



Royal Conservatoire
of Scotland

Disability in Employment Policy and Procedure

POLICY & GUIDELINES

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DISABILITY IN EMPLOYMENT POLICY AND GUIDELINES

1. INTRODUCTION

The Royal Conservatoire of Scotland is committed to promoting equality of opportunity and full participation and inclusion for disabled applicants, staff and students. Disabled people have the right to equal access to courses, jobs, promotion and facilities offered within the Conservatoire and an equal opportunity to work and learn and receive reasonable resources and adjustments to cater for their needs.

This policy supports the Conservatoire's strategic commitment to Equality and Diversity.

2. PURPOSE

This policy outlines the Conservatoire's commitment to the employment of disabled people, in all functions and at all levels across the organisation.

It also provides clear guidance on practices relating to all aspects of the employment of disabled people.

3. SCOPE

This policy covers all existing staff, together with anyone applying for employment within the Conservatoire. It provides protection for individuals who have a disability, or who develop a disability whilst employed by the Conservatoire, and for individuals who are carers of a disabled person.

All Conservatoire staff are expected to be familiar with the detail of this policy and to ensure disabled people are treated with dignity and respect and in accordance with these provisions.

4. DOCUMENT CONTROL INFORMATION

Author of Policy: Equality & Diversity Officer

Accountability: Director of HR

Department: Human Resources

Review requirements: Annually or as required

Committee Requirements: Major changes to be approved by Consultative Forum, operational changes to be approved by Director of HR and noted by Consultative Forum.

Current Version: 3

Approval Confirmed (date):

Approval Confirmed (signature): _____

Document Revision History

Version No.	Version Date	Prepared By	Approved By	Summary
2	16/1/14	Roz Caplan	Lydia Demaison	Updated in line with Equality Act
3	03/08/19	Roz Caplan		Updated to reflect changes in R&S policy, GDPR and Access to Work provisions

5. BACKGROUND

The Royal Conservatoire of Scotland is working pro-actively to identify and eliminate all forms of disability discrimination and to continually improve to ensure an inclusive environment for all staff. We are committed to constantly developing training and guidance for staff to promote sensitivity and awareness of disability issues.

The Conservatoire recognises the value of a diverse staff and student population and will provide equality of opportunity for all disabled students and staff by:

- Taking effective action to prevent discrimination, bullying or harassment
- Promoting equality of access for all staff to education, training and development
- Providing flexible learning and working opportunities to support differing aspirations and goals
- Promoting good practice in all activities such as recruitment, selection, promotion and curriculum practices
- Listening to and involving disabled staff and students in the development of services
- Creating an environment that encourages disclosure
- Providing training and support for staff and managers to promote disability awareness and ensure they are adequately equipped to offer appropriate support

Legislative Background

The Equality Act 2010 was introduced to harmonise and replace previous legislation, such as the Disability Discrimination Act 2005. The Equality Act has strengthened particular aspects of equality law, and in particular, disabilities.

Details of the legislation relating to disability discrimination can be seen at Appendix 2.

6. DISCLOSURE AND CONFIDENTIALITY

Information about a disability, health condition or specific learning difficulty is considered to be special category personal information and is protected by the General Data Protection Regulations and the Data Protection Act 2018. Any information given to the Conservatoire regarding a disability or medical condition will be treated in confidence, and will not be passed onto others without the individual's consent. It should be noted that where staff do not declare a disability, or if they state that they wish information to be kept confidential, the assistance or adjustments which can be put in place may be restricted.

In accordance with legislative changes arising out of the Equality Act 2010, we do not ask job candidates for information relating to their health or any sickness absence at the application form stage of the recruitment process. This information is requested once a successful candidate has been identified to ensure that disabled candidates are not disadvantaged at shortlisting stage.

7. CONSULTATION AND INVOLVEMENT

Consultation and involvement with disabled staff, students and other key stakeholders is central to the planning, development and implementation of disability priorities. The Conservatoire regularly reviews opportunities to get disabled people involved, through mechanisms such as:

- Equality and Diversity Forum
- Staff Consultation Forum
- Staff and Student Surveys

New ways of engaging and consulting are always being sought. Ideas or proposals for enhancing current practice should be forwarded to the Conservatoire Equality and Diversity Officer for consideration and, where appropriate, action.

8. COMPLAINTS

If you believe you have been treated in any way contrary to this policy or the management guidelines attached, there are procedures in place to help you. Information and advice is available from:

- The Conservatoire Equality and Diversity Officer,
- The Conservatoire Counsellor and Disability Advisor, and
- The Human Resources Department.

Alternatively you can refer to the Conservatoire's Dignity at Work and Study Policy or the Grievance Resolution Procedure.

