



Belfast Health and Social Care Trust

COVER SHEET

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Belfast Health and
Social Care Trust

Policy on the Employment of People with Disabilities

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Policy on the Employment of People with Disabilities

1) Purpose

The Trust has developed an Equal Opportunities Policy which emphasises its continuing commitment to the provision of equality of opportunity for all staff regardless of sex, marital status, sexual orientation, community background, political opinion, race, age, disability and whether or not they have dependants. The Trust recognises that attention needs to be given to people who have or who have had a disability and it is for this reason that this Policy on the Employment of People with Disabilities has been developed. The Trust aims to develop a working environment and provide conditions of employment which will offer people with disabilities the opportunity to seek, obtain and maintain employment with the Trust. The Trust has consulted with the Employers' Forum on Disability (NI), the Northern Ireland Equality Commission and Representatives of other Disability Groups in developing this Policy.

This document can be made available in different formats on request including large font, audiocassette, Braille, computer disk, main minority ethnic languages, DAISY, easy-read.

2) Scope

This Policy is set against the legislative framework of the Disability Discrimination Act (DDA) 1995 (the Act) (as amended by Article 5 of the Disability Discrimination (Northern Ireland) Order 2006). It defines a disabled person as anyone who has "a physical or mental impairment which has a substantial and long term effect on a person's ability to carry out normal day-to-day activities". It also provides protection for people who have had a disability in the past. Under the Act, "physical or mental impairment" includes among a number of other conditions sensory impairments, such as those affecting sight or hearing. Examples of conditions which can lead to physical impairments include multiple sclerosis and cerebral palsy. It is the impairment rather than the diagnosis which is important in assessing disability. Cancer now leads to automatic definition under the Act, as do conditions such as MS or HIV which have not yet caused a significant impairment. Mental impairments are those relating to mental functioning including learning disabilities and those resulting from or consisting of a mental health condition eg. schizophrenia, manic depression. It is important to note that the DDA (2005) removed the requirement for the mental condition to be

“clinically well recognized” before it can count as an impairment under the Act. People with a mental illness will still need to show that their impairment has a long term and substantial adverse effect on their ability to carry out normal day to day activities. It is important to note that the decision as to whether an individual has a disability as defined in the Act is not a medical decision but rests with an Industrial Tribunal if tested in an individual case.

The Act makes it unlawful for Employers or potential Employers to discriminate against a disabled person in all areas of employment including :-

- recruitment and retention, including advertising
- promotion and transfer
- training and development
- performance related pay and occupational pension schemes
- the dismissal process

In October 2004 the Act was amended and the new definition of Disability Discrimination now includes :-

- Less favourable treatment on the ground of the person's disability (Direct Discrimination);
- Unjustified less favourable treatment for a reason related to a persons disability (Disability related discrimination);
- Failure to comply with the duty to make reasonable adjustments;
- Victimisation;

Where an industrial tribunal is hearing a complaint of disability discrimination :-

- The burden of proving the complaint generally rests with the complainant;
- But, where the complainant proves facts from which a tribunal could conclude in the absence of an adequate explanation that the Employer has acted unlawfully, then the tribunal must uphold the complaint unless the Employer proves that he did not act unlawfully;

Employers must also make reasonable adjustments to their premises or employment arrangements, if these disadvantage a disabled Employee, or prospective Employee, compared to a non-disabled person. In October 2004 this was extended beyond arrangements to cover "provision, criterion or practice". This means that the duty to make reasonable adjustments will arise where a provision, criterion or practice applied by or on behalf of the Employer, or any physical features of premises occupied by the Employer, place a disabled person at a substantial disadvantage compared with people who are not disabled. Under Section 49A of the Disability Discrimination Act 1995 (DDA 1995) (as amended by Article 5 of the Disability Discrimination (Northern Ireland) Order 2006, the Trust is required when carrying out its functions to have due regard to the need to promote positive attitudes towards disabled people and encourage participation by disabled people in public life.

