

The Employment of Disabled People

Good Management Guide



**MAKING OUR COMMITMENT KNOWN
MAKING OUR POLICIES COUNT**

Introduction

Please note that this guide can be made available in alternative formats.

Ealing council, as an equal opportunity employer, recognises that disabled people, together with other groups, may be discriminated against when seeking employment or promotion. The council is determined to ensure that all its functions and services, including employment, are free from unlawful discrimination. It is essential that managers of Ealing council are aware of their role and responsibilities to employees and prospective employees who are disabled, so that this vision can be realised. The council does not see equality legislation as an obstacle but rather as a challenge and an opportunity to improve.

The issues involved in the employment of disabled people are so varied that it would be impossible to have all the issues comprehensively covered in one user-friendly guide. This guide, which has been produced in collaboration with UNISON, is devised to give managers and supervisors the basic information (and confidence), to deal fairly with existing and prospective employees who are or become disabled. The guide covers such matters as, relevant legislation, the “two tick” symbol and the role of the Disability Employment Advisors. It also covers sickness absence, ill health retirement, redundancy, redeployment, drafting job advertisements, the recruitment process and temporary unpaid work placements. If you are in any doubt or if you wish to discuss specific issues, you should contact your HR representative via extension 9000, option 1.

I am determined that not only will Ealing council meet the requirements of law in the field of equalities, but will take every opportunity to set best practice and realise its goal of being an employer of choice. That requires that our managers are informed and developed to treat our employees and prospective employees fairly. This guide therefore outlines the standard that is expected of all managers when dealing with any person, applicant or employee.

Remember, equality of opportunity is the right of every employee and applicant. Don't guess, if you are in any doubt, seek advice.

If you have any comments that will improve this guide, please contact Amin Ladha, HR consultant (Equality and Diversity) on extension 7285.

**Jacqueline Wiltshire
Executive Director- HR and Organisational Development
March 2010**

The Disability Discrimination Act 2005 (DDA)

The most relevant pieces of legislation covering disability in employment are the **Disability Discrimination Acts 1995 and 2005**. The DDA provides protection for disabled people, not to be discriminated against in the field of employment, access to goods and services etc. It also contains provisions about education and transport, and requires public authorities to produce a disability equality scheme. This guide deals only with the employment. In summary the main provisions are:

- It applies to all employers
- To ensure there is no discrimination against employees or applicants because they are disabled or develop a disability during their employment
- The 'no discrimination' provisions also apply to advertising, shortlisting and interview stages
- The employer has a duty to make 'reasonable adjustments' to physical environment and work procedure/practices
- It is unlawful to victimise a person (whether disabled or not) who has given evidence or information in connection with proceedings under the Act
- The quota scheme under previous legislation no longer applies
- There is no longer a need for disabled people to apply for registration (green card scheme)
- It is unlawful to positively discriminate in favour of disabled people, e.g. in cases of redundancy or assimilation
- It provides a statutory definition of disability.

The DDA 2005

The DDA 2005 builds on the 1995 Act, particularly by introducing a duty on all public bodies to promote equality of opportunity for disabled people. This and the following provisions are effective from the 4th December 2006:

- Brings councillors within the scope of the DDA.
- Ensures that, with some exceptions, functions of public authorities not already covered by the DDA are brought within its scope (so that it would be unlawful for a public authority, without justification, to discriminate against a disabled person when exercising its functions).

- Introduces a new duty on public authorities, requiring them, when exercising their functions, to have due regard to the need to eliminate unlawful discrimination against and harassment of disabled persons, and to promote equality of opportunity between disabled persons and other persons.
- Tackles institutional discrimination through a duty to promote disability equality for the public sector (paralleling the race equality duty).
- Amends the Chronically Sick and Disabled Persons Act 1970 so as to provide for the recognition in England and Wales of disabled persons' parking badges issued outside Great Britain.
- Amends the DDA's new provision on discriminatory advertisements (section 16B, as inserted by the Amendment Regulations) so as to impose liability on a third party who publishes a discriminatory advertisement (for example, a newspaper) as well as the person placing the advertisement.
- Amends the DDA in respect of group insurance arrangements.
- Extends section 56 of the DDA so as to provide a procedure for questions and replies, not only for claims under Part 2 of the DDA but also for claims under Part 3 of the DDA.
- Amends the definition of disability in respect of people with mental illnesses; deems people with HIV infection, multiple sclerosis and some cancers to be disabled for the purposes of the DDA, to be disabled from day of diagnosis; and clarify that there is no implied limitation to the scope of the regulation-making power which enables people to be deemed disabled. This will make it easier for mental health service users, people with cancer, HIV and multiple sclerosis to claim their rights under the DDA. Remove 'clinically well recognised' from definition.

