



St. Mary's Grammar School, Belfast

ATTENDANCE POLICY
& PROCEDURES

Non-Teaching Staff

June 2017



INTRODUCTION

The Board of Governors recognize the importance of employees' health and welfare and their responsibility under the Health and Safety at Work (NI) Order 1976 to provide a safe workplace. They also recognize their responsibility to promote equality of opportunity and implement the provisions of the Disability Discrimination Act (1995).

The policy includes advice on the monitoring of absence reported as sickness absence. It does not apply to other authorised absences e.g. holidays, jury service, ante-natal care or maternity leave etc.

Non-teaching staff are valued for their contribution and, like teaching staff, have equal entitlements under this policy. For the purposes of this policy the term 'staff member' is interchangeable with any category of staff.

AIMS

1. To promote a supportive approach to staff health and welfare.
2. To maximise staff attendance.
3. To inform staff and Governors of the policy for managing staff attendance.
4. To ensure confidentiality of information and facilitate a consistent approach to staff attendance in school.
5. To ensure that staff are treated fairly, consistently and sensitively when ill.
6. To raise awareness of welfare support services.

HEALTH AND WELFARE

1. The Board of Governors recognise that staff sometimes require support when ill or resolving personal issues which impact on their attendance.
2. Staff experiencing difficulties must be able to contact welfare and counselling services for information and advice.
3. Other policies and procedures to assist and support staff include special and compassionate leave, the Career Break Scheme and the Job Share Scheme. It is important to recognise that in some cases, particularly those dealing with work related stress and disability, the Principal may wish to meet with the staff member to discuss adjustments or measures necessary to resolve particular concerns. In such cases the staff member may be accompanied by a trade union representative or a colleague.

Disability

Under the Disability Discrimination Act (DDA), it is unlawful for the Board of Governors to discriminate against disabled people, in all aspects of employment. The Act covers: application forms; interview arrangements, terms of employment, promotion, dismissal or redundancy.

The DDA requires the Board of Governors to consider the provision of 'Reasonable Adjustments' at school. The aim of these adjustments is to ensure that a staff member is not put at a substantial disadvantage by employment arrangements or any physical feature of the school. The Board of Governors are required to ensure that they have fully considered the issue of disability when dealing with any matters relating to a staff member's health and well-being.

Work Related Stress

Work related stress is a major cause of occupational ill-health that may cause sickness absence, high turnover and poor performance in school. The Board of Governors should be approached for advice and guidance in cases where there is a possibility that occupational factors may be impacting on a staff member's health.

MANAGING STAFF ATTENDANCE

1. INTRODUCTION

- This procedure promotes a consistent approach to staff welfare across all schools and clarifies the roles of Governors, Principals, and staff.
- Governors, Principals and staff shall be familiar with the procedures.
- Personal and medical information on staff will be maintained confidentially.
- Individual circumstances differ and each case must be treated sensitively.

2. ROLES AND RESPONSIBILITIES

2.1 GOVERNORS

- Adopt and promote the staff Attendance Procedure.
- Ensure welfare and attendance issues are a regular agenda item for meetings.
- Monitor implementation through Principal reports to promote staff well-being and manage staff attendance.
- Nominate a designated Governor responsible for health, welfare and attendance.
- Ensure appropriate action is taken in medical referrals to Occupational Health where a concern exists in relation to a staff member's health and/welfare.
- Ensure the Principal and Director of Corporate Services are effectively managing attendance of all staff in the school
- Promote the implementation of the policy.
- Ensure that the designated Governor and Principal and Director of Corporate Services are trained on the procedure.

2.2 PRINCIPAL

Within the context of the school's pastoral care policy to:

- Monitor and manage the sickness absence of staff in a fair, consistent and confidential manner and to report regularly to the Board of Governors on attendance issues.
- Ensure that staff are informed of this procedure.
- Seek advice from the Board of Governors where medical evidence indicates a notifiable illness, work related ill health or disability which may require welfare support.
- Maintain appropriate, supportive contact with staff on sickness absence.
- Initiate requests where necessary, (to the Board of Governors), for referrals to Occupational Health and liaise with staff, as appropriate.
- Carry out, where appropriate, attendance meetings and keep records.
- Support, as far as practicable, a rehabilitation programme recommended by Occupational Health.
- Implement any reasonable adjustment required by a staff member's disability.

