

MEETING THE NEEDS OF TEACHERS WITH DISABILITIES

MESSAGE FROM THE GENERAL SECRETARY

1. The National Union of Teachers has campaigned consistently for equal opportunities for disabled teachers and those who become medically incapable of service. The NUT is opposed to discrimination against teachers with disabilities, as it is to discrimination on grounds of sex, sexual orientation or race.
2. The Disability Discrimination Act (1995) was the first piece of legislation to outlaw discrimination on the basis of disability. The disability movement has reservations about the Act but it is wide-ranging in its scope, covering many aspects of employment, including retention and selection, promotion, training and other benefits.
3. The NUT has taken many positive steps itself on disability issues including:
 - producing a “Tool Bag” with briefing notes on “tools” for supporting teachers with disabilities available on the Union’s web-site and from headquarters; and
 - establishing disability equality training.
4. The NUT has produced a model equal opportunities agreement on the employment of teachers with disabilities, which divisions or associations may wish to use when negotiating with their LEA and/or schools. It covers issues such as recruitment, retention and career development. Please contact ‘Teachers with Disabilities’ at NUT Headquarters for a copy of this agreement.
5. Too often, employers see teachers with disabilities as a liability rather than an asset, and unfortunately many teachers are eased out into early retirement against their wishes. The NUT believes emphasis should be given to the significant contribution made to society by disabled people and to their key roles. Teachers with disabilities can help to break down barriers against discrimination. There are many examples to show how teachers with disabilities can be extremely effective, given a little extra support and positive attitudes, and can make a valued contribution in their schools.
6. No other teachers’ organisation provides the quality of advice and support offered by the NUT. The NUT is there to promote your professional interest and to act effectively when you need protection.

MESSAGE FOR THE NUT REPRESENTATIVE

7. These guidelines outline the entitlement of teachers with disabilities to support. The guidelines are predicated on the NUT’s belief that the barriers in society present problems far more difficult than the effects of physical disability.
8. This leaflet provides information and advice which will enable NUT school representatives to respond to the needs expressed by colleagues with disabilities. Members with disabilities are themselves the experts on disability. Further advice may be obtained from the NUT’s website with the ‘Tool Bag’ for supporting

members with disabilities. The 'Tool Bag' is available from the Education and Equal Opportunities Department at NUT Headquarters.

9. When members are in need of help and advice which is not forthcoming from within the school itself, advice should be sought from the NUT regional office or, in Wales, the NUT Wales Office, NUT Cymru, for advice.

TRAINING

10. The NUT believes that LEA training programmes including governor training should cover disability issues. Disability awareness and equality training are particularly important for selection panels. Training and awareness can be targeted to tackle issues specific to individual teachers, for example introducing deaf awareness programmes so that staff will be comfortable with a sign language interpreter used by a deaf teacher. Disabled teachers need the same level of access to training as colleagues who are not disabled. Where appropriate, training should be held at accessible venues or other adjustments made.
11. The 'Good Practice Guide for Schools to Promote Equality of Opportunity: For Teachers with Disabilities' was produced by Skill: National Bureau for Students with Disabilities with financial backing from the Teacher Training Agency. One copy of the above guidelines has been sent to all schools. More can be made available on request from the TTA Communication Centre. Their telephone number is 01245 454 454. The guide is also available from the Education and Equal Opportunities Department at NUT Headquarters.
12. The NUT runs an annual training course "Disability: A Matter of Equality". This course aims to:
 - raise awareness of disability issues in society generally and in education particularly;
 - consider NUT policy and priorities for promoting disability equality;
 - enable participants to develop strategies to promote NUT policy on disability equality; and
 - consider practical steps that can be taken at local level to promote equality for disabled teachers in employment, for disabled members of the NUT and for disabled pupils and students.
13. For further details of the course please contact the Membership and Communications Department at NUT Headquarters on Tel. 0207 380 4780.

THE DISABILITY DISCRIMINATION ACT 1995: THE EMPLOYMENT OF DISABLED TEACHERS

14. Set out below are the relevant sections and provisions of the Act as it relates to employment.

The Definition of Disability

15. The DDA covers people who have, or have had, a disability. A person has a disability according to Section 1 of the 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”*.