3) Objectives of the Policy for the Employment of People with Disabilities

The objectives of the Policy are as follows :-

- to assist the Trust in complying with its statutory obligations under the DDA and Section 75 NI Act;
- to assist the Trust in promoting positive attitudes towards disabled people and encourage participation by disabled people in public life;
- that disabled people who apply for jobs in the Trust should know that they will receive fair treatment and be considered solely on their ability to do the job;
- that staff with disabilities should be integrated smoothly into work and any reasonable adjustments agreed, concerning work or the working environment, should be examined fairly and met;
- that Employees who become disabled should be retained in their own job if reasonable, or in alternative suitable employment, if at all possible;
- that the skills and potential of disabled Employees should be developed to the full and that they should be offered full access to training and promotion;
- that buildings or premises will be provided with facilities which will enable disabled Employees to gain access and share their use with non-disabled Employees;

- to be recognised by the Community as an Employer which provides good employment opportunities to people with disabilities

4) Responsibilities

The Trust's Senior Management Team is responsible for actively promoting the employment and retention of disabled people and is responsible for making the necessary resources available to support this objective wherever possible. All staff have a responsibility for the fair and equal treatment of disabled people.

Individuals who have a disability have a responsibility to communicate and cooperate with management in respect of the effects of their disability.

5) Employment of Disabled People in the Trust

5.1 Recruitment

It is important to employ the best person for the job and there must not be any discrimination against any disabled person at any stage of the recruitment process including :-

- Personnel Specifications
- Job Descriptions
- Pre-Employment Health Assessments
- Advertisements
- Short-listing
- Interviewing

This list is not exhaustive.

The Trust's Recruitment and Selection Policy provides further information in relation to interviewing disabled candidates. The Recruitment Team is also available for advice and guidance

5.2 Employment Practices

All areas of employment are affected including the following :-

- **Terms and Conditions of Service**, eg. it might be a reasonable adjustment to change the hours a disabled Employee has to work if the effects of his/her disability means that he/she has difficulty using public transport during rush hour;
- **Induction arrangements**: Heads of Department and Managers should ensure that disabled Employees are introduced into a new working environment in a clearly structured and supported way. If necessary an individually tailored induction should be arranged. This may include making adjustments to suit the individual needs of the disabled person, eg. allocating a person to work closely with him/her for first week. Emergency evacuation procedures should include the needs of disabled people as appropriate;
- **Opportunities for promotion, transfer, training or receiving any other benefit**: Managers must not discriminate in assessing a disabled person's suitability for promotion/transfer, in selection for training, in the practical arrangements necessary to enable the promotion/transfer/training to take place or in the operation of the promotion, appraisal or selection process, eg. the venue and materials for a training/development course should be accessible to a disabled person; information should be provided in an accessible format;
- **Harassment**: a person subjects a disabled person to harassment, including bullying and victimisation, where for reasons related to the disabled person's disability, he engages in unwanted conduct which has the purpose or effect of :-
 - violating the disabled person's dignity, or
 - creating an intimidating, hostile, degrading, humiliating or offensive environment for the disabled person

The Trust has in place a Harassment Policy which has been agreed with Trade Unions and issued to all staff

5.3 Reasonable Adjustments

It is the Policy of the Trust to provide full and fair consideration for disabled people throughout their employment. This may involve taking any steps which it is reasonable to take to reduce or remove any substantial disadvantage which a physical feature of Trust premises or employment arrangements would cause a disabled Employee or job applicant compared to a non-disabled person. Reasonable adjustments are a way of “levelling the playing field” for disabled people. The Trust has developed a Guide for Managers on making reasonable adjustments (**refer to appendix 1**). This Guide provides more comprehensive information and clarification on reasonable adjustments.

What are Reasonable Adjustments?

These are some examples :-

- making adjustments to premises (such as lowering light switches to place them within reach) and to Policies and Procedures associated with employment;
- allocating some of the disabled person’s duties to another Employee;
- transferring the disabled person to fill an existing vacancy;
- altering working hours;
- assigning the person to a different place of work;
- allowing the person to be absent from work for rehabilitation, assessment or treatment;
- supplying additional training;
- providing a reader or interpreter;
- acquiring special equipment or modifying existing equipment;

What is Reasonable?

