

## **Wiltshire Council Human Resources**

### **Disability Support in the Workplace Policy and Procedure**

This policy can be made available in other languages and formats such as large print and audio on [request](#).

#### **What is it?**

This policy and procedure sets out a framework of support for employees and prospective employees (job applicants and prospective job applicants) who have or have had a disability. It also applies to employees who become disabled during the course of their work.

This policy and procedure is directly linked to and forms part of the council's equality and diversity policy and procedure.

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## **Who does it apply to?**

The support outlined in the policy should be made available to all employees and prospective employees who have declared that they have a disability.

This policy and procedure should be implemented and adhered to by all employees of Wiltshire Council with the exception of teaching and non-teaching staff employed in Locally Managed schools.

Contractors, sub-contractors, consultants, agency workers, staff seconded from other organisations and volunteers are expected to adhere to the principles set out in this policy and procedure whilst undertaking work or tasks for Wiltshire Council.

Reasonable adjustments should also be considered for other groups of employees who have protected characteristics as defined in the Equality Act 2010 these include:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion and belief
- Sex
- Sexual orientation

## **When does it apply?**

This policy and procedure applies at all times prior to employment, during the recruitment process, and throughout employment.

Particular care and support may need to be provided to disabled employees during the operation of a number of HR policies and procedures. The following list is not exhaustive:

- Absence management
- Recruitment

- Grievance
- Dignity at work
- Redeployment
- Equal opportunities
- Time to train
- Some other substantial reason termination
- Disciplinary
- Redundancy
- Whistle blowing
- Flexible working
- Improving Work Performance

### **When does it not apply?**

There are no exemptions under this policy.

Where an employee or job applicant has not declared a disability or where a manager could not reasonably be expected to know that an employee has a disability, support under this policy may not automatically be offered.

### **What are the main points?**

1. The council has set out a clear policy statement in the equality and diversity policy and procedure which includes; a commitment to treat all employees with dignity and respect, to value diversity and provide equality of access to opportunities in the workplace. You should not receive less favourable treatment or be unfairly disadvantaged by policies, procedures, conditions or requirements unless this can be shown to be justified (justification can include positive action e.g. action under the Double Tick Symbol under this policy and procedure).
2. This policy and procedure sits within the framework of the equality and diversity policy and procedure and sets out details of the support and assistance available to you, if you have declared that you have a disability, which all managers are required to follow and adhere to including:
  - The Double Tick 'positive about disabled people' commitments
  - Making reasonable adjustments
  - Access to Work and the reasonable adjustment budget
  - Staff Disability Forum
  - Personal Emergency Evacuation Plan
3. If you have a disability you are encouraged to declare this to ensure that you receive the support and assistance that is available. You are able to declare your disability at any point during your employment

including where you acquire a disability, or an existing condition deteriorates further during your employment.

4. On coming in to force on the 1 October 2010 the Equality Act 2010 consolidated and harmonised much of the previous discrimination legislation (which has now been repealed) and introduced some specific changes in relation to disability discrimination including:
  - Making amendments to the definition of disability
  - Amending the definition of discrimination relating to disability
  - Restricting the use of pre-employment health questions
5. Details of these changes are also set out under the section on the Equality Act in this policy and procedure and [the guide to the disability in the workplace policy and procedure.](#)

### **What is the definition of disability?**

6. The Equality Act 2010 defines disability as a physical or mental impairment that has a substantial and long-term adverse effect on the ability to carry out normal day-to-day activities.
7. Substantial means not minor or trivial and could include long term medical conditions such as asthma and diabetes, and fluctuating or progressive conditions such as rheumatoid arthritis. Long-term means that the condition must last, or be likely to last, for more than 12 months, or that it is a terminal condition.
8. A mental impairment would include mental health conditions (such as bipolar disorder or depression), learning difficulties (such as dyslexia) and learning disabilities (such as autism and Down's syndrome). Some people, including those with cancer, multiple sclerosis and HIV/AIDS, are automatically protected. People with severe disfigurements may also be covered by the Act.
9. Under the Equalities Act there is no longer a requirement to show that the condition impacts on one of the 8 normal day to day activities set out in the Disability Discrimination Act (DDA), but the condition must still have a substantial impact on normal day to day activity.

