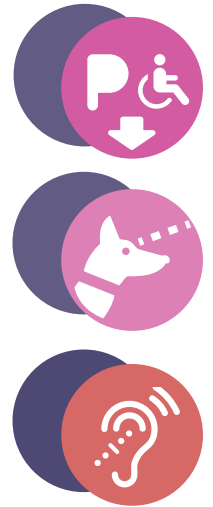


The development of a comprehensive disability policy and the development of associated procedures are the essential ways to start in remedying the discrimination faced by disabled people in the workplace. UCU representatives must ensure employers recognise the benefits of recruiting disabled people. Disabled staff are a source of valuable talent that should not be ignored. Developing a strategy to retain staff who become disabled in the course of their career means that investment in knowledge, skills and training will not be wasted. It is expensive to replace staff who feel they have no choice but to leave. Agreeing a retention strategy should develop the loyalty and commitment of staff to the institution. In recent years disabled people have used their personal experiences of disability to demonstrate that it is not their condition or impairment which causes difficulties but the way society fails to make allowance for their differences. This includes them from fully taking part in work and social life. The concept of disability has become known as the 'social model'. This attributes the causes of disability to medical conditions. The social model sees the disabled person as the problem, believing that people with disabilities should adapt to fit into the world. Some disabled people are shut away in some institutions or isolated at home. Some



Enabling not Disabling



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1

Introduction

SUMMARY

This guide is for UCU branches on the rights of UCU's disabled members. It is a general guide and branches should also refer to guides on particular issues for disabled members. There is a resource section at the end of the guide.

INTRODUCTION

It is now 20 years since the Disability Discrimination Act became law but there is still persistent and embedded discrimination and prejudice against disabled people.

Despite many years of legislation and campaigning, statistics (Labour Force data 2011) show that there is still a way to go on achieving equality.

- Fewer than half (47%) of disabled people of working age are in work, compared with 75% of non-disabled people.
- Employment rates vary greatly according to type of impairment: only 20% of people with mental health conditions and issues are in employment.
- More than one in four people of working age (7 million/26%) in Great Britain have a disability.

In 2008 a joint report by the post-16 education trade unions and sector bodies – *From compliance to culture change* – was published. The report told the story of the systematic failure of public policy and practice to address the needs of disabled staff in lifelong learning. The report found:

- inequity in the treatment of disabled staff compared to students and learners
- a general failure of disclosure policy and practice in the sector
- a lack of confidence in understanding mental health within the overall context of disability equality
- discrimination against disabled staff in the recruitment, employment and promotion process, and in learning and training
- inconsistency in attitudes towards disabled staff
- working practices that discriminate against disabled staff
- a lack of clarity in the areas of disability and sickness leave
- the existence of some good practice in involving disabled staff in promoting disability equality



Despite many years of legislation and campaigning, statistics show that there is still a way to go on achieving equality.

When disabled people look for work they often encounter barriers. These may include the physical obstacles involved with getting around some buildings but are just as likely to result from other people's false assumptions.

- a lack of disabled staff role models, particularly at senior level.

UCU undertook a survey in 2015 which focused on some of the same areas and found members are positive about initially disclosing to the employer, colleagues and students but:

- once in work there is a lack of information or proactive work by employers on Access to Work and reasonable adjustments
- most respondents felt disability has worked against them in terms of development and career prospects and has made them more likely to face performance management. Barriers to promotion and capability procedures linked to sick leave were identified as major disability discrimination issues
- few members had access to disability leave rather than it being recorded as sick leave
- a significant group have been undermined by senior colleagues and have experienced unfavourable treatment including bullying
- in terms of measures to challenge disability discrimination, it is the harder measures that are favoured such as training for senior staff, effective sanctions against perpetrators and improved support for disabled staff rather than the softer approach of mentoring schemes and disabled staff groups.
- engagement with the union is mainly through email communications with few holding branch positions.

Very little has changed over the years despite improvements in legislation.

The key issues for UCU are:

- ensuring disclosure is a positive experience throughout employment
- raising awareness of the importance of disability leave
- reasonable adjustments are not being implemented, employers focusing on costs and not being put in place on time
- training of managers/senior staff: incorrect assumptions about the impact of a disability; not listening to the person (they know what they need);
- ensuring disabled members know their rights
- ensuring branches involve and include disabled members and disability issues in bargaining and campaigning.
- ensuring branches understand different access issues
- promoting the social model.

Hopefully this guide supported by UCU's other materials will help branches and members progress disability equality.

CONTEXT

When disabled people look for work they often encounter barriers. These may include the physical obstacles involved with getting around some buildings but are just as likely to result from other people's false assumptions about the abilities of disabled people. Disabled people may be rejected at the first stage of the recruitment process, long before any objective assessment of their abilities and potential has been made.

The development of a comprehensive disability policy and the development of associated procedures are the essential ways to start remedying the discrimination faced by disabled people in the workplace. UCU representatives must ensure that employers recognise the benefits of recruiting disabled people. Disabled staff are a source of valuable talent that should not be ignored. Developing a strategy to retain staff who become disabled in the course of their career means that investment in knowledge, skills and training will not be wasted. It is expensive to replace staff who feel they have no choice but to leave. Agreeing a retention strategy should develop the loyalty and commitment of staff to the institution.

Some of the methods of tackling discrimination against disabled people will differ from ways of dealing with sex and race discrimination. *'One fact that makes disability so hard to understand'*, writes disabled activist Sunny Taylor, *'is that there is no single model of disability; the human body can be impaired in an almost infinite number of ways, and people of all walks of life can become impaired'* (Taylor, 2005). Disability is dynamic; it can fluctuate and can be acquired; it is relative to the environment; its impact varies from individual to individual. Institutions need to develop flexible responses.

It is also necessary to accept and value difference and to challenge negative assumptions that can be made about a person's suitability for a post or their ability to continue in a job if they become disabled.

One way in which disability law differs from other anti-discrimination laws is through the concept of reasonable adjustment. Where an employer makes any arrangement with regard to the nature of work or to the work environment, and where this arrangement puts disabled staff at a disadvantage, the employer has a duty to take reasonable steps in order to prevent that arrangement from having that discriminatory effect. The detail of how reasonable adjustments should work is discussed more fully in *Section 2: The Law*.

THE SOCIAL MODEL OF DISABILITY

In recent years, disabled people have used their personal experiences of disability to demonstrate that it is not their condition or impairment which causes the 'problem' but the way society fails to make allowance for their differences and excludes them from fully taking part in work and social life. This analysis of disability has become known as the 'social model'. The 'medical model' attributes the causes of disability to medical conditions and sees the disabled person as the problem, believing they should adapt to fit into the world as it is. If this is not possible, then they are shut away in some institution or isolated at home.

Sunny Taylor explains: *'Disability is the political and social repression of impaired people. This is accomplished by making them economically and socially isolated. Disabled people have limited housing options, are socially and culturally ostracised, and have very few career opportunities. The*

UCU representatives must ensure employers recognise the benefits of recruiting disabled people. Disabled staff are a source of valuable talent that should not be ignored.

The term 'disabled people' is preferable because it is based on the premise that people are disabled by society whereas 'people with disabilities' takes the problem away from society and places it back with people.

disabled community argues that these disadvantages are thus not due to impairment by its nature, but due to a cultural aversion to impairment, a lack of productive opportunity in the current economy for disabled people, and the multi-billion dollar industry that houses and "cares" for the disabled population that has developed as a consequence of this economic disenfranchisement. Disablement is a political state and not a personal one and thus needs to be addressed as a civil rights issue.' (Taylor, 2005)

One of the limitations of the law is that it tends to start with the medical model, and progresses by saying that the inability to carry out activities is caused by some impairment. Using the social model of disability should help union representatives to argue more effectively for equality.

Some or all of the factors below make a person disabled:

- discriminatory assumptions
- lack of appropriate support and training
- stigma of special education or special needs
- language labelling
- myths and stereotypes
- lack of knowledge of employment responsibilities
- prejudice
- lack of flexible working conditions
- inflexible job descriptions
- lack of knowledge and understanding
- lack of access to facilities
- lack of access to buildings
- negative images
- fear and ignorance
- lack of access to equipment and support
- managers' ignorance of the issues.