Reference made to action being taken by the Principal may be read as being taken by a school manager designated by the Principal.

2.3 STAFF MEMBER

- Report all sickness absence in accordance with the procedure.
- Maintain contact with the Principal or Director of Corporate Services during any period of absence.
- Comply with attendance arrangements at medical referrals.
- Follow professional advice aimed at ensuring a timely return to school.
- Maintain appropriate standards of conduct during sickness absence.
- Advise the Principal or Director of Corporate Services of any appropriate matter impacting on their health and wellbeing at home or school that may impact on their welfare.
- Inform the Principal or Director of Corporate Services where an absence is due to an accident outside school and a claim for damages from a third party is or will be involved.

3. PROCEDURE

3.1 MONITORING ATTENDANCE

The Board of Governors recognise that staff become ill and will require support in such circumstances. To achieve this, the Principal and Director of Corporate Services will:

- Monitor and record sickness absence and report on this to the Board of Governors' meetings.
- Arrange attendance meetings where a staff member's absence level or pattern presents a concern or where there has been no contact with a staff member during an absence period.
- Seek and act on advice as to the best means to support a staff member during a time of illness.

The Board of Governors monitor the attendance of the Principal. The Principal monitors the attendance of all staff.

Monitoring ensures that:

- The Board of Governors are alerted to health and well being issues and ensure they are addressed promptly;
- Principal and Director of Corporate Services make decisions about temporary arrangements
- The Board of Governors and Principal are aware of staff attendance levels.

In carrying out this monitoring role the Principal should ensure the process, as a minimum, identifies the following:

- (a) Absences related to stress.**
- (b) Absences of more than 8 casual days in a 12 month rolling period.**
- (c) Continuous absences of 4 weeks or more.**

3.2 CONTACT DURING ABSENCE

The staff member shall maintain contact with the Principal or Director of Corporate Services during a period of sickness absence. This should usually be when a medical statement is submitted or, monthly, during long term absence. This enables the Principal and Director of Corporate Services to manage absence. In exceptional circumstances, where difficulties in communication arise, either party may contact the designated Governor for advice.

Where the staff member does not maintain contact, the Principal should ensure that appropriate contact is re-established. Such contact should be of a friendly, supportive nature and issues related to work should not normally be discussed.

3.3 RETURN TO WORK

It is the responsibility of the staff member to report to the Director of Corporate Services as early as possible on the first day of his/her return to work and provide a brief explanation of the reason for his/her absence. This is informal in nature and provides the opportunity for the Director of Corporate Services to welcome the staff member back and discuss any support, or further action, which may be required.

3.4 ATTENDANCE MEETINGS

If a staff member's absence level or pattern presents a concern the Principal shall arrange a formal attendance meeting. Circumstances presenting a concern should normally include those absences identified at 3.1 (a), (b) and (c).

The staff member should be asked, in writing, to attend the meeting and advised that they may be accompanied by a recognised trade union representative or colleague.

The purpose of the Attendance Meeting is to determine and discuss the reasons for the absence level or pattern. It is not a disciplinary meeting. The meeting provides the opportunity to discuss relevant issues including:

- To establish the current health status of the staff member and whether there is an underlying cause for absence such as difficulty at work, a more serious health condition or a personal or domestic problem.
- To consider the need for a reasonable adjustment in the case of disability.
- To consider if a medical referral is required if this has not been established.
- To consult and agree on actions arising from the report of a medical physician.
- To advise of the availability of the Staff Care Scheme (the Staff Care service is a professional support service for staff provided by the health trust which the school will buy into).
- To confirm the accuracy of the staff member's attendance and provide the staff member with a copy.
- To encourage improved attendance; establish the improvement level required; the monitoring review period and the consequences of a continuing unsatisfactory level of attendance.

Following this meeting, a note of the meeting should be prepared and forwarded to the staff member for their agreement. This should be a brief and factual report of the meeting, noting any action proposed including, for example, the introduction of reasonable adjustments, risk assessments, continuing monitoring, medical referral, potential movement to disciplinary action if attendance does not improve. The Board of Governors may be contacted for advice on any proposed course of action. The Principal, Director of Corporate Affairs and the Board of Governors shall treat all information relating to staff absence with sensitivity and confidentiality.