### **Declaring a disability**

10. If you have a disability you are encouraged to declare this. This information enables the council to identify where further support or positive action needs to be addressed and to monitor the effectiveness of our policies and procedures.

11. You will not be at any disadvantage for disclosing this information and in fact there are further rights and support available for disabled staff who declare that they have a disability as outlined in this policy and procedure.
12. You can make a declaration on the disability self declaration form. The form should be submitted to your line manager and copied to the HR Equality and Diversity Partner. Once your manager has received this form they should arrange to meet with you to discuss and work through the checklist of support which is attached to the declaration form.
13. If you declare that you have a disability your manager will provide you with support in accordance with this policy and procedure. This support may subsequently be withdrawn in the event of advice from Occupational Health or Access to Work that your condition does not fall under the definition of disability under the Equality Act 2010.
14. Information relating to declaring a disability will be kept appropriately confidential and in accordance with our obligations under the Data Protection Act relating to sensitive personal data.



### **The Double Tick Disability Symbol**

15. Wiltshire Council has been awarded the Double Tick 'positive about disabled people' symbol and is committed to the following:

#### **Guarantee of an interview**

16. If you indicate on your application form that you are disabled, you are guaranteed an interview if you meet the essential criteria for the job vacancy and will be considered on the basis of your abilities.
17. The manager responsible for recruiting to the vacancy must ensure that they check your application form to identify whether you are eligible and where appropriate invite you to an interview. If you are invited to an interview the manager responsible for recruitment to the post will also check with you in advance to find out whether you require any reasonable adjustments in order to attend the interview.

#### **Staying in employment**

18. If you have declared that you have a disability or have become disabled during your employment with the council and you have made

you manager aware of this, your manager is responsible for ensuring that every effort is made to enable you to stay in employment. The disability declaration form contains a checklist of support which may assist managers.

19. Your manager will arrange to meet with you to explore what action, if any, needs to be taken to enable you to remain in employment and will work with you supportively to identify whether there are any positive steps which need to be taken to remove potential barriers at work.
20. Your manager is responsible for making reasonable adjustments as set out in this policy to ensure that you are not placed at any substantial disadvantage. This could involve seeking redeployment for you if this was appropriate or investigating reasonable adjustments which would enable you to remain in your current post.

#### On going discussions during employment

21. If you have declared that you have a disability your manager should ensure that there is a mechanism in place to maintain on going discussions with you, at any time, but at least once a year (with periodic reviews), about what can be done to make sure that you can develop and use your abilities. This could be undertaken as part of the appraisal process or at a separate meeting.
22. You are also encouraged to let your manager know as soon as possible if you identify or need to discuss an issue affecting your access and progress at work. Your manager may seek additional advice and support from Occupational Health and HR in relation to reasonable adjustments as appropriate.

#### Disability awareness

23. Your Head of Service has an overall responsibility for ensuring that all employees in their service area develop the appropriate level of disability awareness to make the Double tick commitments work. This could be through training, information sharing, discussion or coaching or some other appropriate method. For example, where a personal emergency evacuation plan has been agreed with your manager, it may be important to share this with your colleagues.
24. Details of equality and diversity training opportunities are available through the corporate learning and development team. For further information contact the corporate inclusion and diversity team.

