

# CITY ACADEMY NORWICH

## Access to Work Policy

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## 1. Policy Statement

Access to Work is a specialist service delivered by Jobcentre Plus, which gives practical advice and support to people with disability, a health or mental health condition, whether they are working, self-employed or looking for employment.

Access to Work is provided where someone needs support or adaptations, beyond the reasonable adjustments which an employer is legally obliged to provide under the Equality Act 2010. An Access to Work grant helps pay for practical support if an employee has a disability, health or mental health condition so they can start working, or stay in work.

The amount of support individuals receive depends on their circumstances.

## 2. Policy Aims & Objectives

The aim of this policy is to ensure employees who have or acquire disabilities, health, or mental health conditions receive the support they need to start or continue work in a sensitive and structured way in keeping with the service goals.

## 3. Definitions

**3.1 Reasonable adjustment:** Adjustments to any of the provisions, criteria or practices that place a disabled person at a particular disadvantage compared to non-disabled persons. The reasonableness must take into account practical implementation and cost effectiveness.

**3.2 Disability:**

City Academy Norwich recognises a disability as defined by the Equality Act 2010 and as informed by the Equality Act 2010 Guidance on Disability Definition produced by The Government Office for Disability Issues.

The Equality Act 2010 defines a disabled person as a person with a disability. A person has a disability for the purposes of the Act if he or she has a physical or mental impairment and the impairment has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.<sup>1</sup>

## 4. Scope

This Policy applies to:

- **Existing staff at City Academy Norwich** who develop a condition that requires medical advice being sought during their employment. Staff who are disabled or become disabled are encouraged to advise their manager or HR Services about their condition so that they can be offered the appropriate support. Staff who experience difficulties at work because of their disability may wish to contact their line manager or

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<sup>1</sup> Office for Disability Issues (HM Government); Equality Act 2010 Guidance, May 2011. A1. Schedule 6 (1).

HR Services to discuss any reasonable adjustments that would help overcome or minimise the difficulty. Examples of such conditions include, but are not limited to, back pain, upper limb disorders, repetitive strain injury, dyslexia, and mental health issues.

- **Staff joining City Academy Norwich** – Staff can transfer their grant to another employer if they change jobs. All new staff are required to complete a pre-employment medical questionnaire to enable Occupational Health to confirm that they are fit for employment. Occupational Health can also recommend that a prospective member of staff undertakes a further health assessment prior to commencing employment. The resulting report enables HR Services to determine whether any 'reasonable adjustments' need to be made to enable the member of staff to start work safely.

See 7.3 for Access to Work funding eligibility.

## 5. Legal requirements

### 5.1 Equality Act 2010

The Equality Act defines a disabled person as a person with a disability. A person has a disability for the purposes of the Act if he or she has a physical or mental impairment and the impairment has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.<sup>2</sup>

This means that, in general<sup>3</sup>:

- the person must have an impairment that is either physical or mental
- the impairment must have adverse effects which are substantial
- the substantial adverse effects must be long-term and
- the long-term substantial adverse effects must be effects on normal day-to-day activities.

The Government's guidance on the Equality Act 2010 points out that it is important to remember that not all impairments are readily identifiable<sup>4</sup>. While some impairments, particularly visible ones, are easy to identify, there are many which are not so immediately obvious, for example some mental health conditions and learning disabilities.

An employer is required to make 'reasonable adjustments' to avoid putting a member of staff with a disability at a disadvantage compared to non-disabled people in the workplace. For example, adjusting working hours or providing them with a special piece of equipment to help them to do their job.

The Equality Act 2010 puts employers under an obligation to make reasonable adjustments in relation to the following:

1. Provisions, criteria or practices, including company policies
2. Physical features, such as the layout of and access to workplaces
3. Provision of auxiliary aids, including providing information in an accessible format such as Braille, large print or email

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<sup>2</sup> Office for Disability Issues (HM Government); Equality Act 2010 Guidance, May 2011. A1. Schedule 6 (1).

<sup>3</sup> Office for Disability Issues (HM Government); Equality Act 2010 Guidance, May 2011. A2.

<sup>4</sup> Office for Disability Issues (HM Government); Equality Act 2010 Guidance, May 2011. A8.

The duty to make reasonable adjustments is ongoing. If an adjustment has been made and this subsequently proves not to be effective in overcoming the disadvantage, then an alternative reasonable adjustment should be considered.

Where an impairment places a disabled person at a substantial disadvantage the employer has to take any steps that are reasonable in all the circumstances to prevent that disadvantage occurring.

## **5.2 The Health and Safety at Work etc Act 1974**

Requires employers to “ensure, so far as is reasonably practicable, the health, safety and welfare at work of all employees” and to “conduct its undertaking so as to ensure that people not in its employment (students, visitors, contractors etc) are not exposed to risks to their health and safety”.

## **6. Factors for considering reasonable adjustments**

When considering reasonable adjustments factors to be taken into account include:

- How effective the adjustment would be in overcoming the disadvantage
- How practicable it is to make the adjustment
- The financial and other costs incurred by the employer and the extent of any disruption to activities
- The extent of the employer’s financial and other resources
- The availability of financial and/or other assistance in making the adjustment
  
- The nature of the employer’s activities and size of undertaking.

There is no set amount for an Access to Work grant. How much the employee receives depends on their circumstances. Items that can be considered include:

- adaptations to the equipment they use
- special equipment
- fares to work if they can’t use public transport
- a support worker or job coach to help them in your workplace
- a support service if they have a mental health condition and they’re absent from work or finding it difficult to work
- disability awareness training for colleagues
- a communicator at a job interview
- the cost of moving their own equipment if they change location or job

## **7. Procedure**

**7.1** An employee or potential employee should contact Access to Work to register their wish to claim funding for assistance (see contact details in section 10). As an employer, either HR or the hiring organisation may become aware that a potential or existing employee has contacted Access to Work to seek assistance.