The term 'disabled people' is preferable because it is based on the premise that people are disabled by society whereas 'people with disabilities' takes the problem away from society and places it back with people.

Some impairments, such as mobility issues may be widespread and relatively widely understood, others, such as mental health conditions and issues may carry a very high degree of stigma. UCU has produced a film where Professor Colin Barnes at Leeds University discusses the importance of the social model. The film is fully accessible and available on the UCU website.

There is also a comprehensive briefing on the social model developed by the TUC. This is also on the UCU website.

2 The Law

BACKGROUND

The Conservative government introduced the Disability Discrimination Act in November 1995. It was a cautious response to the campaign for comprehensive anti-discrimination legislation. But, for the first time, disabled people had the right not to be discriminated against in employment.

THE EQUALITY ACT

The Equality Act 2010 brings together most equality legislation including the DDA. The Act covers all forms of discrimination in the workplace including recruitment, terms and conditions, promotions, transfers, dismissals and training or any other detrimental treatment because of disability. It covers all employment, and the employer is generally liable for acts of discrimination, harassment and victimisation in the workplace.

The following are key aspects of the Act.

Definition of disability

The definition is that a worker has to show they have 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'. There is no absolute definition, it is not simply a case that some conditions are classed as disability and others are not.

For example a person with diabetes may or may not be disabled; a person with dyslexia may or may not be disabled. The test is not limited to any particular conditions, but relates rather to the person.

To satisfy the definition, the disability must:

- have lasted at least 12 months, or
- be likely to last at least 12 months, or
- be likely to last for the rest of the person's lifetime (if less than 12 months)

Normal day-to-day activities cover what most people do in their everyday lives such as walking, eating, shopping or forming social relationships.



The Equality Act 2010 covers all forms of discrimination in the workplace including recruitment, terms and conditions, promotions, transfers, dismissals and training or any other detrimental treatment because of disability.

When an employer knows or reasonably ought to know of the disabled person's disability they are under a duty to make a reasonable adjustment.

People who have had a disability in the past are covered as are people with progressive conditions and conditions such as HIV, cancer and multiple sclerosis.

Public Sector Equality Duty

This duty which replaces the Disability Equality duty embraces all equality areas. It is considerably weaker for disabled workers as it has removed the clear duty to consult and involve disabled workers and develop a comprehensive equality scheme. The new general duty states that public bodies must:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by, or under, the Equality Act
- advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

England, Scotland and Wales all have different specific duties which are designed to help public bodies comply with the general duty and how the general duty is being met. The Public Sector Equality Duty (PSED) is a useful way to hold your employer to account on equality as they need to publish equality objectives and an analysis of the workforce as a minimum.

More guidance is available on the website including the UCU Public Sector Equality toolkit.

Reasonable adjustments

UCU has produced a separate guide on reasonable adjustments which is available on the UCU website.

When an employer knows or reasonably ought to know of the disabled person's disability, they are under a duty to make a reasonable adjustment. The duty arises when a provision, criterion or practice (PCP) or physical feature of the premises places a disabled person at a substantial disadvantage in comparison to those who are not disabled.

The duty is on the employer is to take such steps as is reasonable to avoid the disadvantage. An employer cannot require a disabled worker to pay for the cost of the reasonable adjustment. There is financial assistance available through Access to Work (www.gov.uk).

Reasonable adjustments include:

- altering working hours
- allocating some of the disabled person's duties to someone else
- providing an interpreter
- adjusting the premises.

Detailed information is given in the UCU reasonable adjustment guide.

Types of discrimination

DIRECT DISCRIMINATION is where a worker is treated less favourably because of a disability. Unlike other discrimination legislation it is not unlawful to treat a disabled person more favourably than a non-disabled person. To establish unlawful discrimination, the disabled person will normally have to demonstrate that they suffered discrimination in comparison with some other person (the comparator) or with a group of people. It must be shown that the less favourable treatment was for a reason related to the disabled person's disability.

The Act also covers those who are *perceived* to have a disability and because they are *associated* with someone who has a disability.

Examples are:

- someone is not promoted because they have a sight impairment
- someone is not given time off to look after a disabled child when it has been granted to those with non-disabled children
- someone is not included in a training event because they are thought to have depression.

INDIRECT DISCRIMINATION is when an employer applies a provision, criterion or practice which puts disabled workers at a disadvantage and which the employer cannot justify. Employers can only justify indirect discrimination if they can show that it was a 'proportionate means of achieving a legitimate aim'.

Examples of indirect discrimination:

- a worker with social anxiety disorder is included in a hot desking policy which exacerbates the condition
- insisting workers take their lunch between 1–2pm when a disabled worker could access to a support group for their condition if they had lunch at 12 noon twice a week.

DISCRIMINATION ARISING FROM DISABILITY occurs when an employer treats a disabled person unfavourably 'because of something arising in consequence of' the disabled person's disability. An example is a worker loses their temper at work which is out of character. The worker is disciplined but the outburst is due to the severe pain caused by their cancer treatment.

A NHS Trust (Waddingham 2015) discriminated against an employee with cancer who was required to undergo a competitive interview process in a redeployment exercise. Waddingham claimed he had been unfavourably treated because of something that had arisen in consequence of his disability and the Trust had failed to make reasonable adjustments. He argued that he had been fatigued and having to undertake a competitive interview was not a proportionate means of achieving a legitimate aim. He could have been assessed using evidence from his long service.

HARASSMENT is defined as unwanted conduct related to disability that has the purpose or effect of violating a person's dignity or of creating an

Indirect discrimination is when an employer applies a provision, criterion or practice which puts disabled workers at a disadvantage and which the employer cannot justify.

Use the Equality Act and Public Sector Equality Duty as part of your bargaining agenda – think about how to use the general and specific duties in any relevant casework and negotiations you are involved in.

intimidating, hostile, degrading, humiliating or offensive environment. Harassment can take many forms and includes abusive language, name-calling, offensive screen savers or social media postings.

Harassment covers those who are perceived to be disabled and also by association, for example, if a worker is harassed for taking time off to care for a disabled child.

VICTIMISATION is also unlawful under the Equality Act. Employers must not discipline or otherwise discriminate against any person (disabled or not) who takes action under the Act, appears as a witness at a tribunal hearing, or gives evidence to an internal grievance or disciplinary hearing.

WORKING COLLECTIVELY TO CHALLENGE DISCRIMINATION

Enforcement

Members should always try to resolve complaints of discrimination through internal procedures. UCU officers representing disabled members will find that a close working knowledge of the Equality Act should give them an advantage in using internal procedures. Reps can keep up to date by attending courses available through the UCU training programme or from UCU briefings and guidance from the UCU Equality Unit.

Failing that, disabled people who feel that they have suffered discrimination can take their case to an employment tribunal.

UCU's advice is that complaints are most likely to succeed if they are dealt with 'in-house', and preferably through a process of collective discussion and negotiation, rather than by relying on tribunals or any other court to deliver justice.

UCU members should always bear in mind that the law is weighted away from employees and towards employers. Decisions in employment tribunals are made by a panel of three people, only one of whom is likely to have been nominated for their experience as an employee's representative. Decisions in higher courts are taken by panels of judges who are closer in terms of class, wealth and outlook to the employer than the employee. UCU believes that the Equality Act itself is hedged around by a number of exceptions, which are designed to support an employer in court: not least the ability to justify indirect discrimination on some other grounds.

Going to tribunal can be an unpleasant, drawn-out and intrusive experience, which can add considerably to the anxiety of the person who has already experienced discrimination at work.

Where UCU branches and associations take up the rights of disabled workers, they should therefore be guided by two linked considerations: the need to raise issues early, and the need to make disability a collective, union issue.

Where members' complaints against their employer are raised early, it is more likely that they can be resolved without requiring an internal or external hearing. The emotional costs are less and the chances of winning are greater.