The Definition Of Disability

Section 1 of the Disability Discrimination Act 1995 states that a person is disabled if “..he has a **physical or mental impairment which has a substantial and long term adverse effect on his ability to carry out normal day-to-day activities.**”

This broad definition of disability means that the provisions of the DDA will protect a considerably greater number of employees and applicants, than were covered by the previous disability acts and the green card scheme.

- For the purposes of the Act, **mental impairment** covers all impairments relating to mental functioning including, learning disabilities, schizophrenia or any other type of mental illness. For the purposes of the 2005 Act, such an illness does not need to be clinically well recognised.
- **Substantial** adverse effect is not defined by the Act. However the Code Of Practice states that it is something more than a minor or trivial effect. The Code Of Practice also says that substantial effect “...reflects the general understanding of disability as a limitation going beyond normal differences in ability which might exist among people.” Under no circumstances should substantial adverse effect be compared to severity of disability.

Long-term effect is defined as one:

- which has lasted 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.

However, if the substantial adverse effect ceases, the person involved is covered by the Act if the adverse effect is likely to recur or there is likely to be at least one recurrence within 12 months of the original occurrence.

Example

An employee has rheumatoid arthritis which has a substantial adverse effect. The employee then enjoys a period of remission, i.e. the substantial effect ceases. Due to the nature of the illness, it is likely that there will be a recurrence. Therefore, the employee continues to be covered by the provisions of the Act, even whilst in remission.

HIV infection, most cancers and multiple sclerosis are covered from date of diagnosis and do not require substantial adverse impact.

Example

An employee is diagnosed as HIV Positive and informs the relevant manager. Even though there is no impairment at this stage, the employee is considered to be disabled under the Acts

Persons with a severe disfigurement are also covered by the Act (see exclusions below). The disfigurement does not have to have a substantial adverse effect on normal day-to-day activities.

A person covered by provisions of the DDA, continues to be covered even where medical treatment alleviates or removes the effects (though not the impairment). However, if the impairment is cured, then there is no protection under the Act.

Except for circumstances above, for an illness or condition to be treated as a disability, there needs to be substantial adverse effect to **normal day-to-day activities**. These are taken to be:

- mobility
- manual dexterity;
- physical coordination;
- continence;
- ability to lift, carry or otherwise move everyday objects;
- speech, hearing or eye sight;
- memory or ability to concentrate, learn or understand; or
- perception of the risk of physical danger.

The Act specifically excludes people who wear corrective lenses. However, partially sighted people are covered by provisions of the Act.

Example

An employee with diabetes takes insulin to control the condition. This allows the employee to work and function normally. This employee is covered by the provisions of the DDA despite the fact that the insulin allows the employee to work and live without substantial adverse effect.

Example

An employee is covered by the provisions of the DDA due to chronic back pain. During their employment with the Council, the employee has an operation to remove a prolapsed disk and correct the alignment of the spine. The operation cures the problem and the employee is free from pain. Under such circumstances, as it is unlikely that substantial adverse effect will recur, the employee will no longer be covered by the Act.

Under provisions of the DDA, some conditions are specifically excluded as they are not considered impairments. These are:

- addiction to or dependency on alcohol, nicotine, or any other substance (other than as a result of being medically prescribed);

- seasonal allergic rhinitis (e.g. 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 excluded (by virtue of not having substantial adverse effect) are:

tattoos (which have not been removed), non medical body piercing, or something attached through such piercing.

Reasonable Adjustments

A key requirement of the DDA is the duty placed upon employers to make reasonable adjustment for employees, and applicants who are covered by the Act. Similarly, the council's equal opportunity policy requires that where disability affects the way in which a job is done, accommodation is made so that the employee can continue to do the job. As such, the Council's Equal Opportunities Policy, the "two tick" scheme and the DDA should be seen as complimenting each other.