Discrimination in Employment

16. Section 5 of the Act states that discrimination by an employer can occur in two ways.

17. *“An employer discriminates against a disabled person if:*

- a. for a reason which relates to the disabled person’s disability, he treats him less favourably than he treats or would treat others to whom that reason does not or would not apply; and*
- b. he cannot show that the treatment in question is justified* ✍

18. *“An employer also discriminates against a disabled person if:*

- a. he fails to comply with a section 6 duty [to make reasonable adjustments] imposed on him in relation to the disabled person; and*
- b. he cannot show that his failure to comply with that duty is justified* ✍

19. Where members consider that they have been discriminated against by their employer, school representatives should contact their regional office, or in Wales, the NUT Wales Office, NUT Cymru.

The Duty of Reasonable Adjustment

20. Section 6 of the Act states that employers have a duty *“to take such steps as it is reasonable to change the physical features of the workplace and employment arrangements so that a disabled person is not at a substantial disadvantage compared to non-disabled people.”*

21. Please contact ‘NUT Guidance on the DDA’ at NUT Headquarters for examples of ‘reasonable’ adjustments which governing bodies and LEAs may reasonably have to make.

A checklist for local associations to encourage the involvement of teachers with disabilities

22. The NUT has produced a checklist for good practice, which provides a list of questions and suggestions and ideas for divisions and associations to use to promote equality of opportunity for members with disabilities. The checklist is available from the Education and Equal Opportunities Department at NUT Headquarters.

DfEE CIRCULAR 4/99: PHYSICAL AND MENTAL FITNESS TO TEACH OF TEACHERS AND OF ENTRANTS TO INITIAL TEACHER TRAINING

23. DfEE Circular 4/99, 'Physical and Mental Fitness to Teach of Teachers and of Entrants to Initial Teacher Training', replaced DES Circular 1/88 and DfE Circular 13/93. As a consequence of successful NUT pressure, Circular 4/99 is much more positive and encouraging than 1/88 and refers to the important contribution, which can be made by the employment of disabled teachers.

24. The circular states, in paragraph B.2.1:

“Disabled staff can make an important contribution to the overall school curriculum, both as effective employees and in raising the aspirations of disabled pupils and educating non-disabled people about the reality of disability. Many disabled people will be medically fit to teach, though employers may have to make reasonable adjustments under the DDA to enable disabled people to carry out their duties effectively.”

25. Routine medical examination of all prospective students for teacher training is not required. Candidates who have been offered firm or conditional places on courses of initial teacher training are required to complete a declaration of health questionnaire before committing themselves to a course leading directly to qualified teacher status.

Recruitment

26. Employers who want to recruit the best teachers need to remove barriers that exclude candidates unnecessarily. According to the Disability Discrimination Act (1995) it is unlawful to discriminate against a person with disabilities in the arrangements for deciding who should get the job, such as job descriptions and interviews. The Skill document 'Good Practice Guide for Schools to Promote Equality of Opportunity: For Teachers with Disabilities' gives further examples of good practice in recruitment procedures. Please see paragraph 11 for details on how to obtain a copy of this document.

Physical and Mental Fitness to Teach on Entry or Re-entry to Teaching

27. Regulations 8 and 9 of the Education (Teachers) Regulations require that a Local Education Authority or governing body must not appoint anyone to, or continue to employ them in, relevant employment unless he or she has the health and physical capacity for such employment.

28. The NUT has expressed its view to the DfEE that, if there is any doubt about a teacher's capacity to teach, the employer should set up a professional panel on which practising teachers, including disabled teachers, are represented. The NUT believes that this should be a role for the General Teaching Council.

29. The circular states that, in the case of newly-qualified teachers, the prospective employer's medical adviser should obtain details of the applicant's medical history from the medical adviser to the training provider, with the written consent

of the teacher. In most cases, this information will be confined to the pre-course declaration of health questionnaire.

