Disability Toolkit

HR Service Effective from February 2008

1. Introduction

Many people think that you can tell if someone is disabled and that they have been so from childhood. In fact, most people who have a disability or a health problem develop it in later life - only 8% are born with a particular impairment. You would find it difficult to tell if a person was deaf, hearing or visually impaired without the obvious clues. Also, a lot of impairments are hidden e.g. diabetes, heart and thyroid problems.

People are affected by disability or health problems in different ways. This can happen suddenly, as a result of accidents or strokes or gradually as a result of the aging process such as arthritis and multiple sclerosis for example.

1.1 Why have a toolkit?

This toolkit has been devised to support the Council in its commitment to diversity as an integral part of management, policy and service delivery.

It has been produced in conjunction with the Council's **Disability Support Group** (see **section 1.4** for further information on the work of this group), Inspire Community Trust, Oxleas NHS Trust and Bexley Association of Disabled People to provide advice, guidance and information on disabilities for line managers, disabled employees, colleagues and HR. It also provides advice on best practice as well as pointers on where to go for further advice and information.

1.2 What is a disability?

The **Disability Discrimination Act (DDA 2005)** sets out the circumstances in which a person is defined as "disabled". It says a person is disabled if they have:

- a physical, visual, hearing or speech impairment, mental health issues, learning difficulty/disability or severe disfigurement and includes any impairment, which is likely to develop over time, such as cancer, multiple sclerosis, HIV or AIDS
- this has an adverse effect on the ability to carry out normal day-to-day activities
- the adverse effect is substantial
- the adverse effect is long-term (meaning it has lasted for 12 months or is likely to last for more than 12 months or for the rest of their life).

A person who has cancer, HIV or Multiple Sclerosis is deemed to be disabled from the point of their illness being diagnosed.

In determining if a person has a disability, it is important to think about the effect of the impairment without treatment. The Act says that any treatment or correction should not be taken into account, including medical treatment or the use of a prosthesis or other equipment (for example, a hearing aid). The only things which are taken into account are spectacles or contact lenses.

The important thing is to consider exactly how the impairment affects the individual. Remember to concentrate on what the person finds difficult. For example, if, as a result of a hearing impairment, an employee experiences difficulty hearing someone talking at a sound level which is normal for everyday

conversations in a moderately noisy place, it would be reasonable to regard this as having a substantial adverse effect on their ability to equally perform in the workplace.

1.3 Requesting information from an employee

The DDA does not prevent you from asking for information about an employee's (or applicant's) health or impairment. However, this information must not be used to discriminate as providing information about the negative effects of an impairment might also be important in helping to decide what adjustments can be made. You must ensure there is good positive communication between the disabled employee and yourself, whilst being sensitive and maintaining confidentiality at all times.

1.4 Disability Support Group

A forum was set up in June 2006 to provide support to disabled employees in the Council and act as a consultative body on proposed policies, procedures and practices. It also functions to ensure that employees who become disabled are supported to remain in employment.

The Forum, which meets quarterly provides the Council with advice and information on appropriate processes and initiatives to support disabled employees.

Further information on the Disability Support Group is available on the staff intranet, B:HIVE or email nicole.cookson@bexley.gov.uk.

2. Responsibilities as a manager

Disabled employees should be managed in the same way as other employees in accordance with the Council's policies, procedures and practices.

Discrimination occurs when you treat a disabled person less favourably than others without justification and fail to comply with the legal duty to make reasonable adjustments for a disabled employee.

There are number of simple and practical ways in which you can make working life easier for disabled employees and employees who become disabled. (See section 4 for further details).

2.1 Managing Disabled Employees

When you recruit an employee with a disability, information and advice on any reasonable adjustments the employee might need in the workplace should be discussed with them. Further help and advice can be obtained from external organisations e.g. Access to Work (see section 5) and the Council's Occupational Health Unit.

If you manage a disabled employee you should obtain advice from the Occupational Health Unit and meet with the employee regularly to discuss what can be done to ensure that they can develop and use their full abilities and potential. It is important to re-visit areas where adjustments have been made already as new equipment may be available which can help. They also may have some specific training needs which need to be addressed, or the effects of their particular disability may be changing, and new issues need to be considered.

The health and safety provisions which apply to all employees equally apply to disabled employees. However, a specific **Risk Assessment** of the work practices may need to be undertaken, in partnership with the disabled employee. There may also be additional emergency and evacuation procedures that need to be considered e.g. use of Evac chair, appropriate fire alarm signal if hearing impaired.