9. MONITORING

In accordance with the commitments outlined within our Equality Outcomes, the Conservatoire will monitor its performance in terms of disability-related employment issues. In particular, the following will be monitored by disability status:

- Job application rates
- Selection success rates
- Composition of the workforce
- Complaints under the "Dignity at Work and Study Policy"
- Grievances
- Disciplinary proceedings and decisions made
- Reasons for leaving the Conservatoire

We have included disabled staff in our Equal Pay Reviews since 2013 to ensure that there is no pay gap between disabled and non-disabled staff within the Conservatoire.

10. EVALUATION OF THIS POLICY

This policy will be reviewed on a regular basis by the Director of Human Resources and will be updated as required.

This policy was reviewed in July 2019

APPENDIX 1 GUIDELINES FOR MANAGERS

Recruitment and selection

The Royal Conservatoire of Scotland is committed to recruitment and selection practices which are fair and supportive of disabled people. All recruitment materials will publicise clearly that we welcome applications from disabled people and that materials are available in different formats as required.

Job specifications are drafted to ensure that they do not exclude disabled people.

Managers involved in the recruitment process are responsible for ensuring that all disabled applicants are considered on the basis of their abilities, qualifications and experience according to the criteria for the post. We are committed to making reasonable adjustments to recruitment arrangements and/or to working practices, as appropriate. Please refer to the Conservatoire's *Recruitment and Selection Policy* for detailed information on the recruitment process.

Reasonable adjustments

Managers are responsible for making reasonable adjustments in the workplace and to make employment arrangements to ensure that a disabled person is not at any disadvantage compared to a non-disabled person. Reasonable adjustments are changes to the employment arrangements or any physical feature of the workplace. Examples of reasonable adjustments might include such measures as:

- Adjustments to premises, furniture and fittings
- Acquiring or modifying equipment
- Allocating some of the work to another person
- Altering a person's working hours
- Providing a reader or interpreter

In all cases the line manager or HR will consult with the employee about the reasonable accommodation of their needs. Decisions about whether an adjustment is reasonable will take account of all relevant factors including cost, practicality, efficacy of the proposal, and its impact on other employees. The Conservatoire Counsellor and Disability Advisor should be consulted with to advise on appropriate aids and adaptations. The HR Department will then assist with the implementation of agreed adjustments. Please see Appendix 3 for information about the Access to Work Scheme which may be able to assist with any costs incurred in the implementation of adjustments.

Preventing discrimination, bullying and harassment

Managers have a responsibility to tackle any discrimination, bullying or harassment by a member of staff towards staff, students or visitors on the grounds of a disability or long term medical condition, in accordance with our *Dignity at Work and Study Policy*. Any inappropriate behaviour will not be tolerated and may constitute a disciplinary offence.

Training, induction and support

Managers have a responsibility to ensure that all of their staff attend Equality and Diversity Training and Disability Awareness training as part of their induction process and that they are fully aware of any relevant procedures and practices. Every effort will be made to

ensure that disabled members of staff are not disadvantaged in their opportunities for training and development and receive appropriate adjustments to enable them to fully participate.

Staff who become disabled at work or develop a long term medical condition.

If a member of staff has or develops a disability or medical condition which may have an impact on their work, the manager should take advice from the HR Department in the first instance.

If necessary the member of staff will be referred by HR for an assessment at an appropriate service, such as the Occupational Health Service, the individual's own GP or, for example, a dyslexia screening service.

In the first instance consideration will be given to any reasonable adjustment that would resolve difficulties at work and may include some of the measures identified above. If the individual is unable to fulfil the requirements of the existing post, even with reasonable adjustments, every reasonable effort will be made by HR to identify suitable alternative employment for the individual within the Conservatoire. Each case will be explored in detail with the individual concerned.

APPENDIX 2

DISABILITY LEGISLATION

The Equality Act 2010 has made it easier for a person to show that they are disabled and protected from discrimination. The Act puts a duty on the Conservatoire to make reasonable adjustments for staff to help them overcome disadvantage resulting from an impairment, e.g. by providing assistive technologies to help visually impaired staff use computers effectively.

The Equality Act takes the approach that employers and service providers must look specifically at the particular person's disability and identify how, if practicable, they can ensure that the disabled person is treated as favourably as everybody else. The law is in place to promote equal rights and fair treatment.

Definition of Disability

Under the Act a person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. This would include such things as using a telephone, reading a book, or using public transport.

- 'substantial' is defined as 'more than minor or trivial'
- 'long-term effect' is defined as lasting more than a year (12 months or more).

The following are covered under this definition:

- Physical and sensory impairments
- Specific learning difficulties
- Autistic spectrum disorders
- Mental health issues
- Severe disfigurements
- Anyone with an HIV infection, cancer or multiple sclerosis
- Progressive conditions that affect normal day-to-day activities, including long term physical health issues

DISCRIMINATION AND EXCLUSION

Unlawful discrimination against disabled applicants, students or staff can take place in the following ways:

Direct Discrimination: An individual is treated less favourably than another because of a disability.

