



Disability Policy for Staff and Students

Document Control Box	
Document title (include version number if amended within same year as approved)	Disability Policy for Staff and Students
Reference Number	005/21
Approval category (Please indicate)	
Governance/Governor	X
MPRIG Executive/Other Committee (insert name)	
Senior Staff (insert name)	
Date document approved	14/1/21
Supersedes (insert previous title and/or version date)	N/A
Date document last reviewed and/or updated	N/A
Date next due for review	January 2022
Related statutes or regulations	Equality Act 2010
Related policies/procedures/guidance/forms	Disability Statement and Special Educational Needs Guidelines.
Staff member responsible for update	Chair of Diversity and Equal Opportunities Monitoring Group

Amendment History

Version	Revision Summary	Date Approved	Author

Purpose

1. This Disability Policy reinforces the commitment of Spurgeon's College to ensuring equality of opportunity for the diverse student and staff body and to review its policies and practices in light of developments in the Higher Education sector and the legislative framework.
2. This policy sets out the College's commitment to disabled students and staff, and outlines the College's duties and the options available to staff and students with disabilities in seeking support or adjustments to their working and studying environment.
3. The policy should be read in conjunction with the College's:
 - Diversity and Equal Opportunities Policy
 - Disability Statement and Special Educational Needs Guidelines
 - Fitness to Practise Policy

Responsibilities

4. The College is responsible for the well-being of current disabled staff and students, together with actively encouraging disabled students and staff to join the College. It has a responsibility to avoid discrimination on the grounds of disability. These responsibilities are delegated via the Diversity and Equal Opportunities Monitoring Group.
5. The College has a designated Disability Officer and Learning Support Coordinator with responsibility for advising and assisting students. Heads of Departments or Line Managers have particular responsibilities to ensure that the policy is implemented in their department. Responsibility for staff with disabilities lies with Human Resources.
6. Behaviour or actions that are contrary to the provisions of this Policy are grounds for disciplinary action.

Legal framework

7. Disability equality legislation outlines a number of required duties. The Equality Act 2010 incorporated nine separate pieces of equality legislation including the Disability Discrimination Act 1995. The Equality Act 2010 places a general duty on all Higher Education Institutions to promote disability equality. Under these duties the College is required to:
 - eliminate unlawful discrimination
 - eliminate harassment of disabled people
 - promote equality of opportunities between disabled people and other people
 - involve disabled people in the formulation of actions
 - promote positive attitudes towards disabled people
 - encourage participation by disabled people in public life
 - take steps to meet disabled people's needs, even if this requires more favourable treatment
 - identify and analyse potential discriminatory policies, practices and procedures in all aspects of the University's activities.

Definition of disability

8. The Equality Act 2010 uses a wide definition of disability which includes those with physical or mobility impairments, visual impairments, hearing impairments, dyslexia, dyspraxia, dyscalculia, AD(H)D, medical conditions, mental health difficulties, autistic spectrum conditions, Chronic Fatigue Syndrome, M.E. and 'unseen disabilities' (e.g. asthma, epilepsy, heart conditions, diabetes). The formal definition included in the Act is:

“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”

9. The definition of “day to day activities” includes mobility, manual dexterity, lifting, hearing, eyesight, speech, memory, and the ability to concentrate, learn or understand. The Act defines “substantial” as being more than trivial and “long-term” as being more than twelve months or likely to last twelve months. An impairment which would substantially affect a person, but which is controlled by medical treatment or prosthesis, is still covered by the definition of disability.
10. The definition includes cancer, HIV/AIDS and Multiple Sclerosis effectively from the point of diagnosis.
11. Discrimination and harassment is not limited to those people who are themselves disabled but also applies to those associated with disability i.e. a carer for a disabled child.
12. Further information about the definition of disability and the conditions that may fall under the definition are contained in Appendix 1.