30. The circular says also that, "the selection of candidates for training involves both assessing the suitability of their personal and intellectual qualities, and their physical and mental fitness to teach. The medical advisor may report problems, which, while significant, do not rule the candidate out on medical grounds. In these cases, the admissions tutor or the training school must decide whether the candidate has the potential to become an effective teacher".
31. The circular advises when teachers change school that no appointment should be confirmed until the employer is satisfied that a teacher has the health and physical capacity to teach. The employer's medical adviser may consider medical records from previous employment. According to the circular:

"The employer must also consider whether reasonable adjustment would enable a disabled candidate to work effectively".
"Prospective employers must obtain the teacher's consent before requesting medical information from a previous employer".

Teachers who become Medically Incapable in Service

32. Circular 4/99 points out the responsibility of the governing body or headteacher to take any emergency action when there is reason to believe that a teacher may have become medically incapable of performing teaching duties and this may put at risk the health and safety of pupils.
33. The circular, however, contains the welcome statement that many teachers who become disabled through illness or injury can continue to carry out their duties effectively if the employer makes reasonable adjustments. Advice is available from DfEE Circular 20/99 'What the Disability Discrimination Act 1995 means for schools and LEAs', relevant disability organisations and from the Employment Service's Disability Service Teams, who administer the Access to Work programme, and can be contacted at local Job Centres. This statement was added following pressure from the NUT.
34. Teachers who are members of the Teachers' Pension Scheme and are unable to continue working because of illness or injury can apply for ill-health retirement benefits. To qualify for ill-health benefits teachers have to be permanently incapable of teaching.
35. Teachers may not be appointed to relevant employment while they are receiving any ill-health benefits awarded after 31 March 1997.
36. Where the issue of suspension or dismissal of a teacher on medical grounds arises, under Regulation 9 of the Teachers' Regulations, the employer must give the teacher concerned the opportunity to submit medical and other evidence and to make representations and must consider such evidence and representations.

37. Further briefing notes on the circular may be obtained from the NUT's 'Tool Bag' for supporting members with disabilities. Please see paragraph 8 for information on obtaining a copy of the 'Tool Bag'.

ACCESS TO WORK

38. 'Access to Work' is a Government scheme, which was introduced in 1994, bringing together a range of services available to people with disabilities and their employers.

'Access to Work' Offers:

- communicators for people who are deaf or have a hearing impairment;
- a part-time reader or assistance at work for a blind worker;
- equipment or adaptations to existing equipment to suit individual needs;
- adaptations to a car, or taxi fares or other transport costs for someone who cannot use public transport to get to work; and
- alterations to premises or to the working environment so that an employee with a disability can work there.

39. Access to Work is intended to be flexible to suit each person's needs in their particular job. It may be possible to have help with items not included in the above list.

How to find out more

40. The Job Centre or Employment Service will be able to put a person in touch with a Disability Employment Adviser (DEA) who is part of an Employment Service Disability Service Team. The DEA can advise on the different kinds of help available under Access to Work. The DEA can also provide advice to employers on recruiting people with disabilities. The DEA number is listed in the telephone directory under 'Employment Service'.

The Employer's Contribution

41. For information on the mandatory employer contribution for support for people in employment please contact the Employment Service. Their telephone number can be found in the Yellow Pages under the category Employment Service.

INCAPACITY BENEFIT AND THE ALL-WORK TEST

42. Incapacity Benefit (IB) is a benefit for people unable to work because of illness or disability. It replaced Sickness Benefit and Invalidity Benefit from April 1995. Applicants must have paid enough National Insurance contributions to qualify. Incapacity Benefit is not a means-tested benefit so the amount received does not depend on income or savings. People who have taken early retirement and who are below the State pension age can claim it.