Where issues are dealt with collectively, the individual disabled member will not be isolated but will be able to feel the support of their branch or association. Above all, where branches and associations have not already done this, they should meet with their employers and negotiate a suitably robust college or university policy which sets out the rights of disabled members and detailed procedures concerning the reasonable adjustments procedure.

Key principles of the national agreement on equality in employment (which includes disability), reached between the AOC and the recognised further education unions are included on page 23. Higher education branches and associations can also use this as a model to get something similar in their institutions.

Where branches and associations feel that they lack the expertise to guarantee the robustness of any college or university policy, they should look to suitable allies within the union to guarantee that the result is the right one: these may include regional officials, UCU's equality unit, disabled members' groups and other branches.

Any policies negotiated with the employer should take the form of collective agreements, negotiated into the contract of employment, so that if the employer seeks to vary the terms of the agreement at some later stage, they can do so only with the consent of the UCU branch or association.

CHECKLIST FOR BRANCHES/LOCAL ASSOCIATIONS

- Use the Equality Act and Public Sector Equality Duty as part of your bargaining agenda – think about how to use the general and specific duties in any relevant casework and negotiations you are involved in.
- Build disability equality into the way you organise – you will find that disabled members may want to get involved and active in this area of work.
- Encourage disabled members to join self-organised groups and networks – at local, regional and national level – contact UCU for more information about how to do this.
- Encourage your employer to actively involve a wide range of disabled people in its work in this area.
- Press your employer to understand and adopt the social model of disability – the social model changes the focus away from people's impairments and towards removing the barriers that disabled people face in everyday life: it is not the impairment that is the problem, or the disabled person, rather it is society's failure to take into account our diverse needs.
- Press your employer to run disability equality training for all staff.

UCU's advice is that complaints are most likely to succeed if they are dealt with 'in-house', and preferably through a process of collective discussion and negotiation, rather than by relying on tribunals or any other court to deliver justice.

Where issues are dealt with collectively, the individual disabled member will not be isolated but will be able to feel the support of their branch or association.

Questions to ask

- 1 Does your institution have an equality committee/forum with trade union representation?
- 2 Does your institution have a disabled staff group?
- 3 Is there a disability policy?
- 4 Was it negotiated with the union?
- 5 Were disabled members of staff actively involved in writing it?
- 6 Has the disability policy been updated to take into account the Equality Act 2010?
- 7 Do all members of staff have copies of the policy?
- 8 Does your institution collect and analyse evidence on disability and the promotion of disability equality?
- 9 Have members of staff been invited to contribute to the general duty to promote equality
- 10 Have groups of disabled staff been actively involved in the institution's general progress towards achieving equality between disabled and non-disabled people?
- 11 Have groups of disabled staff been consulted on key institutional policies and practices, which are likely to have a significant impact on disabled staff?
- 12 Have all staff received training in work time on equality issues including disability?

3 At work

DISCLOSING A DISABILITY

Disclosing a disability is an individual decision and there is no obligation on anybody to do so. However, there are many reasons why disclosing a disability is a positive action that will empower you (and other disabled colleagues), and protect and assist you in the workplace. The Equality Act is there to assist and protect a disabled person but in many cases the protection is dependent on the employer having some knowledge of the disability. Also the more members who disclose, the more support you have from each other and also the employer knows that their workforce is diverse and needs to respond to that diversity. Your employer should be monitoring the protected characteristics of the workforce.

For more information about disclosing and appropriate monitoring, see the UCU guide on disclosing a disability available on the UCU website.

THE 'TWO TICKS' SYMBOL

Employers can use the government's 'Two Ticks' symbol on publicity material, letterheads and recruitment material to indicate they support equality for disabled people. The Disability Employment Adviser (DEA) at the local Jobcentre monitors the scheme. The DEA will receive documents from the employer each year explaining what actions they have taken to enforce equal treatment in their workplace. Employers must make a commitment:

- to interview all disabled applicants who meet the minimum criteria for a job vacancy and consider them on their abilities
- to ensure there is a mechanism in place to discuss, at any time, but at least once a year, with disabled employees what they can do to make sure they can develop and use their abilities. The aim of this commitment is to ensure that disabled employees are getting the same opportunities as others to develop and progress within their job.
- to make every effort when employees become disabled to make sure they stay in employment. The aim of this commitment is to make sure that



The more members who disclose, the more support you have from each other and also the employer knows that their workforce is diverse and needs to respond to that diversity. Your employer should be monitoring the protected characteristics of the workforce.

Access to work grants are for those disabled workers who have to pay work-related costs to access work. For example, special computer equipment or additional travel costs which a non-disabled worker would not need.

employees know that, should they become disabled, they will have your support to enable them to continue in their current job or an alternative one. Retaining an employee who has become disabled means keeping their valuable skills and experience and saves on the cost of recruiting a replacement.

- to take action to ensure that all employees develop the appropriate level of disability awareness needed to make their commitments work
- each year, to review the five commitments and what has been achieved, to plan ways to improve on them and let employees and Jobcentre Plus know about progress and future plans.

Branch or association officers need to ensure that if their institution adopts this scheme it is backed up by good practice. Branches should request the evidence that has been submitted to demonstrate compliance. Branches can also survey members on their views as to how the five bullet points of the scheme are being met.

ACCESS TO WORK

Access to Work grants are available if the employer is based in England, Scotland or Wales. There's a different system in Northern Ireland. You must be 16 or over and either:

- about to start a job or work trial
- in a paid job or self-employed (you can't get a grant for voluntary work).

The grant is for those disabled workers who have to pay work-related costs to access work, for example, special computer equipment or additional travel costs which a non-disabled workers would not need.

The money can pay for things like:

- adaptations to the equipment you use
- special equipment
- fares to work if you can't use public transport
- a support worker or job coach to help you in your workplace
- a support service if you have a mental health condition and you're absent from work or finding it difficult to work
- disability awareness training for your colleagues
- a communicator at a job interview
- the cost of moving your equipment if you change location or job.

Changes to Access to Work from 1 October 2015

Access to Work grants will be capped at £40,800 per year:

- on 1 October for all new grants given after that date
- on 1 April 2018 for all grants given before 1 October 2015.

UCU continues to campaign against these changes. Make sure your employer knows about Access to Work, More information on www.gov.uk

WHAT HEALTH RELATED ENQUIRIES CAN EMPLOYERS MAKE?

An employer must not ask about a job applicant's health or whether they have a disability until they have been offered a job. Employers can ask if it will help them:

- make a reasonable adjustment to the selection process
- decide whether an applicant can carry out a function essential to the job
- monitor the diversity of applicants
- take positive action
- ensure that the candidate actually has the disability if the job genuinely requires the jobholder to have a particular condition or issue.

POSITIVE ACTION

Under the Equality Act 2010, employers are permitted to direct training at, and encourage job applications from, disabled people if they believe they are underrepresented within their organisation, either overall or in specific job levels. The employer must, however, be able to demonstrate that their positive action is a 'proportionate ways of achieving a legitimate aim'.

CHECKLIST OF GOOD PRACTICE IN RECRUITMENT

The following is good practice in recruitment which you should refer to when monitoring your employer's processes.

Attempts to counter discrimination on grounds of race and sex have meant procedures being developed which try to be as objective as possible. The duty to make reasonable adjustments for disabled people requires a different approach. Disability often has an impact on job performance but there can be many ways of undertaking a task. It may be that the duties contained within a job do not all have equal weight. Therefore in assessing a disabled candidate it might be reasonable to accept that a less important task could be given to another colleague provided that the main duties can be performed to a high standard.

Job description

This should outline the key duties of the post. When a vacancy occurs, the job description should be reviewed to ensure that it does not exclude disabled people. Sometimes job descriptions can include unsuitable 'requirements', which are not in fact needed for the job, and which may serve in practice to discriminate against disabled applicants: for example the requirement that candidates should have driving licenses.