#### **Making reasonable adjustments**

25. A reasonable adjustment means taking reasonable additional positive steps to remove barriers to ensure that disabled people can access and progress at work. This means taking steps which are additional to those which may be taken for a non disabled employee or prospective employee.
26. Under the Equality Act 2010, managers need to make reasonable adjustments which will include making a decision about whether adjustments are reasonable and appropriate. Managers will need to give reasonable adjustments serious consideration and think broadly about these.
27. The need to make reasonable adjustments may occur prior to employment (from the planning stages of recruitment, including advertising vacancies) in relation to prospective employees and at any stage of employment for existing employees including dismissal.
28. The duty to make an adjustment will only apply if you have declared that you have a disability or the employer could be reasonably expected to know that you have a disability. If you are disabled and expect a reasonable adjustment to be made for you, you will need to provide the appropriate manager with sufficient information for them to consider and carry out that adjustment. If you require support with understanding your needs at work, advice can be sought from Access to Work, Occupational Health via your manager or from the Staff Disability Forum.
29. If you are a prospective employee or existing employee applying for a vacancy, who has declared that you have a disability, the recruiting manager for the vacancy will be responsible for making reasonable adjustments during the recruitment stage and will contact you about this in advance.
30. If you are an existing disabled employee your manager is responsible for making reasonable adjustments where appropriate throughout your employment. Under the Double Tick commitment as described above, you and your manager should meet at any time but at least once a year (with periodic reviews) to discuss what can be done to make sure that you can develop and use your abilities. This will include an exploration as to whether reasonable adjustments may be required and whether any current adjustments are still effective.
31. Outside of this, you and your manager may still meet to discuss particular difficulties and potential reasonable adjustments which arise. This meeting may be initiated by your manager or yourself. Alternatively this may occur as part of an HR policy and procedure; e.g. sickness absence management policy and procedure.

32. Where possible your manager or the recruiting manager proposing to make the adjustment should agree the proposed adjustment with you before it is made.

#### Considerations for reasonable adjustments

33. In terms of giving consideration as to whether a reasonable adjustment should be made, your manager or the recruiting manager for the vacancy, will need to comply with the duty to consider whether you would be placed at a substantial disadvantage compared with a person who is not disabled in relation to the following three requirements:

- the way things are done (specifically a provision, criterion or practice; this could be a written or unwritten policy or procedure)

**Example:**

The design of a particular workplace makes it difficult for a disabled person with a hearing impairment to hear, because the main office is open plan and has hard flooring, so there is a lot of background noise. Their manager agrees that staff meetings should be held in a quieter place that allows that person to fully participate in the meeting. By doing this, a reasonable adjustment has been made. The manager should also consider any additional equipment needs such as provision of a hearing loop, training such as lip reading skills or awareness training for colleagues such as communication tactics required.

- any physical feature of the workplace which creates a barrier (including parking areas, building entrances, doors, toilets, steps, lifts etc.)

**Example:**

A manager recruits an employee who is a wheelchair user and who would have difficulty negotiating her way around the office. In consultation with the new worker, the manager rearranges the layout of the furniture in the office. The manager should also consider any other access needs in terms of getting to and from work, access to meeting rooms, evacuation procedures and awareness training for colleagues.

- the absence of an auxiliary aid or service e.g. extra equipment or getting someone to support or assist.

**Example:**

An employee's job has slightly changed requiring him to now complete written assessments. The employee has dyslexia but had never disclosed this to his employer. After mistakes were continually picked up, the manager discusses the issue with the employee who discloses his



dyslexia and the manager seeks assistance to identify additional software to help the employee with his written assessments. If this is not available alternative reasonable adjustments may need to be considered including whether the written assessments could be completed in an alternative way.

34. Reasonable adjustments might include:  
(please note this list gives examples and is not exhaustive)
- making physical adjustments to the workplace
  - providing information in accessible formats or languages including British sign language (BSL)
  - allocating some duties to another employee
  - transferring the disabled employee to fill an existing vacancy after all other reasonable adjustments have been considered to enable them to stay in their current position.
  - altering the hours of work
  - moving the disabled employee to another place of work (including giving consideration to homeworking where appropriate)
  - allowing paid time off during working hours for treatment or rehabilitation related to the disability in accordance with the sickness absence management policy and procedure.
  - arranging training for the employee or awareness training for colleagues
  - acquiring or modifying equipment
  - providing additional computer software
  - altering instructions or reference materials such as provision of plain English or easy read versions
  - providing a reader or an interpreter
  - providing more regular supervision.
  - allowing more time off for disability related absence before taking action as a result of the absence trigger points being met.
35. Your manager should consider the following factors when considering a reasonable adjustment:
- How effective the adjustment will be in helping you to do your job
  - Whether it is practical to make the adjustment
  - How much disruption, if any, will be caused to the work of the section/service or other people.
  - How much, if anything, the adjustment will cost.
  - Whether any help is available in making the adjustment and towards its cost from a scheme like Access to Work or the reasonable adjustments budget (please see section below).