A follow-up meeting shall be arranged at this attendance meeting. This date may be brought forward should circumstances require it, e.g. receipt of medical information.

3.5 MANAGEMENT OF DIFFERENT TYPES OF ABSENCE

3.5.1 Short Term Absence

This is frequent and minor where the overall pattern shows a regular absence from school. The Director of Corporate Affairs has a valuable role to play in the management of short-term absence. He or she may be able to ascertain the facts of the situation. Where the Director of Corporate Affairs has a concern about the attendance level of a staff member, he/she should consider the action necessary, depending on the circumstances of each case. The Board of Governors may be contacted for advice and assistance and information on individual absence levels. These matters can normally be dealt with during the informal return to work discussions. However, in situations where the frequency of absences gives cause for concern, the Director of Corporate Affairs may wish to conduct an Attendance Meeting. In cases of persistent short-term absence, where no underlying medical cause has been identified, consideration should be given to the use of the Disciplinary Procedure. Principals must consult the Board of Governors before invoking the Disciplinary Procedure.

3.5.2 Persistent Intermittent Absence

This is regular short and/or long-term absence which may or may not have an underlying medical condition. The management of this type of absence requires sensitive judgement and the Principal, Director of Corporate Affairs and Governors should be aware of the Disability Discrimination Act and the need to make reasonable adjustments. Attendance meetings should be conducted and medical information obtained where:

- (i) It is medically established that a staff member is not suffering from any significantly debilitating illness, and
- (ii) Management intervention has failed to achieve improved attendance;
- (iii) The relevant procedure may be invoked.

3.5.3 Long Term Absence

When a staff member has been absent for 4 weeks continuously, there is no indication of an imminent return to

work, and the Principal or Director of Corporate Affairs have a concern, the situation should be assessed in consultation with the Board of Governors. Each case will be dealt with sympathetically. While early referral to Occupational Health may be a factor in the effective management of long-term absence, consideration should be given to the timing of the referral, based on the nature of the illness. Where a referral is being made the Director of Corporate Affairs should contact the staff member and advise them of the referral process. The process outlined in 3.10 should be followed.

On receipt of the report from the Occupational Health Physician, the Principal will notify the Board of Governors and the staff member of the outcome of the medical assessment and provide the staff member with a copy of the report, if requested, subject to medical advice. The Principal and/or Director of Corporate Affairs and where appropriate a Governor, may meet with the staff member to discuss the report and agree on any action necessary. An attendance meeting may take place with the staff member to discuss the report and any further action required.

3.6 SUSPENSION OF SICK PAY

In circumstances where a staff member submits his/her Fitness to Return to Work certificate, but cannot resume work due to a referral to the Occupational Health Physician, sick pay shall be suspended effective from the date of the certificate. The staff member will from the effective date be paid in accordance with agreed pay Regulations. Where the Occupational Health report continues to indicate unfitness to work, payment will recommence in accordance with agreed pay Regulations.

3.7 REPORTING ABSENCE

Where illness prevents a staff member from attending school, he/she must:

- (a) Notify the school by phone on the first day of absence and indicate the nature of the illness and the possible duration (**See Appendix A**). In exceptional circumstances when a staff member is unable to notify the school, a relative or friend may do so. In the case of the Director of Corporate Affairs, he/she should notify the Principal.
- (b) Ensure that the Director of Corporate Affairs is kept informed of the progress of the illness, in order that alternative arrangements can be put in place
- (c) Provide documentation promptly in support of any absence from work due to sickness as follows:
 - From day 1 to 7 calendar days: self certification form must be submitted to the Director of Corporate Affairs as soon as possible and not later than the 7th day of absence, to ensure payment of sick pay.
 - More than 7 days: doctor's statement must be submitted to the Director of Corporate Affairs before expiry of the 2nd week of absence.
 - Subsequent doctor's statements must be submitted to the Director of Corporate Affairs as soon as possible, following receipt, to ensure continuation of sick pay.
- (d) Adequate notification must be given to the Director of Corporate Affairs in advance of the date of return to teaching, so that arrangements for cover can be discontinued. If the absence has been of 4 weeks or more duration, one week's notice of intention to return to work must be given to the Director of Corporate Affairs (or in the case of a Director of Corporate Affairs, to the Principal).