Effective and practicable adjustments often involve little or no cost or disruption. A number of factors should be taken into consideration in determining whether or not an adjustment is reasonable and the views of the disabled person should be considered:

- the effectiveness of the adjustment in preventing the disadvantage. It could be unreasonable for the Trust to have to make adjustments when a disabled Employee would receive only a small added benefit;
- the practicality of the adjustment;

- the financial and other costs of the adjustment and the extent of any disruption caused. However, even if an adjustment has a significant cost associated with it, it may still be cost-effective in overall terms – and so may be a reasonable adjustment to make
- the extent of the Trust’s financial and other resources
- the availability of financial or other assistance to help make the adjustment

NOTE : Other factors may be relevant depending on the particular circumstances. The reasonable adjustment duty has been extended to apply to all stages of the recruitment process including discrimination by dismissal or by subjecting the Employee to detriment. The duty will also apply after the employment has ended eg. provision of references.

The disabled person should be consulted as he/she will be able to highlight the real effects of the disability and what might help overcome them. Specialist advice is available from the Trust’s Occupational Health Service, the Disablement Employment Advisor or Pathways Advisor at the Department of Employment and Learning or a specialist disability organisation (see Appendix 3 for further information). There should be ongoing monitoring to ensure the continued effectiveness of the adjustment.

Who should be told about a person’s disability?

In some cases, a reasonable adjustment will not work without the co-operation of other Employees and it may be necessary to tell one or more of the disabled person’s colleagues (in confidence) about his/her disability. However, a Manager should not disclose any information about a disabled person without first seeking the agreement of the person concerned.

5.4 Retention and Dismissal

- Should an Employee become disabled or the effects of a disability increase, or in the case of an Employee with a stable impairment the nature of his/her employment changes and difficulties arise, the Manager must first consider any reasonable adjustment that would resolve any difficulty. The disabled person should be consulted at all times about what his/her needs are and what effect the disability might have on future employment. Advice can also be sought from the Trust's Human Resources Department, Occupational Health Service and if appropriate, the Disablement Advisory Service at the Department of Employment and Learning;
- Performance Management reviews should involve consultation with relevant external support agencies where appropriate to ensure that all parties are aware of the support that can be put in place;
- Ending the employment of a disabled person for a reason related to his/her disability would have to be justified. This would include showing that the reason for the dismissal could not be reduced or mitigated by a reasonable adjustment;

5.5 Discipline

The Belfast Trust's Disciplinary Procedure will be applied to Employees with a disability in the same way as it is to other Employees.

When proposing the use of the Disciplinary Procedure in relation to a disabled Employee, managers must consider the following points :-

- Is the reason for misconduct related to the person's disability?
- Could the misconduct be due to harassment / provocation / victimisation connected with their disability?
- Were the disciplinary rules communicated to the Employee in a format that they understand?

- Any interviews / hearings conducted should be carried out in a way that does not disadvantage the Employee in terms of access to the venue, submission of statements, questioning and representation. This would include permitting disabled people to be accompanied by an advocate outside of the Trust;
- In such cases, advice and guidance may be sought from the Personnel Department;

6) Advice and assistance available

Advice and guidance in relation to all queries regarding any aspect of the employment of disabled persons should be taken up with the Trust's Human Resources Department in the first instance. Personnel staff will provide advice on aspects of the employment of disabled people within the Trust. Advice and guidance is also available from the Trust's Occupational Health Service.

Guidance on how to treat colleagues/Employees/job applicants who have a disability is attached as appendix 2.

Guidance on assistance available for Employees with a disability is attached as appendix 3.

7) Communication and Training

This Policy will be communicated to all staff and will be accessible via the Trust Intranet. Planned training interventions will take place to ensure new and existing staff are familiar with the Policy.

8) Review

This Policy and the associated Policies will be reviewed on an annual basis, and more regularly if necessary, to take account of legislative and best practice changes. Any comments on the Policy are welcomed and should be directed to the Employment Equality Section of the Human Resources Department, McKinney House, Musgrave Park Hospital – telephone 028 9063 6105.



