

London College of Business

Disability Policy

POLICY STATEMENT- DISABLED PEOPLE

The College aims to be a caring and an equal opportunities employer. The College's employment and recruitment policies are kept under review so as to reflect this.

The introduction of the Disability Discrimination Act (1995) provides both current and potential employees with new legislative protection regarding employment rights. The college recognises these rights and wishes to support people who may need special assistance.

The Act itself gives disabled people protection against discrimination in employment and introduces legislation covering the provision of goods, facilities, services and property. It also provides a number of new rights and duties regarding employment. The basic philosophy underlying the Act is that a disabled person should not be treated less favourably, on account of their disability, than others who do not have the disability.

The majority of disabled people are as effective as able-bodied people and will need no additional help in settling into work and developing their employment potential. However, for those who need assistance the college will provide support.

THE COLLEGE IS COMMITTED TO EQUAL OPPORTUNITIES IN EMPLOYMENT. WITHIN THE CONSTRAINTS OF LEGITIMATE JOB REQUIREMENTS IT WILL TREAT APPLICATIONS FROM DISABLED PEOPLE IN THE SAME WAY AS THOSE FROM PERSONS WITHOUT A DISABILITY.

LONDON COLLEGE OF BUSINESS WILL PROVIDE ALL FEASIBLE SUPPORT FOR DISABLED EMPLOYEES WITHIN THE COLLEGE, WITH THE ASSISTANCE OF EXTERNAL AGENCIES WHERE APPROPRIATE, TO ENABLE THEM TO WORK TO MAXIMUM EFFECT WITHIN ANY LIMITS IMPOSED BY THEIR DISABILITY.

DISABILITY DISCRIMINATION ACT (1995) - A SUMMARY Meaning of Disability

For the purposes of the Act a person has a disability if he or she has 'a physical or mental impairment which has a substantial and long-term effect on his or her ability to carry out normal day to day activities.' Long-term has been defined as more than 12 months. The definition of "normal day to day activities" includes mobility, manual dexterity, lifting, hearing, sight, speech, memory and the ability to concentrate, learn or understand.

Employers' Duty not to Discriminate

Employers must not discriminate against a disabled person in relation to "the arrangements made for determining to whom the job should be offered". The broad term 'arrangements' has deliberately been used to cover anything done as part of the recruitment process including application form, interviews and arrangement for selection, opportunities for training or promotion, conditions of employment, treatment at work, or dismissal. Following the advice and procedures detailed in the College's "Recruitment Guide" will ensure fair recruitment practice.

Employers' Duty to make Adjustments

There is a statutory duty on employers to make reasonable adjustments to working practices and the working environment to overcome practical barriers to a disabled person. This does not mean that adjustments have to be made to cover all circumstances but there is a duty to consider adjustments in relation to an individual employee or job applicant.

Where working arrangements or physical features place the disabled person concerned at a substantial disadvantage then there is a duty to take such steps as are reasonable to prevent the arrangements or feature having that effect. Reasonableness includes balancing the cost of the adjustment and the disruption it would cause against the benefits of making it, the resources of the organisation and the availability of any financial assistance.

Examples of the steps expected may include:

- making adjustments to premises
- allocating some duties to another person
- transferring the existing employee who becomes disabled to a more suitable post
- altering working hours
- assigning the person to a different workplace
- allowing the individual to be absent for rehabilitation, assessment and treatment giving or arranging training
- acquiring or modifying equipment
- modifying instruction reference manuals
- modifying procedures for testing and assessment
- providing a reader or interpreter and providing supervision.

Meaning of Discrimination

Discrimination will have occurred if:

For a reason which relates to the disabled person's disability, the person is treated less favourably than others to whom that reason does not or would not apply; and the treatment cannot be justified. The complainant will have to show less favourable treatment, and where an employer has failed without justification to comply with any duty to make reasonable adjustments the employer will be deemed to have discriminated. This includes both current employees and potential employees.

Complaints Procedure

As with the Sex Discrimination and Race Relations Acts the Disability Discrimination Act will protect not only current employees but job applicants as well. Any disabled job applicants or employees who think they have suffered discrimination will be able to complain to an Industrial Tribunal which may award compensation, with no upper limit, and/or recommend the employer to take action to reduce or remove the complained of discrimination.

PRACTICAL GUIDANCE - DISABLED PEOPLE AT WORK

Disabled people are not only those whose disability is immediately obvious, e.g. visually impaired or those who use wheel chairs. Many disabilities, which can sometimes affect employment are not obvious, for example heart problems, mental illness, asthma, arthritis, epilepsy and hearing impairments.

The same disability can vary in its severity and affect people to differing degrees. Some disabilities may improve over a period of time, whilst others, as with certain neurological diseases, e.g. multiple sclerosis, may deteriorate. Other disabilities may only be temporary.

Different individuals will be at varying stages in coping with the same disability. People disabled since birth may have found ways of overcoming their disability and may require only minimal assistance. Those who become disabled later in life may need more time and help to develop an expertise in coping with any disability

PRACTICAL GUIDANCE-EXISTING EMPLOYEES

Some employees who become disabled, for example, as a result of an accident may be absent from work for a long period whilst others may be able to remain in work. Flexibility is the key to ensuring

that an employee returns to effectiveness as soon as possible. It may be appropriate to allow the individual to undertake a gradual return in order to build up to full fitness and restore confidence. An immediate return to full duties may prove too difficult after a lengthy period of absence. The College would wish to continue employing any individual who becomes disabled wherever possible and will explore ways in which this can be achieved

Whatever the circumstances managers should keep in regular touch with staff with a disability and monitor their progress. Your Line Manager will be able to provide advice and information regarding the various types of help and assistance available

Where an employee has notified Personnel Services of their disability the college undertakes to review their needs at least annually. This will be done via discussion with the individual employee, Head of Department, and Line Manager. This review will give individuals an opportunity to keep the College informed of any changes regarding their disability, the effects upon their ability to undertake their jobs and how the College may assist them.

PRACTICAL GUIDANCE - POTENTIAL EMPLOYEES Recruitment

Liability under the Act is most likely to arise in the recruitment process, e.g. if the recruiter unjustifiably treats a disabled applicant less favourably than other applicants. The College has issued a Recruitment Guide, which if followed should ensure that managers comply with good practice and the law. Consideration should be given to taking action where a disabled applicant might be at a substantial disadvantage in relation to other applicants and to make reasonable adjustments to the recruitment arrangements or working practices.

Job Descriptions

These should be examined to ensure that unnecessary requirements are not included that may exclude a disabled person who could do the job, either with or without a reasonable adjustment. An example of an unnecessary requirement would be to include the ability to drive on the list of requirements when the job involves only occasional driving, this would clearly exclude any individual suffering sight impairment.

Job Advertisements

It is illegal to advertise a job in a way that might be understood to exclude people with a disability.

Application Forms

Applicants who use the standard College application form are requested to disclose any relevant disabilities in order that consideration can be given to adjusting the arrangements for the selection process including any special requirements for the interview.

When a disabled person applies for a position and meets the selection criteria the Head of Department, or his/ her representative, should consider what adjustments may be legally obligatory.

It is vital that whoever carries out the assessment and recruitment is familiar with the premises, work practices and core requirements of the job so as to ensure that a full assessment is undertaken regarding potential adjustments to working arrangements and premises.

For further advice and guidance, please contact your Line Manager.