Where the original doctor's statement covers a period exceeding 14 days, or where more than one statement is required, the staff member must, prior to the actual return to work, obtain and submit a final medical statement certifying fitness to resume full duties.

Failure to comply with Reporting Absence Procedures may result in the absence being regarded as unauthorised, pay being withheld and/or disciplinary action being taken.

3.8 SICKNESS ABSENCE PRIOR TO AND DURING SCHOOL CLOSURE PERIODS

- If a return to work occurs within the two week period prior to a holiday period (i.e. Summer, Christmas and Easter) and the staff member suffers a relapse of the previous illness prior to the commencement of the new term preventing a return to work, arrangements may be made for a referral to a Occupational Health Physician designated by the Board of Governors.
- In cases where an absence continues into a holiday period and a recovery occurs within the same holiday period, a final medical statement certifying fitness to return to work must be submitted to the Director of Corporate Affairs at least one week before the start of the new term. If a return to work on the first day of the new term does not then take place, arrangements may be made for an Occupational Health referral.

3.9 CONDUCT DURING ABSENCE

In all cases of sickness or injury, which necessitate time off school, staff members will do their utmost to facilitate a speedy return to fitness and to work. Some activities, such as the exemplars below, may be considered inconsistent with genuine sickness or injury and may result in disciplinary action being taken.

- Participating in sport, hobby, social activity which is inconsistent with the illness or injury, could aggravate the illness or injury or delay recovery.
- Undertaking any employment, whether paid or unpaid, without prior approval, other than for therapeutic reasons approved by a doctor.
- Altering or causing to have altered details on a medical statement, e.g. dates or signature.
- Failure without cause to attend attendance meetings or medical referrals.
- Taking holidays during sickness absence - except where permitted by a doctor and with the Principal's knowledge.

The type of behaviour expected of staff will depend upon the individual nature of the case and the nature and severity of the illness. Principals shall be alert to such issues and seek advice from the Board of Governors on any substantiated incidents, which come to their attention.

3.10 MEDICAL INFORMATION

Medical opinion may be sought in the following ways:

- The staff member may be asked to give his/her written consent for his/her Doctor to be approached for a medical report; and/or
- A referral may be made to a Occupational Health Physician or Specialist designated by the Board of Governors.

A staff member may be referred to an Occupational Health Physician in the following circumstances (This list is not exhaustive).

- There is concern about a staff member's health and well being.
- Absence gives the Principal cause for concern.
- A staff member has been on prolonged sickness absence and wishes to return on a temporary /permanent alternative working pattern, for medical reasons.
- Where the Principal has been notified that the staff member is disabled or suffering from a disability.
- Absences lasting three months or more due to a psychiatric disorder (DE Circular 2005/13 refers).

3.10.1 Occupational Health Assessments

It is the responsibility of the Principal to initiate a request to the Board of Governors for a referral to an Occupational Health Physician. The Principal should discuss this with the member of staff and inform him/her of the request for medical referral. A staff member shall attend a medical assessment by an Occupational Health Physician, if directed by the Principal. Failure to attend without reasonable cause will result in the costs associated with the referral being the responsibility of the staff member and may result in the withholding of sick pay and/or disciplinary action.

On receipt of the report of the Occupational Health Physician the Principal will notify the staff member and the Board of Governors of the outcome of the medical assessment and provide the staff member with a copy of the report, if requested, subject to medical advice. The Principal will be advised of the staff member's fitness for work, or otherwise, including, where appropriate, any recommended action.

It is the responsibility of the Board of Governors to meet any costs incurred in obtaining medical opinions.

3.10.2 Access to Medical Reports

All information acquired by Boards of Governors on staff health matters should be treated with sensitivity and access restricted to the relevant decision bodies.

There will be certain occasions whereby a staff member's absence may be due to medical reasons, which are of a highly sensitive nature and on such occasions these details will be communicated to Boards of Governors. The prognosis in terms of likely duration and its continued effect on attendance are the main concerns for the Board of Governors when making any decision regarding this type of absence.

Individual staff members have the right, if requested, to see any medical report relating to them which is supplied by any medical practitioner where that report has been requested for employment purposes. Such a report shall comply with part III of the Access to Personal Files and Medical Reports (Northern Ireland) Order 1991. Release of such reports will be subject to medical advice.

