



East Herts Council

Employing & Managing People with Disabilities

Policy Statement

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1 Purpose

- 1.1 The purpose of this policy is to ensure that East Herts Council complies with its legal obligations under the Equality Act 2010. This act replaces and harmonises previous legislation (such as the Race Relations Act 1976 and the Disability Discrimination Act 1995). It provides protection from discrimination for the following protected characteristics: age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity.
- 1.2 Many of the previous disability provisions have been retained (e.g. an employer is required to make reasonable adjustments) but the Equality Act has made it easier for a person to show that they are disabled and introduced new protection from indirect discrimination.
- 1.3 The Equality Act 2010 provides a framework for managers in their dealings either with disabled people who apply for jobs with the Council or, with people who become disabled whilst working for the Council. The policy, procedure and guidance are designed to ensure that this section of the community is not subjected to unlawful discrimination.
- 1.4 The Equality Act 2010 defines a disabled person as someone who has a physical or mental impairment that has a substantial and long term adverse effect on their ability to carry out normal day-to-day activities. For the purposes of the Act;
 - Substantial means neither minor nor trivial
 - Long term means that the effect of the impairment has lasted or is likely to last for at least 12 months
 - Normal day-to-day activities include everyday things like eating, washing, walking and going shopping
 - A mental illness does not need to be 'clinically well-recognised'

People with HIV, cancer and multiple sclerosis are covered by the DDA effectively from the point of diagnosis, rather than from the

point when the condition has some adverse effect on their ability to carry out normal day-to-day activities.

- 1.5 The Act includes protection from discrimination arising from unfavourable treatment because something is connected with an individual's disability (e.g. tendency to make spelling mistakes due to dyslexia).
- 1.6 It also requires the Council to make reasonable adjustments to any provision, criterion or practice applied by the Council or to any physical features of premises occupied by the Council which places the disabled person at a substantial disadvantage with people who are not disabled.
- 1.7 The Council is aware that only a relatively small proportion of the disabled community is visibly disabled and has, therefore, adopted the following policy principles and procedure to support this group.

2 Principles of the policy

- 2.1 The Council is responsible for raising employees awareness of employment-related disability issues.
- 2.2 There are sound business reasons for employing disabled people which include;
 - Widening the pool of candidates from which to recruit staff
 - Improving staff moral and loyalty by being inclusive and representative
 - Providing services to those with disabilities within the community
- 2.3 The Council will seek to ensure applicants and employees with a disability/ies receive full and fair consideration for all types of vacancies, as well as for training and promotion.
- 2.4 The Council is committed to avoiding stereotypical assumptions.

- 2.5 If any member of staff with a disability considers that he or she has been treated in a way that is contrary to these principles, the issue should be raised either through informal means or formally through the Council’s grievance policy. Every effort will be made to secure a satisfactory resolution.
- 2.6 The council will ensure that people with disabilities are offered all the reasonable support and are provided with all reasonable equipment and facilities to continue their employment.
- 2.7 Costs of making a reasonable adjustment will not be regarded as a legitimate defence.
- 2.8 The Council will monitor the composition of its workforce and this policy to ensure it is being properly implemented. Employees and job applicants are requested to co-operate in the monitoring process.
- 2.9 The Council will review related policies to ensure they support the Employee Disability Policy: e.g. Recruitment & Selection, Redeployment policy, induction and training.

3 Recruitment Procedure

- 3.1 All posts will specify the job and the person specification will detail the qualification, knowledge, experience, abilities and aptitudes required.
- 3.2 Care will also be taken to ensure that any legitimate requirements are not written in such a way as to potentially discriminate against disabled people. For example a person specification may include the requirement to have a driving licence where the actual requirement of the role is the ability to travel to various locations. Specifying a driving licence could disadvantage disabled people who are unable to drive but may still be able to travel using alternative forms of transport. Advice and assistance should be sought from the appropriate Human Resources department if in doubt.
- 3.3 The Council application forms include a separate insert on disability within the monitoring from which applicants for any position in the Council will be asked to complete. The form will not be used for selection purposes but the information will be

retained by the Council in order to monitor its recruitment process, to ensure fairness.

Recruitment Advertising

- 3.4 The Council encourages job applications from disabled people. All job advertisements should include the Disability Two Ticks symbol.

Selection processes

- 3.5 All job applicants will be told clearly how the selection process will operate and be asked whether they would like any adjustments to assist them in the recruitment process.

Short-listing Process and interview arrangements

- 3.6 The Council has been awarded the disability Two Tick Symbol by the Jobcentre Plus. As a symbol user, we guarantee to interview anyone with a disability whose application meets the minimum criteria for the post and who identifies themselves as disabled during the application process.
- 3.7 All job applicants will be assessed on their suitability for a post against the criteria detailed on the person specification.
- 3.8 All interview invite letter to candidates include details of who to contact should the candidate require any reasonable adjustments for the interview process.
- 3.9 Candidates will be issued with clear information about the nature of the job and they will be asked whether any adjustments to the premises, equipment or machinery or to working arrangements will assist them to perform the duties of the job.
- 3.10 In some rare circumstances it may not be possible for the Council to make the required adjustments, for example if the cost is prohibitive. However the Council must explore all options (for example external funding for the adjustments) before the final decision is made. Care must be taken not to treat the disabled candidate less favourably and any

decisions made regarding reasonable adjustments must be capable of being objectively justified

- 3.11 A new provision in the Equality Act introduces, for the first time, a ban on employers asking questions about health or disability at the interview.
- 3.12 Any new joiner will be subjected to the relevant pre employment checks and will need to complete an Occupational Health screening form, any adjustments that may need to make will derive from the advice given from Occupational Health Service (OHS).

