



Western Health
and Social Care Trust

Code of Practice on the Employment of People with a Disability

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HR 07/003

CODE OF PRACTICE FOR THE EMPLOYMENT OF PEOPLE WITH A DISABILITY

1. INTRODUCTION

As part of a response to the DHSS Circular HSS (GEN 1) 1/88, the Western Health & Social Services Board developed an Equal Opportunity Policy Statement which re-emphasised the continuing commitment to the provision of equality of opportunity regardless of religious affiliation, political opinion, marital status, sex or disability. The Board recognised that special attention needed to be given to the position of disabled persons in the Service and it was for this reason that the original Code of Practice was developed.

With the introduction of the Disability Discrimination Act 1995, effective from 2 December 1996, the Board's Code of Practice was reviewed and this revised Code of Practice was developed by Foyle, Sperrin Lakeland and Altnagelvin Trusts. This Code of Practice transferred to the Western Health and Social Care Trust on 1 April 2007, hereafter referred to as the 'Trust'.

2. OBJECTIVE OF THIS CODE OF PRACTICE

The objectives are:

- to be recognised by the community as an employer which provides good employment opportunities for people with a disability.
- that people with a disability who apply for jobs in the Trust know that they will receive fair treatment and be considered solely on their ability to do the job.
- that people with a disability be integrated smoothly into work and any special needs that they may have concerning work or the working environment should be examined fairly and met, if at all possible.
- that employees who become disabled should be retained in suitable employment if at all possible.
- that the skills and potential of employees with a disability be developed to the full and they should be offered training and promotion opportunities according to their abilities.
- wherever practical, reasonable adjustments will be made to buildings, premises or working practices, which will enable employees with a disability to gain access and share their full use with employees without a disability.
- to be conscious of the opportunities that new technologies may provide to enable greater job participation by people with a disability.
- where possible, participation and involvement of people with a disability in normal work activities.

3. ROLE OF THE TRUST

It is necessary for the Trust to :-

- ascertain the job requirements as unrestrictively as possible when the vacancies occur since the majority of people with a disability can do most jobs without assistance.
- be prepared to make reasonable adjustments when necessary.
- assess positively the capabilities of applicants with a disability when considering them for jobs.
- assess career prospects positively.
- consider the use of special aids or the restructuring of job tasks to facilitate the employment of disabled people.
- ensure that guidance on dealing with people with a disability is included in all supervisory and management training courses.
- where appropriate brief colleagues on the disability of new employees e.g. when they can be of assistance.
- seek advice, if necessary, from Disablement Employment Advisers.
- carry out access audit of training locations.

4. AN APPROACH TOWARDS EMPLOYING DISABLED PEOPLE

People with a disability should have access to the full range of jobs available and they should have normal access to training and promotion opportunities. It is important to be aware that:

- most people with a disability have the same skills and abilities to offer as non-disabled people and are effective as employees without the need for any special assistance.
- many people with a disability have as much to offer as non-disabled people given the use of appropriate assistance.
- when the abilities of people with a disability are overlooked the Trust is missing out on the contribution of potentially valuable employees.
- employers have obligations along with the rest of society to ensure that people with a disability are treated fairly.

The obligations are set out under the Disability Discrimination Act 1995, which applies to employers with 20 or more workers.

5. LEGISLATION

The Disability Discrimination Act 1995 defines a 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”.

“Long-term effect” is one which has lasted, or is expected to last, at least twelve months or for the rest of the person’s life.

“Normal day-to-day activities” listed in the Act are mobility; manual dexterity; physical co-ordination; 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 the risk of physical danger.

An employer discriminates against a disabled person if:

- for a reason which relates to a persons disability, the employer treats that disabled person less favourably than the employer treats or would treat others to whom the reason does not or would not apply, and
- the employer cannot show that this treatment is justified.

5.1 The legislation states an employer will be expected to make reasonable adjustment, for example by:

- making adjustments to premises.
- allocating some duties to another person.
- transferring the person to fill an existing vacancy.
- altering working hours.
- assigning the person to a different place of work.
- allowing absences during working hours for rehabilitation, assessment or treatment.
- supplying additional training.
- acquiring or modifying equipment.
- modifying instructions or reference manuals.
- modifying procedures for testing or assessment.
- providing a reader or interpreter.
- providing supervision.

5.2 ***The duty of reasonable adjustment***

The employer has the duty to make reasonable adjustments where any physical feature of premises occupied by the employer or any arrangements made by or on behalf of an employer, cause a substantial disadvantage to a disabled person compared with non-disabled people.