Person specification

This should be drawn up from the job description and used in the recruitment process to assess the suitability of candidates for shortlisting and appointment. Each job will have minimum criteria, which must be met in order for an appointment to be made. Some of the criteria will be identified for shortlisting and should be able to be assessed from the application form, the remainder will be confirmed at interview. The criteria must be relevant to the duties of the post, assessable and legal. Those involved in drawing up the person

Attempts to counter discrimination on grounds of race and sex have meant procedures being developed which try to be as objective as possible.

The duty to make reasonable adjustments for disabled people requires a different approach.

It is vital not to have a rigid view as to the way in which a particular task should be carried out. For example, the job may require the post-holder to write reports and analyse data. A person with a visual impairment will be able to carry out these tasks with the appropriate equipment or assistance.

specification should ensure that the criteria do not discriminate against disabled applicants. When producing a person specification the following criteria should be used.

SKILLS AND ABILITIES These are the skills and abilities that the post-holder will need to carry out the job successfully. If disabled candidates can demonstrate the skills and abilities necessary to carry out the job, environmental changes to the workplace should be made where possible to accommodate any reasonable adjustments.

When identifying the skills and abilities the job requires, generalised statements such as 'must have good communication skills' should be avoided. The job should be analysed to identify the tasks to be undertaken and the skills and abilities listed accordingly. It is also vital not to have a rigid view as to the way in which a particular task should be carried out. For example, the job may require the post-holder to write reports, analyse data etc. A person with a visual impairment will be able to carry out these tasks with the appropriate equipment or assistance.

EXPERIENCE This should not be limited to employment history. It can include any experience a candidate has which is relevant to the requirements of the post. Candidates who may have limited formal experience should be encouraged to list experience acquired away from work. What is important is the quality of the experience not where it was gained.

KNOWLEDGE Any knowledge relevant to the job should be stated, however acquired. Knowledge may not have been gained through a formal academic route. It should be born in mind that disabled adults are 50 percent less likely to have a graduate qualification, but may have acquired similar or indeed higher skills through their experience of work (including community or voluntary work).

EDUCATION Qualifications essential to the post should be stated. Care must be taken to ensure that the type of qualification specified is not inflated. Do not just list the previous post-holder's qualifications.

Advertising

The advertisement should be prepared with reference to the job description and person specification. The main purpose of an advertisement is to attract as many suitable applicants as possible.

Advertisements should include a statement welcoming applications from disabled people. For example, the advertisement could state, '*We positively welcome applications from disabled people who are under-represented in the Institution. The Institution is committed to provide an accessible working environment to enable its employees to perform their work.*'

The advert could also mention that employer will make any necessary

reasonable adjustments during the recruitment process; and staff handling a recruitment process should be aware of the responsibility to respond positively and imaginatively to such requests.

Application forms and monitoring

Forms should include a tear-off section on equal opportunities monitoring including disability. This section should only be used for monitoring purposes. Such monitoring will ensure that disabled applicants are attracted to apply for posts, that they are included in shortlists and that they are appointed when they are the best person for the job. Monitoring will also highlight a situation where disabled candidates are rarely appointed which should be cause for concern. Confidentiality should be observed and details should not be disclosed without their permission.

Shortlisting

The purpose of shortlisting is to select suitable candidates for interview from all the applications received. All application forms should be assessed against the shortlisting criteria contained in the person specification. Only those criteria that can be determined from the application form should be used for shortlisting.

When considering applications from disabled candidates:

- Applicants should be assessed on their individual ability to meet the shortlisting criteria; stereotypical assumptions should not be made.
- Remember that a disabled candidate may be able to undertake the duties of the post with the assistance of appropriate reasonable adjustments.
- A particular way of performing a task should not be required unless it is crucial to the performance of that task. Ask the candidate what reasonable adjustment would enable them to meet the requirement.

Interviewing

Most disabled people require little or no special provision for attending an interview and any impairment may be largely irrelevant to the job. For some people, however, a lack of understanding or of appropriate facilities can prevent them from performing at their best. All candidates invited for interviews should be asked on the application form if a reasonable adjustment is needed. For example, a sign language interpreter could be provided, or a particular seating arrangement requested. It should be made clear how many people will be on the interview panel. In addition, a named contact should be provided for disabled people to discuss any practical arrangements in confidence beforehand.

Interviews must be held in a venue accessible to disabled people. Guidance should be provided in advance as to parking facilities and a disabled car parking space reserved as necessary. People at reception should be notified and/or a guide made available to assist the candidate from the car park or place of transport to the interview room.

All candidates invited for interviews should be asked on the application form if a reasonable adjustment is needed. For example, a sign language interpreter could be provided, or a particular seating arrangement requested.

It may be agreed that the disabled candidate is the best person for the job even without consideration of reasonable adjustments.

However reasonable adjustments should still be addressed in order to create a good working environment.

Interview panel members must have been trained in fair selection and recruitment procedures, and must have been members of the shortlisting panel.

When interviewing someone who has a visual impairment, as the candidate will rely on sound for direction and response, the interviewing panel should introduce themselves with an explanation of where they are sitting and should avoid using non-verbal communication. They should ensure that the light falls on them so that they can be seen more easily.

When interviewing someone with a hearing impairment, the interviewing panel should face the candidate to assist if they are lip reading. Interviewers should speak clearly and distinctly, and not sit in a shadow or in front of a bright light or window, lip readers need to see the interviewers' lips.

If required, hearing loops should be available to support hearing aid users during every stage of the selection process. Ensure that background noise is reduced to a minimum. Papers should be circulated in advance as it is difficult to read and concentrate on what someone is saying at the same time. No one should speak when a lip reader is present without first catching her attention.

Consult with candidates to ensure that disabled people are not disadvantaged in selection tests by, for example, providing extra time, dictation facilities, a computer and other facilities as appropriate.

Appointing

After assessing the merits of candidates in the final interview, the question of reasonable adjustments should be considered to mitigate for any disadvantage that a disabled person might have in establishing their merit.

It may be agreed that the disabled candidate is the best person for the job even without consideration of reasonable adjustments. However reasonable adjustments should still be addressed in order to create a good working environment. Best practice will consider adjustments throughout the entire recruitment process.

Invite the successful candidate to visit the workplace. This way any equipment or adaptations required can be arranged before they commence in post.

Starting work

The new employee should be asked what, if anything, new colleagues need to know about. Make arrangements for visually impaired new employees to 'learn' routes around the workplace, including location of toilets, canteen, car park, public transport, and other offices. People who use guide dogs or hearing dogs need a space in which they can be kept. Some people find dog hairs aggravating so the area needs to be well ventilated and regularly vacuumed.

New employees should be kept in touch while adjustments are made.

Retention checklist

Each disability is different as will be the surrounding circumstances. Procedures need to be adapted to each individual's needs. Union representatives should ensure management take appropriate action if there is:

- a change in the employee's conditions (because the disability is newly identified or degenerative)
- new tasks, equipment, patterns of work or venue which may affect a disabled employee
- departmental reorganisation.

Management and union reps should not deal with the needs of disabled staff as an afterthought; the disabled colleague should always be included.

ACQUIRING A DISABILITY WHILE IN POST

Acquiring a disability or experiencing a gradual loss of function can lead to uncertainty, insecurity and a loss of confidence. Unless a retention strategy has been developed, within an open, trusting and supportive workplace, any decision about the future the employee is asked to make at this time is likely to be ill-informed and wrong.

Union representatives must ensure sufficient time and privacy is given to discussions with newly disabled members about their future. Officers should not presume at the outset that they know what is possible and what is not, but seek advice prior to any negotiations with management. Unless adequate information and support are provided many people may feel forced to opt for ill-health retirement as the only choice that offers them some certainty in the form of financial gain. Since this decision may be taken at a time of crises, the institution may lose a valued employee and the person concerned may come to regret their decision at a later date.

Superannuation schemes can provide a reasonable degree of financial security at the end of the working life or earlier if the need arises. People can qualify for early retirement because of ill-health or disability. The individual must demonstrate that because of ill-health they are incapable of carrying out not any job but their own job.

