

Agenda Item 19 (b)

Salisbury District Council Comprehensive Equalities Policy

Managers' Guide to Recruiting, Employing and Retaining People with Disabilities

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1. Introduction

1.1. This guide has the following aims:

- To highlight the duty of the council to promote a positive approach to recruiting and retaining more disabled employees, and the manager's responsibilities in supporting this aim.
- To raise awareness of the ways in which disabled people can be supported and treated fairly through the various stages of the recruitment process and throughout their employment with us.
- To provide practical advice to managers on how to deal with access requirements and who to contact for further information.
- To highlight the corporate aims of local authorities to promote a positive approach to recruiting and retaining more disabled employees, and the manager's responsibilities in supporting this aim.
- To explain the meaning of disability as defined by the Disability Discrimination Act (DDA)
- To explain what is acceptable terminology when talking about disability.

Salisbury District Council is committed to the successful recruitment, employment and retention of disabled people and will demonstrate this by:

- Taking positive steps to ensure an inclusive approach towards disabled people in employment policies, practices and procedures.
- Working towards a workforce that as a minimum reflects the percentage of disabled people available to work in its local communities.
- Making sure that every effort is made to retain employees who become disabled.
- Implementing the requirements of the Disability Discrimination Act (DDA) 1995 and following the Social Model of Disability (see appendix 2)
- Making sure that all managers are equipped with the knowledge to carry out the authority's commitments.

2 The Business Case

2.1 Meeting the duty to promote equality of disabled people can bring considerable advantages to the council in terms of our employment functions. It can help us to

- Achieve a more representative workforce
- Attract able employees
- Avoid losing or undervaluing staff
- Improve staff morale and productivity
- Improve staff management
- Identify and develop good practice
- Avoid claims for unlawful discrimination.

2.2 It makes sense to employ a diverse workforce, including disabled people, because:

- Disabled people are a significant pool of potential employees.

- The council benefits from the widest possible choice when recruiting, and by being inclusive to disabled people we increase our chances of getting the best person for the job.
 - Many employers are having difficulties recruiting and retaining staff in a very competitive jobs market.
 - Disabled people have skills and abilities in addition to their work role, as do other employees.
 - Staff turnover may be reduced, as disabled employees may be more likely to stay with an employer who provides them with an opportunity to develop their potential.
 - A positive image of the council taking a lead is provided, of a major employer putting out a strong message to customers and employees that they value and support disabled people. This will have a positive local impact and should encourage partner organisations to do likewise.
- 2.3 The 2005 **Comprehensive Performance Assessment (CPA)** process recognises the importance of people as a key resource and will look for evidence that councils are undertaking workforce planning and development. Evidence will be sought on the equality and diversity in the workforce, engagement with and appropriate skills to deliver services to diverse communities.
- 2.4 Councils will be expected to respond to the **Generic Equality Standard for Local Government** which has 5 levels depending on how well councils are responding to the whole range of equality issues. Employment and retention of disabled people are two of the criteria which are used to determine the level the council has achieved.
- 2.5 The **Local Government Pay and Workforce Strategy 2005** prioritises equality and diversity. It highlights the fact that nationally 30% of the local government workforce is due to retire over the next 15 years and that one of the main ways to respond to this is to develop positive attitudes towards employing and retaining disabled staff.

3 The Legislation And Responsibilities

3.1. The Disability Discrimination Act (DDA) 1995

The DDA makes it unlawful for an employer to discriminate against a disabled person when applying for a job or in employment.

This includes discriminating in any of the following areas:

- Application forms.
- Interview arrangements.
- Selection tests.
- Job offers.
- Terms of employment.
- Promotion, transfer or training opportunities.
- Employee Benefits.
- Dismissal or redundancy.

3.2. Duty to Promote Disability Equality

The Act has now been amended by the **Disability Discrimination Act 2005** which places a duty on all public bodies including local authorities to promote disability equality. This is similar to the duty to promote race equality under the Race Relations (Amendment) Act

This is a positive duty which builds in disability equality at the beginning of the process, rather than making adjustments at the end. It means that there will be a change from the current situation which relies on individual disabled people complaining about discrimination to one where the public sector in general, including the council, becomes a proactive agent for change.

The duty recognises that the poverty, disadvantage and social exclusion experienced by many disabled people is not the inevitable result of their impairments or medical conditions but rather stems from attitudinal and environmental barriers. This is known as the "social model of disability".

3.3. How will the duty operate?

The Act sets out what is known as the **General Duty**. This means that the council will have to have due regard to the need to:

- eliminate unlawful discrimination
- promote equal opportunities for disabled people.
- eliminate harassment of disabled people related to their disabilities
- promote positive attitudes to disabled people
- encourage the participation of disabled people in public life

The council will also have a **Specific Duty** to produce a **Disability Equality Scheme** which must outline:

- the way in which disabled people have been involved in producing the scheme and developing the action plan
- the ways in which information in relation to employment and delivery of services will be gathered and analysed to inform actions and to track progress
- how the impact of existing and proposed policies and activities on disabled people will be assessed
- the action plan for the next three years to address priority issues

Progress must be reported every year and the scheme reviewed and revised at least every three years

Equality for disabled people may mean treating them 'more favourably'. The Act states that the duty requires public authorities to have due regard to the need to take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons. This underlines the fact that equality of opportunity cannot be achieved simply by treating disabled and non-disabled people alike.