43. For further details about the Incapacity Benefit please see the 'Tool Bag' for supporting members with disabilities. Details of where this can be obtained are found in paragraph 8.
44. After 28 weeks of receiving Statutory Sick Pay or short-term Incapacity Benefit, there is a Personal Capability Assessment. This assesses a person's ability to do a whole range of jobs, not just teaching and decides whether an applicant is unable to work and thus be eligible for Incapacity Benefit.
45. Most claimants are sent a questionnaire to assess their medical condition and may be examined by a Benefits Agency doctor. The assessment takes account of functional areas of impairment, for example standing, reading, seeing and the distance an individual can walk. It is not a test of fitness to teach.
46. If a claimant is assessed as "fit to work" and disagrees with this assessment they may appeal. They should contact the benefit enquiry line on 0800 882200 for further information.
47. More information about the Personal Capability Assessment and advice about completing the forms is available in the NUT's 'Tool Bag' for supporting members with disabilities.
48. Claimants should focus on their problems and difficulties rather than how they deal with those difficulties.

DISABILITY LIVING ALLOWANCE

49. Disability Living Allowance (DLA) is a benefit for disabled people (children and adults) who may need help in looking after themselves or with getting around.
50. DLA is tax-free and is not means-tested. It is paid on top of any earnings or other income.
51. DLA is divided into two parts:
 - a care component - for help with personal care needs, paid at three different levels; and
 - a mobility component - for help with walking difficulties, paid at two levels.
52. In each case the applicant must satisfy one of the "disability" conditions set out above, must have done so for at least the previous three months and must be likely to continue to do so for the next six months.
53. Either component can be paid on its own or both components can be paid at the same time.
54. It is not necessary to have a carer in order to receive DLA.

How could DLA help NUT Members?

55. Disabled teachers may be eligible for DLA while they are teaching. DLA should be worth investigating as a means of support for disabled members.

How can the DLA be spent?

56. A disabled person who qualifies for DLA can spend it on anything he or she wishes, e.g. taxi fares, car expenses, and equipment.

How to find out more

57. The DLA is a complicated benefit.

58. A claim can be started off by a free telephone call to the benefit enquiry line (BEL) on 0800 882200.

59. The BEL will send a claim form (DLA1) and the claim can be backdated to the date of the call.

60. The forms completion service, on 0800 441144, will complete the form over the telephone on behalf of the applicant and then send out the completed form for checking and signature.

THE IMPORTANCE OF POSITIVE ATTITUDES

61. The Skill document 'Good Practice Guide for Schools to Promote Equality of Opportunity : For Teachers with Disabilities' reflects a range of approaches that can be taken when employing a teacher with a disability, ranging from minor adjustments to more extensive changes.

EXPERIENCES OF DISABLED TEACHERS: ADAPTED FROM THE NUT DISABILITY TOOLBAG

62. "I became the first deaf head teacher to be appointed this century. Technology has advanced to the extent that communication problems are now less severe. The provision of interpreters helps at meetings. There is still a need for deaf awareness programmes in education because discrimination and prejudice are alive and well". **(Teacher with hearing impairment)**

63. "In my present position everyone takes my disability as part of me. I cannot get promotion to a deputy headship; I am for some reason always second! My disability, I believe" **(Teacher with calliper)**

64. "I became profoundly hearing-impaired at 24 years old. I was working at a Husbandry Farm as an assistant Scientific Officer. I decided to retrain and qualify as a teacher of the deaf in 1987. Humberside LEA has since employed me. For the initial two years I was a teacher in a small unit attached to a primary school. I was then promoted to head of a newly formed unit in another primary school. Most of the time the LEA and the school staff have met me with positive and helpful attitudes to my impairments. Obviously, there are grey areas but with the support of the NUT I always feel I am and will be backed in any areas that may have potential to cause problems". **(Teacher with hearing impairment)**