Important: This duty applies not only to existing employees, but also to the job advert, job description and person specification, short listing and interview stages

The DDA code of practice gives examples of reasonable adjustment, these are:

- making adjustment to premises
- allocating some of the disabled person's duties to another person
- transferring to fill an existing vacancy
- altering working hours
- assigning to a different workplace
- allowing absence during working hours for rehabilitation, assessment or treatment
- providing training or other learning opportunities
- acquiring or modifying equipment
- modifying instructions or reference manuals
- modifying procedures for testing or assessment
- providing reader or interpreter

- providing supervision.

The DDA does not define what is “reasonable” but says that the following need to be considered in determining reasonableness:

- the extent to which taking the step would prevent the discriminatory effect in question.

This means that the adjustment required should make a considerable difference in ensuring that discrimination or adverse effect would cease.

- the practicality of that step

In determining if a step is reasonable, managers need to consider amongst other things, how long they will need to wait for the adjustment to be in place. Therefore for example, it would be always be reasonable for an employer to take a step if it can be done quickly or easily.

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

If an adjustment costs only a small amount, then it is probable that it will be deemed to be reasonable. The significance of the cost could depend in part on what it might cost to get a replacement employee. This will include costs incurred by advertising the post, the administration costs of setting up interviews (management time for setting interview questions, shortlisting, notification of interviews etc. In addition there are cost implications in training a replacement employee. All these (hidden) costs will need to be taken into consideration (and be demonstrable) before deciding that the adjustment is to costly or will cause to much disruption.

- the extent of the employer’s financial or other resources

When considering the employers resources, managers should understand that the law considers Ealing Council as a single employer, not separate employers based in business units. In any case, there is assistance available to reduce the financial burden on the employer (see under Access to work).

Managers should view the duty to make reasonable adjustment as a positive tool that enhances, in practice, the council’s equal opportunity policy. It should not be considered as a hurdle or obstacle to be overcome. Applied fairly and consistently, managers will ensure that fear, ignorance and pre judgement that is so often prejudicial to disabled employees realising their goals or reaching their full potential, is removed or minimised.

In most instances, with managers being flexible, adjustments can easily be made to our existing procedures, practices and policies that can be demonstrated to be reasonable. Below are some common circumstances that might be presented to managers and supervisors:

- An employee who has arthritis and an unacceptable sickness absence record has been referred to the Occupational Health Physician. The Occupational Health Physician recommends that the employee be transferred to lighter duties. In many instances, managers have seen this as requiring the employee to be redeployed. However, managers should first consider what adjustment/s can be made in order for the employee to remain in their existing post. This can include allocating some duties to some other employees, making more supervision available or other adjustments that may be more appropriate in the particular circumstances. In making their decision, managers must consider the impact of their decision on other employees. Managers should closely monitor how effective the solution is and further consider any adjustment that could be appropriate. Redeployment must be considered if adjustments do not work, impact seriously on other employees or if there is serious adverse effect on the business/service delivery. Redeployment should also be considered if the adjustments do not lead to a sustained improvement that is acceptable or where it can be demonstrated that no reasonable adjustment can be made.
- A disabled employee has a sickness record that is causing serious concern and is having an adverse impact on service delivery. The employee has been referred to the Occupational Health Physician on numerous occasions. The Occupational Health Physician's advice has always been that the employee's disability is such that while there will always be a considerable amount of sickness, the employee cannot be considered permanently unfit for work. The referrals to the Occupational Health Physician date back some years. The manager concerned has made numerous adjustments including temporarily reducing the employee's working week whilst maintaining full pay. This was done in order to help rehabilitate the employee following a period of long term sickness.

Case Example:

AM developed Lupus. Adjustments made to allow greater flexi bandwidth, adjust the way the sickness absence guidelines apply, working from home, supervision by phone etc.

- The council's sickness absence guidelines apply to all employees without exception. However, when the guidance is applied to a disabled employee, managers should bear in mind their duty to make reasonable adjustment. It is good practice always to have a return to work interview with a disabled employee. By doing so, in a supportive environment, the employee can receive necessary assistance to ensure, as far as possible, that any negative impact of their disability is reduced to a minimum. Managers may be able to identify for example, that the employee needs their job design looked at, in order to reassign some duties that s/he has a lot of difficulty with. Similarly, before a

For Example

An employee with mild learning disability is subject to a formal disciplinary hearing. While it is Council practice that at the initial hearing the employee (other than a trade union rep) is represented by another council employee, it would be reasonable to allow this employee to be represented by an advocate or parent/guardian in whom the employee has trust. Also it would be reasonable if the advocate or parent/guardian is not able to attend the hearing during working hours, that the hearing be arranged at a time/place that is convenient for them.

formal referral is made, managers should consider what adjustments they have made and whether any further adjustments can be made.