3.4. The Definition Of Disability

It is vitally important for the implementation of this guide that managers understand the definition of disability. Case law has shown that one of the most important issues is whether someone is, or is not disabled, under the terms of the DDA.

Disabled people no longer need to be registered and can now self identify as being disabled if they believe they meet the definition under the DDA. Please read the section at Appendix 1 for an explanation of what is included under the definition.

3.4.1. Reasonable Adjustments

In order to enable a disabled person to do a job, the DDA requires employers to look at changes that could be made to the workplace or working practice and to make any reasonable adjustments. Employers are able to take into account how much the changes would cost and how much the changes would help when considering what is reasonable. Adjustments should be made on first becoming aware of someone's requirements. This may be at any stage of the recruitment process or at any time as an employee. For examples of such adjustments please see appendix 5.

3.5. External Support

There are a number of agencies who can assist employers in recruiting, retaining and supporting employees with disabilities at work. Please see appendices 3 and 4 x for further information.

4. Gathering Information

4.1. The **specific duties to promote equality of disabled people** require the council to have information in relation to recruitment, development and retention of their disabled employees. This information is needed to ensure that employers are able to judge the effect of their policies and practices on the recruitment, training and retention of their disabled employees. This will involve collecting and analysing information about the experiences of applicants and employees.

4.2. Information on recruitment is collected about applicants and successful applicants. It could include monitoring each stage of recruitment to find out what happens to disabled applicants.

4.3. Information on development will need to be collected on:

- Training (who applies, who is offered training and what types of training)
- Promotion (success rates of disabled employees)
- Performance reviews
- Workplace benefits and facilities
- Treatment generally such as harassment, discrimination, grievances and disciplinary action

4.4. Retention information will need to be collected about:

- Redundancies
- Resignations
- Early retirements
- Dismissals
- End of fixed term contracts

The reasons for any differentials in these areas between disabled and non disabled staff will have to be investigated and action taken to remedy them.

4.5. Disclosure of disability

People are often reluctant to disclose that they have a disability. This may be because they do not identify themselves as disabled and it will be helpful, when gathering information to explain what is meant by "disabled". People might also worry that if they reveal that they have a disability it will be held against them. A guarantee of confidentiality will be essential for successful information gathering but beyond this as trust and confidence improves in the council as disability friendly disclosure will increase.

People are more likely to disclose a disability if they understand why the information is needed and how it will be used to address the different barriers being faced by disabled people. The council will need to show staff how the information has been used to improve employment practices.

5. Role Of Managers

5.1. All managers have a responsibility to implement the duty to promote equality of disabled people and the council's equalities policies by:

- Promoting positive measures to address under-representation, and increase the number of disabled employees
- Support access needs of job applicants through the recruitment and selection process
- Take positive steps to support disabled employees by taking their needs into account before introducing any changes in the workplace e.g new systems, ICT, policies and procedures and physical changes
- Create a supportive and inclusive environment for disabled employees
- Support positive measures to provide work experience placements for disabled people.

6. Role Of Personnel and Training Services

6.1. The role of Personnel and Training Services is to:

- Provide direct support to managers in addressing individual requests for access support.
- Assist managers in identifying options and solutions, where an employee is having difficulty with their work due to a disability. This would include organising work place assessments, liaising with external agencies and generally advising on reasonable adjustments.
- Support employees, where redeployment is identified as an option to retain them in employment. This would include help in identifying suitable jobs, producing a CV for circulation, and promoting their prior consideration for existing vacancies, or for secondment opportunities.

7. The Recruitment And Selection Process

7.1. This section provides advice on how managers can take a positive approach to encouraging disabled people to apply for jobs with the council and supporting those who are seeking employment. It considers each stage of the recruitment and selection process.

7.2. Employment Targets

Disabled people are under-represented in our workforce and the Duty to Promote equality of opportunity for disabled people means that we have to address this and look at ways of increasing the numbers of disabled people employed year on year. Managers have a responsibility to contribute to this by following this best practice guidance and by implementing the action plans determined by the council to meet its legal duty.