Choosing the option of ill-health retirement can appear attractive not only to disabled employees but to management. Nevertheless those becoming disabled should bear in mind that, although the financial rewards may appear reasonable, it will by no means compensate for loss of employment. Work can be an important part of a person's identity. To be without work bestows a different status on a person and many social contacts will be lost at a time when they will be most needed.

The institution's job is to ensure policies such as reasonable adjustments, disability leave and flexible working are all explored to ensure the disabled person has the option to stay at work.

Union representatives must ensure sufficient time and privacy is given to discussions with newly disabled members about their future.

The person charged with staff retention should provide an information resource, counselling, liaise with outside bodies, know where to get specialist advice and help, provide training, and develop strategy.

Retention in an employee's own job

Every effort should be made to retain a disabled employee in their own job through making reasonable adjustments before other alternatives are examined. Consideration should be given to:

- reviewing the needs of the post. Simply resetting priorities or removing tasks altogether may overcome some obstacles; looking at the individual's abilities may also indicate how tasks should be prioritised or allocated within a team; consideration should be given to how flexible other staff could be in accommodating a disabled colleague to ensure best use of available skills.
- provision of equipment and adaptations necessary to enable an employee to carry out his or her duties; appropriate training should also be considered
- the place of work: is it necessary for the employee to be at this particular site or would a move resolve any problems?
- flexible working/home working: starting later and finishing later may help an employee; working at home may be beneficial
- arranging job share or part-time working may assist, even for a limited period (involve trade union in negotiations) without detriment.

Management should designate someone to be responsible for implementation of the retention policy. The person charged with staff retention should provide an information resource, counselling, liaise with outside bodies, know where to get specialist advice and help, provide training, and develop strategy. Ultimately though this work will be passed on to line managers – so they must be well-trained by the person with overall responsibility for retention.

During times of change, productivity may suffer and this should be taken into consideration. Phased returns are useful even after short periods of absence. During this period the employee will have the option of requesting an assessment. Such assessment should be carried out by a specialist organisation. Assessments can offer the opportunity to see if an employee can do an identified job with advice on any necessary changes. The return to work of an assessed employee may affect sickness entitlement. This should be checked with Personnel.

Retention in another job

If redeployment is necessary, the employee should be viewed as a priority. No redeployment should commence without all parties being satisfied that all adaptations have been made to allow her to be effective in her work.

Training

Training may be required to make the employee more effective in their own job or the new post. It is vital that training is supplied if new equipment is provided. Also appropriate training may be required for management and staff to counter negative attitudes and images of disability, which result in discrimination.

DISABILITY LEAVE

Negotiating a disability leave agreement will support all disabled workers.

What is disability leave?

Absence from work due to a disability should be treated differently and distinctly to regular sickness absence, and have a separate agreed policy relating to it. It should protect disabled employees from any discrimination related to absence caused by a disability that would otherwise be treated as sickness absence. Without a separate policy on disability leave a disabled person may experience disability-related discrimination in a number of ways.

- Many disabled people find themselves dismissed through sickness absence procedures that make no allowance for disability-related absence. At a time of widespread redundancy, this leaves disabled people working at institutions without a disability leave policy disadvantaged.
- There is no obligation on an employer to continue to pay sick pay to a disabled individual who has exhausted their entitlement to sick pay and is unable to return to work due to their impairment.
- There may be pressure to take ill-health or early retirement due to continued sickness absence, when the individual may be able to continue working with a reasonable adjustment. This may constitute a period of absence, for example to get used to using a guide dog, or because of a period of depression.

Although not a legal term with a specific obligatory framework, the Equality Act 2010 does oblige institutions to provide reasonable adjustments to disabled employees. Disability leave therefore constitutes time off work that a disabled person may be granted as a reasonable adjustment for assessment, treatment or rehabilitation related to their disability. Although there is no legal obligation to have a policy on disability leave in place it is good practice, and vastly reduces the risk of legal challenges for disability discrimination through a failure to make a reasonable adjustment. Institutions also have a legal obligation to comply with the Public Sector Equality Duty, and publishing a policy on disability leave would support their legal obligation to 'show due regard' to this duty. The Equality Challenge Unit guidelines states that:

Distinguishing between general sickness absence and disability-related sickness absence is good practice as it helps to remove disadvantage experienced by disabled people. This recognises that impairments and

Absence from work due to a disability should be treated differently and distinctly to regular sickness absence, and have a separate agreed policy relating to it.

People who have had a disability in the past that meets this definition are also protected by the Act. Where there is any doubt, an employer may rely on advice from their occupational health adviser, including advice on the likely length of the absence.

medical conditions may, at particular times, generate a greater level of sickness absence. It is also recommended that disability-related sickness absence should not be included in an employee's total sickness record, as it can influence decisions relating to promotion, references or selection for redundancy.

What should be in a disability leave policy?

To secure agreement to count disability related absence separately, there will need to be an agreed definition of disability. It is very unlikely that many employers would be willing to adopt anything other than the legal definition set out in the Equality Act.

In the Act, a person has a disability if:

- they have a physical or mental impairment
- the impairment has a substantial and long-term adverse effect on their ability to perform normal day-to-day activities.

For the purposes of the Act, these words have the following meanings:

- 'substantial' means more than minor or trivial
- 'long-term' means that the effect of the impairment has lasted or is likely to last for at least twelve months (there are special rules covering recurring or fluctuating conditions)
- 'normal day-to-day activities' include everyday things like eating, washing, walking and going shopping.

People who have had a disability in the past that meets this definition are also protected by the Act. Where there is any doubt, an employer may rely on advice from their occupational health (OH) adviser, including advice on the likely length of the absence. Having this advice also provides the employer with some protection against future legal proceedings (but not entirely – responsibility for the final decision still belongs with the employer, not the medical adviser). It is therefore important that the representative ensures that they work with the employer in making the referral, including having an input into what questions are put to OH.

The period of disability leave should be agreed between the employee and line manager, with assistance from a work colleague or trade union representative as appropriate, taking account of the need to balance the individual's circumstances with the needs of the college. This period of leave should be regularly reviewed to ensure that the agreed arrangements remain fit for purpose. Examples of when this leave may be appropriate include:

- a period where an employee is well but requires training to work with a guide dog or using new equipment
- a prolonged period of treatment or rehabilitation
- a period of time to recuperate from treatment
- a period of time to complete an assessment relating to adjustments
- a period where the employee is waiting for the college to complete the making of reasonable adjustments.

The further education national agreement on equality includes disability leave and there is UCU guidance for branches in higher education. Some of the key principles within the further education policy:

- It is good practice to consider giving a reasonable period of paid disability leave to individuals where the appointment, activity or training cannot be taken outside of work time. The period of disability leave should be agreed between the employee and line manager, with assistance from a work colleague or trade union representative as appropriate, taking account of the need to balance each individual's circumstances with the needs of the college. This period of leave should be regularly reviewed to ensure that the agreed arrangements remain fit for purpose.
- Disability leave will not be included for the purposes of assessing performance, promotion, attendance, selection for redundancy, and similar issues unless there are exceptional circumstances in relation to the agreed leave.
- Paid time off for disability-related medical appointments will be granted at all times. Employees who can control the timing of their appointments/treatment should consider the needs of the college.

The Equality Challenge Unit (ECU) published its report '*Enabling equality: furthering disability equality for staff in higher education*' in September 2011. The report identifies that higher education institutions are failing to meet their duties under the Equality Act 2010 by failing to provide disability leave as a reasonable adjustment for disabled staff despite guidance being available since 2006.

REDUNDANCY AND PERFORMANCE MANAGEMENT

Many disabled members find themselves at the sharp end of performance management systems and ultimately under threat of redundancy or dismissal. Any disabled members in any of these positions should immediately seek support and advice from the local branch. UCU is producing a briefing on performance management and disability which will be available in 2016. In a nutshell any criteria for selecting people for redundancy should take into account all appropriate 'reasonable adjustments', many of which could include modifying the criteria being used so that a disabled person is not at a 'substantial disadvantage' in the process. For example:

- If using absence, then absence connected to disability should be discounted.
- If using performance it is essential that any reasonable adjustments had been put in place first.