36. Many adjustments often involve little or no cost or disruption and are likely to be reasonable for managers to make. Adjustments which do involve a significant cost may still be cost effective in overall terms compared to the costs of recruiting and training a new member of staff, so may still be a reasonable adjustment to make. Certain adjustments may also benefit other visitors or service users who have a disability.
37. If making an adjustment would increase the risk to health and safety of any person (including the disabled worker) then this is a relevant factor in deciding whether it is reasonable to make that adjustment. A sufficient risk assessment should be used to help determine this.
38. Your manager will also need to consider the impact of the reasonable adjustment on your contract of employment and ensure that Business Services are informed of any agreed changes on the change form.
39. Reasonable adjustments should also be considered for other groups of employees who have protected characteristics under the Equality Act 2010.
40. Further advice on making reasonable adjustments can be obtained from Occupational Health and your HR Advisor.

#### **Access to Work and the Reasonable Adjustment Budget**

41. Access to Work is a government scheme run by Jobcentre Plus. It provides advice and practical support to disabled people and their employers to help overcome work related obstacles resulting from disability including workplace assessments.
42. Funding is available for both new starters (up to 100% of cost) and people already in employment on a cost sharing basis (currently the council needs to fund the first £1000 and 20% of costs up to £10,000 as at March 2011) for making reasonable adjustments. The funding could be used for a wide range of support and includes:
  - Communication support at an interview or at work
  - Special aids or equipment
  - A support worker to read to a visually impaired person or a sign language interpreter or a specialist coach for a person with learning difficulties or helping a person with care needs.
  - Adaptations to premises or existing equipment
  - To help with additional travel costs for people unable to use public transport

43. All assistance is for up to three years when the support and circumstances will be reviewed by Access to Work and further support may continue.
44. The council also has a reasonable adjustments budget which is to reimburse managers' budgets where either the Access to Work funding is not available or does not cover the total cost of the reasonable adjustment. The budget is held by the Occupational Health and Safety team, who are also able to make reasonable adjustments recommendations. The purpose of the budget is to ensure it does not require any additional funding to employ a disabled person.

### **Disability Support and key HR policies and procedures**

#### Recruitment and Selection

45. The manager responsible for recruitment will need to ensure that they carefully follow the council's recruitment policy and procedure together with the guide to recruitment – Equality Act 2010 update. These provide recruiting managers with a fair and equitable process for recruiting to vacancies in the council which all managers are required to follow. In particular, it includes details of the restrictions on pre-employment health questionnaires and questions which can be asked during the selection process, which now apply, reasonable adjustments and positive action.
46. Positive action may be used in relation to recruitment and promotion on a case by case basis to address under represented groups in the workforce including disabled people. Positive action can also encourage declaration, demonstrates good practice and raises the awareness of colleagues.

#### Induction

47. As for all employees a fully accessible induction programme should be provided. This should also include ensuring that any support and equipment which has been identified is in place where appropriate. E-learning modules are available as part of the corporate online induction package which includes an equality and diversity module. These packages can also be made available to existing employees. For further details please contact the corporate learning and development team.

#### Terms and conditions of employment

48. In line with the equality and diversity policy and procedure all terms and conditions of employment should be applied fairly and equitably to

you. These are set out in your statement of particulars and further details on individual terms and conditions and how these are applied can be found on HR Direct.

49. The following conditions which are directly relevant to disabled employees include:
- Severe weather arrangements – additional guidance
  - Sickness absence management policy and procedure - disability and time off to attend medical appointments
50. If you are off sick due to your disability/impairment your absence will be recorded by your manager (in addition to SAP) by completing the [Disability related sickness absence form disability leave and sickness form. 708kb](#)

#### Training and development

51. Access to training and development will be related to the needs of the job and section/department, the available resources and by an assessment of the employee's needs. Your manager will identify your training needs including any support needs in consultation with you and you are also able to make requests for training either through supervision, appraisal or informally or, where appropriate, through the formal time to train policy.
52. If you have a disability your manager will consider reasonable training and development adjustments in relation to access and support to training, as appropriate. Training may be provided as a reasonable adjustment in itself.
53. Trainers are also responsible for checking whether course delegates require any adjustments in the terms of the delivery of the course including content of course, presentation/training methods, venue and facilities and support needs. Timing of courses should also be considered at the planning stage to minimise potential exclusion.
54. Positive action may be considered in relation to training on a case by case basis to address disadvantage or under-representation or to meet the particular needs of those who share a protected characteristic. See toolkit equality and diversity guidance.