Staff with disabilities

Staff recruitment

13. The College is committed to ensuring that its recruitment of staff encourages applications from persons with disabilities and to ensuring that such applicants are not discriminated against. Recruitment panels will make selection decisions on the basis of the qualifications, experience and skills of applicants in relation to the post, regardless of any disability an applicant may have.
14. When a shortlisted applicant advises the College of a disability, reasonable adjustments will be made at the interview stage to meet any additional needs the applicant may have.
15. Wherever possible, the College will make such reasonable adjustments as are required to enable a successful job applicant with a disability to take up a position as a member of staff.

Staff retention

16. Where a member of staff becomes disabled during the course of employment, the College will make reasonable adjustments to ensure their continued employment. The College will provide such support as may reasonably be possible to enable the member of staff to maintain their existing post or where possible, to assume an alternative post appropriate to their experience and abilities.

17. All managers who conduct the annual review of their staff will pay attention to the developmental needs of disabled staff together with discussing any reasonable adjustments which may be identified.

Staff training and career development

18. Training and development opportunities will be made available to staff regardless of any disability.
19. Where staff undertaking training or development identify additional needs in relation to access, equipment or facilities, reasonable adjustments will be made in order to enable full participation in any such training or development.

Students with disabilities

Admissions

20. The College is committed to ensuring that students are recruited and selected on the basis of their academic merit and ability, and will not refuse to admit an applicant on the grounds of disability without fully considering the specific support or facilities required for the applicant to undertake their course of study at the College.
21. In very exceptional cases, the College may not admit an otherwise qualified applicant on the grounds that reasonable adjustments cannot be practically provided by the College.
22. The College encourages existing students and applicants to declare a disability or specific learning difficulty either on application or any time thereafter in order that they can be made aware of possible entitlements and the support that is available to assist them to achieve their potential in study.

Assessment

23. The College is committed to ensuring that any student with a disability that may affect their performance in an examination or assessment exercise is not put at a disadvantage compared to other candidates. Adjustments will be made as reasonable, to compensate for any disadvantage, without affecting the validity of the assessment.
24. Any request for special consideration in relation to examination and assessment procedures must be supported by medical or other evidence. Advice and assistance on obtaining such evidence can be provided by the College Registrar.

Student retention

25. Where a student becomes disabled whilst they are already studying at the College, they will be provided with such support as may reasonably be possible to enable them to maintain or return to their programme of study, or help them explore alternate programmes. The College will make reasonable adjustments to facilitate the continuation of the student's studies.

Fitness to Practise

26. A programme of study which requires a student to undertake practical training in a professional role in relation to mission and ministry or where the qualification provides a route to Accreditation by the Baptist Union of Great Britain will be governed by a requirement that the student demonstrates their fitness to practise.
27. The College has a 'Fitness to Practise' policy to consider, make a determination and take action as appropriate in respect of:
 - any conduct which may render that student a person not fit to be admitted to and practise that profession or calling; or
 - any health problems which may render that student a person not fit to be admitted to and practise that profession or calling.
28. The Fitness to Practise policy has been developed with regard to equality, diversity and inclusion legislation and so disability does not preclude application to study nor should it disadvantage students with disabilities in the assessment of fitness to practise.
29. The Fitness to Practise policy sets out the scope, application and principles to be applied in all cases. Applicants are required to declare conditions which could be viewed as having a potential impact on their fitness to practise.
30. Level 4 Counselling Students also have a requirement to undertake a fitness to practise assessment. This is a separate process to the one outlined above, but still undertaken with regard to equality, diversity and inclusion legislation and the requirements of this policy in terms of reasonable adjustments.