3.11 REASONABLE ADJUSTMENT

Where the Occupational Health Physician has indicated that a staff member may meet the definition of disability, as defined by the Disability Discrimination Act 1995, it will be necessary to consider the possibility of reasonable adjustment. The advice of the Board of Governors should be sought on "reasonable adjustment".

3.12 PHASED RETURN TO WORK

In circumstances where a recommendation is made by the Occupational Health Physician that a phased return to work would assist a staff member, this should, where possible, be facilitated by the Principal, in line with the needs of the school. The time span of the phased return to work should normally be based on occupational health advice and will be reviewed regularly. Such arrangements shall normally not last for more than four weeks. Normal salary will be paid during a phased return to school.

3.13 TERMINATION OF EMPLOYMENT ON THE GROUNDS OF ILL HEALTH

It may be necessary to consider the following final actions if, after a period of consultation and monitoring, attendance has not improved or is unlikely to improve:

3.13.1 Retirement on the Grounds of Ill Health:

Retirement on the grounds of ill health and any subsequent pension entitlements will only be granted when it is the opinion of an occupational health physician appointed by DE, that the staff member is permanently incapable of carrying out his/her duties due to a medical condition.

3.13.2 Termination on the Grounds of Ill Health/Capability

If all the available medical evidence indicates that the staff member is not fit to return to work within a reasonable period, the Board of Governors, following consultation with the staff member and his/her representative, may determine that a staff member's employment should be terminated on grounds of ill health. In such circumstances the appropriate procedure will apply.

3.13.3 Termination on the Grounds of Some Other Substantial Reason, e.g. failure to provide a regular and sustained service

If in considering all available information, and following consultation with the staff member and his/her representative, it is determined by the Board of Governors that the staff member can no longer fulfil his/her contractual duties, the staff member's contract may be terminated on the grounds of some other substantial reason i.e. failure to provide a regular and sustained service. In such circumstances the appropriate procedure will apply.

3.14 MEDICAL RECOMMENDATION TO RETURN TO WORK

Where, following a medical referral, the medical adviser indicates that a staff member is fit to return to work, the staff member will be advised and a date will be set for return. If the staff member disagrees with the determination of the medical adviser he/she will be offered the facility to appeal against the instruction to return. Such appeal must be lodged within 5 working days of the notification to return and must be accompanied by additional medical evidence which was not available at the time of the medical referral. Sick pay will be suspended from the expected date of return pending the outcome of the review. The Board of Governors will nominate an independent medical adviser, not involved previously in the case, to consider the appeal, and seek the member of staff's agreement to the nomination. An objection to a nominated independent medical adviser must state the grounds of objection. No more than one objection will be allowed. The opinion of the independent medical adviser will be final and binding on both parties.

If the appeal is upheld sick pay will be restored and a decision will be taken on continued employment or continued monitoring. If the appeal is not upheld the staff member will be given one final opportunity to return to work. If the staff member fails to return to work he/she will be deemed to have terminated his/her contract of employment with immediate effect.

3.15 SICKNESS ABSENCE DURING THE APPLICATION OF OTHER PROCEDURES

Where a staff member, who is subject to investigation/s or other procedures, e.g. Disciplinary Procedure, etc, absents him/herself on health grounds, the Board of Governors reserves the right, at any stage, to require the staff member to submit to a medical examination by an Occupational Health Physician and to progress the investigation or other procedural action, as appropriate.

APPENDICES

- A. Procedures for reporting absence.
- B. Absence report form.
- C. Invitation to Attendance Meetings.
 - first meeting
 - follow-up meeting.
- D. Format to record Attendance Meetings.
- E. Data Protection.
- F. Disability Discrimination

APPENDIX A

Procedures for reporting absences

- If you cannot come to work, you should contact the Director of Corporate Affairs on the first morning of absence by 8.40 a.m. at the latest.
- The office opens at 8.30 a.m. and you must speak with the Director of Corporate Affairs.
- No messages about absences, cover needs or arriving late are to be left on the answer phone system.
- Contact can also be made with the Assistant Bursar but only in the event of the Director of Corporate Services being unavailable.
- In your initial contact, you should give some idea of the reason for your absence or the nature of your illness and, if possible, how long you think you will be absent from work
- If the reason for your absence is of a sensitive nature you may inform the Principal directly.
- On your return to work;
 - i You report to the Director of Corporate Services before 9.00am.
 - ii You fill in an absence report form (Appendix B) available from and returned to the Assistant Bursar.
- In accordance with our Attendance Policy, absences will be monitored. The yearly cycle will run from April 1st to March 31st of the following year.