7.3. Positive Measures

The new duty to promote requires the council to consider what positive measures it needs to take to encourage a more inclusive approach. Some of these might include:

- Promotional statements in job advertisements, welcoming applications from disabled people who are under-represented in the workforce
- Supporting requests for work experience placements and placements in association with employment measures described above
- Ensuring the availability of information in different formats. This should be promoted as being available in all recruitment advertising

7.4. Reviewing The Vacancy

As part of the process of reviewing any vacancy there are some issues which are relevant to promoting opportunities for disabled people, and possibly addressing under-representation in your Unit. These are:

- In considering alternative more flexible ways of filling a post you may make it more attractive to Disabled people to apply (eg more flexible working arrangements with options for part time working).
- Could the post be used as an opportunity for Disabled people through the New Deal scheme, and offered as a temporary 12-month placement, or as an unpaid work experience placement for up to 12 weeks.*
- Are there any requests circulating for secondment or redeployment opportunities for an existing employee who is, or has become a Disabled person, for whom prior consideration should be given.*
- Secondments and voluntary work may not always be appropriate and managers are advised to seek advice from POD and the view of the relevant trade union before introducing such arrangements.

7.5. Job Description/Employee Specification

All job descriptions and employee specifications should be checked to ensure they do not contain potentially discriminatory elements. A couple of examples are:

- **A driving licence, and ownership of a car, is essential.**
What is usually meant by this is, that the ability to travel is required. This of course could be by various means including public transport and taxis, or through other access support. A driving licence would only be essential for a driving job such as a refuse driver. The criteria should read:
“You will be required to travel widely so you must either have a current driving licence and provide a car, or have access to appropriate means of travel.”
- **Good hand writing and verbal communication is essential**
What is meant by this is “effective and accessible communication”. Asking for good handwriting and verbal communication is discriminatory against people who cannot do

either, and for most posts handwriting is not necessary and communicating through, for example a BSL interpreter, would be just as effective as verbal communication.

7.6. Advertising

You should aim to be inclusive on the following lines:

- Include promotional statements encouraging Disabled people to apply for jobs where there is under-representation within your department.
- Write advertisements, so that they are open and accessible to Disabled people, and avoid phrases and language that could exclude unless you are sure they are an essential criteria for the post (eg reference to physical stamina).
- Promote the fact that information is available in a variety of formats.
- Promote the availability of flexible or part time working.
- Advertising in disabled people's media such as local talking newspapers, or national publications (further details in the directory at Appendix 6).

7.7. Application Forms And Short-Listing

It should be possible to complete application forms in different formats, for example electronically. A disabled person may have concerns about submitting their application in a different format, and about how it will be treated by a recruitment panel. If one of the short-listing criteria is "to communicate effectively in a written format", then applicants need to be informed of this in the employee specification, and where electronic formats are submitted this must be taken into account by the panel.

All short-listing decisions must be based on an objective assessment of an applicant's qualifications, knowledge, skills and experience against the employee specification.

7.8. Interviewing

The standard "invite to interview" letter puts the onus on the applicant to let the panel know if they have any access requirements. You must therefore make it very clear exactly what the selection process will include:

- Interviews
- Presentation
- Written exercises
- Role play
- Use of Microsoft Office software
- Group discussions
- Case studies

If an applicant has volunteered that they are disabled already you should contact them to check if they do have any access requirements as some arrangements may take some time to organise.

Some examples of the type of support you can provide are:

- Hold interviews in accessible venues. The definition of accessible venue would include designated parking space, level main entrance and accessible interview room and also accessible toilets.
- Provide a British Sign Language (BSL) Interpreter if required.

- Provide additional time at the start of an interview where a BSL Interpreter needs to familiarise themselves with the questions so they understand the terminology and meaning, and allow a longer interview.
- Consider other flexibility to the interview process where applicants make requests due to their specific access needs. Where this includes requests to see questions in advance please seek Personnel advice.
- Set up a loop system in interview rooms or test venues.

7.9. Selection Tests

- If any short-listed candidates request access support you will need to review each selection test to ensure that it will allow all the candidates equal opportunity to demonstrate their abilities and skills.
- If a presentation is requested it should be made clear whether the use of equipment, such as overhead projectors, flip charts or PowerPoint, will be marked as part of the evaluation process. This is because the use of such equipment is not accessible to some disabled people.
- For any written tests you may need to provide details of the tests in different formats and consider being flexible about how the test is completed.
- If you require candidates to do a test on a computer, to test skills such as word processing, you may have to respond to access requests from visually impaired applicants for the availability of specific software. You might have to be flexible in allowing the test to be completed at a different time and location.

7.10. Appointment Checks

Any decision on the best candidate should be made on the basis of merit against the employee specification.

If a candidate has access requirements these should be explored in relation to the job, after a decision has been reached on the successful candidate. You may contact your Disability Employment Advisor at your local Job Centre, and ask for assistance under the Access to Work Scheme. Only where it is uncertain as to the availability, feasibility or cost of providing the necessary adaptations to premises or work-station, or of specialised equipment, should there be any need to make the appointment subject to further research.

Please ask Personnel & Training Services to assist in liaising with external agencies to research access support and funding options.

8. Retention

- 8.1. As a major employer and as a local authority with a duty to promote equality of opportunity in relation to disability we have a duty to set the highest standard in employment matters. Having made every effort to recruit a diverse workforce by increasing the number of disabled people in all units, it is just as important for managers to ensure that disabled employees are treated fairly in having the same access to induction, career development, and training, to reach their full potential.