The Organisation Development team has details of employees trained to use the Evac chair and will provide training if required.

2.2 Managing employees who become disabled

The Council is committed to making every effort to ensure that when an employee becomes disabled they are able to remain in employment. It is essential that the appropriate support is offered at the right time, and that the individual's skills, experience and commitment are retained. If an employee becomes disabled, either suddenly or through a progressive condition, an immediate referral should be made to the Occupational Health Unit (OHU). The following (including advice received from OHU) should be considered in partnership with the individual and your Senior HR Adviser:

Q1) Can the individual continue to work in the same job?

A1) Reasonable adjustments will need to be considered.

Q2) Can the individual's hours of work be reduced to enable the employee to remain in post?

A2) See Council's Flexible Working Guide

Q3) Can the individual be redeployed into a different job, which they will be able to do?

A3) When considering redeployment options, bear in mind that other posts could also be reasonably adjusted in order to enable the individual to do it.

Q4) Can the individual be re-trained?

A4) If there is a vacancy in the Council in which the individual is interested and the cost of re-training them is less than the cost of recruiting to it, this should be considered.

2.3 Recruitment and Selection

Recruiting managers should ensure that disabled applicants are not unfairly disadvantaged during the recruitment process and that appropriate adjustments are made.

a) **Person specification** - When developing person specifications, you should carefully consider what qualities are necessary to carry out the job and shortlisting criteria that relates to the applicant's health and/or physical fitness should not be used.

b) **Advertisements** - when a vacancy is advertised, consideration must be given to the functions of the job. Therefore, the advert should be developed using the information contained within the job specification (including the competency profile) and the "essential requirements" in the person specification.

c) **Shortlisting** - you should always ensure it is clear at all stages of the recruitment process what the minimum criteria for selection for interview are. If an applicant states that they are disabled on their

application form and they meet the minimum criteria detailed in the person specification, they must be shortlisted for interview.

d) **Guaranteed Interview Scheme** - The Council has signed up to the Positive about Disabled People 'Two Ticks' commitment to guarantee an interview to any disabled candidate who meets the essential criteria for a job. This includes any tests or assessments as part of the recruitment process. You must ensure that any reasonable adjustments are made during the assessment process so disabled applicants are not disadvantaged.(See **section 5** for further information about the '**Two Ticks Award**').

e) **Interviews** - you should always hold interviews in a fully accessible venue. All candidates must be asked, when invited to interview or other assessments, whether they require assistance e.g. allowing a support worker to attend the interview, personal assistant, British Sign Language interpreter, specialist equipment, blue badge reserved parking.

Applicants who have indicated that they have a disability must be contacted by telephone and email to ask if they have a particular access/adjustment need and this must be met.

At the interview you should ask the applicant what requirements, they will need in order to undertake the job successfully.

f) **Selection** – your assessment should be based on the applicant's ability or potential to carry out a task. Disabled applicants should be assessed as if the adjustment required to do the job has already been made. If the person is successful, prior to joining the team, you should ensure that any adjustments have been made, e.g. equipment has been purchased, etc. Also, that other team members are aware and understand any specific assistance they will be required to provide.

Look realistically at any barriers that may arise in specific job situations and work in partnership with the individual to remove them.

If a disabled person is unsuccessful in obtaining the post, they must be offered the opportunity for feedback about why. This should be given positively, with the aim of assisting the individual with their continued job search.

3. HR recruitment protocol

a) HR Service will respond promptly to requests for an application form in the appropriate format required.

b) Evidence of ability against the specified criteria will also be accepted as follows:

- audiotape
- a separate typed sheet
- application form completed on behalf of the applicant (advocate)
- CV supported by Video/DVD
- written statements from staff in supported employment projects who have observed the applicant and can comment on their ability to meet the criteria of the Person Specification

c) HR Business Centre will conduct spot check monitoring of applications from disabled candidates to ensure that if they meet the minimum criteria for the post (as detailed on the person specification) they are guaranteed an interview in accordance with the Two Ticks scheme.

d) HR Business Centre will telephone the candidate to confirm and ensure that any reasonable adjustments are made prior to the selection and interview/assessment process (e.g. reserved parking, loop system, inform the test administrator, etc).

e) HR Business Centre will ensure that all interview panel members are made aware of the need to make reasonable adjustments.

f) HR Business Centre will support managers to ensure that reasonable adjustments are in place prior to the candidate's first day of employment and also provide details of relevant organisations which may be able to assist and provide advice.