Disability leave will not be included for the purposes of assessing performance, promotion, attendance, selection for redundancy, and similar issues unless there are exceptional circumstances in relation to the agreed leave.

4

UCU



Disabled members in UCU have two important rights: to participate in the work of the union and to be represented by the union in the workplace.

It is unlawful for a trade union to discriminate against disabled people in relation to membership or to the terms on which it allows disabled people into membership. It is unlawful to discriminate against disabled members by denying access to benefits or varying the terms of membership.

For example, when ballots and elections are taking place, the law requires that election materials are accessible to visually impaired members and that disabled members are not excluded from being able to stand as a candidates for election to union positions.

UCU representatives should appreciate that the guidance outlined elsewhere in this document is not merely good practice, it may represent the minimum that branches should do in order to meet their duty to make reasonable adjustments.

Disabled members in UCU have two important rights:

- to participate in the work of the union
- to be represented by the union in the workplace.

WORKPLACE REPRESENTATION

Union representatives should:

- understand the needs of disabled members
- elect a branch or association representative to have responsibility for equality issues, including the needs of disabled people
- attend relevant training events for branch officers
- negotiate a policy on disability with management to include policies such as disability leave
- review all local union policies to ensure they do not discriminate against disabled people
- ensure all disabled employees have equal rights to training, promotion and other aspects of career development
- press for training for management and governors to include disability equality
- familiarise themselves with the basic provisions of the law and ensure

disabled members know they have the right to lodge claims of discrimination with employment tribunals should internal procedures fail to remedy discrimination.

If branch reps want to do more, the best place to begin is always by asking disabled members themselves.

PARTICIPATION IN UCU

Union representatives should:

- ask disabled members what their needs are
- review access to participation in the work of the union by disabled members
- educate all members to combat negative stereotyping of disabled people
- arrange for speakers on disability issues to attend branch or association meetings
- encourage disabled members to participate at all levels by giving a commitment to ensure meetings and other events are fully accessible
- ensure disabled members are aware of union courses
- encourage disabled members to take up branch positions and not just roles focusing on equality or disability.
- attend UCU training events for branch or association officers on disability issues
- publicise the Disabled Members Network and facilitate local networks to provide disabled members with support
- remember not all disabilities are visible.

DISABILITY CHECKLIST FOR BRANCHES

UCU is committed to equality of treatment for all its members, including disabled members. The aim is not only to eliminate disability discrimination, but to create a union with a positive inclusive ethos with a shared commitment to challenging and preventing stereotyping, prejudice and disability discrimination, to respecting diversity and difference, and to encouraging good relations between disabled members and non-disabled members.

UCU supports the social rather than the medical model of disability. Therefore our aim is to remove the barriers that might prevent members having full and equal access to our services, or from being able to participate in our activities.

Training

- Those who are engaged in negotiations and in representing members will have access to training on disability legislation and to disability equality training.
- UCU will ensure that the trade union training programme will include coverage of the disability legislation.
- Training for health and safety representatives will cover the principles of risk assessment and reasonable adjustment.

High-quality training and secure employment with future development prospects are what is required if we are serious about providing a better future for young people, and so it is tempting to see compulsory regulation as the way forward.

Access

UCU will ensure that all the premises which it owns or leases will be fully physically accessible.

- UCU will ensure that all national and regional communications, documents, are accessible.
- All conferences/events/meetings/socials arranged nationally or regionally will be held in fully accessible venues, and requests for adjustments/aids such as interpreters and induction loops will be met.
- Branches will be provided with the necessary support to ensure that all communication with their members is fully accessible.

The bargaining agenda

- All branches in FE will be encouraged to adopt locally the policy for equality in employment agreed between the employers and the recognised unions in FE.
- Any positive changes to disability legislation will be used as a tool to negotiate improvements for disabled members both locally and nationally.
- All collective agreements, both nationally and locally, should be reviewed on a regular basis to ensure that they contain nothing which discriminates against disabled people.

Involving disabled members

- UCU will have two reserved places for disabled members on its national executive council.
- UCU will have a disabled members equality committee
- UCU will hold an annual national disabled members conference, open to any members who identify themselves as disabled..
- The national e-network for disabled activists will be open to all members.
- UCU will be represented at the annual TUC disabled members' conference and nominate a member for the TUC disabled workers' committee.

Monitoring

- The application form will continue to monitor for disability.
- Monitoring of delegates to annual conferences will continue to cover disability.
- All application forms for UCU events held nationally and regionally will monitor for disability, and ask about access requirements.

UCU will from time to time survey its disabled members on workplace and trade union issues.

Compliance

- Breaches of the anti-discrimination policy are also breaches of Rules 2.4, 2.5, and 6.1 and will not be tolerated.
- Acts of disability discrimination by lay members will be dealt with under Rule 13, and by employers under the disciplinary procedure.
- Where disabled members are dis-satisfied with the standard of service provided by UCU, they can use the 'Complaints against UCU' procedure.

Appendix 1

Checklist for meetings

INTRODUCTION

It is easy to assume that a venue is wheelchair accessible, when there are still venues that are not. The organiser of the meeting should check that there is access to the venue, and ideally meet the wheelchair user outside if this is the first time they have tried to use the facility.

Organisers also need to consider if the venue is in a noisy environment like a café which will impact on those with hearing impairments.

Members with an autism spectrum disorder may benefit from being met before their first meeting, to reduce the stress caused by meeting a lot of people at once.

You should always include the disabled member with any arrangements as they will be the best to advise you on what requirements they need.

Also, it might be good to state the most acceptable terms to talk about disabled people, which is person-first terminology, ie a person who is blind, a person who uses a wheelchair. Phrases like handicapped, crippled and wheelchair bound have no place in modern society. Ask if you are not sure as this is the best way to avoid offence or awkwardness.

Do not make assumptions: Invisible disabilities - It is up to the individual to decide if they have a disability, just because it is not obvious to you, it does not mean that they are not a disabled person.

Remember to:

- find out how many UCU members are disabled and consult members as to their needs
- aim for full participation.

VENUE

- Consult local authorities or access groups to identify venues.
- Ensure the venue is easy to get to by car or public transport.

It is up to the individual to decide if they have a disability; just because it is not obvious to you, it does not mean that they are not a disabled person.

When meeting a member with a hearing impairment for the first time, find out how they communicate with other people and ask what you can do to make communication easier for both of you.

- Check availability of car parking spaces for disabled people.
- Are the rooms you are using all on one level?
- How far are they from reception, other rooms, refreshments, toilets?
- Is there an accessible lift to all floors?
- Are there toilets for disabled people?
- Do stairs and ramps have handrails?
- Is reception informed to provide assistance if needed?
- Consider conference seating – are seats moveable?
- Is there a raised platform at the front?
- Is there a ramp to the platform with a microphone?
- Is there an induction loop system in the main room, in other rooms, for people with hearing impairments?
- Is the venue free from excessive external noise?
- Are evacuation procedures in place for people with mobility impairments in case of an emergency?
- Is a microphone available in the main room, in other rooms?
- Will refreshments be served in the main room or elsewhere?
- Will there be plenty of room for wheelchairs to manoeuvre?
- Are facilities available for access dogs?
- Ensure all facilities comply with health and safety specifications.
- Ensure provisions are made for the evacuation of members with disabilities in an emergency, including briefing staff on procedures.

Unless the venue has a reputation for excellence, it will normally be necessary to visit the venue and check for yourself. One other option is to send a qualified access officer to check. Should there be any potential access problems, speak to your disabled members and ask their advice.

COMMUNICATIONS

- Ensure established procedures do not discriminate.
- Plan well in advance, as British Sign language interpretation and Braille documentation can take time to arrange.
- In smaller meetings, seat members in a circle rather than rows.