Indirect Discrimination: When a rule or policy that applies to the majority but disadvantages someone with a protected characteristic (disability).

Discrimination by Association: Direct discrimination against someone because they associate with another person who has a disability.

Discrimination by Perception: Direct discrimination against an individual because it is thought that they possess a particular protected characteristic, e.g. disability.

Harassment: Many people with disabilities experience harassment at work. At the Royal Conservatoire of Scotland, harassment will not be tolerated and every reasonable step will be taken to deal with it. Any refusal to work with people because of their disability is unacceptable and will not be tolerated. Staff can, and should, complain of behaviour they find offensive even if it is not directed at them, for example, if they believe the harassment or treatment of another has created a hostile environment.

Harassment by a Third Party: The Conservatoire is potentially liable for harassment of our staff by people we don't employ, e.g. out-sourced contractors.

Victimisation: When a staff member is treated badly because they have made or supported a complaint or grievance, under the Equality Act:

- by treating them 'less favourably' than other people, or
- by failing to make a 'reasonable adjustment' compared with other people for a reason relating to their disability.

Discrimination is often unintentional and can arise from:

- assumptions and stereotypes
- prejudice or fear
- lack of understanding and information
- low expectations
- lack of direct contact with disabled people
- inaccessible environments
- lack of appropriate aids, services and adjustments which make something accessible
- inflexible practices and procedures

For more information on disability issues within the Conservatoire, you can **contact:**

- Equality & Diversity Officer – [Roz Caplan](#) extension 384
- Counsellor & Disability Advisor – [Jane Balmforth](#) extension 282

Or check out one of the following websites:

Dyslexia Scotland: www.dyslexiascotland.org.uk/

Scottish Autism: www.scottishautism.org/

Scottish Association for Mental Health: www.samh.org.uk/

Lead Scotland – Linking Education and Disability: www.lead.org.uk/

Please note that this is just a very small selection of what is available – for a full range please go to the Disability Information Scotland website at: www.disabilityscot.org.uk

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APPENDIX 3

ACCESS TO WORK SCHEME

(This appendix is adapted from the Access to Work factsheet for employers.)

Access to Work is a publicly funded employment support programme that aims to help disabled people start or stay in work. It can provide practical and financial support for people who have a disability or long term physical or mental health condition. Support can be provided where someone needs help or adaptations beyond reasonable adjustments.

An Access to Work grant can pay for practical support to help a member of staff stay in work.

Access to Work can help the Conservatoire to:

- Hire disabled people with the skills we need
- Retain a member of staff who develops a disability or long term health condition (keeping their valuable skills and saving both time and money recruiting a replacement)
- Show that we value and will support our staff by having good employment policies and practices.

Members of staff can get help paying for support they may need because of their disability or long term health condition, for example:

- Aids and equipment in the workplace
- Adapting equipment to make it easier for them to use
- Travel to work
- Communication support at interviews
- A wide variety of support workers
- The Mental Health Support Service
- Other practical help at work, such as job coach or sign language interpreter

If a member of staff has a mental health condition, they will be offered assistance to develop a support plan. This may include steps to support them remaining in or returning to work and suggestions for reasonable adjustments in the workplace.

Examples of assistance to develop a support plan:

- Flexible working patterns to accommodate changes in mood and impact of medication
- Providing a mentor to give additional support at work
- Arranging additional time to complete certain tasks
- Providing additional training
- Regular meetings between the member of staff and their manager to discuss concerns
- A phased return to work, such as reduced hours or less days

Access to Work does not provide the support itself, but provides a grant to reimburse the cost of support that is needed.

Mental Health Support Service

Through the Mental Health Support Service, Access to Work:

- Gives advice and guidance to help employers understand mental ill health and how they can support employees
- Offers eligible people an assessment to find out their needs at work and help to develop a support plan

Who can get Access to Work?

To be eligible for help, a person must:

- ✓ Have a disability or long term health condition that has a negative effect on their ability to do their job
- ✓ Have a mental health condition and need support in work
- ✓ Be over 16 years old
- ✓ Be in, or about to start, paid employment (including self-employment)
- ✓ Normally live and work in Great Britain
- ✓ Not be claiming Incapacity Benefit or Employment Support Allowance once they are in work

However, they may get it for a limited time if they are doing certain types of 'permitted work' to help them move off benefits completely.

The disability or health condition must affect the individual's ability to do the job or means they have to pay work-related costs. For example, special computer equipment or travel costs because they can't use public transport.

Full details of the Access to Work Scheme can be viewed at www.gov.uk/access-to-work