act 2010 places a duty on employers to make "reasonable adjustments" to any provision, criterion or practice that they apply and to physical features of their premises, to accommodate the needs of disabled employees and job applicants. The following guidance is provided to support managers in implementing reasonable adjustments for staff with disabilities in accordance with the Equality Act 2010, and in line with the University’s  [Equality and Diversity policy.](https://www1.bournemouth.ac.uk/sites/default/files/asset/document/equality-diversity-policy-2015-16.pdf)

**2. Legal framework and principles**

2.1 Whilst it is ultimately for a court to decide whether it applies, the [Equality Act 2010](http://www.legislation.gov.uk/ukpga/2010/15/contents)  defines Disability as follows: **“a person will be classed as disabled in law if he or she has a physical or mental impairment and the impairment has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities”**.

2.2 This legal definition is very wide. Examples of what the legal definition can include are:

#### Physical disabilities – such as physical / mobility restrictions; sight loss; hearing loss; musculoskeletal conditions

#### Mental health conditions – such as depression, anxiety or bi-polar.

#### Progressive or chronic conditions - such as HIV, cancer, multiple sclerosis, fibromyalgia, chronic pain conditions, diabetes or asthma

#### Neuro-diverse conditions – such as Autism, Dyslexia or Dyspraxia

2.3 As disability is a protected characteristic under the Equality Act, the the University must act to:

* eliminate unlawful discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act.
* advance equality of opportunity between people whether they have a protected characteristic or not.
* foster good relations between people whether they have a protected characteristic or not.

2.3 The University is committed to show due regard to the advancement of equality in its day-to-day business and to consider how it might affect different groups in different ways. To display this commitment an [Equality Analysis](https://intranetsp.bournemouth.ac.uk/policy/What%20is%20an%20Equality%20Analysis%20April%202018.pdf) procedure has been developed as a tool that enables positive change. This enables the University to reasonably anticipate the needs of staff, students and visitors with disability and other protected characteristics to address the potential impacts of any proposed changes to ensure they do not have an adverse effect.

2.4 The objective of this guidance is to ensure that disabled people and people who are neuro- diverse or have long term conditions within the University community have access to both work facilities and a learning environment that is, wherever reasonably practicable, comparable to that of their non-disabled peers. It takes as its starting point the premise that accessible and appropriate provision is core to the values of the University.

2.5 The University will:

* Ensure that anticipatory action is taken as far as is reasonably practicable to provide inclusive working, learning and teaching and access to our facilities and services.
* Ensure that wherever possible reasonable adjustments are put in place for staff, students, prospective staff and students and visitors with disabilities.
* Provide equality of opportunity and accessibility to promote the recruitment, retention, development and progression of staff and students with disabilities.
* Promote a positive working and studying environment for disabled staff and students.
* Provide development through local implementation workshops and support for all managers with responsibility for staff so that they are fully aware of their responsibilities in relation to this guidance. All staff should have the necessary knowledge and understanding to provide support and respond appropriately to the needs of staff and students with disabilities.

2.6 The University will ensure that in all policies, procedures, regulations, functions and activities, including strategic planning and resource allocation, consideration is given to reasonable means of enabling disabled staff and students’ full participation in all aspects of the academic and social life of the institution.

**B. Staff specific guidance (student guidance can be found** [**here**](https://www1.bournemouth.ac.uk/students/learning/disability-additional-learning-support)**)**

**3. Sharing Information about a disability or long-term condition**

3.1The University aims to fosters an environment within which individuals feel able to share information about their disability or long-term condition. If an individual chooses to share information about their disability or condition, it is essential that this information is:

• treated with sensitivity.

• held in strictest confidence;

• not shared or spoken about with anyone else until it has been agreed with the individual what information can be shared and to whom it may be shared with.

3.2 The University will do **all it reasonably can** under relevant employment legislation to support the staff member with a disability or long-term condition.

3.3 Encouragement and opportunity will be given to staff to share any disability or long term condition irrespective of whether it has a substantial and long-term impact on their ability to carry out day-to-day activities.

3.4 We will do our best to encourage staff to share information about their long-term condition or disability so that they can be their full selves at work and access any support that they might need.

 For staff this might mean, as appropriate:

* reallocation of duties
* altering working hours
* changing work location
* modifying or additional equipment
* consideration of other roles

3.5 The University is mindful of its responsibilities under the [General Data Protection Regulation (GDPR)](https://gdpr.eu/) and will ensure the needs of staff and students with disabilities are not compromised by the requirements of this legislation with the responsibilities it places on the University in respect of the [Equality Act 2010.](http://www.legislation.gov.uk/ukpga/2010/15/contents)

# 4. Reasonable Adjustments

4.1 A reasonable adjustment is a change that an employer makes to remove or reduce the barriers that a disabled employee might face whilst doing their job. In the case of a candidate, reasonable adjustments are made ensure the recruitment process is inclusive and barrier-free to anyone who wishes to apply.