**7.2** An Access to Work adviser will contact both the employer and the employee, to understand their needs and prepare an assessment report, a copy of which will be sent to the employer.

The assessment report makes recommendations about equipment and training to be provided as ‘reasonable adjustments’ to help the employee. These recommendations may

be very specific e.g. in specifying a particular brand and model. It is, however, acceptable for the employer to use alternatives to those specified in the report provided they achieve the same end result. These alternatives may include those sourced internally, e.g. through IT Support, procurement services, or staff who can deliver the appropriate training.

The employee's manager will study the assessment report and risk assess the areas affected, representing the needs of the individual and the needs of the job role and any financial constraints.

HR will ensure that the recommendations from the report are reviewed to see whether they can be procured or delivered more cost effectively.

The respective budget holder with City Academy Norwich will be required to approve the report and any recommendations from HR and the employee's manager to confirm that City Academy Norwich is happy with the benefits to the individual, the organisation and that the costs are reasonable.

### **7.3 Access to Work funding eligibility**

The employee/applicant must be 16 or over and either:

- about to start a job or work trial
- in a paid job or self-employed (the fund does not apply for voluntary work)

The employee's disability or health condition must affect their ability to do a job, or mean they have to pay work-related costs (e.g. special computer equipment or travel costs because they can't use public transport).

A person can get support from Access to Work if they have a mental health condition and are either:

- going into work
- absent from work as a result of their mental health condition, or
- finding work difficult as a result of their mental health condition.

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, and
- offers eligible people an assessment to find out their needs at work and help to develop a support plan.

Applicants may not qualify if they get any of these benefits:

- Incapacity Benefit
- Employment and Support Allowance
- Severe Disablement Allowance
- Income Support
- National Insurance Credits

### **7.4 Access to Work grants**

City Academy Norwich, as the employer, may have to share the cost with Access to Work if the person has been working for City Academy Norwich for more than six weeks when they apply for Access to Work. City Academy Norwich will only have to share the cost for:

- special aids and equipment, and
- adaptations to premises or equipment.

Cost share does not apply to self-employed applicants or to the Mental Health Support Service.

The level of grant will depend on:

- whether the person is employed or self-employed
- how long they have been in their job, and
- the type of help required.

Access to Work will consider paying grants of up to 100% for:

- people who have been working for less than six weeks when they first apply for Access to Work.

Access to Work will also consider paying up to 100% of costs for:

- the Mental Health Support Service
- support workers
- additional travel to work and travel in work costs, or
- communication support at interviews.

When cost sharing applies, Access to Work will refund up to 80% of the approved costs between a threshold and £10,000. As the employer, City Academy Norwich will contribute 100% of costs up to the threshold level and 20% of the costs between the threshold and £10,000. The amount of the threshold is determined by the number of employees the organisation has:

- 0 - 49 employees: nil
- 50 - 249 employees: £500
- Over 250 employees: £1000

Any balance above £10,000 will normally be met by Access to Work. Grants may be capped if awarded after 1 October 2015. Full details of the up-to-date rates of applicable caps can be found on [www.gov.uk/access-to-work](http://www.gov.uk/access-to-work)

If the support also provides a general business benefit, a contribution will be sought in addition to any compulsory cost share from the employer.

If the support also provides a personal benefit outside of work (e.g. a hearing aid) a contribution from the employee will be sought.

## **7.5 Paying for adjustments**

Depending on the size of the organisation, and the nature of the cause of the adjustments, the first costs will be paid up to a certain amount by City Academy Norwich, after which City Academy Norwich continues to pay, but can claim reimbursement of 80%, on submission of ALL receipts (including those not reimbursed), depending on the assessment details.

The costs will be paid and charged against the employing entity's account code.

The employing entity may then reclaim the agreed funds from Access to Work up to the maximum(s) specified in the assessment report.

When an employee leaves City Academy Norwich the property should be returned to City Academy Norwich or the employee will be given the option of making a contribution towards

the cost of the equipment in order to take it with them. Any agreed cost would be deducted from the employee's final salary.

## 8. Organisational Responsibilities

**HR Services:** to receive applications and process assessments, order equipment and oversee implementation, and reimbursement. To refer staff requiring Access to Work assistance to Occupational Health if necessary. To ensure employees are kept informed of progress in providing the reasonable adjustments described in Access to Work's assessment report. To liaise with the employee's manager to ensure the needs of the individual and the requirements of the job role are met. To ensure that a cost analysis is completed so that any adjustments are delivered as cost effectively as possible.

**Managers:** to accommodate reasonable adjustments to enable employees to start or stay in work and also fulfil the requirements of the job role.

**Occupational Health:** To meet the employee concerned and understand their needs reporting back to HR Services as required.

**Employee:** To ensure that they have discussed their needs with Access to Work, and with HR Services (for existing employees) as the requirements become clear.

## 9. References to related City Academy Norwich policies

- Equality & Diversity policy
- Health & Safety Policy

## 10. Contact

For more information about Access to Work, please contact the HR Department, or Access to Work:

Email: [atwosu.london@dwp.gsi.gov.uk](mailto:atwosu.london@dwp.gsi.gov.uk)

Telephone: **0345 268 8489**

Textphone: **0345 608 8753**

If you would like to find out more about Access to Work please see the following Access to Work fact sheet:

<http://base-uk.org/knowledge/access-work-factsheet>

## 11. Equal Opportunities Statement

This policy and procedure has been assessed against the nine protected characteristics outlined in the Equality Act 2010 and no apparent disadvantage to equal opportunities has been determined.

If you have any comments or suggestions in relation to equal opportunities of this policy or procedure please contact the policy holder.