#### Policies which provide flexibility

55. There are also a number of policies and procedures aimed at providing you with the opportunity to request flexibility at work which can also assist with improving access to the workplace. Further information is available in the equality and diversity policy and procedure.

56. Your manager will also need to take in to account circumstances where you are making a request for flexible working arrangements in connection with someone associated with you, who has a protected characteristic e.g. requesting reduced hours to care for a disabled parent or partner.

### **Becoming involved in key HR policies and procedures**

57. Written policies and procedures exist to ensure that there is a fair and equitable process for managing all key HR issues such as disciplinary, grievance, work performance, absences and circumstances which involve an employee leaving the council.
58. If you have declared that you have a disability and during your employment you become involved in being managed under one of the key HR policies and procedures your manager will give consideration to reasonable adjustments. This might include, where appropriate:
- assistance with understanding the policy and procedure
  - assistance with completing forms etc
  - adjustments in relation to meetings
  - ensuring that adjustments have been considered in relation to the operation of the policy and procedure
  - ensuring that adjustments have been considered in relation to decisions taken under the policy and procedure
59. For example, if you are involved in the sickness absence management policy and procedure or improving work performance policy and procedure and you have a disability your manager will need to take this in to account in terms of assessing the impact of your disability on your overall absence levels/work performance and whether a reasonable adjustment would help your attendance/work performance. Your manager will also need to carefully consider the impact of your disability on any decisions taken under the relevant policy and procedure.
60. Advice from Occupational Health and HR may be sought in relation to reasonable adjustments where appropriate.

### **Work place risk assessments**

61. Where you have declared that you have a disability your manager may decide that they need to undertake a risk assessment if your disability affects the way that you do your job to ensure your health and safety and the health and safety of others.

62. If your disability does not affect the way that you do your job the need to undertake a risk assessment will be made on an individual basis as for all employees. Further specialist advice and support is available through Occupational Health and Access to Work. If a risk assessment is carried out you should also be involved in the assessment.

#### Workforce monitoring

63. For information on equality and diversity monitoring please see the [equality and diversity policy and procedure](#).

#### Emergency Procedures

64. If you have a disability, your manager should consider any additional needs that you or a visitor with a disability may have in relation to safe movement within the workplace and in particular the means to get to a place of safety in the event of an emergency. Blind or visually impaired staff or deaf/hard of hearing staff may also have evacuation needs i.e. provision of a pager or visual fire alarms etc). You should have a nominated Evacuation Buddy and have undertaken personal emergency evacuation plans. This requirement also applies to any employee with a temporary disability e.g. someone using crutches.

#### The Staff Disability Forum

65. The council supports a staff disability forum which you can join if you consider yourself to have a disability. The forum meets regularly for support and to have a valuable consultative role in policy development and other employment related issues. There is also a staff forum for black and minority ethnic staff supported by the council.
66. The forum exists to:
- provide mutual support for disabled staff
  - help inform all staff about equality and diversity issues and help raise awareness
  - advise and work with management on how to improve the quality of working life for disabled staff
  - recognise and share achievements
67. If you join the forum your manager should allow you to attend staff forum meetings whenever possible, subject to service delivery requirements. It is a good idea to inform your manager of the dates of the forums with as much notice as possible; these dates are published

via the Wire. Attendance and travel to the forum during your normal working hours will be paid at your usual contractual rate.

<http://thewire.wiltshire.council/equality-and-diversity-staff-disability-forum.htm>

### **Disability Confident Campaign**

68. The Disability Confident Campaign is an ongoing Wiltshire Council campaign to raise awareness of disability in the workplace and has included a poster campaign, events for 'No Barriers' week, a quarterly article in the Wire to remind employees of the support and assistance available if they declare their disability, amongst other communications and presentations to management team meetings. The campaign has resulted in an increase in the number of disabled employees declaring a disability within the authority.