- Although the manager has informed an employee in writing his/her concerns about their sickness record, this has never led to any formal action in spite of the fact that the employee's sickness showed no sustained improvement that was acceptable. The manager is unable to make any more adjustment other than permanently reduce the employees' hours with a pro rata reduction in pay. However, the employee is not willing to agree to this. Under such circumstances, the manager should seek a capability hearing under the disciplinary procedures. The reason for this is that the manager has made (hopefully) every reasonable adjustment in order for the employee to fulfil their contract of employment. In the final analysis, the Council has a right to expect its employees to work their contracted hours. If there are mitigating circumstances (in this case the employee's disability) managers will take them into consideration. However, there has to be an acceptance that this cannot be forever. How long is reasonable, is dependant on the individual circumstances which is why it is imperative that managers seek advice on individual cases.

Before any formal disciplinary action is taken, be it capability/work review or for misconduct, there is an evaluation to determine if (a) there is sufficient evidence to proceed to the formal stage and (b) disciplinary action is appropriate at this stage.

Managers making such decisions in a case involving an employee who has a disability have a responsibility to consider the role the employee's disability played in the matter under investigation. If it is clear that the disability played a significant role, then the manager needs to be sure that the formal process is the only means to effectively resolve the issue. And even then the duty to make reasonable adjustment continues.

Example

An employee, who is disabled under the act, is being subject to the capability procedures. It is considered to be a reasonable adjustment that the trigger points are adjusted upwards to take into account the disability and any medical advice. What this adjustment might look like is dependent on individual circumstances, which is why managers must seek advice from HR.

When considering formal work review proceedings, managers should ensure that they have exhausted other avenues before proceeding. These include more frequent and closer supervision. In supervision, managers should tell the employee what standard is expected of them and encourage the employee to state what assistance they require to achieve the standard. Possible adjustments may include some duties can be allocated to other employees, regular progress checks (to iron out difficulties at an early stage), assistance with particular aspects of work or the identification of physical changes to the work place. The employee may also point out personal problems, at work or outside of work, which could be contributing to the work problems.

Regardless of what is identified (or not), the manager has a responsibility to make reasonable adjustment. Only when all reasonable adjustments have been made, given a chance to work and no further adjustment is possible or reasonable, should managers take formal disciplinary action

Managers should bear in mind that harassment or victimisation of any employee is contrary to the council's equal opportunities policy. Further, managers have a responsibility to thoroughly, promptly and **impartially** investigate any complaint they receive.

Appraisal Scheme

The Council's Appraisal Scheme is a key tool in developing employees to their full potential and ensuring that they are aware of the standards expected of them. While managers should prepare thoroughly before undertaking any appraisal, this is especially important when the employee being appraised is disabled. It is consistent with good practice for managers to ensure that disabled employees are at ease with the appraisal process. It is important that they speak to the employee and explain to the employee the key points of the self appraisal, e.g. what assistance the employee requires, training needs, identification of obstacles (physical or otherwise). Managers should ensure that they have made necessary arrangements to ensure that the employee can participate and contribute fully. Depending on the employees' disability, this might mean that a "reader" or "signer" is present at the appraisal. If this is necessary, managers must ensure that the third party is not a colleague. The senior diversity consultants or personnel officers will be able to advise managers on where to inquire in order to facilitate this. During the appraisal, it is important that managers take into account the employees' disability when seeking agreement on targets to be achieved and also that they consider the training needs that the employee has identified. It is also important to progress check between appraisals and make reasonable adjustments if/as required.

Case Example:

LD has Asperger's Syndrome. Serious concerns regarding her behaviour. Culminates in allegation of serious misconduct. LD was suspended. HR intervention led to suspension being lifted and transfer to new site with different client group. Now no issues re behaviour. Her colleagues know of her condition (with LD's agreement) and are supportive.