8.2. Induction

Where a new appointee may need a lot of support with their access requirements it is important to build this into their induction programme.

You may need to consider the following:

- Speak to the appointee about how they want to approach their induction, and whether any discussion with the rest of the team would be beneficial to their support.
- Are there any issues for communication with the rest of the staff in the department or the building, again to ensure support to their access needs.
- Making sure that all necessary aids and adaptations are delivered to ensure a smooth start to their employment.
- Are there any implications for the way things are done, which may need to change, such as where meetings are held and how information is available.

In most cases the person will know from experience what support is required so any issues should always be discussed in full consultation with them, and any actions agreed with them.

8.3. Career Development And Training

Managers must ensure that there are no barriers to disabled employees having equal access to training and development opportunities. The following is suggested:

- As part of the annual appraisal, and in one-to-ones, managers should check there are no access issues affecting disabled employees in carrying out their work, attending training courses or in taking advantage of other training opportunities.
- Where problems of access are identified then appropriate alterations must be made to make training accessible
- Due regard must be given to the access needs of disabled employees when organising training and development activities, including checking in advance if any employees have any access requirements.

8.4. Working Conditions

The duty to promote equality of disabled people will mean that working conditions of all employees should be reviewed regularly to ensure that they are not having a discriminatory impact on disabled staff. For individual members of staff appraisals will be important ways of picking up any requirements of disabled staff. It is important to focus on ability rather than disability.

Such issues could include:

- Reviewing responsibilities and workload to ensure that they are appropriate for the member of staff and do not present any particular problems
- Reviewing working hours to ensure that they are appropriate
- Ensuring that the disabled member of staff can access rehabilitation, assessment and treatment
- Reviewing parking and transport arrangements
- Assessing any needs for training or retraining
- Ensuring that all equipment the disabled person is using is suitable for example, telephone systems, software, aids for lifting and carrying, flashing fire alarms etc.
- Ensuring that the premises are suitable including doorways, toilets, light switches contrasts in decorating etc
- Ensuring that information is in a suitable form for example Braille, audio tape, disc etc
- Ensuring that the disabled member of staff is not suffering from any harassment due to their disability.

If the disabled member of staff is having difficulties in their job due to their disability then consideration should also be given, in addition to the actions above, to:

- Arranging a transfer to other suitable duties
- Changing the work location - including the possibility of homeworking if appropriate

- Secondments to another job to see if it might be more suitable
- Other redeployment options

In looking at any of these options, additional support is available from Personnel and Training Services, and from external agencies including Job Centre Plus and our occupational health adviser. Of course any actions should also be taken in discussion with the disabled member of staff and their representative.

Trade unions such as UNISON have organisations for disabled members and are able to give advice and information on issues which might affect disabled employees.

The Duty to promote allows for more favourable treatment to be given to disabled people (see section 3 above) in order to achieve equality.

8.5. Work Place Assessments

It is important to obtain expert advice when exploring options, and managers may need to arrange work place assessments. These can be done by our Occupational Health Adviser or the Employment Service who will help identify access needs. Full details of the Access to Work scheme and the role of Access to Work Advisers and Disability Employment Advisers can be found at appendix 3 of this guide.

8.6. Risk Assessments

It is important to obtain expert advice when exploring options, and managers may need to arrange work place assessments other than the assessment when the disabled person first takes up the job. These can be done by the Employment Service to help identify access needs. Full details of the Access to Work scheme and the role of Access to Work Advisers and Disability Employment Advisers can be found at appendix 3.

Workplace risk assessments made under the Health and Safety at Work Regulations should include an assessment of the specific risks to disabled employees (and visitors to the premises). These assessments should be done with the involvement of disabled people.

It is also a requirement that records are used to identify any work area where sickness absence levels are particularly high and causes are identified.

Glossary

Compliance notice

The Disability Rights Commission can, if a public authority does not comply with its specific duties, serve a compliance notice on that authority. The notice will state that the authority must meet its duty and tell the DRC, within 28 days, what it has done or is doing to meet its duty. Three months after issuing the compliance notice the Disability Rights Commission can apply to the county court or sheriff court for an order requiring the authority to comply with the duty.

Disability equality

Full opportunity and choices for disabled people to improve their quality of life and be respected and included as equal members of society.

Disability Equality Scheme

The Statutory Duties Regulations (known and referred to in the Code as the specific duties regulations) require us to produce and publish a Disability Equality Scheme which demonstrates how we intend to fulfil our general and specific duties.

Due regard

The requirement to give due weight to the need to promote equality of opportunity in proportion to its relevance to disability.

Functions

The full range of a public authority's duties and powers.

Gathering evidence/information

The Disability Equality Scheme must include a statement of our arrangements for gathering information, in particular about: the effect of our policies and practices on recruitment, development and retention of disabled employees; educational opportunities available and achievements of disabled pupils and students; and the extent to which services and functions take account of the needs of disabled persons. Gathering information should be sufficient to inform us whether our action plan and our activities and functions are delivering greater equality for disabled people. The Scheme must further specify the arrangements for making use of the information to assist in satisfying the general duty, in reviewing on a regular basis the effectiveness of its action plan and preparing subsequent Disability Equality Schemes.