4. Reasonable adjustments

The Disability Equality Duty places a requirement on the Council to take steps to take account of disabled persons' impairments, even where that involves treating disabled people more favourably than others. One of the ways to achieve this is by making reasonable adjustments in the workplace.

The purpose of making a "reasonable adjustment" is to ensure that the disabled person is not disadvantaged, compared to a non-disabled person in doing their job.

Reasonable adjustments to the work environment are usually very easy to achieve through effective day to day management processes such as flexible working which is available to all employees. Special requirements such as the purchase of specialist equipment can be funded by Access to Work or support from external organisations.

The following are examples of possible reasonable adjustments. This is not an exhaustive list as you can take steps (other than those listed here) or a combination of steps if necessary.

- Modifying procedures for testing or assessment. For example, an applicant with repetitive strain injury applies for a role in which they will be required to produce reports with speed and accuracy. A reasonable adjustment will be to allow the candidate to use voice recognition software to demonstrate their word processing skills.
- An employee with severe arthritis in their hands can have a laptop with adaptive software or Dictaphone to enable them to take notes during meetings or training.
- An employee who has mental health problem with an episode resulting in a period of absence from work. Upon recovery, the employee could be considered for a phased return to work, with a gradual build-up of hours until they are able to work full time. You should refer to the phased return provisions in the Sickness Absence Management Procedure. Flexible working options should also be considered with the employee, if longer term adjustment is required.
- Allowing absence during working hours for rehabilitation, assessment or treatment. An employee who develops an illness which requires a course of therapy could be given time off for treatment. Annual and Special leave provisions should be used including the Sickness Absence Procedure if necessary.

4.1 When does the obligation to make reasonable adjustments arise?

The obligation to make reasonable adjustments arises when:

- a provision, criterion or practice applied by or on behalf of the Council
- any physical feature of premises occupied by the Council
- places a disabled person at a substantial disadvantage when compared with people who are not

Reasonable adjustments should be made in the process of determining when employment should be offered, and the terms and conditions applied to offer promotion or training. This also includes the process for disciplinary or grievance hearings and redundancy selection.

The obligation also covers any feature arising from the design or construction of the buildings including any feature on the premises or any approach/exit/access, fixtures, fittings, furnishings, furniture, equipment or materials in or on the premises and any other physical element that may act as a barrier to a disabled person.

4.2 Examples of reasonable adjustments to overcome barriers

The points below should be used for guidance to identify the type of support an employee may need. You should always consult the employee as this will depend on the circumstances of each case:

a) Workplace assessment via Access to Work to identify what adjustments are required;

b) Consider whether some duties can be allocated to another employee if adaptive equipment is not available;

c) If an employee's existing impairment changes or an employee develops an impairment and the adjustment that can be made will not enable the employee to remain in their current post, redeployment to an alternative job in the Council must be considered;

d) Discuss flexible working options with the employee. For example, part time working arrangements may be beneficial as could be adjusting the time an employee starts/finishes work. Home/remote working arrangements could also be appropriate;

e) Assigning the person to a different place of work for accessibility;

f) Allowing absence during work hours for rehabilitation or treatment;

g) Giving or arranging for training or mentoring;

h) Acquiring new or modified equipment e.g. for an employee with dyslexia, encouraging the employee to use a Dictaphone may be the best solution to enable them to take notes. Dictaphones may also be a reasonable adjustment for an employee with a hearing, visual or physical impairment;

i) Modify instructions or reference manuals e.g. if an employee with a learning disability has difficulty remembering and following verbal instruction, it may help to:

- give instructions one at a time
- communicate your instructions clearly and slowly in a quiet location

- write down important information, outlining an action plan/task list. Use a pictorial format if necessary
- demonstrate each task at the beginning and supervise the employee closely
- encourage the employee to take notes and check their accuracy
- ask for your instructions to be repeated back to confirm that the information has been understood
- support their learning and development, provide a workplace mentor/coach

j) Modify procedures for testing or assessment e.g. choose a test/assessment that would not place a disabled candidate at a disadvantage or allow a disabled employee/candidate additional time to complete a test;

k) Adjust redundancy selection criteria e.g. provide reasonable adjustments for any assessment included in redundancy selection. If new working arrangements are to be implemented (following a service/team restructure or office move), the needs of disabled employees must be considered. This will include considering whether any adjustments already in place will continue to meet the needs of the employee and identifying new adjustments that may be required.

l) Modify processes in disciplinary and grievance hearings. This may include conducting hearings in the morning or afternoon depending on the effects of the employee's disability, having regular breaks during a hearing, splitting the hearing meeting into two half days, providing a summary with the hearing papers if the employee has a learning disability, etc.

