



November 2005

To: Heads of all Establishments
Cc's: Governors/Management Committees
Trade Union Safety Representatives
Employee Notice boards
Intranet



DISABILITY & WORK

Management of Health & Safety at Work Regulations 1999
Disability Discrimination Act (DDA) 1995
Special Education Needs and Disability Act 2001
Education Act 1996

Introduction

A person has a disability if he or she has a physical or mental impairment, which has, or had a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities. The definition, under the DDA, is wide and can cover people with hidden impairments or even conditions where the effects are significantly reduced by medication or other treatments, e.g. diabetes.

What does the Head of Establishment need to do for:

❑ Disabled Employees?

Employers need to make reasonable adjustments if the premises or employment arrangements substantially disadvantage a disabled employee compared with a non-disabled employee. Reasonableness would be determined by weighing potential benefits against the difficulty & cost of making adjustments, and the effect on other employees, pupils and the building.

The Management Regulations require employers to take account of vulnerable workers such as the disabled when assessing workplace risks.

Establishments must adapt the job, their policies, procedures and practices **before** considering physical adaptations to their premises.

Where there is an employee with a disability, in an establishment with a delegated budget, the establishment will have to provide furniture, equipment and make adaptation for this person from their own budget. In Voluntary Aided schools, the employees are employed directly by the school so furniture, equipment and adaptations will be their responsibility.

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It is unlawful discrimination for an employer to treat a person less favourably than others for reasons to do with disability unless the employer can justify the treatment, i.e. on the grounds of Health & Safety.

Recruitment & Selection

Under the DDA, employers, including Local Authorities and governing bodies must not discriminate against disabled people applying for jobs, or against existing disabled employees. The DDA does not apply to an employer who has fewer than 15 employees.

❑ Disabled Pupils?

Governing bodies have a duty not to treat disabled pupils less favourably, without justification, than their non-disabled peers and to make reasonable adjustments to ensure that disabled pupils are not put at a substantial disadvantage compared to non-disabled pupils e.g. educational visits.



❑ Disabled Visitors to the site?

Establishments are not permitted to discriminate against disabled people in the provision of non-educational services on school premises. Non-educational activities might include leisure time activities for children and adults without any element of educational development, educational establishments fundraising events or community use of facilities. A review of the provision for disabled visitors on-site need to be risk assessed.

Examples of adjustments might be the installation of a ramp for people who use wheelchairs and / or hold meetings in a ground floor room rather than one on the first floor, or notices in large print, Braille or on audiotape for people with visual impairment.



Detailed information on the requirement of Governing Bodies to produce School Access Plans, to complement the strategic planning duty of the Directorate between 2003 and 2006 can be found on the *County Council Learning & Culture Disability Discrimination Homepage*: [Learning & Culture Systems & Performance Management](#) [Rights & Acts](#) [Equalities](#) [Disability Discrimination Act](#)

What happens in the Event of an Emergency?

Special assessment of risks needs to be undertaken for people with disabilities, **before** an incident occurs.

Complaints Procedure

A complaint should firstly be reported to the Directorate HR manager. If a resolution cannot be found then a complaints about employee disability discrimination can be heard at an Employment Tribunal.

Refer to the Health & Safety procedure “*Emergency Evacuation of People with Special Needs from Educational Establishments*” for further information:
<http://portal.oxfordshire.gov.uk/content/public/LandC/Resources/healthsafe/e/evasen.pdf>



For Further Information and Advice:

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