Redeployment

There may be an occasion when a disabled employee has to be redeployed. This may be due to a medical reason, disciplinary action, reorganisation, budget reduction etc. Managers are under a statutory obligation to make reasonable adjustment, in the same way as previously discussed, whatever the reason for redeployment.

Recruitment of disabled people

The “two tick” Symbol

The council has adopted the disability symbol awarded by the Jobcentre Plus to employers who have demonstrated commitment to disabled people in the field of employment. There are a number of obvious advantages associated with the symbol including:

- It communicates a powerful message about the organisation's policy of management
- raises the profile of the organisation amongst existing and prospective employees and disabled people
- attracts more and better job applications from disabled people, leading to appointing more of them, and
- encourages good management practice within the organisation.

Use of the symbol is conditioned upon the satisfaction of five **commitments** taken directly from the Jobcentre Plus web site:

- **Interview all disabled applicants who meet the minimum criteria for a job vacancy and consider them on their abilities**
- **To ensure there is a mechanism in place to discuss, at any time, but at least once a year, with disabled employees what can be done to make sure they can develop and use their abilities**
- **To make every effort when employees become disabled to make sure they stay in employment**
- **To take action to ensure that all employees develop the appropriate level of disability awareness needed to make these commitments work**
- **Each year to review the five commitments and what has been achieved, plan ways to improve on them and let employees and Jobcentre Plus know about progress and future plans.**

The Council already complies with the requirement to interview all disabled applicants who meet the minimum criteria for the job and a guaranteed interview scheme is in place. The equal opportunities policy includes the statement “in particular the Council will guarantee to interview any candidate with a disability who on the basis of their application appears able to meet the requirements of the job (s)he is seeking.” In addition, recruiters are advised that any applicant with a disability must be excluded from any random selection exercise. Managers should contact their HR business partners if they are in any doubt.

The recruitment selection manual has been revised and has further information on how managers can determine “minimum requirement”.

The council’s appraisal scheme must be utilised to ensure that managers consult with individual employees who are disabled as to how their (the employees) skills and abilities can be fully utilised. Specific attention must be paid to personal development/training/adaptations.

Every disabled employee will be sent a questionnaire on an annual basis, asking for comments on whether Ealing as an employer meets their needs/hopes and aspirations, and if not, what can be done to remedy this. A support group for disabled employees will be set up so that the council can use the forum in order to consult with them on a regular basis.

Considerable progress has already been made to ensure that disabled employees are retained and not discriminated against. We will use the support group in order to ensure that any identified gaps are effectively filled.

As part of the annual consultation with disabled employees, the council will outline what progress has been made in relation to disability issues and suggest and seek ideas for improvement.

It is important that the **entire** recruitment process is fair and non discriminatory. Managers must ensure that the process is not only “fair and above board”, but can be demonstrated to be so. This means that managers need to be able and prepared to justify their decisions to senior officers, elected members, employment tribunals and the civil courts. This applies to all recruitment, including temporary employment, redeployment and secondment appointments.

Advertisement

Advertising that suggests discrimination against disabled people, can be legally challenged by a disabled person who applies for the post and fails to get the job, or even by a person who does not apply for the job because of the advertisement. The inclusion of the following wording could make an advertisement discriminatory: work in pressurised environment, qualification gained through examination and good written communication.

The reason being that the wording could give the impression that these are requirements that are immovable and that no reasonable adjustment is possible. Since any legal challenge would only have to show that the advertisement was/could be discriminatory, it is important that managers exercise care when drafting advertisement and that they liaise with recruitment advisors before publication.

In the past, application for employment to the Council's service has been by the use of an application form. Under the provisions of the DDA, it is necessary to allow for applications by other mediums including, tape, Braille and large format print. The council already has a Minicom number that should also be used. Managers should bear in mind that providing alternative formats for applications, also requires us to **receive** information in those formats.

Person Specifications

It is established good practice, central to promoting equal opportunities, that person specifications only contain criteria that are essential for and specifically related to the post in question. Criteria that are not a genuine requirement for the post **must** not be included.

Example

Specifying the ability to lift, for a post of personal care attendant, where lifting is not an integral part of the job, might directly discriminate against a person with a disability. Of course, if lifting is an integral part of the job, and can be demonstrated as such, then it can, and should be included in the person specification.