4.2 Adjustments are made on a case-by-case basis and must be designed to remove or reduce the difficulty the employee or candidate is facing. Examples could include a specific piece of IT equipment (such as speech-to-text or screen reader software), amending working practices, hours or location, delivering coaching or mentoring, providing communication support for deaf employees or providing a flexible working arrangement.

4.3 Adjustments need to be effective in helping the person as well as being sustainable for the organisation. Whether a proposed adjustment is reasonable is determined by BU. The following factors will be considered when deciding whether a proposed adjustment would be reasonable:

* Effectiveness – how well does the adjustment in question remove or at least minimize the disadvantage?
* Practicability – how practical is the adjustment? For example, how long will it take to implement, will anyone need extra training, etc?
* Cost – for example, how much will it cost, what financial resources available to BU (including schemes such as Access to Work, for example), can BU afford it?
* Disruption – how disruptive to BU, to others, and to our business needs would it be to make this adjustment
* Risk – would making this adjustment cause any risk to others? (Note: An adjustment will not be ‘reasonable’ if anyone’s health and safety would be compromised by making that adjustment.)

### 4.4 Here are some examples of workplace adjustments which could be made to enable an individual to work effectively. These adjustments can potentially be implemented on a temporary, occasional or permanent basis. From a legal viewpoint, we do not have to make the adjustments if it is not reasonable for us to do so. If you think it may not be reasonable for BU to make an adjustment, please contact HR to help you find a way forward.

* Modifying instructions or reference manuals, e.g. providing them in Braille or large print;
* Providing additional or tailored development, coaching or mentoring, for example for someone with dyslexia;
* Working with Additional Learning and Disability Support when undertaking a period of study;
* Adjusting working hours, for example allowing someone who may be fatigued as a side effect of medication a later or flexible start time, or more frequent rest breaks;
* Changing the place of work, for example moving an individual with limited mobility to a ground-floor location;
* Providing specialist equipment, for example assistive software or other specialist equipment;
* Facilitating a reader or interpreter;
* Agreeing to part-time working;
* Changing the method of doing the job, e.g. allowing an employee who cannot drive due to epilepsy to use taxis for business travel;
* Adjusting the duties of the job, for example exempting an employee with a musculoskeletal condition from the elements involving physical work;
* Modifying procedures for testing and/or assessments as part of a recruitment exercise;
	+ Extending an individual’s probationary period if the impacts of a disability or long-term condition has prevented the individual from being able to demonstrate an acceptable level of performance during the usual probationary time-scale for the role;
* Arranging for meetings to be held at a location or at a time to suit the individual or arranging for short breaks during long meetings.

### 5. Good practice when making reasonable adjustments

###  Managers should not worry about trying to work out if someone meets the legal definition of disability. If a member of your team is experiencing difficulties at work, talk to them, try to find out what would help and make any changes you reasonably can to help them do their job.

###  As you can’t always be sure whether someone is disabled or not, it is best practice to make adjustments for anyone who needs them. This way we will have done all we can to help someone work to the best of their ability and may mean we recruit and keep the most talented people for BU.

* Give consideration to making workplace adjustments, where possible, for those who may have a long-term health issue or condition irrespective of whether it would be covered by the Equality Act 2010 definition of a disability.
* Ensure that throughout every aspect of the employment relationship, the person with disability or long-term condition has the same access to everything that is involved in getting and doing a job as a non-disabled person, as far as is reasonable.
* Consider each case fully and fairly. Managers are encouraged to liaise with Human Resources as required.
* Advice and support may be sought from Occupational Health, Human Resources, the Equality and Diversity Adviser or Additional Learning Support at any stage of considering and implementing reasonable adjustments.
* Although there are no prescribed timescales for making workplace adjustments and it will depend on the type of adjustment required, it is important that any such adjustments are put in place as promptly as possible.
* If you anticipate that there may be funding discussions or there may be a delay in implementing a reasonable adjustment, please contact your HR Adviser for advice. This is particularly important if the delay may prevent the individual from continuing to work normally or returning to work. Further support and/or finding is available via [ATW](https://www.gov.uk/access-to-work) (Access to Work) – individuals should make direct contact and seek support as required. The Head of Health, Safety & Wellbeing is the nominated BU contact for ATW to confirm the university’s support to part fund recommendations as a result of ATW assessments.

**6. Prospective Staff**

6.1 All University vacancies will be open to suitably qualified people irrespective of whether they may have a disability or long-term condition.

6.2 Employment criteria shown in the Job Description, Person Specification and vacancy advertisement must be significant, objective and appropriate to that particular post, e.g. it would be inappropriate to specify a high level of mobility for a sedentary post. Job advertisements will be non-discriminatory and written in a style that encourages applications from underrepresented groups as defined by the Equality Act 2010 to include applicants with a disability or long-term condition.

6.3 All prospective staff who accept the offer of an interview will be asked in advance if they require any specific accessibility arrangements to be made for them at the interview.