General duty

The requirement on public authorities, when carrying out their functions, to have due regard to the need to: promote equality of opportunity between disabled persons and other persons; eliminate discrimination that is unlawful under the Act; eliminate harassment of disabled persons that is related to their disabilities; promote positive attitudes towards disabled persons; encourage participation by disabled persons in public life and to take steps to take account of disabled persons' disabilities even where that involves treating disabled persons more favourably than other persons.

Impact assessment

Impact assessment is the process which enables us to identify and act on the need to modify policies and practices to have due regard to the need to promote disability equality. The specific duty regulations set out the requirement for an authority to include in the Disability Equality Scheme its methods for impact assessment.

Involvement

An active engagement with disabled stakeholders using accessible mechanisms which must be focused, proportionate, influential and transparent. “Involvement” requires more active engagement of disabled stakeholders than “consultation”.

Policies and practices

All proposed and current activities which we carry out.

Public authority

All bodies certain of whose functions are functions of a public nature.

Public procurement

The contractual or other arrangements that a public authority makes to obtain goods, works or services from an outside organisation.

Social model of disability

The poverty, disadvantage and social exclusion experienced by many disabled people is not the inevitable result of their impairments or medical conditions, but rather stems from attitudinal and environmental barriers. This is known as ‘the social model of disability’, and provides a basis for the successful implementation of the duty to promote disability equality.

Specific duties

Certain public authorities listed in regulations including local authorities are required to comply with specific duties which are set out in the Statutory Duties regulations (known as the specific duties regulations). These duties are intended to assist authorities in complying with the general duty to promote disability equality. The duties also impose an obligation on certain Secretaries of State and the Welsh Assembly to report on disability equality – see Secretary of State Duty above.

The Meaning of Disability

This appendix is included to aid understanding about who is covered by the Act

When is a person disabled?

A person has a disability if he or she has a physical or mental impairment, which has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.

What about people who have recovered from a disability?

People who have had a disability within the definition are protected from discrimination even if they have since recovered.

What does 'impairment' cover?

It covers physical or mental impairments; this includes sensory impairments, such as those affecting sight or hearing.

Are all mental impairments covered?

The term 'mental impairment' is intended to cover a wide range of impairments relating to mental functioning, including what are often known as learning disabilities.

What is a 'substantial' adverse effect?

A substantial adverse effect is something which is more than a minor or trivial effect. The requirement that an effect must be substantial reflects the general understanding of disability as a limitation going beyond the normal differences in ability which might exist among people.

What is a 'long-term' effect?

A long-term effect of an impairment is one:

- which has lasted at least 12 months, or
- where the total period for which it lasts is likely to be at least 12 months, or
- which is likely to last for the rest of the life of the person affected.

Effects which are not long-term would therefore include loss of mobility due to a broken limb which is likely to heal within 12 months and the effects of temporary infections, from which a person would be likely to recover within 12 months.

What if the effects come and go over a period of time?

If an impairment has had a substantial adverse effect on normal day-to-day activities but that effect ceases, the substantial effect is treated as continuing if it is likely to recur; that is if it is more probable than not that the effect will recur.

What are 'normal day-to-day activities'?

They are activities which are carried out by most people on a fairly regular and frequent basis. The term is not intended to include activities which are normal only for a particular person or

group of people, such as playing a musical instrument, or a sport, to a professional standard or performing a skilled or specialised task at work. However, someone who is affected in such a specialised way but is also affected in normal day-to-day activities would be covered by this part of the definition. The test of whether an impairment affects normal day-to-day activities is whether it affects one of the broad categories of capacity listed in Schedule 1 to the Act. They 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.

What about treatment?

Someone with an impairment may be receiving medical or other treatment which alleviates or removes the effects (though not the impairment). In such cases, the treatment is ignored and the impairment is taken to have the effect it would have had without such treatment. This does not apply if substantial adverse effects are not likely to recur even if the treatment stops (ie the impairment has been cured).

Does this include people who wear spectacles?

No. The sole exception to the rule about ignoring the effects of treatment is the wearing of spectacles or contact lenses. In this case, the effect while the person is wearing spectacles or contact lenses should be considered.

Are people who have disfigurements covered?

People with severe disfigurements are covered by the Act. They do not need to demonstrate that the impairment has a substantial adverse effect on their ability to carry out normal day-to-day activities.

Are there any other people who are automatically treated as disabled under the Act?

Anyone who has HIV infection, cancer or multiple sclerosis is automatically treated as disabled under the Act. In addition, people who are registered as blind or partially sighted, or who are certified as being blind or partially sighted by a consultant ophthalmologist are automatically treated under the Act as being disabled. People who are not registered or certified as blind or partially sighted will be covered by the Act if they can establish that they meet the Act's definition of disability.

What about people who know their condition is going to get worse over time?