MEMBERS WITH HEARING IMPAIRMENTS

Do members with hearing impairments require an interpreter? Not all people with hearing impairments have the same needs; it depends on the nature of their impairment and what methods of communication they use. Some people communicate through speech and lip reading or through sign language or by combination of all these methods. When meeting a member with a hearing impairment for the first time, find out how they communicate with other people and ask what you can do to make communication easier for both of you. When using an interpreter, book them well in advance of the event. In a one-to-one situation, the interpreter should sit or stand to the side of the member to form a triangle. In a group, arrange the seating in a circle of horseshoe so that everyone can be seen. The interpreter can then point to the person speaking.

It is important to have adequate lighting and a neutral background behind the interpreter. This enables the member with the hearing impairment to see the interpreter's facial expressions and lip patterns clearly. In long sessions you will need two interpreters. Try to provide breaks as interpreting can be tiring. In discussion, try to ensure that only one person speaks at a time. The interpreter can only accommodate one speaker at a time.

As well as interpreters, another option is to employ palantypists (speech-to-text reporters). Palantypists send text to be displayed on large screens. They can be useful in darker rooms or when a speaker needs to turn away from the disabled person for any reason, which makes lip-reading difficult.

When talking with others, many people use unconscious habits such as turning away before finishing speaking or covering the mouth when talking. But these habits exclude people with hearing impairments from communicating effectively and from fully understanding what is going on. When communicating with someone who has a hearing impairment:

- Try not to cover your mouth or rest your chin on your hand when you speak and don't turn your head away.
- Speak loudly and clearly but don't shout. This can distort the facial features and make it more difficult for you to be understood. It can also sound distorted to hearing aid users.
- If speaking at a branch or association meeting with an interpreter present, there are other rules of good etiquette: two people should not speak simultaneously, new speakers should introduce themselves, speakers should try not to speak too fast and should try to enunciate clearly.

MEMBERS WITH VISUAL IMPAIRMENTS

Do not assume that all visually impaired people can read Braille – there are many other alternative formats which may be appropriate. Some visually impaired members will prefer to access their papers through their laptop. Please ensure this equipment can be accommodated and preferably wi-fi available.

Try to ensure that all papers for the meeting can be made available in advance of the meeting in preferred formats. You may need to provide a personal reader if late papers are to be tabled.

Are documents for meetings printed on coloured paper or reduced on a photocopier? Both habits can present problems for many members.

When greeting a visually impaired member say who you are in case your voice is not recognised. Address her by name or indicate by a light touch who you are speaking to. Say when you are about to leave. Anyone feels foolish talking to empty space.

When talking, many people use unconscious habits such as turning away before finishing speaking or covering the mouth when talking. But these habits exclude people with hearing impairments from fully understanding what is going on.

When communicating with people in wheelchairs, talk to them, rather than escorting them.

When guiding a visually impaired member, stand by them with your arm straight down (known as the grip arm) and fingers pointing to the ground. They will firmly hold your arm, just above the elbow. You should walk slightly in front, making it easier for the visually impaired member to understand the movement of your body. Whether you are going up or down stairs, you should be one step ahead, so that your partner does not take imaginary steps into space. Always say whether stairs are 'up' or 'down'. Never back a member onto a seat. Always approach the chair centrally and place your grip arm on the back of the chair. Your partner can now move into the chair feeling the side of it with the calf of their leg, and, if necessary, checking the seat with a hand. Always mention if there is a table in front of the chair.

WHEELCHAIR USERS

The major barriers faced by people who use wheelchairs relate to physical access. Yet for some reason many people seem to assume that wheelchair users have problems with communication. When communicating with people in wheelchairs, talk to them, rather than escorting them. When talking for more than a few moments, try to put yourself at the eye level of the person in the wheelchair in order to avoid them getting a stiff neck. Don't lean on a person's wheelchair – the chair is part of the body space of the person who uses it.

HIDDEN IMPAIRMENTS

Some impairments are hidden, for example dyslexia, dexterity impairments, epilepsy, asthma, sickle cell, heart conditions, mental impairments, cancer and HIV.

The branch will need to consider sensitively how they can ensure full access for all members and make it clear that any disclosure will be treated with confidence and respect.

Appendix 2

Accessible documentation

Many disabled members may be excluded from the work of UCU branches and associations because the production of written information has not been made available in accessible formats. Making documentation (such as agendas, minutes, newsletters, reports, election material, training material, policy statements) accessible will ensure that UCU is representative of all members, will allow the full participation of disabled members and will encourage them to take up union positions. Failure to provide accessible information will mean failing to include disabled members. There are a number of alternative formats that can assist disabled members:

- clear print (do not print over images and avoid using different colours)
- large print
- Braille
- documents available in electronic format
- audio tape
- video tape (BSL interpreted)
- easy read.

UCU should be able to provide documents in accessible formats for disabled members upon request, at no cost to the member and at the same time as documentation is received by other members. Some meetings may need to be arranged at short notice but every attempt should be made to provide accessible information.

When producing accessible documents remember to:

- ask members about their needs
- plan ahead since transcribing documents may take time
- identify individuals or organisations who can help
- budget for costs involved
- listen to criticism in order to improve the service.

IDENTIFYING MEMBERS' NEEDS

The best way to find out what members need is by asking them. A circular to branch or association members will identify the formats in which agendas

Making documentation accessible will ensure that UCU is representative of all members, will allow the full participation of disabled members and will encourage them to take up union positions.

For a one-off meeting, training event or conference, the registration form should ask participants about all their access requirements.

and minutes should be produced. For a one-off meeting, training event or conference, the registration form should ask participants about all their access requirements, such as whether they need parking, a special diet, BSL interpretation, large type or will access document through laptop or Braille documentation

Branches and associations undertaking a survey of members' access needs should not just list a series of impairments and ask disabled members to place themselves in a category – such information would not reveal what a member's access needs are and could be seen as patronising. Instead the survey could ask whether members experience barriers in reading the branch or association newsletter, agenda for branch or association meetings etc and give choices of accessible formats.

PRINT

The Royal National Institute of the Blind has recommended the following guidelines to make ordinary print as accessible as possible.

- Make sure there is a good contrast between the type and the background: black type on white or pale yellow paper gives the best contrast.
- If it is necessary to print in a colour other than black the ink should be as dark as possible.
- Pastel-coloured inks do not give a good contrast (yellow is the worst).
- Printing on dark-coloured paper gives a poor contrast.
- Photocopies can be accessible if the ink has not faded.
- Do not print text across an illustration.
- Use a large type – 12 for general readers, or 18 point for partially-sighted members if they have not requested any particular size.
- Reverse type is acceptable if the type is large and heavy enough – otherwise letters can fill in with ink and become hard to read.
- The weight and thickness of the type is important: avoid light type and remember that most people with visual impairments would prefer medium or bold.
- Use a common font – unusual typefaces may be hard to read.
- Capital letters are harder to read than lower case – one or two words in capitals will not be a serious problem, but continuous text should not be printed in capitals.
- Avoid thin paper as the type can show through.
- Avoid glossy paper as the glare may make it hard to read.
- Do not cram as many words as possible onto a page, instead put a line of space between paragraphs and avoid splitting words at the end of lines.
- Use left justified margins.

LARGE PRINT

Most union officers will have access to resources to produce large print documents. All word processor packages now have facilities for producing large print. Use 16 or 18 point size type for members who request large print but do not specify the size required.

Producing a large print version of a document by using a photocopier to enlarge a document from A4 to A3 should only be used as a last resort. Photocopiers lose contrast and a large A3 document may be difficult to manage.

One problem with large print documents is that there will be a different number of pages. This can make it difficult if in meetings participants refer to sections on a certain page – it can be confusing for people using a different format.

To minimize this problem:

- divide the document into clearly labelled sections
- review pagination after large page has been set.

At a meeting where documents have been transcribed for some members, the chair should ask all participants to refer to paragraphs and sections rather than pages and explain why.

Most union officers will have access to resources to produce large print documents. All word processor packages now have facilities for producing large print.

Appendix 3

Accessible workplaces

Are bollards, bins, signposts and other items of street furniture sited so that they are not hazardous?