Reasonable adjustment is defined in Section 4 of the Employment Code of Practice issued under the Disability Discrimination Act. It lists the following issues for an employer to consider when deciding whether an adjustment is “reasonable”:

- the effectiveness of the step in preventing the disadvantage.

It is unlikely to be reasonable to have to make an adjustment which is of little benefit to the person with a disability.

- the practicability of the step.

It is more likely to be reasonable to have to make an adjustment which is easy rather than one which is difficult.

- the financial and other costs of the adjustment and the extent of any disruption caused.

The costs to be taken into account include staff and other resource costs. The significance of the cost of a step may depend in part on what employer might otherwise spend in the circumstances. An employer is more likely to have to make an adjustment which might cause only minor inconvenience to other employees or the employer than one which might unavoidably prevent other employees from doing their job or cause significant disruption.

- the extent of the employer's financial and other resources.

It is more likely to be reasonable for an employer with substantial financial resources to have to make an adjustment to which there is a significant cost attached. The resources, in practice, available to the employer as a whole should be taken into account as well as other calls on those resources.

The Trust may have to make more than one adjustment in relation to an individual if it is reasonable to do so.

6. ACCOMMODATION/HEALTH & SAFETY

A review would need to be carried out in accordance with the Estates Services Department "Standard of Estate Accessibility" of the Trust's premises. Where reasonably practical, a building should be adapted for people with a disability to allow ease of access and egress particularly in the context of fire safety and other emergencies; to provide toilet and hand basin facilities, car park spaces and lifts. Attempts should also be made to ensure that corridors, doors and stairs are suitable for use by people with a disability. Evacuation arrangements should also be made at each facility.

7. EQUAL OPPORTUNITY POLICY

- 7.1 The Equal Opportunity Policy provides for employment and advancement on the basis of ability, qualifications, and aptitude and applies equally to people with a disability. It is recognised that some disabilities may affect performance and employment potential. However, a great many of people with a disability can be fully effective employees.
- 7.2 The effect of disability differs from individual to individual. Some disabilities may improve over a period of time, some remain stable, whilst others, as with certain neurological diseases e.g., multiple sclerosis, may deteriorate. Some people disabled from birth may have found ways of overcoming their disability, while others disabled later in life may need more time and help to enable them to perform to the best of their ability.
- 7.3 Equality of opportunity for people with a disability can only be achieved by first accepting the importance of the principles of equality and then working towards the eradication of discrimination in both its direct and indirect forms. Amid competing demands on time and resources, it is all too easy for managers to overlook the potential of employees with a disability. In addition to giving guidance, this Code enables managers to examine the perceptions of employees with a disability so that they can benefit fully from the proven skills, abilities and commitment of this group of employees/potential employees.

8. EMPLOYMENT PRACTICES IN THE TRUST

8.1 *Monitoring*

Information about whether staff are disabled is currently held on the personnel computer system (HRMS).

The Equal Opportunities Unit also collects other information on employees with a disability and the types of disabilities in order to maintain a comprehensive and meaningful database for effective equal opportunities monitoring.

8.2 *Recruitment*

It is the policy of the Trust to provide a full and fair consideration for people with a disability, in particular:-

- advertisements for all posts will make it clear that the Trust is an equal opportunity employer.
- the requirement to hold specified educational qualifications may be waived in respect of suitably experienced applicants or where the initial shortlisting criteria has been met (see Appendix 2).
- if necessary special practical arrangements will be made for disabled candidates to attend tests and/or interviews.
- selection and interviewing training courses will be adapted to include training on the recruitment of people with a disability.
- job descriptions and specifications will not contain unnecessary requirements.
- applicants who, because of their disability are unable to complete the standard application form should contact the Recruitment Office to agree an alternative format, e.g. Braille.

8.3 *Interviews*

The majority of disabled people need little or no special support for an interview, and their disability may be largely irrelevant to the job. Others may need some support and therefore it is important to plan in advance how to meet an individual's needs.

Panels should give disabled applicants the opportunity to indicate whether any specific arrangements are required to facilitate their attendance at interview, e.g. physical access to buildings, car parking arrangements, sign language interpreters. This should be done by way of a letter to the disabled candidate prior to interview, asking them to indicate if they require an adjustment to assist their attendance at interview. The Personnel department will arrange for this to be done.

8.4 *Appointments to Posts*

When deciding on an appointment, a panel must not discriminate against a disabled candidate, but there is no requirement to treat a disabled person more favourably than others are or would be treated. All appointments must be made on merit.