The careful use of language is important. Some commonly used phrases can have a negative impact on suitably qualified candidates and could therefore leave the Council open to legal challenge. Some examples of potentially discriminatory language and alternatives that are suitable and not **“disabling”** are:

“Must have ability to drive”

Since very few jobs within the Council require driving as an absolutely essential requirement, the use of this criterion may discriminate against some disabled people. It might be better to say “ability to attend meetings across the borough” or “willing to travel”.

“Must be able to work under pressure/in stressful situations”

These criteria may discriminate against people who have previously suffered from mental distress. It is far better and more welcoming to be specific. For example, the criteria can be reworded to say “ability to work to tight and

conflicting demands” or “ability to deal sympathetically with members of the public some of whom may be impatient”.

“Must have good written and verbal communication skills”

This could be reworded to “ability to prepare and present reports to colleagues and members” or “ability to effectively represent the Council’s views to external organisations”. If it is still necessary to use “good communication skills”, it should only be used for a post that cannot be done using signing, sign language interpreter, brailing etc.

Short listing

This is likely to be a key stage during the recruitment process. Managers are reminded of the councils undertaking as stated in the equal opportunities policy to “... guarantee to interview any candidate with a disability who on the basis of their application appears able to meet the requirements of the job”. This is also one of five obligations undertaken by the Council through its usage of the “two tick” symbol. Also, the concept of reasonable adjustment as provided by the DDA applies. This means that it will be unlawful not to shortlist an otherwise suitable candidate because she or he may be prevented from carrying out the full range of duties by disabling barriers. It will be necessary to consider what reasonable adjustment can be made to the job (if none can be made, then reasons why an adjustment is not reasonable) in order for the candidate to be able to do the job. The reasonable adjustment may be in the physical environment, the job content or even in the meeting of the essential criteria.

In ensuring that the council is compliant in its responsibilities to make reasonable adjustments, it is important that managers ask the applicant/employee what adjustments they feel may be required.

Example

For example, an admin position requires as a minimum, text production (typing) speed of 45 words per minute. An applicant who has arthritis does not meet this requirement.

In such a circumstance, short listers need to consider how often the successful candidate may be required to use this skill, and for what purpose. If the answer is twice or three times a day, or that often a slower inputting speed will not make a material difference, then that person should be considered to have complied with the text production requirement and should be short listed.

Consideration should also be given to using new technology, such as the “Dragon” which is a voice activated computer package, as a means of making a “reasonable adjustment”.

Selection Tests

Selection tests are widely used in the council to assess the suitability of candidates to perform the job they have applied for. However, in every job where there is testing as a part of the selection process, that test must be relevant for the job. Also, it is council policy that tests can only be administered, selected and marked by a person who is trained and approved to do this. Care should be taken to ensure that a test does not disadvantage an applicant who is disabled, e.g. insisting that an applicant with a learning difficulty undertake a numeracy test where mathematics skills are not an essential part of the job.

As in previous instances reasonable adjustments will need to be considered to ensure that there is no discrimination under the provisions of the DDA. Reasonable adjustments can only be made if managers are aware of a disability. It is therefore important when inviting any candidate for a test to:

Ensure (by seeking advice if necessary) that the test is relevant and necessary for the job in question. Also, provide the candidate with a sample of the test. Ask the candidate if they have a disability (make sure that this information is phrased in a way that is not threatening) and if so, reassure them that reasonable adjustments will be made and ask what they feel these may be.

What constitutes a “reasonable” adjustment will depend on the individual circumstances but could include one or more of the following:

- Use test materials in Braille (available on free loan from test provider)
- Administer test by audio tape
- Allow candidate to record answer on tape
- Administer test in large type
- Have interpreter translate spoken instruction or question, and to communicate the answer to tester
- Allow candidate to give answer verbally
- Administer test individually
- Allow extra time for completing test
- Make adjustment in interpretation of scores, e.g. allow greater band of error

The Interview Process (applies to all interviews including secondments, redeployment etc.)

Pre interview

The council’s equal opportunity policy and the DDA require that disabled people are not disadvantaged in comparison with people who do not have a disability. In addition to this, the DDA places a duty on employers to make reasonable adjustments to ensure that there is no disadvantage. This

adjustment requirement exists throughout the selection process including interviews.