Progressive conditions are conditions which are likely to change and develop over time. Where a person has a progressive condition he will be covered by the Act from the moment the condition leads to an impairment which has some effect on the ability to carry out normal day-to-day activities, even though not a substantial effect, if that impairment is likely eventually to have a substantial adverse effect on such ability.

Are people with genetic conditions covered?

If a genetic condition has no effect on the ability to carry out normal day-to-day activities, the person is not covered. Diagnosis does not in itself bring someone within the definition. If the condition is progressive, then the rule about progressive conditions applies.

Are any conditions specifically excluded from the coverage of the Act?

Yes. Certain conditions are to be regarded as not amounting to impairments for the purposes of the Act. These are:

- addiction to or dependency on alcohol, nicotine, or any other substance (other than as a result of the substance being medically prescribed)
- seasonal allergic rhinitis (eg hayfever), except where it aggravates the effect of another condition
- tendency to set fires
- tendency to steal
- tendency to physical or sexual abuse of other persons
- exhibitionism
- voyeurism.

Also, disfigurements which consist of a tattoo (which has not been removed), non-medical body piercing, or something attached through such piercing, are to be treated as not having a substantial adverse effect on the person's ability to carry out normal day-to-day activities.

UNDERSTANDING THE TERMINOLOGY AND LANGUAGE TO BE USED

Social versus medical Model

There are two definitions of disability, one called the medical or individual model. The other is called the social model. The social model is preferred, and used, by disability organisations and groups.

THE MEDICAL MODEL EXPLAINED AND WHY DISABLED PEOPLE DO NOT ACCEPT THIS MODEL

The medical model sees the individual disabled person as the problem. It views the person as sick, invalid (in-valid) and as being in need of a cure.

The medical model highlights what is thought to be the disabled person's inability to perform activities, which are considered "normal". The medical model sees the solution, to what it calls problems, would be to offer individual's medical aid or operations which would enable the person to become more mobile or 'normal'.

This model does not see, that the biggest barrier disabled people face is a lack of access to services, employment, and educational opportunities through:

- Inappropriate design of buildings and transport.
- "Exclusive" policies and procedures.
- A general lack of knowledge and understanding as to how to improve access.

The Social model of disability

The social model of disability argues that the responsibility for providing effective communication and access lies with society and not with the individual disabled person. The fact that society is organised and designed to meet the needs of non-disabled people results in disabled people being unnecessarily segregated. Examples are:

- A badly designed environment (high kerbs, steps, narrow doors, toilet facilities, poor lighting and so on).
- Inaccessible public transport.
- Discriminatory attitudes and practices in education and employment.

This model sees these as barriers that deny many disabled people the chance to obtain adequate education, a job, adequate income and opportunities to enjoy a full social life.

The social model draws attention to the barriers in society, and offers solutions which are much wider than trying to change the person.

The Language That We Use

Language carries many messages. It categorises, labels and reinforces stereotypes. The terms that many people still use can cause harm and hurt to disabled people. You should always be aware of the need to use positive language. Here are some examples:

Negative/Offensive	Positive
The deaf.	A person who has a hearing impairment.
The blind.	A person who has a visual impairment.
Victim of/Crippled by/Suffering from/Afflicted by.....	A person who has/person with/ person who has experienced.
Wheelchair bound.	A wheelchair user.
Invalid.	A disabled person.
Mentally handicapped/ backward/retarded	A person with learning difficulties.
Disabled toilet	An accessible toilet.

A Positive Approach

To follow the social model means we have to use a language that is inclusive, and focuses on a positive response to access needs. The following positive approach is recommended:

- We have job applicants and employees with access requirements.
- Rather than assuming that a disabled person cannot do your job, assume that they can and that they know what access support they need.
- Review the wording you use in advertisements, job descriptions and employee specifications.
- Be open and flexible in considering access needs.

Access To Work

It is useful for managers to be familiar with the Access to Work service provided by Job Centres through their Disability Employment Advisory teams. Access to Work provides advice and practical support to Disabled people and their employers to help overcome work related obstacles resulting from disability.

How it can help

Access to Work has 2 key roles. It can:

- be used as an expert service to help assess what access needs and support a Disabled person requires to be able to do a job, either at the recruitment stage or where an existing employee is having difficulty with their job role.
- offer a grant towards any extra employment costs resulting from implementing access support to a disabled employee.

What type of help can be provided?

Access to Work can help in a number of ways:

- Arrange a communicator if the person has a hearing impairment and needs a communicator with them at an interview.
- Arrange a work place assessment to look at access needs either as part of the recruitment process or to retain an employee in work.
- Arrange a support worker to provide practical help (eg a reader at work, if a person is blind or has a visual impairment).
- Arrange special equipment or alterations to existing equipment to address specific access needs related to the job.
- Arrange alterations to premises or working environment.
- Provide help towards the cost of getting to work if an employee is unable to use public transport.
- Provide financial assistance towards costs of reasonable adjustments.

How will I know what help is needed ?

