

## **DISABILITY POLICY**

### **SCOPE**

This policy applies to all employees of MJ Church (permanent, fixed term and temporary).

### **AIM**

MJ Church values the contribution of all individuals irrespective of disability and affirms that employees should be able to participate in the life and work of MJ Church. As such, MJ Church is committed to ensuring that appropriate and reasonable support is offered to members of staff with disabilities.

### **THE LEGAL FRAMEWORK**

Under the Disability Discrimination Act 1995 (DDA), as amended by the Specialist Educational Needs and Disability Act (SENDA), MJ Church has a duty not to discriminate against disabled people on the grounds of their disabilities and to make reasonable adjustments to meet the needs of disabled staff and other disabled users of facilities and services.

The Act makes it unlawful to discriminate against disabled people, or people who have had a disability, without justification. Indirect discrimination where a provision, criterion or practice presents barriers is potentially as unlawful as direct discrimination. Reasonable adjustments must be considered fully before any decision is taken to justify less favourable treatment towards a member of staff.

Discrimination is only lawful for 'substantial and material' reasons and in limited prescribed circumstances outlined within the Disability Discrimination Act. Legal protection extends to the post-employment relationship for disabled staff, e.g. with references.

### **DEFINITION OF DISABILITY**

The Disability Discrimination Act defines disability 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.

- 'Impairment' covers physical impairments and impairments affecting the senses such as sight and hearing. It also covers mental impairments, including learning difficulties and mental illness where the condition is recognised by a respected body of medical opinion (such as personality disorders, anxiety, depression, psychosis, neuroses, stress and stress-related illnesses). If the impairment is controlled by medication or special aids the person is still considered as disabled for the purposes of the Act.
- People with stress related illnesses and conditions such as Chronic Fatigue Syndrome may be covered if there is long term, substantial and adverse effects.
- Those with other long term chronic conditions such as asthma, diabetes, heart disease, arthritis, upper limb disorders (e.g. Repetitive Strain Injury) or epilepsy may also be covered under the terms of the Act.
- 'Substantial' mean more than minor or trivial and includes progressive conditions where impairment is likely to become substantial, such as cancer, multiple sclerosis, muscular dystrophy and HIV infection. People with such conditions are covered by the Act from the moment there is a noticeable effect on day-to-day activities, however slight.

- 'Long-term' means effects, which have lasted for at least 12 months, or are likely to last for twelve months or more. Long-term effects include those which are likely to recur.
- 'Day-to-Day activities' are normal activities carried out by most people on a regular basis, and must involve one of the following broad categories: mobility; manual dexterity; physical coordination; continence; the ability to lift, carry or move everyday objects; speech, hearing, or eyesight; memory or ability to concentrate, learn or understand; perception of the risk of physical danger.
- Severe disfigurements are treated as impairments, even though they may have no effect on a person's ability to carry out normal day-to-day activities.

## **POLICY STATEMENT**

MJ Church is committed to a commitment to disability equality in all our employment and operation practices, policies and procedures to a positive and pro-active approach to people who have a disability / learning difficulty (e.g. a physical disability, sensory impairment, medical condition, learning difficulty or mental health condition).

MJ Church seeks to enable employees with any such disability/learning difficulty successfully to pursue their work in equality with all other employees, through recognition of the additional support they may need to achieve this.

However, we understand that many people are disabled by social, attitudinal and physical barriers and as such we recognise a social model of disability that uses the following definition: 'There are a societal barrier that prevent disabled people from achieving their full potential hinders their personal development opportunities and limits access to a full role in society'. In order to address this, MJ Church will try to overcome these barriers by providing any reasonable adjustments where appropriate to do so. We acknowledge that disabled people are not all the same and that each person may have different needs. We understand that disabled people and organisations who represent them are best placed to describe their individual requirements.

## **PRINCIPLES**

MJ Church will treat all employees with dignity and respect and will provide an environment for learning and working that is free from unlawful discrimination, victimisation or harassment. MJ Church is committed to an Equal Opportunities Policy and recognises the importance and value of diversity. We recognise our social, moral and statutory duty to admit and employ people with disabilities, and will do all that is practicable to meet this responsibility. To this end, MJ Church will:

- Fulfil its legal obligations under the Disability Discrimination Act 1995, and as further amended by the Disability Discrimination Act 1995 (Amendment) Regulations 2003, and any related or subsequent legislation.
- Seek to identify and remove all unjustified direct, indirect and institutional discrimination against people with a disability/learning difficulty.
- Pursue a consistent programme of development and improvement in facilities, in processes and in the skills, knowledge and understanding of employees to meet the needs of people with a disability/learning difficulty.
- Liaise with national organisations and local support services to ensure that a range of options, resources and facilities are identified for the benefit of individuals.

MJ Church shall ensure that:

- Existing jobs are, potentially, suitable for people with disabilities;
- Disability, of itself, will not be considered an impediment to employment;
- Any criteria for the assessment of the suitability and potential of people with disabilities will be objective and valid;
- Every effort will be made, if an existing employee becomes disabled, to retrain and retain them wherever practicable;
- People with disabilities will be given the opportunity to use their skills and knowledge to the full.

MJ Church requires employees to act in a non-discriminatory manner when dealing with people with a disability / learning difficulty and to support changes in institutional practice that deny access or limit equality for this group of people.

## **DISCRIMINATION AND EXCLUSION**

Discrimination against disabled applicants or employees can take place in either of two ways:

1. By treating them 'less favourably' than other people, or
2. 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. Exclusion often occurs through:
- Inaccessible environments;
- Lack of appropriate aids, services and adjustments with make something accessible;
- Inflexible practices and procedures.

