

Frequently Asked Questions

These are provided for guidance, or a quick reference guide only, so always refer to the policy.

1. General Definitions

1.1 What is the definition of Disability?

Under current legislation, disability has a formal legal definition as “a physical or mental impairment which has a substantial and long-term adverse effect on a person’s ability to carry out normal day-to-day activities.

1.2 What is the definition of a reasonable adjustment?

A reasonable adjustment is a change that must be made to remove or reduce a disadvantage related to an employee's disability when doing their job or a job applicant's disability when applying for a job.

The purpose of adjustments is to remove barriers to enable a disabled person to be employed and to remain in employment.

1.3 What is the definition of a long-term condition?

The Act defines long-term as “having lasted or being likely to last for at least 12 months.” Substantial is defined as “more than minor or trivial.” People with cancer, HIV and multiple sclerosis are protected under the act from the point of diagnosis.

Your condition is still considered long term if the effects are likely to come and go. These are known as ‘fluctuating or recurring’ effects. For example, you’ve had periods of depression for a few months at a time but then months in between where it doesn’t affect you. Each episode of depression lasts less than 12 months, but it can meet the definition of long term if:

- it has a substantial adverse effect when it happens
- it could happen again

The Act defines long-term as “having lasted or being likely to last for at least 12 months.” Effects which are not long-term would therefore include loss of mobility due to a complicated fractured limb which is likely to take months to heal but will heal *within* 12 months. However, adjustments could still be arranged where appropriate

Long-term conditions may be classed as a disability under current legislation if they have a substantial and long-term adverse effect on a person’s ability to carry out normal day-to-day activities. These are conditions for which there is currently no cure, and which are managed with drugs and other treatment. For example: diabetes, chronic obstructive pulmonary disease, arthritis, dyslexia, and hypertension.

1.4 How do I know if I am a disabled person according to the law?

There is no requirement to “prove” disability – ultimately only an Employment Judge can make a final decision on whether a person is disabled or not.

You are a disabled person according to the law if you meet the definition set out in section 1.1.

There is no need for you to have a medically diagnosed cause for your condition; what matters is the effect of the condition on your ability to carry out everyday tasks. It is therefore difficult to list a range of conditions that will always fall within the statutory definition of ‘disability’, as each case will depend on the effects and severity of the condition.

The legal test for disability is based on what the impact of your condition would be without any medication or treatment. Treatment includes things like counselling as well as medication. For example, if you have arthritis and use a walking stick, the test would be based on the impact of your arthritis on you without the help of your walking stick.

1.5 Which are the conditions specifically excluded from the coverage of the Equality Act?

- Disfigurements which consist of a tattoo (which has not been removed), non-medical body piercing, or something attached through such piercing.
- Addiction to or dependency on alcohol, nicotine, or any other substance (other than a substance being medically prescribed).
- Seasonal Rhinitis (hay fever), except where it would aggravate another condition.
- Tendency to set fires.
- Tendency to steal.
- Tendency to physical or sexual abuse of other persons.
- Exhibitionism.
- Voyeurism.

1.6 Do I have to tell my employer/manager the nature of my disability?

It is understandable that you may not wish to talk about the nature of your disability to your employer or line manager. However, in return, you must understand that it is difficult for your employer/manager to provide what you need if you don’t tell them. Should you not wish to disclose the nature of your disability you could instead only discuss the impact of your condition on your ability to undertake the role. Whilst we would encourage you to share your disability so that maximum support can be offered, Occupational Health can assist, you can discuss your medical condition with an Occupational Health practitioner who can then give management their view of whether you are likely to be disabled or not and whether the obligation to make reasonable adjustment is triggered without disclosing details of the medical condition.

2. Support

2.1 What type of support is available to me if I have a disability?

There is a wide range of support available to employees with a disability. The extent of this support would be dependent on your needs and circumstances. Two people in the same role with the same disability might not need the same adjustments as everyone is different, therefore adjustments would be made on a case-by-case basis.

Health, Safety and Wellbeing advisors can complete a workplace assessment, they are able to visit you whilst you are working to observe activities, environment and tasks and are able to advise regarding any workplace adjustments or equipment that may support you.

It may be appropriate to involve Occupational Health with more complex situations as they are able to advise and recommend workplace adjustments. If you feel you require adjustments or any other type of support, speak to your manager or HR Direct.

Employee Assistance provision is provided through Health Assured, a free confidential service accessible by phone, online or mobile app 24 hours a day. EAP is available 24 hours a day, 365 days a year by calling 0800 783 2808. You can read more about this service on [People First](#).