APPENDIX B



Name:- _____

Address:- _____

Post Held:- _____

Date of First day of absence:- _____ Date of last day of absence:- _____

Date of Return to work:- _____

Number of days absent:- _____

Absence caused by

1. Sickness Nature of illness _____

2. Accident outside work Nature of accident _____

3. Other Description _____

I confirm that I was unable to attend work as detailed above due to illness/injury

Signature _____ Date _____

Director of Corporate Services _____ Date _____

Principal _____ Date _____

APPENDIX C

INVITATION TO ATTENDANCE MEETING

Dear

I refer to your absence from work absence record, a copy of which is enclosed.

I have arranged a meeting at ____ (time) on _____ date in my office to discuss your absence record, the reasons for your absence and to consider any ways in which you could be supported in improving your attendance. Please note that you have a right to be accompanied to this meeting by a work colleague or a Trade Union Representative.

I would like to reassure you that our Board of Governors is committed to the health and welfare of our staff and the main purpose of the meeting will be to support and improve your attendance levels. I would also like to draw your attention to the Staff Welfare Service for confidential advice and assistance.

In the meantime, please do not hesitate to contact me if you have any questions or concerns.

Yours sincerely,

Principal

Enc: Work Absence Record

INVITATION TO FOLLOW-UP ATTENDANCE MEETING

Dear

I refer to our meeting of _____(date) in which we agreed it would be appropriate to review your attendance after _____ months/weeks. We agreed that this meeting should be held at ____ (time) on _____date in _____(venue).

Options:

Unfortunately, it appears that the improvement we had sought has not been achieved and it may now be necessary to obtain medical information to ascertain whether there is an underlying medical cause for your continued absence. To this end, I have enclosed a Medical Report Consent Form so that you might consider granting access to relevant medical information. Alternatively, the Governors may consider a referral to an Occupational Health Physician.

Or:

I am pleased that there has been a marked and sustained improvement to your attendance and the meeting will focus on how best your continued attendance may be supported.

Or:

At this meeting you were advised that a medical referral would be arranged. We have now received the medical report and wish to meet to discuss the issues arising with you.

I would be grateful if you could confirm your attendance at this meeting by _____ (date) and remind you have a right to be accompanied by a work colleague or a Trade Union Representative.

Again, I would draw your attention to the confidential Staff Welfare Service.

In the meantime please do not hesitate to contact me if you have any questions or concerns.

Yours sincerely

Principal

Enc: Medical Report Consent Form

APPENDIX D

St. Mary's Grammar School Belfast

RECORD OF ATTENDANCE & FOLLOW-UP MEETINGS

Staff Member: _____ Accompanied by: _____

Date of Meeting: ____ / ____ / _____ No of Days Absent: _____
(within last 12 months)

Summary of medical conditions: (Indicate if the staff member is receiving treatment from GP/Consultant and record name and address.)	
Effects of absence and impact on the school: (Identify all difficulties that the school faces as a consequence of the continued absence.)	
Disability: (Specify any identified disability issues which may/may not require adjustment to working conditions.)	
Consequences of continued absence: (Specify any identified actions which might have to be considered if absence continues.)	
Details of Actions taken / proposed: (Record any identified actions which have been proposed or agreed by either party.)	
Review Agreements: (Record the agreements on improvements required and review dates.)	

These details are an accurate reflection of the meeting. I have received a copy of my absence record.

Signature (Staff Member): _____

Signature (Colleague/Union Rep.): _____

Signature (Principal): _____

APPENDIX E

Data protection

The Board of Governors must comply with the Data Protection Act 1998 (DPA) when they collect, use and store information, manually recorded or on a computer, about their staff members' absences. Details of a staff member's health, either physical or mental, are categorised as 'sensitive personal data' under the DPA. Under the DPA, any organisation must be open about why they are collecting and keeping the information. Staff should know what information about their health is being collected and why. Collecting information about staff members' health without them knowing is unlikely ever to be justified.

