

Access to Work and Reasonable Adjustments

The NASUWT believes that staff in schools, have a right to work in a safe and secure environment that is free from intimidation, harassment, abuse and fear, and where they feel valued and respected.

The NASUWT is committed to equality of opportunity for all and actively opposes all forms of unfair discrimination.

Many disabled people who can work and who want to work face barriers. They may have fewer opportunities to develop their skills and experience, face practical obstacles, such as inaccessible transport, and may experience negative attitudes in the workplace.

NASUWT research shows that disabled teachers are more likely to be employed on lower pay, are more likely to be employed on short-term contracts and more likely to face discrimination at work¹ than the generality of the teaching workforce.

However, schools / colleges can remove the barriers to the inclusion of disabled teachers by adopting workplace policies, practices and procedures that focus on what the disabled teacher can do, rather than on what they cannot do.

¹ NASUWT- The Big Question 2018

The Equality Act 2010² prohibits unlawful discrimination, harassment and victimisation on the basis of what are called ‘protected characteristics’ in a wide variety of fields, including employment, education, the exercise of public functions, and the provision of services and associations.

In order to be protected by the Act, a person must be able to establish that any less favourable treatment or harassment is because of their or another person’s disability or because of a perceived disability.

Anyone who has a diagnosed physical or mental impairment that has a ‘substantial’ and ‘long-term’ negative effect on their ability to do normal daily activities, is protected under the Act.

Substantial is more than minor or trivial, eg it takes much longer than it usually would to complete a daily task like getting dressed.

Long-term means 12 months or more, eg a breathing condition that develops as a result of a lung infection

Discrimination arising from disability **does not occur** if the employer does not know, and could not reasonably be expected to know, that the disabled person has the disability.

² **The Equality Act 2010 (England) / The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 / The Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011**

The Equality Act 2010, places on employers a **Duty to make reasonable adjustments** for its disabled teachers.

Discrimination against a disabled person can occur where there is a failure to comply with a duty to make reasonable adjustments. The duty comprises of three requirements:

- Where a provision, criterion or practice puts disabled people at a substantial disadvantage compared with those who are not disabled, take reasonable steps to avoid that disadvantage.
- Take reasonable steps to remove or alter a physical feature or provide a reasonable means of avoiding such a feature where it puts a disabled person at a substantial disadvantage compared with those who are not disabled.
- Take reasonable steps to provide an auxiliary aid where a disabled person would, but for the provision of that auxiliary aid, be put at a substantial disadvantage compared with those who are not disabled.

Reasonable adjustments

Employers must make reasonable adjustments to make sure workers with disabilities, or physical or mental health conditions, aren't substantially disadvantaged when doing their jobs.

This applies to all workers, including trainees, apprentices, contract workers and business partners.

Reasonable adjustments can include:

- making physical changes to the workplace, like installing a ramp for a wheelchair user or an audio-visual fire alarm for a deaf person
- letting a disabled person work somewhere else, such as on the ground floor for a wheelchair user
- changing their equipment, for instance providing a special keyboard if they have arthritis
- allowing employees who become disabled to make a phased return to work, including flexible hours or part-time working
- offering employees training opportunities, recreation and refreshment facilities

Getting help at School or College

If you require further help and support, in addition to the reasonable adjustments already provided by your employer, *Access to Work* might pay for:

- additional support in the classroom, e.g. a qualified person to undertake P.E. lessons or a technician to set up Science experiments
- specialist equipment or adaptations in the classroom
- special equipment or software
- note-takers
- hearing loop systems
- a support worker
- disability awareness training for your colleagues

Access to Work can also pay for assessments to see what you need at work.

You can apply for *Access to Work* up to 6 weeks before you start work.

Applicants may not get a grant if they already get certain benefits. Visit www.gov.uk/access-to-work for further details.

What does *Access to Work* practically look like?

Support will be offered based on need. This may include a grant to help with costs.

The grant can help pay for items and services required to enable you to remain in work.

Online applications

To apply online you'll need to provide:

- ✓ your workplace address
- ✓ the name, email address and work phone number of a workplace contact (this should be the person who can authorise payment for the items and services you require)

You will also be questioned on the following so it advisable to consider the answers beforehand.

- ✓ How your condition affects you at work
- ✓ What help you are already getting
- ✓ What else could help you

<https://www.get-disability-work-support.service.gov.uk/apply/>

Telephone applications

Telephone: 0800 121 7479
Textphone: 0800 121 7579
Monday – Friday, 8am to 6pm

To apply you will need:

- ✓ Your National Insurance number
- ✓ Your workplace address
- ✓ The name, email address and work phone number of a workplace contact (this should be the person who can authorise payment for the items and services you require)

NASUWT help, support and information on our support for disabled teachers:

For additional help and support with your application request

- Phone the Member Support helpline on 03330 145550 (England only).
- Contact your Regional / National Centre (visit www.nasuw.org.uk for details)