Access to Work Advisors will speak to you and your employee, or prospective employee, and provide advice on the most effective solution. Sometimes this may require specialist or technical advice, which the Advisor will arrange.

Who buys the help needed ?

It is usual for the employer to arrange the purchase of the support required and agreed, and then claim back a grant from Access to Work.

Amount of access to work grant

Access to work pays up to 100% of the approved costs for:

- Unemployed people starting a job.
- Support workers.
- Fares to work.
- Communicator support at interviews.

For disabled people working for an employer, who have been in the job for 6 weeks or more, Access to Work will pay a percentage of the total cost of the agreed support as follows:

Approved Cost	Maximum Access to Work Contribution
Less than £300	Nil
Between £300 and £10,000	80% of cost over £300
Over £10,000	80% of cost between £300 and £10,000 and 100% of cost over £10,000.

The employer will be expected to pay the costs up to £300 and the 20% of costs up to £10,000. All help is for a maximum period of 3 years after which the Access to Work Adviser would review the circumstances. If the employee continues to be eligible for help under the rules that then apply, Access to Work may provide help for a further period. Managers should note that the service supports “real jobs” (full-time, part-time, permanent or temporary) it is not available for work experience.

Other Employment Services

Role of disability advisers

Disability Advisers are the first point of contact with the Disability Employment Service and can provide advice on all aspects of good practice affecting disabled people in the workplace, including:

- Advice on supporting access to training and development.
- Advice on job retention
- Giving information about the Work Preparation programme (WORKPREP) and about Work Trials. Work Trials are off-payroll agreements that allow you to fill an actual vacancy for up to 15 days and work experience placements.
- Giving information on WORKSTEP which enables people with more complex employment barriers to work with the right support. Employees work for a minimum of 16 hours a week for at least 6 months, with normal rates of pay, terms and conditions for the post
- Giving information about the Job Introduction Scheme (JIS) which can provide a weekly grant towards employment or training costs for the first few weeks of employing a disabled person. JIS does not apply to WORKSTEP programmes
- Giving advice on job retention, and putting the authority in touch with Access to Work Advisors, who have specialist knowledge of the Access to Work programme.

WORKPREP and WORKSTEP are long standing programmes managed by DEAs, contracted employment intermediaries (job brokers) from private and public sectors, and employers working in partnership.

Employment service schemes

New deal for disabled people (NDDP)

New Deal for Disabled People is part of the Government's Welfare to Work programme, which aims to help people on a disability or health related benefit move into and retain work.

How New Deal can be of benefit to us

It is recognised that there is a good business case for recruiting disabled people, and those that come through New Deal can have a wide range of skills and experience. A network of job brokers from private, voluntary and public sector organisations can help to fill vacancies by matching suitable applicants and developing the skills of Disabled people to meet the needs of employers. Job Brokers will:

- Offer their services free of charge.
- Work with authorities to match vacancies.
- Work with clients to understand and compete in the labour market.
- Support the client once they are placed in a job.
- Give information about the DDA and where to go for advice.

Examples of Adjustments

Physical and environmental

Premises:

- Widening a doorway
- Providing a ramp
- Providing handrails
- Moving furniture
- Height of light switches, door handles, shelves
- Format of signage
- Control markings on steps and stairs
- Overall lighting
- Use of visual fire alarms
- Colour contrasts on décor, markings on clear glass doors

Workplace:

- Acquiring or modifying equipment
- Hearing loops
- Access technology, such as voice activated software, minicomms, scanners
- Personalising display screens, such as colours and fonts
- Providing sound insulation boards and carpet in an open plan office
- Using adjustable chairs, modifying desk heights

Organisational

Communication and information:

- Using accessible venues for meetings, training events, interviews
- Modifying procedures for testing or assessments, e.g. venue, e
- Considering house style (such as fonts) alternative formats for documents and newsletters, making house websites accessible

Work practices and processes:

- Providing a reader, interpreter, special supervision or support
- Modifying instructions or reference manuals
- Reviewing car parking policies
- Considering suitability of vacancies for job share or fractional posts
- Altering hours of work or training, modifying shift patterns
- Considering re-location or homeworking for new and existing employees
- Re-allocating duties between staff, transferring a person to fill an existing vacancy, redeployment
- Allowing absence for rehabilitation or treatment, considering paid or unpaid disability leave
- Modifying disciplinary and grievance procedures
- Adjusting redundancy selection criteria
- Providing other advice and assistance, such as mentoring, using supervisions and appraisals to identify and discuss employee needs; using expert advice available inside and outside the council

Contacts

National Bodies

Disability Rights Commission

Tel: 08457 622 633

Textphone: 08457 622 644

Fax: 08457 778 878

www.drc-gb.org

Target audience: Disabled people

Resources available:

Information and advice for employers on recruitment and other related issues.

Information for disabled people, primarily about legislation and equality initiatives.

Employers' Forum on Disability

Tel: 020 7403 3020

Textphone: 020 7403 0040

Fax: 020 7403 0404

Email: website.enquiries@employers-forum.co.uk

www.employers-forum.co.uk

Target audience: Employers and service providers

Resources available:

Focused on sharing the best practice to make it easier to employ disabled people.