6.4 Typical adjustments that can be made in the selection process would be ensuring ground floor interview rooms, changing fonts on question papers, allowing more time to complete written assessments/tests and printing of assessments on coloured paper backgrounds.

**7. Current Staff**

7.1 BU aims to provide all staff with an appropriate level of development and resources to ensure they are equipped to assist and support team members, colleagues and students with disability or long-term condition.

7.2 Retention: The University will make reasonable efforts to enable a member of staff who acquires a disability or long-term condition or whose medical/health condition becomes more severe, to continue working in the post in which they were originally employed. Staff can discuss the need for an assessment of their working environment and the recommendation/purchase of supporting equipment. This may or may not require the involvement of Access to Work (see 6) or similar support organisations.

7.3 Where a staff member with disability is unable to continue with their existing duties, reasonable efforts will be made to find suitable alternative employment within the University and appropriate training will be provided if required. Any decisions regarding whether a person can continue their duties will normally be taken with the involvement of Occupational Health.

7.4 In situations where suitable alternative work cannot be identified, or where an employee is unable to continue in their role at the University for reasons relating to their disability, the University will provide reasonable assistance to help that individual. This may include but is not limited to identification of appropriate external sources of advice and assistance and, when appropriate, investigation into the possibility of retirement on grounds of ill health.

**8. Absence**

8.1 One of the key principles of the University’s [Absence Management Policy](https://staffintranet.bournemouth.ac.uk/workingatbu/healthsafetywellbeing/hsfire/absencemanagement/) is to ensure that all reasonable measures are taken to support and retain staff in employment.

8.2 As part of the policy and procedure, all sickness absence, whether related to a disability or not, will be included in the sickness records. However, should the employee share that they believe that their absence may be due to a disability or long-term condition; the manager may decide that it is ***not*** appropriate to take any action where typical absence action levels have been reached (see section 6.8 of the Absence Management Policy). The manager may wish to discuss this with HR before making a decision but does not have to do so.

8.3 If it is considered that an individual has high sickness absence levels due to a disability or long term condition but the individual has not told their manager or HR , it is essential that the matter is dealt with sensitively.

####  In such circumstances it is important to:

* Discuss this possibility with the individual by reassuring them that the aim of such a discussion is to identify whether any workplace adjustments can be made to assist them to carry out their role/return to work.
* Record any actions agreed so that on-going support can be provided to the individual.
* If relevant, seek the individual’s agreement for a [referral to Occupational Health](https://staffintranet.bournemouth.ac.uk/workingatbu/healthsafetywellbeing/occupationalhealthwellbeing/occhealth/) to gain advice.
* Upon receipt of the Occupational Health advice, determine whether any suggestions can be implemented as workplace adjustments.

8.4 If a staff member acquires a disability or long-term condition during the course of their employment at the University, the individual may choose to share their change in circumstances with their manager or another (such as occupational health or HR). Staff are encouraged to share this information with their managers so that they can be given the appropriate support (e.g. time to attend rehabilitation appointments or learn how to use new software or equipment).

8.5 Managers may also learn of the disability or long-term condition through the absence management procedure (see above link), when deterioration in their health or impact of a disability leads to staff taking time off work. It is anticipated that the manager will work closely with the staff member and Occupational Health and other relevant teams to support the staff member and identify whether any workplace adjustments are required to facilitate the staff member’s effective return to work.

**9. Individual discussions**

 The role and working conditions of staff with disability or long-term condition will be reviewed according to individual needs, and especially in light of any changes in impact of their long-term condition or disability. Each member of staff will have an opportunity at least annually to discuss any current employment issues they may have and any future development needs. Staff who have shared that they have a disability or long-term condition may choose to include this discussion as part of their appraisal review or as a separate discussion.

**10. Complaints**

10.1 A member of staff who feels they have been unfairly treated or discriminated against on the grounds of their disability or long-term condition should discuss their concerns informally with their line manager or HR in the first instance. Where informal concerns are not resolved, the staff member may raise a complaint through the University’s [Grievance](http://intranetsp.bournemouth.ac.uk/policy/Grievance%20Procedure.docx) or

 [Dignity and Respect (Harassment) procedure](https://staffintranet.bournemouth.ac.uk/aboutbu/professionalservices/humanresources/dignityandrespectharassment/policyandprocedure/).

**11. Other relevant information**

[Disability Confident](https://www.gov.uk/government/collections/disability-confident-campaign)

 [Business Disability Forum](https://businessdisabilityforum.org.uk/)

 [DisabledGo](https://www.disabledgo.com/)

 [Mindful Employer](http://www.mindfulemployer.net/)

 [BU Absence Management Policy](https://staffintranet.bournemouth.ac.uk/workingatbu/healthsafetywellbeing/hsfire/absencemanagement/)

 [Link to FAQs](file:///G%3A/Projects/Disability%20Guidance%20FAQs/Disability%20Guidance%20FAQ%27s.docx)