### **Raising a concern/making a complaint**

69. If you have a concern or complaint relating to the support provided under this policy and procedure you should refer the matter to your line manager in the first instance. If the concern or complaint relates to your line manager you should refer the matter to your line manager's manager.
70. If after raising the matter with your line manager or their line manager, the matter remains unresolved you are able to consider raising the issue under the [grievance policy and procedure](#) or [dignity at work policy and procedure](#) as appropriate.
71. Further information about unacceptable behaviour is set out in the [equality and diversity policy and procedure](#).

### **The Equality Act 2010**

72. Disability discrimination extends to all types of discrimination as set out in the equalities and diversity policy and procedure. The Equality Act includes the following new or changed areas:
- discrimination by association where someone is associated with someone with a protected characteristic (e.g. a child, parent or partner)
  - discrimination by perception where someone is perceived to have a protected characteristic but does not actually possess it.
  - harassment is also extended to protect those who witness harassment of others and find it offensive.

- victimisation where someone is treated badly because they have made/supported a complaint or grievance under the Act.
- indirect discrimination where a particular rule or requirement disadvantages people who share a protected characteristic unless this can be justified.

## **Roles and responsibilities**

### Line Manager's responsibilities

73. To ensure that the support outlined in this policy and procedure is provided to disabled employees fairly and consistently.
74. To carry out recruitment and selection in accordance with the current policy and guidance and to ensure that prospective disabled employees are also treated fairly and consistently in line with the principles outlined within this policy including the need to make reasonable adjustments where appropriate.
75. Where an employee declares that they have a disability to meet with them to work through the checklist of support for disabled staff attached to the declaration form and action as appropriate.
76. Where an employee declares that they have a disability to ensure that there is a mechanism in place to discuss, at any time, but at least once a year (with periodic reviews), what can be done to make sure that they can develop and use their abilities – this can be through the appraisal process or at a separate meeting.
77. When an employee declares their disability to ensure that reasonable adjustments are implemented to remove barriers for disabled staff which potentially put employees at a disadvantage to ensure that they can perform effectively and have equal access to progression in the work place.
78. To consider the impact of making a reasonable adjustment as set out in the policy and procedure and to seek further advice where appropriate and action contractual changes as necessary.
79. To work with HR, OH or Access to Work to negotiate adjusted working conditions or to resource and purchase equipment and reclaim costs as appropriate.
80. To comply with the responsibilities to disabled colleagues and visitors in the event of an emergency evacuation as outlined in this policy and procedure.



81. To make every effort when employees become disabled to enable them to stay in employment including redeployment where appropriate.
82. To ensure that where disabled employees receive an appropriate and fully accessible induction including information about policies, practices and procedures when they start a new post and that they continue to be informed and updated about changes to these.
83. To apply all other employment related policies and procedures and terms and conditions of employment fairly and consistently and to implement reasonable adjustments for disabled staff where appropriate.
84. To be mindful and take action to avoid all forms of discrimination as set out in this policy and procedure and the equality and diversity policy and procedure to ensure that equal rights and opportunities are provided to all.
85. To challenge discrimination and unfair treatment in the workplace and ensure that it is dealt with appropriately and where necessary under the dignity at work/disciplinary policy and procedure.
86. To provide support to any employee who is the subject of unlawful or unacceptable discrimination in the course of his/her employment.
87. To undertake risk assessments where an employee's disability affects the way that they do their job to ensure their health and safety and the health and safety of others.
88. To seek appropriate professional guidance from Occupational Health/HR and other professionals in order to maximise support options available for the individual.
89. To undertake Equality Impact Assessments for policy, procedure and practice where appropriate.

#### Employee responsibilities (disabled and non disabled)

90. To treat colleagues, managers, councillors, service users and members of the public with dignity and respect and to be supportive of disabled colleagues, in accordance with the principles set out in this policy and procedure, the equality and diversity policy and procedure, the dignity at work policy and the code of conduct policy and specifically:

- to embrace a culture which provides supportive and positive working relationships and behaviour which underpins the council's vision, values and belief.
- to be mindful of and take action to avoid becoming involved in any form of discrimination as set out in this policy and procedure.
- to be supportive of steps taken by managers to provide reasonable adjustments for colleagues
- to make colleagues aware if their conduct or behaviour is inappropriate and to report this to your manager.
- provide support to someone who is subject to such conduct or behaviour
- to promote good community and workplace relations to foster and encourage an atmosphere of tolerance and support so that there is no place for behaviours which would negatively impact upon the community or workplace.