4.3 ICT Specialised Equipment/Software

The Accessibility Wizard configures Windows for your vision, hearing and mobility needs. The Accessibility Wizard can be accessed from your computer by going to: Start/Settings/Ease of Access.

The Accessibility program also contains the option to use a magnifier, on-screen keyboard or Narrator.

An assessment of the suitable solution should be completed with HR Service and/or Occupational Health in the first instance.

Adapted or specialised ICT equipment may be ordered via ICT who need to first assess that the equipment will operate within Bexley's IT environment. ICT will install the required equipment and associated software and help employees to familiarise themselves with its operation.

Examples of equipment provided by ICT are:

- cordless/clickless/joystick mouse
- larger monitor
- ergonomic/wireless keyboard
- digital voice recorders and voice recognition software
- specialist 'symbol writing' software (Widgit)

4.4 Reasonable Adjustment Checklist

Question	Action required
1. What is the employee's impairment/health problem?	
2. What impact does this have on the employee's ability to perform their duties?	
3. Have you asked the employee what adjustment they think would be required?	
4. Has medical advice been sought?	Yes / No
5. Has medical advice suggested adjustments?	Yes / No
6. If any of the answers to 4 & 5 are yes, what are they?	
7. In relation to each of the adjustments suggested in 3, 4 and 5 have you considered the following: a. The effectiveness of the proposed adjustment in preventing the discrimination? (an adjustment that provides little benefit to the disabled person to enable them to do the job should not be considered). b. The practicability of the proposed adjustment? (i.e. the ease or difficulty of implementing it). c. The availability to the Council of external financial and other resources (all reasonable steps should be taken to secure external funding where possible) d. Previous adjustments that have been made for other employees in similar situations.	
8. Have you discussed the proposed adjustment with the employee?	

4.5 Manager's Checklist

Triggers	Action	Sources
Employee with a disability	Manager consults employee and identifies any barriers in accordance with DDA toolkit. Advice obtained from HR.	HR Advisors

	Where barriers can be overcome simply and at little or no cost then such adjustments should be made and recorded. Examples would include a change to working hours or revised work allocation. Keep under review.	
Consultation identifies more complex issues or need to potentially purchase equipment or more intensive support.	Consider referral to OH to establish extent of disability and identify needs based on medical grounds. Employee applies to Access to Work (with managers support) to obtain specialist report on adjustments possible and source funding. Consult with employee to agree adjustments. Record agreed adjustments. Keep under review	OH, HR advisors, Access to Work

5. What is the 'Two Ticks Award'?

The Council has been awarded the "Two Ticks Employer" Accreditation. This means that we have evidenced to Job Centre Plus that we have achieved, and are committed to continually achieving the following five commitments relating to the employment of disabled people:

1. Interview all disabled applicants who meet the minimum criteria for a job and consider them on their abilities
2. Ensure a mechanism is in place to discuss, at any time, but at least once a year, with a disabled employee what can be done to make sure that they can develop and use their abilities
3. Make every effort to ensure that when employee(s) become disabled, they stay in employment
4. Act to ensure that all employee(s) develop the appropriate level of disability awareness needed to make these commitments work
5. Conduct an annual review on what has been achieved and plan ways to improve on them and let employee(s) and Job Centre Plus know about progress and future plans

6. Further advice

Further information on the Duty to Promote Disability Equality is available on the staff Intranet, B:HIVE.

For further details of how the Disability Equality Scheme affects your work as a Council Officer or comments on the Scheme, please email equalityanddiversity@bexley.gov.uk.

The HR Service encourages all employees to tell us if they have a disability, long term illness or health problem that has a substantial effect on their ability to perform day to day activities (even if it is controlled

by medication). For further information on disability monitoring, please go to Disability Monitoring Information

Some of the specialist organisations that provide information and advice on disabilities are listed below.