Employers are required to make reasonable adjustments only if they are aware that the provisions of the DDA cover the applicant. However, it is good practice backed up by the provisions of equal opportunities policy, for managers to actively enquire whether any adjustment is required. **It is therefore advisable to ask the applicant to state if they have a disability and what if any adjustment is required.** This is best done in the letter inviting applicants' to interview. Holding interviews in a fully accessible room, the timing of the interview, having a loop system, providing a speaker/translator etc., are just some examples of reasonable adjustment that may be required. The precise nature of any adjustment will depend on the applicant's specific needs. Managers are therefore encouraged to seek advice from their HR advisors.

The interview

There are already internal rules that govern how interviews are conducted. They include rules on interview questions and answers, relevance of questions, requirement to provide evidence in support of answers, the requirement for recruiters to be trained etc. All these must be rigidly adhered to.

It is a requirement of the recruitment policy that the job is offered to the candidate who performed best at the interview and all associated processes (e.g. tests etc.). However, when consideration is given to the score of a disabled applicant, due consideration **must** be given to the impact of the disability on the applicants' ability to fulfil any specific criteria. For example, if the candidate fails or fares less well on a particular section of the interview, recruiters need to consider if or to what extent the candidate's disability has impacted on their ability to fully meet the requirement. If it is the considered opinion of the panel that the candidate's disability has had a bearing on their ability to fulfil any requirement, then the panel should consider if any reasonable adjustment can be made. Failure by the panel to do this may constitute discrimination under the provisions of the DDA and thereby expose the council to proceedings in an employment tribunal.

If, following consideration by the panel, it is agreed that the disabled candidate is the best candidate, but that adjustments need to be made, the candidate should be informed that they are being offered the job **providing the adjustment/s can be facilitated**. Obviously the candidate should be offered the job without condition if there is no need for an adjustment or if the adjustment required can be easily and certainly facilitated.

Work Placements

Frequently, the council gets requests from organisations and individuals asking for **unpaid** placements for disabled people. In some instances' disabled people who come on work placements have been out the job market

for some time and therefore a purpose of the placement is often to re-induct them back into the discipline of work.

Work placements are **not** used to cover vacant posts nor are they intended to allow for boring, mundane and repetitive work to be carried out by unpaid labour. The purpose of these work placements is to provide new skills and to hone existing skills in order to allow disabled people to compete more effectively in the job market. Managers, who agree to take on work placements, should be prepared to spend time in supervision and also be prepared to liaise with organisations and individuals whose concerns are centred on the disabled person.

The role of DEAS (Disability Employment Advisors)

The DEA's are employed by Jobcentre Plus and their primary functions is to provide support and advice to disabled people and to assist disabled people in securing a job. However, DEA's can be a very useful source in providing managers with support regarding a disabled employee or applicant. They can also be an invaluable source of information and support if an employee becomes disabled. The local DEA can be contacted on 0208 258 3062.

The role of Disability Services Team (DST).

DST's can be contacted through the local DEA and can be very useful when advice/support is being sought on the employment of disabled people. They can also help with assessments, e.g. they are able to assist in identifying the skills and abilities of disabled people. This may be particularly useful when considering redeployment as a reasonable adjustment. They also manage the Access to Work budget. This is the main source of financial support available. The monies from this budget can help with travel to work, specific equipment for disabled people, support workers etc.

The scheme can:

- Meet the full costs of special equipment for a person with a disability who is taking up employment after at least four weeks of unemployment.
- Meet 80% (less the first £300) of the costs for equipment for an existing employee or someone who has been unemployed for less than for four weeks.
- If the cost of the equipment is more than £10,000 over a three year period, then the scheme will again cover the full cost.

It should be noted however that applications for the scheme can take some time to process. Also the scheme will only pay out after a technical officer from the DST has assessed the person.

The DST can be contacted at:

Access to Work Business Centre - London Bridge
Jobcentre Plus
Windsor House, 185 Ealing Road
Alperton, Middlesex, HA0 4LW

Tel: 020 8218 2710

Fax: 020 8218 2715

Minicom: 020 8218 2716

Email: AtWlondonwest@jobcentreplus.gov.uk

CONTACT LIST FOR FURTHER INFORMATION

HR Shared Service Centre	8825 9000
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Amin Ladha	diversity and equality consultant	8825 7285
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