The Trust requires all appointees, including those with a disability, to have a pre-placement health assessment. In most cases, having a disability does not adversely affect a person's general health. A disabled person must not be required to undergo any additional health checks without justification.

Where a conditional offer of appointment is being made, the selection panel should establish what reasonable adjustments would be required for the candidate to undertake the duties of the post. The offer is conditional on the successful completion of the pre-placement Health assessment. Where a panel decides to appoint a disabled candidate, post interview needs/ adjustments should primarily be taken forward by the line management representative on the panel who should seek the approval of the appropriate Director for any necessary adjustments to which there is a cost attached. Posts should be offered subject to the successful completion of the pre-placement health assessment, verification of qualifications, vetting and a decision being reached as to the reasonableness/feasibility of any required adjustment.

Expert advice, primarily from the Occupational Health department, should be sought by the selection panel where necessary. It should also be remembered that, under the legislation, there is an onus on the Trust to consider the individual circumstances as they pertain to each disabled person, therefore the disabled person themselves should be consulted about their particular needs.

The Occupational Health Department or the selection panel may wish to discuss the needs of disabled candidates with other specialist organisations after which an informed management decision on the appointment will be taken by the selection panel.

8.5 ***Post-appointment***

Colleagues may have a role in helping to ensure that a reasonable adjustment is carried out in practice.

It may be necessary to tell one or more of a disabled person's colleagues (in confidence) about a disability which is not obvious and/or whether any special assistance is required. Consultation should take place with the employees who have a disability concerning the information to be shared with colleagues. This may be limited to the person's supervisor, or it may be necessary to involve other colleagues, depending on the nature of the disability and the reason they need to know about it. Disclosure of such information must be necessary to the performance of the job, otherwise the Trust could be held to be discriminating in revealing such information about a disabled employee. The same would hold true if the Trust revealed such information without consulting the disabled person.

The legislation does not, however, prevent a person with a disability keeping confidential from the Trust, but this is likely to mean that unless the Trust could reasonably be expected to know about the person's disability, the Trust will not be under a duty to make a reasonable adjustment. If a disabled person expects the Trust to make a reasonable adjustment, he/she will need to provide the Trust with sufficient information to carry out that adjustment and the line manager will have to be involved.

8.6 ***Terms and Conditions***

Terms and Conditions should not discriminate against a person with a disability.

8.7 ***Induction***

The Trust should ensure disabled employees settle smoothly into work and that any particular needs arising from their work are carefully examined. Disabled people should be informed of their designated Disabled Persons Liaison Officer.

Induction training should be individually tailored to a disabled person's needs if that is necessary. This applies not only to on-the-job training but to structured induction courses as well, e.g. it may be reasonable to allow someone with a learning disability to bring a supporter as advocate, if this aids their understanding of the course.

8.8 ***Training and Career Development***

Managers should ensure that disabled staff are provided with the same training and promotion opportunities as non-disabled employees.

8.9 ***Staff Who Become Disabled During Employment***

In the case where a member of staff has become disabled, the employer is obliged to consider if it is possible to make a reasonable adjustment to overcome the extent of the disability. A range of possible reasonable adjustments are provided in paragraph 5.1 of this Code.

9. **AVAILABILITY OF ADVICE AND ASSISTANCE**

9.1 ***Disabled Persons Liaison Officer***

Officers within Personnel are responsible for co-ordinating the implementation of this Code of Practice for people with a disability and are also responsible for ensuring equality of opportunity. The principle responsibilities of the Disabled Person's Liaison Officer will include:

- to advise on job restructuring to facilitate people with a disability.
- to obtain advice on training and technical aids which could help staff who are disabled.
- to ensure accurate computer details on employees with a disability are held.
- to ensure implementation of the Code of Practice.
- to obtain appropriate advice on the need for adaptation to buildings and equipment where practical and appropriate.
- to assist with difficulties which occur in employment and retention of staff with a disability.
- to ensure in conjunction with line management that all necessary health and safety measures are implemented.
- to promote the welfare of people with a disability.

10. HEALTH AND SAFETY

The Occupational Health Department and the Employment Medical Advisory Service of the Department of Economic Development will give advice on all aspects of Health and Safety concerning a particular person with a disability and the need for any special measures.

11. EMPLOYMENT SUPPORT

Employment Support is provided for people who are severely disabled and who cannot compete for jobs in the open labour market.

Employment Support Scheme (ESS) assists in providing such people with employment opportunities without requiring them to undertake the full duties of a post. Details of the scheme are outlined in appendix 1. It is important to ensure that the Employment Support Scheme is not seen as a means of substituting for substantive employment by the Trust.