The Disability and Wellbeing Network ([DAWN](#)) and [Neurodiversity](#) Network provide support and resources for members which can be found on the Diversity and Inclusion Networks webpages on Link. The [Wellbeing Hub](#) has resources and self-help guides.

Trade Union Representatives may be able to direct you to information and resources for their members.

Access to Work is a publicly funded scheme where you can get advice on reasonable adjustments from the Disability Employment Advisor at your local Job Centre Plus office. It can provide disabled people with financial support via a grant to help with increased costs for activities such as travelling to work by taxi instead of using public transport, paying for a support worker, paying for specialised equipment or for physical alterations to the employer's premises. Access to Work may also be able to help if a disabled person needs a communicator or BSL interpreter at a job interview.

2.2 Am I eligible for Access to Work?

If you are disabled and feel that you may need help through Access to Work, you will need to be:

- Already working in paid employment; OR
- Unemployed and about to start a new job, OR
- Unemployed and about to start a Work Trial, OR
- Self-employed

Your impairment must stop or prevent you from being able to do parts of your job or the job you have applied for. It may be that your impairment does not have a big effect on what you can do every day, but it must be a long-term effect rather than something short-term like a broken arm.

2.3 How do I contact Access to Work?

If you feel that your employment is likely to be affected by your impairment and that this impairment is likely to last for at least 12 months, you should contact either your regional Access to Work contact Centre <https://www.gov.uk/access-to-work>, your manager or HR Direct.

3. What is Disability Discrimination?

3.1 What is discrimination arising from a disability?

Where an employee has informed their manager of their disability, it is unlawful to treat the employee unfavourably because of something "arising in consequence of" their disability where the employer knows, or could reasonably be expected to know, that the employee has a disability. Such instances include:

- needing regular toilet breaks
- needing a guide dog

An employer may successfully defend a claim if it can justify the unfavourable treatment on the basis that it is a proportionate means of achieving a legitimate aim.

You are a disabled person according to the law if you meet the definition set out in section 1.1.

3.2 What is discrimination by association?

This is direct discrimination against someone because they associate with another person who possesses a protected characteristic. Non-disabled people are also protected from discrimination by association to a disabled person. This might be a friend, partner, fellow students or relative. For example, if you are a carer for a disabled person, and apply for an apprenticeship and a

training provider rejects you because they are concerned the known caring responsibilities (for a disabled partner) will impact on your ability to complete an Apprenticeship.

3.3 What is indirect discrimination?

Indirect Discrimination can occur when there is a condition, rule, policy or even a practice that applies to everyone but particularly disadvantages people who share a protected characteristic. For example, a course that requires all students to register for study units on an online system. The system is however not accessible to assistive technology. This could be seen as indirect discrimination against a student with a visual impairment who must also use that technology. The decision to introduce the online system might be justified if it is cheaper, more efficient and saves time. However, steps should be taken to ensure that the online system is accessible or to otherwise allow an alternative paper submission.

3.4 What is direct discrimination?

Direct Discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have or because they associate with someone who has a protected characteristic. This means directly treating one person worse than another person because of a protected characteristic. For example, a promotion comes up at work, the manager believes that it will be difficult for someone with a hearing disability to undertake it well enough and fails to shortlist an employee with hearing aids because he thinks the employee wouldn't be able to do the job.

3.5 What is Perceptive Discrimination?

This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess the characteristic.

4. Recruitment

4.1 What support is available to me at recruitment stage?

We adhere to Disability Confident criteria and offer reasonable adjustments to all job applicants who share that they have a disability. If a candidate requires adjustments with the interview process, the hiring manager will work with the recruitment team to organise this, for example if they have dyslexia and may need extra time on tests or require support to access the interview.

A guaranteed interview is available to disabled job applicants who meet the minimum requirements following shortlisting if they have applied under the Disability Confident scheme.

5. Policy approval & review

Policy version	Related document to UCD/People/Workplace Adjustments040v1.0
Title	UCD/People/Workplace/Reasonable Adjustments040v1.0/FAQsv1.0
Approved by SPC	February 2023
EIA completed	N/A
Counter Fraud Check	N/A
This document replaces	NEW
Effective released date	February 2023
Review date	February 2024
Author	Julie Clutterbuck/Jo Harry/Daryl Hall
File path	G/HR/HR/Everyone/Policies
Distribution	Available on People First