Staff training and disability awareness, recruitment and the involvement of disabled people within the workplace.

Employment Opportunities for People with Disabilities

Tel: 020 7448 5420

Textphone: 020 7374 6684

Fax: 020 7374 4913

Email: info@eopps.org

www.opportunities.org.uk

Target audience: Disabled people looking to find and retain work

Resources available:

Support and advice for both disabled people and employers.

Help develop job ready skills.

Newsletters for Graduates regarding employment placements.

Fast-Forward (Scope)

Tel: 020 7619 7299

Minicom 020 7619 7187

Fax 020 7619 7399

Email fast-forward@scope.org.uk

www.scope.org.uk/fast-forward

Target audience: Disabled graduates and employers seeking to attract more disabled people into their workforce.

Resources available:

Information on recruitment and retention for both graduates and employers.

Effective job seeking skills.

JobCentre Plus/Access to Work

Tel: numbers for Regional Offices are available on the website

www.jobcentreplus.gov.uk/

Target audience: Disabled People and employers

Resources available:

As well as giving advice and information to disabled people and employers, Jobcentre Plus pays a grant, through AtW, towards any extra employment costs that result from a person's impairment. This can include payments for communication aids and equipment and for personal assistants and human aids to communication such as BSL interpreters or Lipspeakers. Assistance and support with interviews and transport is also available.

Blind In Business

Tel: 020 7588 1885

Email: employment@blindinbusiness.org.uk

www.blindinbusiness.org.uk

Target audience: Visually impaired people and employers.

Resources available:

Information in an accessible format.

General advice and support for graduates, mostly on a one-to-one basis.

Advice on forthcoming recruitment events.

Information and advice for employers.

RNIB – Royal National Institute for the Blind

Tel: 0845 766 9999

Fax: 020 7388 2034

Email: helpline@rnib.org.uk

www.rnib.org.uk

Target audience: Visually impaired people seeking employment.

Resources available:

CD-ROM and information booklet about job seeking skills.

General advice and support for job hunting and applying.

Free advice magazines.

Guides to the 1995 Act covering the rights of disabled people in employment.

Explains funding available for blind and partially sighted people setting up their own business.

How technology can aid visually impaired people in their jobs.

Information and guidance for employers.

British Deaf Association (Sign Community)

Tel: 020 7588 3520

Textphone: 020 7580 3529

Videophone: 020 7496 9539

Fax: 020 7588 3527

Email: helpline@signcommunity.org.uk

www.britishdeafassociation.org.uk

Target audience: The Deaf community

Resources available:

Leaflets and factsheets with detailed information and advice on a number of topics and issues surrounding the deaf community.

Deaf and Creative

www.deafandcreative.ac.uk

Target audience:

D/deaf school and college leavers, and university graduates.

Resources available: Case studies of those in employment.

Advice and guidance on getting employment and funding available.

Information, help and advice for employers.

RNID – Royal National Institute for Deaf People (also see: Head Start project)

Tel: 0808 808 0123

Textphone: 0808 808 9000

Email: information@rnid.org.uk

www.rnid.org.uk

Target audience: Deaf and hard of hearing people.

Resources available:

Factsheets

Employment, learning, skills advice and support for D/deaf people.

Help and advice for the employer on interviewing, training, discrimination and Access to Work.

Wiltshire Contacts

Wiltshire and Swindon Users Network

Tel: 01380 725213

Email: assistant.wsun@btconnect.com

Target audience: disabled people using services and those providing them who want feedback on their effectiveness

Resources Available: conducting consultations, providing representation and advice on service issues. Funded by Wiltshire County Council and Swindon Borough Council

Working for Opportunities Trust, Swindon

Tel: 01793 514055 x4758

Email: webequality@btconnect.com

Target audience: disabled people wanting to access employment and employers wanting advice and support

Resources Available: Support and training for disabled people. Local Employers' Forum offering advice and support, access to training, access audits and quarterly meetings.

Workable Wiltshire Advice and Guidance

Tel: 0800 169 1790

Email : info@shaw-trust.org.uk

Web: www.workablewiltshire.org.uk

Target Audience: Disabled people seeking information and training on employment opportunities

Resources Available: Newsletter and web site with information on support organisations and organisations of disabled people and carers

Wiltshire Qest (Richmond Fellowship)

Tel: 01793 433572

Email: anna.shantry@RichmondFellowship.org.uk

Target Audience: employment advice and information for people with mental health problems and their carers

Resources Available: Training courses and advice on CV's. Support for those entering employment and in employment

Shaw Trust

Tel 01225 716350

Web site: www.shaw-trust.org.uk

Target Audience: Disabled people seeking employment. Employers seeking to recruit or retain disabled people

Resources Available: Advice and training to disabled people through Job Brokering service. Organising work experience and support post employment. Assisting employers and employees with returning to work following long term sickness absence. Accreditation and advice on accessible web sites.