Reasonable adjustments

31. The College is required to make reasonable adjustments when a disabled student or member of staff may be placed at a substantial disadvantage in comparison with a person who is not disabled.
32. Examples of reasonable adjustments for students include making appropriate arrangements in such activities as:
 - teaching, including classes, lectures, seminars, practical sessions
 - examinations and assessments
 - field trips and outings
33. Adjustments may include specific examination arrangements, provision of additional support for learning, adjustments to assessment practices, accommodation arrangements, and specific access issues such as the use of guide dogs.
34. Reasonable adjustments must not affect the validity or reliability of assessment outcomes nor must they give the learner an unfair academic advantage over other learners. Reasonable adjustments must not impact on any competence standards and must be permissible and practical for the particular circumstances in which they are implemented. As a result, the same adjustments may not always be allowed or possible to implement in all situations. All reasonable adjustments will be considered on a case by case basis taking into account a variety of factors.
35. Similarly, there is an obligation to make reasonable adjustments for disabled employees or potential employees to ensure that they are not disadvantaged. Adjustments may include:

- reallocation of duties
- altering working hours
- changing work location
- modifying equipment e.g. providing an adapted keyboard or telephone
- consideration of other roles

36. Where an individual requires or may require an adjustment to the working or teaching and learning environment they should bring this to the attention of their line manager, or if a student, to the attention of the Disability Officer or Learning Support Coordinator.

Access to Work

37. Access to Work is a Department of Work and Pensions scheme which helps employers and people with a disability meet the cost of aids and equipment, adaptations to premises and personal help to enable them to do specific jobs. Under the rules of the scheme, applications are made by the individual employee. Assistance in completing the application is available directly from Access to Work or employees can liaise with the Chief Operating Officer for advice. This assistance is available for existing employees who develop a disability as well as for new employees.

38. Normally, following application, employees will be contacted by an Access to Work Adviser who will advise on the package of support they feel is appropriate. The individual and the College will then receive a letter informing of the approved level of support and the grant available. It will usually be the College that is responsible for arranging the agreed support and purchasing the necessary equipment. The College can then claim back the grant towards these approved costs from Access to Work.

Disabled Student Allowance

39. UK students have the option to apply for a Disabled Students Allowance (DSA). DSAs help pay for the extra costs associated with studying that are incurred as a direct result of a disability (for example, mobility impairment, sensory impairment, Autistic Spectrum Condition, AD(H)D, mental health difficulty, effects of disabling illness) or specific learning difficulty (dyslexia, dyspraxia, dyscalculia, AD(H)D). The allowances can help to pay for a non-medical personal helper, items of specialist equipment, assistive software, travel and other course-related costs. The allowance is neither means-tested nor repayable.

40. Further details can be found at <https://www.gov.uk/disabled-students-allowances-dsas>

41. Non-UK students should consult with the College at the earliest opportunity to discuss requirements for disability-related academic support.

Disability disclosure

42. The College seeks to create an environment and culture where individuals feel comfortable disclosing a disability. Though there is no obligation to disclose, disabled persons are encouraged to do so in order to enable the College to make reasonable adjustments. The College will treat any disclosure of a disability in strict confidence, with sensitivity and in accordance with current data protection legislation.

43. If disability impacts upon a staff member's professional fitness to train/practise standards they are personally responsible for disclosing relevant information about their disability in line with professional accreditation requirements.

Confidentiality

44. The College will safeguard the confidentiality of personal and medical information, and will take appropriate steps to ensure that disclosures relating to a person's disability take place only with the explicit consent of the individual, or where necessary within the law.
45. Access to disability-related information will be provided on a need to know basis only, in order for reasonable adjustments to be implemented. The Disability Officer will oversee the implementation of reasonable adjustments. They may share information with academic staff in order to allow the disabled person to implement specific adjustments to enable them to study. Other staff may be informed as necessary. These may include library staff for library-related support; registry, where exam adjustments are required; and other staff for health and safety reasons. Information will only be shared with placements or other external institutions where the student has given permission.
46. A student or member of staff has the right not to disclose their disability or to request that the existence or nature of their disability be treated as strictly confidential and therefore not shared with relevant staff across the College. The responsibility of the staff member informed is to ensure that the disabled person is aware that this is likely to have an effect on any reasonable adjustments which may be required and to document this.