#### Employee responsibilities (disabled)

91. In addition to the responsibilities above to:
- declare your disability on the disability declaration form provided to enable your manager to provide you with the support outlined in this policy and procedure.
  - work positively with your manager, HR, OH and/or Access to Work to provide information about barriers which place you at a disadvantage at work and help to identify reasonable adjustments or solutions to overcome these barriers.
  - to co-operate fully in assisting managers to undertake risk assessments and put together personal emergency evacuation plans, where these are identified as necessary to ensure your health and safety and/or the health and safety of others.
  - to take a personal responsibility for matters relating to your personal safety at work and for informing colleagues of your needs.

#### Human Resources (HR) responsibilities

92. HR has an overall responsibility for the reviewing, updating and monitoring of this policy and procedure and specifically to:
- make available to employees its written policies, practices and procedures on diversity and anti-discriminatory practice in employment including disability support through HR direct online.
  - inform new employees of its policies, practices and procedures during induction training.
  - inform all employees of changes to, and developments of its policies, practices and procedures.

- provide advice and support and training to managers in relation to equality and diversity issues including disability support and making reasonable adjustments.
- to carry out equality impact assessments for all HR policies and procedures.

#### Occupational Health (OH) responsibilities

93. OH has an overall responsibility for providing managers with advice on an employee's fitness for work from a professional health perspective. In the context of this policy and procedure OH:

- provide advice and support to managers in relation to pre-employment questionnaires (once a job offer has been made)
- provide advice and support to managers and employees in relation to fitness for work under the absence management policy and procedure
- provide advice and support to managers and employees in relation to reasonable adjustments where required. Access to this service is via manager's completion of the agreed referral form.
- have a reasonable adjustment budget which is managed by the Health and Safety Manager to reimburse manager's budgets where either the Access to Work funding is not available or does not cover the total cost of the reasonable adjustment. Managers and employees are encouraged to contact OH prior to going to Access to Work.

#### Corporate Learning and Development responsibilities

94. In the context of this policy and procedure to:

- ensure that all internal training is fully accessible and making reasonable adjustments where requested and appropriate
- ensure that all internal/external trainers are aware of the equality and diversity policy and procedure and the disability support in the workplace policy and procedure and the need to check whether course delegates require any reasonable adjustments.

#### Frequently asked questions

**95. Do I have to disclose my disability status?**

No, there is no legal requirement upon you to disclose any protected characteristic but it does assist the council in determining what support they can provide to you and in understanding its workforce. You will

not be at any disadvantage for disclosing this information and in fact there are further rights and support available for disabled staff and other groups of staff who have protected characteristics.

You can make a declaration on the [disability self declaration form](#).

**96. If I declare that I have a disability what information if any, does my manager need to share with other colleagues?**

Your manager should ensure that any personal information is dealt with confidentially and give consideration to issues of dignity and privacy.

However, there may be circumstances where it would be appropriate to share aspects of your declaration with colleagues. This would include circumstances where a colleague(s) support may be required to implement a personal emergency evacuation plan, a reasonable adjustment has an impact on other colleagues or where it may be beneficial for a limited number of immediate colleagues to be aware of a medical condition and simple immediate steps to prevent you from harm.

Where it is proposed that information should be shared with colleagues your manager will discuss this with you including consideration of the amount of information which will be shared. For example, unless there are clear reasons why colleagues need to be aware of the nature of the disability it may be more appropriate to say that a certain change needs to be made as a result of a reasonable adjustment or arising from a disability, rather than share the details of the disability or condition.

**97. What steps might a manager take to establish if an employee has a disability if they have not declared it?**

This is a difficult area. Managers should consider whether an employee has a disability even if they have not declared it and do all that they reasonably can to ascertain this, for example when carrying out supervision or conducting appraisals. A manager should also consider this before embarking on a performance management route. However, employees can choose whether to disclose this information or not. It may also be possible that the employee is unaware of their disability and may benefit from appropriate signposting.