- AbilityNet - www.abilitynet.org.uk - Registered charity set up promote the use of computing equipment to aid everyday living, employment, personal development and adjustments in the work place.
- Action for hearing loss - http://www.actiononhearingloss.org.uk/ - Action on Hearing Loss (formerly RNID) is one of the largest charities in the UK supporting people living with deafness, hearing loss and tinnitus.
- Access to Work – www.jobcentreplus.gov.uk - Part of JobCentre Plus. Offers practical advice and help tailored to suit the individual in a particular job and pays a grant towards any extra employment costs resulting from the person's disability. Telephone number: 0208 426 3110.
- Association of Disabled Professionals - www.adp.org.uk - Provide a forum for disabled people to share both their problems and their experiences of successful personal development and valued work, as well as to help create conditions for other disabled people to realise their full potential. Telephone number: 0120 431 638.
- Bexley Association of Disabled People - email: bexleyadop@btconnect.com - Provides advice, support and information. Telephone number: 01322 350988
- Deafblind UK - www.deafblind.org.uk email: info@deafblinduk.org.uk - National charity offering specialist services and support to those who have progressive sight and hearing loss. Telephone number: 01733 358100, Helpline: 0800 132320.
- Dial UK - Provide information and advice to disabled people on all aspects of living with a disability. Telephone number: 01302 310 123.
- Disability Benefits - For Information on Benefits, Charities, Mobility Equipment, Vehicle Dealerships, Hearing Aid Dispensers, Hotels suitable for people with disabilities. National Helpline: 08457 123456.
- Disabled Persons Rail Card - www.disabledpersons-railcard.co.uk - A person with a disability that makes travelling by train difficult may qualify for the Disabled Person's Railcard. The Railcard allows you - and an adult companion with you - to get a 1/3 off most Standard and First-Class fares throughout Great Britain. Telephone number: 0845 605 0525.
- Dyslexia Action - www.dyslexiaaction.org.uk – Provides assessment services to recommend adjustments that can be made in the workplace. Telephone number: 0207 730 8890.
- Employers' Forum on Disability - www.employers-forum.co.uk – Provides support on disability issues in the workplace to make it easier to employ disabled people. Telephone number: 0207 403 3020.
- Equality and Human Rights Commission - www.equalityhumanrights.com.
- Equip - Provides this list of very useful National contacts. Telephone number: 0121 695 2227.
- Inspire Community Trust - www.inspirecommunitytrust.org – Advice and service for people with physical and sensory impairment. Telephone number: 01322 341 638.
- JobCentre Plus - www.jobcentreplus.gov.uk - Provides advice to disabled people and employers through Disability Employment Advisers located in local JobCentre Plus offices. Telephone number: 020 8218 4700.

- MCCH - www.mcch.co.uk - Provides housing and support. Telephone number: 01322 338659.
- Mobility and Inclusion - www.mobility-centres.org.uk and https://www.gov.uk/government/organisations/ department-for-transport - The Department for Transport provides information on transport and wheelchair advice for disabled people.
- Mobility Information Service - email: mis@nmcuk.freeserve.co.uk - Provides advice on a wide range of equipment including vehicle adaptations. Telephone number: 01743 340269.
- National Register of Access Consultants - www.nrac.org.uk - An independent register of accredited Access Consultants and Access Auditors. The NRAC is a resource for those seeking professional advice on how to make improvements to the built environment in accordance with the Disability Discrimination Acts 1995 and 2005. Telephone number: 020 7735 7845, Textphone: 020 7840 0125.
- Office for Disability Issues - www.officefordisability.gov.uk - The ODI acts as champion of disabled people within government.
- Rehab UK - Provides assessment, training and development programmes for people with acquired disabilities to break into the workforce. Telephone number: 0118 989 2282.
- Remploy - www.remploy.co.uk - A specialist employment services group that provides disabled people, people with a health condition and those who face complex barriers to gaining a job with the support they need to find sustainable employment. Telephone number: 0800 138 7656.
- RNIB (Royal National Institute for the Blind) - www.rnib.org.uk - Provides information and advice to people with sight impairments and can produce materials in alternative formats e.g. Braille and large print. Telephone number: 0845 766 9999/020 7388 2525.
- Sense - www.sense.org.uk - Works with deafblind people and people with single sensory impairments. Telephone number: 0845 127 0060, Text: 0845 127 0062.
- Scope - www.scope.org.uk - Provides practical employment and training solutions for people with cerebral palsy or any aspect of living with disability. Telephone number: 0207 619 7100.
- Shaw Trust - www.shaw-trust.org.uk - National charity providing employment and training opportunities for disabled and disadvantaged people. Telephone number: 0208 304 4196.
- Taxi Card - www.taxicard.org.uk, email: taxicard@londoncouncils.gov.uk - Subsidised door to door transport in taxis for people who have serious mobility impairment and difficulty in using public transport. Telephone number: 0207 484 2929.
- The Red Cross - www.redcross.org.uk - Offer support through a range of supportive activities such as therapeutic massage and skin camouflage, many of which are free to use.