

Adjustments should include arrangements for an interview, induction arrangements, terms and conditions of employment, promotion, transfers, dismissal, training and any benefits provided to staff.

Supply teachers

For the purpose of the Equality Act, an employee is extended to include not only teachers employed on a part-time or full-time contract but also supply teachers.

The duty to make reasonable adjustments applies to all employers regardless of the size of the organisation or number of employees. However, the duty is to make adjustments that are 'reasonable', so what will be reasonable for an employer with a few employees will differ to the adjustments that might be considered reasonable for a larger employer to make.

Advice and support

For additional advice and support, contact your NASUWT Local Association or Cymru National Centre. Contact details can be found:

- on the NASUWT website at www.nasuwt.org.uk;
- in the NASUWT diary or by phoning 029 2054 6080.

Further information

The Equality Advisory and Support Service (EASS)
Tel: 0808 800 0082
Textphone: 0808 800 0084
Website: www.equalityadvisoryservice.com

Opening times:
09:00 to 20:00 Monday to Friday
10:00 to 14:00 Saturday

disability

health&safety
at work



This leaflet provides essential information and advice on disability-related health and safety issues.

The definition of a disability

The Equality Act 2010 defines a disabled person as anyone with a physical or mental impairment which has a long-term (usually lasting more than a year) and substantial adverse effect on their ability to carry out normal day-to-day activities.

A number of impairments, such as cancer, HIV and multiple sclerosis, are automatically considered disabilities and other progressive conditions will be considered a disability as soon as the symptoms of that condition have an effect.

Declaring a disability

An employee is not obliged to declare their disability to an employer or prospective employer, but the employer will not be able to make 'reasonable adjustments' if a disability is not declared. It is, therefore, in the teacher's own interests to make sure that the employer is aware of their disability.

An employer must not, in law, use any such information to discriminate against the employee.

Reasonable adjustments

There are no clear-cut rules about what constitutes a reasonable adjustment because for each employee requiring adjustments, the circumstances surrounding their disability and the context of their work is unique. If agreement cannot be reached about whether a requested adjustment is 'reasonable', a complaint against the employer would need to be brought to an employment tribunal under the Equality Act.

Advice should be taken from the NASUWT before taking this action.

The legal position

The Equality Act gives disabled workers protection against discrimination at work. These provisions are further strengthened by support from the Equality and Human Rights Commission (EHRC) which has the power to conduct investigations, issue codes of practice and conciliate disputes.

Additionally, provisions for access can be found in health and safety legislation, most notably the Health and Safety at Work etc. Act 1974 (HASAW) and the Management of Health and Safety at Work Regulations (MHSWR) 1992.

Under these Regulations, an employer must carry out risk assessments and identify any group of employees who are particularly at risk. This group will, where they are present, include employees with a disability.

Having identified any risks, the employer must take reasonable steps to remove or reduce the risk. The employer must also establish appropriate procedures to be taken in the case of an emergency. Thus an employer of a person with a disability must include procedures for their safe evacuation.

Any risk assessment process carried out under the MHSWR should take into account the specific safety requirements of disabled people whose particular needs must also be considered when drawing up school health and safety policies. It must also be remembered that the Regulations require work to be suited to the individual and not the other way around.

Under the Equality Act 2010, public bodies also have a duty to publish an Equality Scheme, which should set out how the employer will tackle disability discrimination and promote equality for disabled workers.

Regulations

Employers should consider whether employment arrangements or any physical feature of the workplace are putting disabled people at a substantial disadvantage.

They should then make any necessary and reasonable adjustments. These might include:

- alteration of premises;
- acquiring or modifying equipment, including workstations;
- providing training;
- making information more accessible;
- the installation of induction loop systems for those who are hard of hearing;
- the reallocation of timetable and/or classroom;
- the provision of designated parking facilities;
- the provision of accessible and suitable toilet facilities.

Timing of adjustments

Adjustments should be made by an employer when they become aware of an employee's disability. This may be at the recruitment stage or during employment, including where working conditions or job requirements are modified.