The Information Commissioner has published an 'Employment Practices Code' which gives more advice and information on data protection law. You can download this code from the Information Commissioner's website at www.ico.gov.uk, or you can contact the Information Commissioner's Office - Northern Ireland, Room 101, Regus House, 33 Clarendon Dock, Laganside, Belfast BT1 3BG (phone: 028 90511270).

APPENDIX F

Disability discrimination: The DDA 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*”.

Physical impairment: this includes, for instance, a weakening of part of the body (eyes, ears, limbs, internal organs etc.) caused through illness, by accident or from birth. Examples would be blindness, deafness, paralysis of a leg or heart disease.

Mental impairment: this includes mental ill health and what is commonly known as learning disability.

Substantial: put simply, this means the effect of the physical or mental impairment on ability to carry out normal day to day activities is more than minor or trivial. It does not have to be a severe effect.

Long-term adverse effect: the effect has to have lasted, or be likely to last, overall for at least twelve months and the effect must be a detrimental one. A staff member with a life expectancy of less than twelve months is, of course, covered if the effect is likely to last for the whole of that time.

A normal day to day activity: this is something which is carried out by most people on a fairly regular and frequent basis, such as washing, eating, catching a bus or turning on a television. It does not mean something so individual as playing a musical instrument to a professional standard or doing everything involved in a particular job.

The staff member must be affected in at least one of the respects listed in the DDA:

- Mobility;
- Manual dexterity;
- Physical coordination;
- Continence;
- Ability to lift, carry or otherwise move everyday objects;
- Speech, hearing or eyesight;
- Memory or ability to concentrate, learn or understand; or
- Perception of risk of physical danger.

If the effects of the disability are reduced by medication or other treatment then the relevant effects are those that would be present if there was no medication or treatment taking place. There is an exception to this rule for staff members who wear spectacles or contact lenses, then the relevant effects are those that remain while the spectacles or contact lenses are being used.

Special provisions cover particular conditions which might otherwise not be considered as disabilities. These are provisions covering:

Recurring or fluctuating conditions such as arthritis, where the effects can sometimes be less than substantial, which are treated as continuing to have a substantial adverse effect so long as that effect is likely to recur;

Conditions which progressively deteriorate, such as motor neuron disease, which count as having a substantial adverse effect from the first time they have any effect on the ability to carry out normal day to day activities even if it is not substantial, so long as there is eventually likely to be a substantial adverse effect;

Severe disfigurements, which are treated as having substantial adverse effects on the ability to carry out normal day to day activities, even if they have no actual effect at all; and

Staff members with cancer, HIV infections or multiple sclerosis will be deemed to be disabled people without the need to show that conditions have an adverse effect on their normal day to day activities.

The following conditions specifically do not count as impairments:

- Addiction to or dependency on alcohol, nicotine or any other substance (unless resulting from the substance being medically prescribed);
- Seasonal allergic rhinitis (e.g. hay fever) unless it aggravates the effect of another condition;
- Tendency to set fires, or steal, or physically or sexually abuse other persons;

- Exhibitionism and voyeurism; and
- Disfigurements consisting of tattoos, non-medical body piercing or attachments to such piercing are not treated as having substantial adverse effects.

Much of the DDA also applies to staff members who have had a disability in the past for example, someone who was disabled by mental ill health but who has now fully recovered. Staff members who were registered disabled under the Disabled Persons (Employment) Act (Northern Ireland) 1945 both on 12 January 1995 and 2 December 1996 will be regarded as having had a disability in the past, if they do not otherwise fall within the definition of the DDA.

Managing staff members who become disabled as a result of sickness may mean governors have to make 'reasonable adjustments', as explained in the Disability Discrimination Act 1995, before they can return to their job.

The types of adjustments that governors might have to consider include:

- Making physical adjustments to the workplace;
- Passing some of the disabled staff member's duties to another person;
- Transferring the disabled staff member to another vacant post, with or without reasonable adjustments being made;
- Altering the disabled staff member's working hours through, for example, part-time working, job-sharing or other flexible arrangements; and
- Providing special equipment to help the disabled staff member carry out his or her tasks, and giving training in how to use the equipment.