Director of Human Resources

Date: 22 October 2008



Chief Executive

Date: 22 October 2008

Appendix 1

MAKING REASONABLE ADJUSTMENTS FOR PERSONS WITH A DISABILITY – A GUIDE FOR MANAGERS

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1) INTRODUCTION

Belfast Health and Social Care Trust has in place a Policy on the Employment of People with Disabilities and a Policy on the Management of Sickness Absence, including guidance on Rehabilitation Return to Work Plans. The aim of the Rehabilitation Return to Work Plan is to enable all staff to make the transition from long term sick leave to work on a modified basis whilst at the same time not suffering any financial detriment. This will only apply where a report from Occupational Health is received indicating that the member of staff would benefit from a return to work on modified hours and duties. Both of these Policy statements should be read in conjunction with this Guidance for Managers on Reasonable Adjustments.

The Trust has in place an Equal Opportunities Policy and a Harassment Policy and is committed to Equal Opportunities for applicants and Employees with disabilities. The Disability Discrimination Act 1995 (as amended) states that an Employer has a statutory duty to make reasonable adjustments to prevent their practices or arrangements discriminating against a person with a disability. This duty is ongoing and reasonable adjustments should be reviewed on a regular basis to ensure they are effective.

Facts

- 21% of people in NI have a disability. (NISALD)
- 1 in 5 adults in Northern Ireland have a disability. (NI Census)
- Mental Health disability of some form affects 1 in 4 of the population in some form in a person's lifetime. (Mental Health Foundation)
- In NI 1 in 7 people has a hearing impairment. (Employer's Forum on Disability)
- Less than 5% of people with physical disabilities are wheelchair users. (Employer's Forum on Disability)
- A sighted person is about four times as likely to be employed than a blind person is. (Employer's Forum on Disability)

- It is estimated that 2% of the population or over 33,000 people in NI has a learning disability. These figures are people known to Social Services. (Employer's Forum on Disability)

2) DEFINITION OF DISABILITY

The DDA describes a disabled person as anyone with a “physical or mental impairment which has a **substantial** and **long term adverse effect** on their 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” which includes learning disability and mental health disability is intended to cover a wide range of impairments relating to mental functioning, including what are often known as learning disabilities.

Substantial: 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.

Long-term adverse effect:

A long term effect of 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

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

If 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.

A normal day to day activity: this is something which is carried out by most people on a fairly regular and frequent basis, such as washing, eating, catching a bus or turning on a television. It does not mean something as individual as playing a musical instrument to a professional standard or doing everything involved in a particular job.

The test of whether impairment affects normal day to day activities is whether it affects one or more of the broad categories below:

- 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?

Broadly speaking, the effects that matter are those that would be present if there was no medication or treatment taking place. The exception is people who wear spectacles or contact lenses when what matters is the effects that remain while the spectacles or contact lenses are being used.

Are there any types of condition covered by special provisions in the DDA?

Yes, because some people with particular conditions might otherwise not be counted as disabled. These are provisions covering:

- recurring or fluctuating conditions such as arthritis, where the effects can sometimes be less than substantial, which are treated as continuing to have a substantial adverse effect so long as that effect is likely to recur;
- conditions which progressively deteriorate, such as motor neuron disease, which count as having a substantial adverse effect from the first time they have any effect at all on ability to carry out normal day to day activities even if it is not substantial, so long as there is eventually likely to be a substantial adverse effect; and
- severe disfigurements which are treated as having substantial adverse effects on ability to carry out normal day to day activities, even if they have no actual effect at all;
- People with cancer, HIV, or multiple sclerosis are deemed to be disabled people from the point of diagnosis, regardless of whether or not they have any symptoms;

Are any conditions not covered?

Yes, the following conditions specifically do not count as impairments:

- addiction to or dependency on alcohol, nicotine or any other substance (unless resulting from the substance being medically prescribed); please note that if an individual develops a condition because of an addiction he/she will not be excluded;

- seasonal allergic rhinitis (e.g. hay fever) unless it aggravates the effect of another condition;
- tendency to set fires, or steal, or physically or sexually abuse other persons;
- exhibitionism and voyeurism;
- disfigurements consisting of tattoos, non-medical body piercing or attachments to such piercing are not treated as having substantial adverse effects.

The Trust is committed to focusing on meeting the requirements of each Employee and job applicant rather than to attempt to make a fine judgement as to whether a particular individual falls within the statutory definition of disability.

What is Discrimination?

There are four forms of discrimination:

- Direct Discrimination
- Disability Related Discrimination
- Failure to make reasonable adjustments and
- Victimisation

3) WHAT ARE REASONABLE ADJUSTMENTS?

