

## Glossary of terminology around disability and impairment

**Disability** is defined in UK legislation as follows:

*'a person has a disability for the purposes of this Act if he has a physical or mental impairment which has a substantial and long-term adverse effect on his ability to carry out normal day-to-day activities.'*

The definition covers a very wide range of conditions, including specific learning differences (eg dyslexia), chronic physical and mental conditions and sensory impairments as well as the more obvious impairments of mobility and dexterity.

If an institution fails to meet the needs of a disabled person or otherwise breaches the law, then the disabled person has the right to bring the matter to court where the judge can make awards for compensation on several counts. The responsibility is usually corporate, and so the chair of the board of governors will usually be the person making any responses. However, in certain circumstances an individual member of staff may be held personally liable.

### Other terms in alphabetical order

The **Access to Work** scheme is government funding which helps employers with the costs of any reasonable adjustments for disabled members of staff.

The **anticipatory duty** is a part of the Disability Discrimination Act. It requires service providers to anticipate and consider in advance the needs of disabled people in general. For higher education institutions, the term 'services' includes virtually everything a university might provide for its students. It means that academic and professional services staff must proactively plan for the needs of a range of disabled people, not just await a request from a disabled person.

**Assistive technology** is the term used to describe any piece of equipment which is either designed for, or adapted to, the needs of disabled people.

**Conciliation** is a formal process, led by a person qualified in conciliation techniques, which may be used to resolve some form of dispute or disagreement. Conciliation is sometimes used in a harassment case to determine how to move forward following a complaint.

**Confidentiality** - any information about a person's impairments is medical information, which is considered sensitive and confidential. The information is protected under the Data Protection Act so you should always treat any information you acquire about a person's impairment or condition as confidential.

An institution is '**deemed to know**' of a person's disability if:

- It is obvious.
- The person has told any member of staff.
- The person has disclosed the information about their disability on any official documents (eg application forms, registration forms, etc.) except where there has been a specific request for confidentiality or for limited disclosure.

Once an institution is deemed to know of a person's impairment they must consider what reasonable adjustments may be needed to meet the disabled person's needs.

A **Disability Equality Statement** and the associated **Action Plan(s)** was required of each higher education institution under the Disability Discrimination Act 2005. The Disability Equality Statements and Action Plans will remain in place for the short term; however, in the longer term it appears that they may be replaced by broader Equality Objectives under the new Equality Act 2010.

The **Disabled Students' Allowances (DSAs)** are government awards which can be paid to each disabled student to pay for the specialist equipment, transport and human support which they may need.

The **Employment Tribunal** is the body to which a staff member may turn if they believe that their employer has treated them badly (ie the Employment Tribunal acts instead of a court for staff complaints).

The **Equality Act 2010** was passed in April 2010 and was implemented on 1 October 2010. It identifies nine protected characteristics:

- Age.
- Civil partnership and marriage.
- Disability.
- Ethnicity.
- Gender.
- Pregnancy and maternity.
- Religion and belief.
- Sexual identity.
- Sexual orientation.

**Flexible working** arrangements may be requested by any member of staff, though certain categories of staff have the legal right to make those requests and to receive a response within a set amount of time. 'Flexible working' describes any working pattern adapted to suit an employee's needs. Common types of flexible working are:

- Part-time: working less than the normal hours, perhaps by working fewer days per week.
- Flexi-time: choosing when to work (there is usually a core period during which you have to work).
- Annualised hours: your hours are worked out over a year (often set shifts with you deciding when to work the other hours).
- Compressed hours: working your agreed hours over fewer days.
- Staggered hours: different starting, break and finishing times for employees in the same workplace.
- Job sharing: sharing a job designed for one person with someone else.
- Homeworking: working from home.

This list is not exhaustive and there may be other forms of flexible working that are better suited the employee and employer.

**Less favourable treatment:** institutions may not treat a disabled person less favourably than they would treat someone who has no disability, unless this treatment can be objectively justified. However, one is permitted to treat a disabled person more favourably, should that be necessary to meet their needs.

**Reasonable adjustments** may be requested by any disabled person - this is a right under the Disability Discrimination Act. The reasonable adjustments are concerned with alterations to any policy, practice or process which impacts adversely on the disabled person. The disabled person should make their needs clear, and the institution should try to meet those needs. Though the institution does not necessarily have to do so in the precise manner suggested by the disabled person, there should at least be a consultation.

**Support workers:** disabled people may work with one or more support staff from a range of professions. Such support workers are usually organised by the Student Disability Service or by Human Resources (for disabled staff). For more information about the different kinds of support workers, please see the briefing paper.