4 Helping Disabled People at Work

4.1 The council operate many different initiatives enables to help disabled people at work these are through the following;

- **Induction:** Our induction training is accessible for disabled people.
- **Training:** We will offer disabled people as wide a choice of training as their colleagues without disabilities. We will consider the needs of disabled people during training.
- **Disciplinary action:** If it is necessary to take disciplinary action against a disabled person we will consider any reasons related to their disability, which may have contributed to the event that prompted the disciplinary action
- **Redundancy:** We will apply the same arrangements and requirements for redundancy for disabled people as for others. We will ensure that the selection criteria are not unjustifiably discriminatory
- **Health and safety:** We will take into account the needs of disabled people when assessing risks. We will not use health and safety issues as an excuse to discriminate against disabled people

5 Employees who become disabled

- 5.1 Those employees who become disabled during the course of their employment with the Council will be referred to Occupational Health Service to obtain medical advice. This will normally be identified through the absence management procedure and will help the council make reasonable adjustments.
- 5.2 On receipt of medical advice a meeting will be convened with the individual to discuss the content and the need to make the reasonable adjustments. The individual will be given the right to bring a workplace colleague or a representative to this meeting.

Making reasonable adjustments

- 5.3 The Equality Human Rights Commission gives an example of a reasonable adjustment as
- Allowing the person to be absent during working or training hours for rehabilitation, assessment or treatment.
- 5.4 The Council will take into account making reasonable adjustments. This will depend on the circumstances of the individual case but could include one or more of the following:-
- ✓ Making adjustments to premises i.e. lowering door handles or widening doorways.
 - ✓ Reallocating some of the disabled person's duties to a colleague.
 - ✓ Transferring the disabled person to fill an existing vacancy.
 - ✓ Changing the person's hours of work or training.
 - ✓ Assigning the person to a different place of work or training.

- ✓ Allowing absence during work / training hours for rehabilitation or treatment.
- ✓ Giving or arranging for training or mentoring.
- ✓ Acquiring new or modified equipment.
- ✓ Modifying instructions or reference manuals.
- ✓ Modifying procedures for testing and assessment.
- ✓ Providing a reader or interpreter.
- ✓ Providing supervision or alternative support.
- ✓ Permitting flexible working.
- ✓ Participating in supported employment schemes such as Workstep and Access to Work.
- ✓ Recording of sickness absence related to disability can be seen as a reasonable adjustment.

5.5 Managers should liaise with HR to consider the possibility or viability of making any such adjustments in the event of the OHS recommending that they are necessary. This may include seeking financial assistance from external sources such as Access to Work.

5.6 If the adjustments are not financially or operationally viable then consideration will be given to other alternatives e.g. redeployment, part time working, light duties.

5.7 Where redeployment into another post is identified as a reasonable adjustment, the individual will be given a skills assessment and a timescale within which to identify a suitable vacancy.

5.8 Following the assessment, the employee will be placed on the East Herts Redeployment Register and will have access to all suitable job vacancies as they arise. Those that are disabled will be prioritised.

- 5.9 The disabled status of the individual will entitle them to be matched to posts identified by the HR Team. Under this arrangement the skills assessment will be used to match the individual to suitable vacant posts.
- 5.10 If redeployment has not proved successful at the end of the agreed period, the position will be reviewed to determine whether an extension of the time period can be agreed or whether there are any other alternatives. For more further information, please refer to the redeployment policy
- 5.11 The Council is committed to supporting all staff with a disability, impairment or long-term condition. If managers are unsure whether an employee would meet the threshold of disability advice should be sought from Human Resources or Occupational Health. Staff who do not reach the threshold for disability should still be supported through the relevant Council policies (absence management, flexible working)

When to make reasonable adjustments

- 5.12 Having established that the disabled individual is subsequently disadvantaged if adjustments are not made, the Council should consider the following points:-
- ✓ The effectiveness and practicality of a proposed adjustment in preventing disadvantage.
 - ✓ The financial and other costs of the adjustment and the extent of any disruption caused, which will include a consideration of the value of the individual’s experience and expertise to the Council (including a consideration of the resources invested in the individual, their length of service, their level of skills and knowledge, their level of relationships with other stakeholders of the Council and their level of pay).
 - ✓ The extent to which the individual will co-operate with any adjustments.

6 Grievance

- 6.1 If any member of staff with a disability considers that he or she has been treated in a way that is contrary to these principles, the issue should be raised either through informal means or formally through the Council’s grievance procedure. Every effort will be made to secure a satisfactory resolution.
- 6.2 If an employee believes that they have been unfairly treated by the Council, they will have recourse to the Grievance Procedure.

7 Review

- 7.1 This procedure will be reviewed every 2 years, or sooner if there are any changes in legislation requiring amendments to be made.
- 7.2 This policy and procedure reflects the Equality Code of Practice issued by the Equality and Human Rights Commission.