## **HEALTH AND SAFETY**

It may be necessary on occasion to make special arrangements to ensure that a person's impairment, or any effect of it, does not increase the risks, either for themselves or for others. Where a conflict arises from completing legislation, MJ Church will try to accommodate the requirements as fully as possible. However, under certain conditions one law may take precedence over another and a balance may not be able to be reached. This will only arise in very limited and prescribed circumstances. When managers conduct risk assessments for disabled staff, consideration should be given to the provision and review of any reasonable adjustments, as outlined below.

## **RESPONSIBILITY**

### Managers

The responsibility for the implementation of this policy lies with managers, who will ensure that arrangements exist in their areas of responsibility so that the disability policy is observed.

For example, all departments should be aware of:

- Special training opportunities;

- Arrangements for trial periods of employment;
- Grants towards adaptation;
- Reasonable adjustments to the workplace;
- Special allowances;

## Human Resources

- Monitor arrangements in departments;
- Provide advice and assistance to departments in all matters relating to the employment of people with disabilities;
- Maintain liaison with government agencies and other relevant bodies;
- Ensure that acceptance of people with disabilities in the workplace will be eased and enhanced by full commitment to the policy of all staff and their representatives.

## Individuals

- It is up to the individual as to whether they wish to tell MJ Church about their disability. However, if the disability actually affects their way of working, it is strongly recommended that the individual should talk to their manager and Human Resources should they want a reasonable adjustment to be considered;
- It must be stressed that if MJ Church does not know that an individual is disabled, we cannot make changes that would help the individual.

## **DISCLOSURE**

As many disabilities are not obvious, we have to rely on the employee or applicant to make the disclosure about his or her disability. We understand individuals are often reluctant to do this, because they fear discrimination, and feel it is not relevant to their ability to do the job. However, disclosure can be beneficial for the following reasons:

- The stress of not divulging a disability can exacerbate the person's difficulties at work or study;
- The employee and manager can together determine what adjustments, if any, would maintain or improve working conditions;
- The support of fellow workers can be enlisted.

## **REASONABLE ADJUSTMENT**

MJ Church will consider whether the employment arrangements or any physical feature of the workplace are putting employees at a substantial disadvantage. Some examples of adjustments, as given by the Disability Discrimination Act, include:

- Making adjustments to premises, making special arrangements for parking and access to buildings;
- Allocating some of the individual's work to someone else;
- Transferring the individual to another post or another place of work;
- Assessment or treatment;
- Providing additional training;
- Using modified equipment;
- Making instructions and manuals more accessible;
- Using a reader or interpreter;
- Being supervised;
- Allowing absences during work hours for rehabilitation, assessment or treatment.

In all cases the person concerned will be consulted on the reasonable accommodation of his or her needs. Decisions on whether an adjustment is reasonable will take into account all relevant factors, including the extent to which the alteration will improve the situation for the disabled employee or job applicant, the cost of the measures, both financial and in terms of disruption caused to others and ease of making the change. The employee is expected to co-operate with any arrangements subsequently agreed.

## **DISABILITY ARISING DURING EMPLOYMENT**

When employees become disabled during the course of their employment, all reasonable steps will be taken to accommodate the effects of their impairment by making adjustments to their existing employment, or through appropriate retraining and redeployment, enabling them to remain in employment with MJ Church wherever possible.

Human resources will seek the involvement of the individual concerned, their manager, MJ Church's occupational health provider and/or other appropriate specialist agencies, in order to assess the effects of the impairment and explore possibilities for appropriate and practical adjustments. Any external reports for the supply of equipment or ergonomic assessment will be held in the individual's personnel file.

The manager will be responsible for monitoring any adjustments to the working environment or the continued effectiveness of any equipment, in consultation with the individual disabled staff member.

Each case will be considered individually, taking into account all the relevant circumstances. These may include:

- Continuing in the same post with reasonable adjustments to the duties and/or working environment or provision of equipment;
- Redeployment to another post within MJ Church, which may include a requirement for retraining within a reasonable timescale. There is no guarantee to maintain someone on the same salary if redeployment is to a lower grade or alternative post;
- Consideration of early retirement/resignation on ill-health grounds;
- Or, if having considered all other options, it is apparent that the employee cannot realistically continue in employment, then a decision to terminate the employment may be made. In such cases the employee will have the usual right of appeal.

MJ Church will endeavour to assist all employees who become disabled in making contact with appropriate organisations which may be able to provide them with information and continuing support.

## **DISCRIMINATION / NON COMPLIANCE**

Many people with disabilities may experience harassment at work. At MJ Church harassment will not be tolerated and we will take every reasonable step to deal with it. Any employee who discriminates against a disabled person on the grounds of their disability or who treats the disabled person less favourably than they treat or would treat a person not having that disability whose relevant circumstances, including their abilities, are the same as, or not materially different from those of the disabled person would be found to be direct discrimination.

Such action would be in direct contravention of the Disability Discrimination Act. All employees have a contractual obligation to comply with this policy statement and the relevant legislation, and any breach of

this will be regarded a serious misconduct and will be dealt with accordingly under M J Church's disciplinary procedures.

## **POLICY STATEMENT REVIEW AND ASSESSMENT**

This policy statement may be amended by MJ Church at any time in order to take into account changes in legislation and best practice.

## **IMPACT ASSESSMENT**

This policy has been reviewed in accordance with Equalities Legislation on race, disability, age, gender, sexual orientation and gender identity, faith and belief. Advice and guidance on the operation of this policy is available.

This policy will be brought to the attention of all employees and persons working on behalf of the Company and reviewed at least annually.

**For & on behalf of MJ Church**



**Managing Director**

Last reviewed: April 2017