Recognising the difficulties that people with a disability face in gaining employment with the Trust, it is recommended that the Trust actively participates in the Employment Support Scheme.

12. SERVICES FROM DEPARTMENT OF ECONOMIC DEVELOPMENT

Access to Work (NI)

Access to Work (NI) is available to overcome the practical problems caused by disability. It offers advice and help in a flexible way that can be tailored to suit the needs of an individual in a particular job. Through Access to Work the Disablement Advisory Service (DAS) can make a grant towards the approved extra costs that arise because of an individual's disability. Examples where Access to Work can assist are:

- Communication support at interview
- Personal Reader Service
- Special Aids and Equipment
- Adaptation to Premises and equipment
- Support Workers
- Travel to work

Further information is available on this Scheme from the Disablement Employment Advisor through the Training and Employment Agency.

There are a number of other services provided for people with a disability by the Department of Economic Development. In addition, there are numerous voluntary organisations concerned with groups living with specific disabilities. Close working contacts should be developed with these organisations where appropriate. Further information can be obtained from the Disabled Persons Branch, Department of Economic Development, Neatherleigh, Massey Avenue, Belfast.

EMPLOYMENT SUPPORT

INTRODUCTION

Most people with disabilities fit into employment without special arrangements having to be made. Other employees as well as their employers can face some difficulties, although these can often be resolved by good employment policies and practices. There are also special schemes and services which can help to overcome problems and enable employees to maximise their effectiveness. Employment Support offers people with severe disabilities the opportunity to working alongside non-disabled colleagues in a wide variety of jobs.

1. What is Employment Support?

Employment Support involves a sponsor who provides support to the person with severe disabilities and a host company which provides the work. It is for people who would be unable to achieve standard output levels because of severe disability.

2. How Does Employment Support Work?

The host company provides the work, workplace, equipment and training. It selects the workers from candidates put forward by the Training and Employment Agencies and Disablement Employment Advisor (DEA). The host is responsible for day to day supervision and contributes an amount towards the worker's wage related to production output.

The Sponsor is an organisation contracted by the Training and Employment Agency to deliver Employment Support through host employers. They will be responsible for administration and support in the workplace.

The Disablement Advisory Service approves Employment Support arrangements, funds sponsors to subsidise wage cost and monitors the delivery of Employment Support.

The sponsors are:-

- Ulster Sheltered Employment Limited (USEL).
- Disability Action
- Industrial Therapy Organisation (Ulster) Limited (ITO)

3. What Sort of Work Can Be Done?

Employment can be found in manufacturing industry, the service sector, retailing, catering, the Health Service, Tourism, central and local Government and many other sectors. Employment opportunities last at least six months.

4. Benefits for Host Employer

Satisfaction of making a practical contribution to helping people with severe disabilities do a useful job of work within the labour market.

Full control over the selection of the worker and responsibility for day to day supervision.

Employers contribution based on productive output.

Ongoing support from sponsors experienced in meeting the employment needs of people with disabilities.

5. Benefits for People with Severe Disabilities

The chance of a wide range of employment opportunities and locations.

Integration with non-disabled colleagues at the workplace.

The same wage as that paid to non-disabled colleagues doing the same or similar work.

The opportunity for independence and self-esteem.

Managers who require further information on Employment Support should in the first instance contact the Disabled Persons Liaison Officer within the Trust.

RECRUITMENT

Some candidates, because of their disability, may not have had the same educational opportunities as non-disabled people. They may, however, hold suitable or relevant experience for the post for which they have applied.

In recognition of this, the Trust has decided that until 2nd December 2001 or a further date if agreed by the Trust to:

- (1) waive the educational requirements normally specified for Administrative and Clerical Grade 2 posts. Disabled candidates who do not hold the specified educational requirements would be permitted to attend the aptitude test. Any special requirements to assist the disabled person to undertake the aptitude test would be provided by the Trust.

If the disabled person is successful in the aptitude test, it would then be possible for him/her to go forward to the interview in the normal way.

- (2) for posts other than Administrative and Clerical Grade 2 posts, if disabled candidates have met the initial shortlisting criteria but failed to meet the requirements of the raised criteria, they must still be included on the shortlist and go on to the next stage of the selection process.

The principle of the “best person for the job” should be strictly adhered to at the interview stage.

The Trust at a later date, may decide to extend this policy to incorporate other posts which require tests, such as typing and computer related posts. The Trust accepts that educational qualifications should not be waived for posts requiring specific technical or professional qualifications.