Harassment and discrimination

47. The College has a legal duty to have due regard to the need to eliminate harassment of disabled people that is related to their disabilities or to the disabilities of others associated with them. Harassment may take the form of verbal abuse or other actions which make an individual feel uncomfortable, intimidated or degraded.
48. Complaints will be taken seriously and dealt with as appropriate under the Student Complaints Procedure, the Staff Disciplinary Procedure, Staff Grievance Procedure, or Staff Harassment and Bullying Policy, as appropriate.

Monitoring and review

49. Human Resources will maintain records of staff who declare a disability and may record data on applications for employment to enable monitoring of the operation of this Policy across all areas of employment.
50. The Disability Officer will maintain records of all students and potential students who declare a disability and will record data on the support provided to students.
51. The Diversity and Equal Opportunities Monitoring Group will review the Disability Policy for Staff and Students on an annual basis, and make recommendations for changes to the Governance Group.

Contacts and further information

52. Further information on disability and disability in employment is available from the Chief Operating Officer, Disability Officer or Learning Support Coordinator.

Appendix 1: Disability Definitions – Further information

When is a condition considered to be a disability?

- a. The important factor in determining whether something is a disability is whether the impairment resulting from the condition has an effect on the ability to carry out normal day-to-day activities and the extent and timescale of this effect. In general one would be considered to have a disability if one has an impairment that is either physical or mental, the impairment has adverse effects which are 'substantial' and the substantial effects are long-term.

What is a 'substantial' adverse effect on the ability to undertake an activity?

- b. A substantial effect is:
 - greater than the effect resulting from the physical and mental conditions experienced by most people, which result in only minor or trivial effects
 - likely to impact upon the length of time it takes to undertake an activity and/or the way it is undertaken
 - in some cases, the result of a combination of conditions which alone would only cause a minor effect
- c. People with progressive medical conditions would be defined as disabled even if their current condition only results in some adverse effects, but the adverse effects are likely to become substantial in the future

What is a long-term effect?

- d. A long-term effect of an impairment is one:
 - which has lasted at least 12 months or
 - where the total period for which it lasts, from the time of the first onset, is likely to be at least 12 months or
 - which is likely to last for the rest of the life of the person affected.

What is a normal day-to-day activity?

- e. In general, day-to-day activities are the things people do on a regular or daily basis such as shopping, reading, writing, having a conversation, getting washed and dressed, preparing and eating food, walking and travelling by various forms of transport, taking part in social activities, etc. For a student, studying would be an everyday activity.

What sorts of impairments are classified as disabilities?

- f. It is not possible to provide a definitive list of conditions but a disability can arise from a wide range of impairments. Categories of impairment and examples within each category are listed below:
 - **Sensory**
Visual (including Irlen syndrome) and hearing impairments
 - **Developmental**
Autistic Spectrum Disorders (ASD)
 - **Specific Learning Difficulties (SpLDs)**
Dyslexia, dyspraxia, dyscalculia, dysgraphia

- **Mental health conditions/illnesses**
Depression, schizophrenia, eating disorders, bipolar affective disorders, obsessive compulsive disorders (OCD), personality disorders, some self-harming behaviour
 - **Fluctuating or recurring conditions** - Rheumatoid arthritis, myalgic encephalitis (ME)/chronic fatigue syndrome (CFS), fibromyalgia, epilepsy, diabetes
 - **Progressive conditions**
Motor neurone disease (MND/ALS), muscular dystrophy, forms of dementia, lupus (SLE), multiple sclerosis (MS)
 - **Organ specific conditions**
Respiratory (e.g. asthma) and cardiovascular conditions (including thrombosis, stroke and heart disease)
 - **Body or brain injury**
Paralysis, brain damage.
- g. Hayfever (seasonal allergic rhinitis) is not considered to be a disability unless it aggravates the effect of another condition.
- h. If someone has **depression** that has a substantial adverse effect on carrying out normal day-to-day activities then they would be considered to have a disability. Even if the effects may seem minor in isolation (e.g. they find it difficult to get up in the morning), several minor effects can have a substantial cumulative effect. The effects of the condition are considered by reference to what they would be if the person was not taking medication or receiving counselling.