The following checklist is not exhaustive and it is important that management undertake appropriate consultations when planning new buildings, extensions or modifications to existing buildings. Any improvements made will benefit all staff.

Disabled people often experience barriers from obstacles caused by poor workplace design.

OUTSIDE AND AROUND BUILDINGS

- Are pedestrian routes kept free of obstruction?
- Are pathways wide enough for wheelchairs?
- Are pathway surfaces slip resistant?
- Are shallow ramps provided at changes in level?
- Are steps and stairways provided with handrails?
- Are bollards, bins, signposts and other items of street furniture sited so that they are not hazardous?
- Are all paths and buildings clearly signed?
- Are there seats and benches for people to take rests?

PARKING AND MOVING TO BUILDINGS

- Is a clearly marked parking space available for disabled drivers/passengers as near as possible to the entrance? (the recommended width is 3000mm).
- Are parking bays wide enough to allow access for wheelchairs?
- Is the route from the parking bay to the entrance level or ramped?
- Approaches to buildings should have dropped kerbs, with both the 'drop' and an area around it textured to alert visually impaired people.

ENTRANCE TO BUILDINGS

- Is the entrance easily identified and under cover?
- Is the access to the building level or ramped? (a ramp gradient of 1 in 20 is preferred, but not more than 1 in 12 if the ramp is less than 5m and not more than 1 in 15 if the ramp is between 5m and 10m; width should be no less than 1200mm and there should be a handrail on both sides)

- Is any door easy to open and wide enough to get a wheelchair through, and can the door be kept open to let people in?
- Entrance doors should have a minimum clear opening width of 800mm; automatic sliding doors with a contact mat are preferable; glass doors should be clearly marked so that they can be seen; if revolving doors are fitted an ordinary door must be fitted beside them; a lobby between two doors should be large enough to allow a wheelchair user with an assistant to fully clear one door before using the next.

INSIDE THE BUILDING

- Reception areas should have staff to assist or have comprehensive signs; if registration or signing in is required, the desk should be of an appropriate height for wheelchair users.
- Are floor surfaces slip resistant? (floor surfaces and coverings are better for visually impaired people if they are plan, deep pile makes operating a wheelchair extremely difficult)
- Are ramps provided at changes of level?
- Are steps and stairways provided with handrails?
- Are there handrails along the corridors?
- Steps should be edged in yellow and white, top and bottom landings should have a textured surface for identification by visually impaired people
- Internal doors should have a minimum clear opening of 750mm, a glazed viewing panel and a kick plate; level handles are preferred to knobs
- If the building is multi-storey is there at least one lift with controls, which can be worked by a person sitting in a wheelchair?
- Does the lift have Braille controls?
- Does it serve all main circulation areas?
- Is it large enough for a wheelchair and one other person? (lifts should have a minimum depth of 1400mm and width of 1100mm; doors should have a clear opening of 800mm, stay open for a minimum of five seconds and reopen if they meet with an obstruction on closing; control buttons should be identifiable to a person with a visual impairment and be between 1000mm and 1200mm from the floor)
- Are amenities such as toilets and telephones clearly signposted and readily accessible?
- Public telephones should have hoods to assist people with hearing impairments; at least one should be positioned for easy use by wheelchair users.
- Minimise use of glass and mirrors.

VISUAL, AUDIBLE AND TACTILE AIDS

- Are signposts legible and well illuminated?
- Are names and numerals on doors at eye level? (all signs should be in large letters or numerals which contrast clearly with the background)
- Are audible signals (like alarms) linked to visual signals (for example, flashing lights)?
- Is there an induction loop system to help hearing impaired staff in meetings?

Reception areas should have staff to assist or have comprehensive signs; if registration or signing in is required, the desk should be of an appropriate height for wheelchair users.

Practices such as hot-desking or using various classrooms, place the disabled worker at a disadvantage, if they constantly are having to change the display settings.

- Are light switches and other environmental controls within the reach of people in wheelchairs?
- Are colour contrasts used to distinguish routes or parts of buildings?
- Are changes in floor texture used to warn visually impaired people of hazardous areas?

GENERAL FACILITIES

In general most modern office facilities are designed so that they can be used by disabled workers especially technology.

Email programmes, wordprocessing software and even basic screen display should be set to suit the requirements of the user.

Practices such as hot-desking or using various classrooms, place the disabled worker at a disadvantage, if they constantly are having to change the display settings. It is best practice to assign any member who requires assistive technology with a visual impairment a computer of their own. Similar points apply to chair, phones and any other customised equipment.

Finally, none of the technology can work on its own: all of the devices used to make reasonable adjustments will require occasional support from specialists in information technology. Many may also require continuous support from designated colleagues.

Any other facilities, including toilets, rest rooms, staff rooms, canteens and the like should be equally accessible for disabled people. The same checklists could be used to inspect these facilities.

In addition, do bear in mind the following points:

Canteens

- Is there provision for special dietary needs?
- Are floor non-slip and gangways wide enough?

Toilets

- Is there at least one toilet for disabled people, which complies with the standards?
- Is there enough room to turn a wheelchair? (doors should swing out of the compartment or be sliding; vertical and horizontal support rails should be provided with sufficient space to allow transfer either frontally or horizontally with the door shut).
- Does the washbasin have adapted taps? (level taps are preferred)
- Is the chain long enough?
- Are the hand towels or dryers within easy reach of wheelchair users?
- An emergency alarm should be sited inside the compartment and the door should be openable from outside.

Safe escape

- Fire drills should be used to test the effectiveness of escape procedures for disabled people.
- There should already be regular fire drills and individual members of staff should be designated to assist employees with visual impairments and those who cannot use stairs.
- All employees should be familiar with escape routes and be trained in safety procedures; carrying slings or seats (evacuation chairs) can be used by trained staff to assist disabled people downstairs in an emergency. Enough staff need to be trained so that in the event of staff absence, disabled people who require human assistance can evacuate safely.
- Visual alarms should be installed especially if a person with a hearing impairment works alone; visual alarms should also be placed in toilets.
- Escape routes should be designed with the slower movement of some people taken into account; they should be clearly signposted to benefit all employees.
- Fire and smoke stop doors may be fitted with 'stay-open' devices, which would aid the movement of people during normal conditions; these devices will automatically shut the doors when the fire alarm operates (automatic closures of doors should be taken into account when escape procedures are being worked out).
- Multi-storey buildings can present considerable escape problems. As well as escape by protected lifts, other measures include:
 - disabled people moving to a fire-protected area of greater safety and on the same level until they can be assisted
 - link bridges to other buildings on the same level allowing disabled people to move to a safe area
 - lobbies of half-hour resistance linked to stairways from which disabled people could be assisted to escape if necessary.

There should already be regular fire drills and individual members of staff should be designated to assist employees with visual impairments and those who cannot use stairs.

UCU resources



The following publications are available on the UCU website (www.ucu.org.uk) and containing more detailed information about some of the issues relating to disability equality at work. You can also contact UCU's Equality and Participation Unit on eqcom@ucu.org.uk

- **From compliance to culture change**
<http://www.ucu.org.uk/?mediaid=5061>
- **TUC Social Model of Disability**
<https://www.tuc.org.uk/sites/default/files/socialmodel.pdf>
- **Public Sector Equality Duty**
<http://www.ucu.org.uk/?mediaid=4883>
- **Reasonable Adjustments**
<http://www.ucu.org.uk/?mediaid=6091>
- **FE National Agreement on Equality**
<http://www.ucu.org.uk/?mediaid=5469>
- **HE disability leave guidance and checklist**
<http://www.ucu.org.uk/?mediaid=1917>
- **Disclosing a disability**
<http://www.ucu.org.uk/?mediaid=5445>
- **Disability leave briefing**
<http://www.ucu.org.uk/?mediaid=5243>
- **Flexible working**
<http://www.ucu.org.uk/?mediaid=6674>
- **Equality reps toolkit**
<http://www.ucu.org.uk/?mediaid=5234>