When making enquiries about disability, managers should consider issues of dignity and privacy and ensure that personal information is dealt with confidentially. Once an employee has told their manager that they have a disability the support outlined in this policy and procedure will apply.

Where difficulties are observed in the workplace but support is declined, managers are advised to keep an informal record that they have tried to offer support and assistance.

Example:

A worker who deals with customers by phone at a call centre has depression which sometimes causes her to cry at work. She has difficulty dealing with customer enquiries when the symptoms of her depression are severe. It is likely to be reasonable for the employer to discuss with the employee whether her crying is connected to a disability and whether a reasonable adjustment could be made to her working arrangements.

**98. What type of health/disability related questions can I be asked at an interview?**

There are restrictions on the health or disability-related enquiries that can be made during the recruitment process. These limits apply up to the point where you are offered a job or placed in a pool of people to be offered a job. Until this point you should only be asked about your health or disability to help the recruiting manager:

- find out whether you can take part in an assessment
- decide whether there is a need to make reasonable adjustments for you to a selection process, including an interview or test
- decide whether you can carry out a task that is an essential part of the work
- monitor diversity among people applying for jobs
- implement positive measures such as the 'guaranteed interview scheme' under the double tick symbol. Information to implement the double tick symbol is collected from the application form.
- know you are disabled because it is a requirement of the job that you have a disability e.g. the council advertises for a deaf/blind project worker who has personal experience of deaf/blindness.

It is good practice for the recruiting manager to make clear the purpose of asking the question.

For further information see recruitment and selection policy and procedure.

**99. I have had an adjustment made to my desk as I am a disabled employee but the flexible working policy states that I do not have my own workspace.**

If you have had reasonable adjustments made to your workspace this becomes your own workspace which you are entitled to use during work time.

**100. I am hard of hearing and need to attend a meeting with another team in the council. What do I do?**

You should contact the meeting organiser who will discuss your requirements with you and provide reasonable adjustments to enable you to attend the meeting.

### **Definitions**

**Diversity** – is about recognising, valuing and taking account of people's different backgrounds, knowledge, skills and experiences, and encouraging and using those differences to create a productive and effective workforce.

**Protected characteristics** – is a group which is protected from discrimination under the Equality Act 2010 and includes age; disability, gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

**Positive action** – these are voluntary measures which an employer may consider to improve equality for people who share a protected characteristic. Positive action is not the same as positive discrimination which is unlawful.

### **Equality Impact Assessment**

This policy has been Equality Impact Assessed ([link to EIA for policy](#)) to identify opportunities to promote equality and mitigate any negative or adverse impacts on particular groups.

### **Relevant Legislation**

The Equality Act 2010. This policy and procedure reflects the first part of the implementation of the Equality Act. A number of provisions from the Act are still subject to consideration by the Government Equalities Office (GEO).

The council will also have due regard to the relevant codes of employment practice issued by the Equality and Human Rights Commission.

### **Advice and guidance**

If you require help in understanding this policy you should contact your line manager or trade union representative if you are a member.

If, due to the nature of your query, it is not appropriate to contact your line manager you should contact your head of service who will nominate an appropriate manager or colleague to help you.

### Further advice and information

There are a number of related policies and procedures that you should be aware of including:

- [Equality and diversity policy and procedure](#)
- [Religious practices and beliefs policy and procedure](#)
- [Dignity at work policy and procedure](#)
- [Recruitment and retention policy and procedure](#)
- [Code of conduct](#)
- [Whistleblowing policy and procedure](#)
- [Grievance policy and procedure](#)
- [Absence management policy and procedure](#)
- [Disciplinary policy and procedure](#)
- [Improving work performance policy and procedure](#)
- [Computer e-mail and internet policy](#)

For further information please speak to your supervisor, manager, service director or contact your HR advisor.

There is also a **toolkit** including manager guidance and supporting documents to use when following this policy and procedure.

Policy author	HR Policy and Reward Team – <b>(Initials)</b>
Policy last updated/implemented	DD-MM-YYYY