65. "I teach (job share) in a very lively city centre middle school. My experiences are generally very positive; help is always on offer if required. Alterations to the building have given improved access and suitable toilet facilities. I am able with some help (display boards etc.) to function in the classroom as well as other members of staff. Staff, parents, school and children are brilliant! Very positive!" **(Teacher who uses a wheelchair)**
66. "I had a leg amputated when I was six. In general, I have found other staff in schools supportive of me. I once had the experience of my metal foot dropping off when I was walking down a corridor but this has never happened in front of a class! **(Teacher with artificial leg)**
67. "When I first started teaching I felt the need to hide my impairment and stress on application forms that it did not affect my teaching at all. I have, however, always talked to pupils about my disability and now recognize how vital it is to promote the positive roles disabled pupils and teachers can play in schools. Over the years I have grown tired of the discrimination I face in various areas of my life and have come to identify myself as someone disabled by the mindset of the vast majority of society. I am disabled by inaccessible buildings and systems-a situation which can only be effectively addresses through ensuring the full civil rights of disabled people". **(Teacher with cerebral palsy)**
68. "I survived polio at a young age and realised I was "different" at the age of six. Initially, I was rejected by my local school and my parents kept me at home until they reluctantly agreed to send me to a special school. Later, I went to a local secondary modern school and then to university. As a teacher, I became very active with the NUT and it was only when I returned to teaching that I became more aware of disability issues. I realised that disability was not being addressed in the way race and gender was. I see the treatment of disabled people as a form of oppression that must be tackled for the benefit of future generations". **(Teacher who is a polio survivor)**

SOURCES OF INFORMATION AND HELP

69. The NUT's regional offices in England and NUT Cymru provide members with a unique and unrivalled service. With experienced regional secretaries, regional officers and solicitors, the NUT makes available to its members a direct personal service providing legal and professional advice, guidance and support. All enquiries are dealt with in confidence.
70. In addition to the NUT, there are a range of organisations which can provide information and help on disability equality. Some of these are set out below.

The Disability Rights Commission

DRC Helpline

Freepost MID 02164

Stratford-upon-Avon

CV37 9BR

Tel: 08457 622 633

Fax: 08457 622 611

Textphone: 08457 622 644

Website address: www.drc-gb.org

E-mail address: ddahelp@stra.sitel.co.uk

The DRC Helpline provides information and advice on all aspects of DDA, as well as signposting specialist organisations where necessary. In addition, it can offer good practice on the employment of disabled people.

The Teachers' Benevolent Fund

Hamilton House
Mabledon Place
London WC1H 9BD
Tel: 0207 554 5200
Fax: 0207 554 5239
Website address: www.teachersupport.org.uk
E-mail address: tbf@teachersupport.org.uk

The TBF's work includes helping teachers with disabilities to buy equipment such as electric wheelchairs, swivel car seats or stair lifts.

TUC Publications

Congress House
Great Russell Street
London WC1B 3LS
Tel: 0207 636 4030
Fax: 0207 636 0632
Website address: www.tuc.org.uk
E-mail address: info@tuc.org.uk

The TUC's resource pack 'Accessible Documents' contains valuable information on producing documents in large print, on audiotape and in Braille.

RNID (Royal National Institute for Deaf People)

19-23 Featherstone Street
London
EC1Y 8SL
Tel: 0207 296 8000
Text: 0207 296 8001
Fax: 0207 296 8199
Website address: www.rnid.org.uk
E-mail address: helpline@rnid.org.uk

The RNID can advise on sign language interpreters and on induction loops (which can be set up in meeting rooms to enable hearing aid users to hear speakers).

Sign Language Information Centre

31 High Street
Carlisle
ML8 4AL
Tel: 01555 770297

SLIC offers advice on sign language interpretation. SLIC has a wide experience of working with unions and provides the interpreters for the NUT Annual Conference.

Disability Resource Team

2nd Floor
6 Park Road
Teddington
Middlesex TW11 0AA
Tel: 0208 943 0022

DRT provides transcriptions into Braille.

In Touch Publishing

37 Charles Street
Cardiff
CF1 4EB
Tel: 01222 222403

The BBC  In Touch  handbook (€19.95) provides essential information on facilities and services available to visually impaired people.

**National Organisation for Sight Impaired
Transcription Enterprises**

Wallsend People's Centre
10 Frank Street
Wallsend NE28 6RN
Tel: 0191 263 0005

NOSITE offers transcriptions into Braille, cassette tape, large print and Moon (an alphabet printed in raised shapes, based on Gothic script).

ABAPSTAS (The Association of Blind and Partially Sighted Teachers and Students)

To join, write to Tracey Wilson, ABAPSTAS Secretary at BM Box 6727, London WC1N 3XX or phone the Membership Officer, Nick Clarke on 01484 517954.