The Act states that one way discrimination can occur is when an Employer fails to comply with a duty of reasonable adjustment in relation to a disabled person.

Reasonable adjustments are practical ways to remove certain disadvantages faced by a person with a disability and help them to contribute fully to the workforce. The Act says that the duty to make reasonable adjustments applies where any physical feature of the Employer's premises, or any practices, policies or criteria made by the Employer, place a disabled person at a substantial disadvantage compared with a non-disabled person.

Failing to make reasonable adjustments is discrimination that can never be justified.

When to Make Reasonable Adjustments?

All Employees who have a responsibility for staff management have a duty to make Reasonable Adjustments as soon as they know that someone defined as having a disability may need them. Not asking whether something is needed is no defence for not knowing, and it is your duty to take reasonable steps to find out whether adjustments are needed. Employers should not only seek Reasonable Adjustment information through formal processes e.g. Occupational Health, management review meetings but also be alert to signs and symptoms that could have reasonably lead them to suspect that an individual may have a disability which they have not disclosed or which has not yet been diagnosed

4) REASONABLE ADJUSTMENTS IN RECRUITMENT & SELECTION

In recruitment and selection it is unlawful to discriminate against a person with a disability in the arrangements for deciding who should get the job. All staff involved in Recruitment & Selection should undergo the Trust's Recruitment & Selection training course. Reasonable Adjustments to the recruitment process may be required to enable an individual with a disability to compete on an equal basis and demonstrate their ability to do the job. Reasonable Adjustments may be required at any stage of the Recruitment & Selection process

Job Description and Recruitment Criteria

The job description should accurately reflect the duties and responsibilities of the job and the personnel specification must only contain criteria which are job related.

An Employer is entitled to specify that applicants must have certain qualifications. However the Employer will have to demonstrate that the qualifications or experience applied are essential and no adjustments could be made to accommodate an applicant with a disability. An Employer must consider Reasonable Adjustments to criteria for disabled applicants. An example of this is a Clerical Officer position which asks for 5 GCSE's Grade C or above including English Language or

equivalent qualification or NVQ Level 2 Administration or 1 year's administrative / clerical experience. If a disabled applicant applying for this post has no formal qualifications and is therefore expected to have 1 year's experience it would be a reasonable adjustment to accept all types of experience including voluntary work and / or experience gained through unpaid placements.

Disclosure of Disability on Application Form

Application forms contain a question on disability / Reasonable Adjustments required and responses to this question need to be followed up prior to interview. Where an applicant has indicated on the application form that they have a disability, the Human Resources Department (Recruitment Section) will contact the applicant and arrange for the appropriate adjustments to be put in place, where appropriate.

Examples of adjustments could include:

- A sign language interpreter at interview.
- Extended time to prepare a presentation.
- Interviews conducted in an accessible venue.
- Parking provided near the interview location.
- Criteria are reviewed for Disabled Candidates

Interviews / Tests & Assessments

It is necessary to prepare in advance for interviews. Applicants are given the opportunity to indicate in advance if they require Reasonable Adjustments and suggest adjustments to help overcome the disadvantage. The Chairperson should be aware of the situation and the panel members should be briefed on the situation.

It is important not to make assumptions about what a person with a disability can and cannot do. The majority of people with a disability need little or no special support for an interview and the effects of their disability may be irrelevant to their ability to do this job.

Interviews should be specific, examining the skill; training, experience and ability of the interviewees and questions should not be focused on the details of the applicant's disability.

Any tests / assessments should be relevant to the post and examples of Reasonable Adjustments required may include; changes to the format, allowing a support worker to be present or allowing additional time to be given to complete the test.

Offering a Position

Where an applicant with a disability is successful in a post it may be helpful to invite him/her to discuss his/her employment needs with the Line Manager and Occupational Health Service before starting to ensure any relevant adjustments are considered and recommendations implemented. The Occupational Health Professional and the Line Manager will liaise with Human Resources regarding the provisions that need to be made.

5) REASONABLE ADJUSTMENTS IN EMPLOYMENT

It is the duty of the Employer to make reasonable adjustments for disabled Employees to the physical features of their premises or to any provisions, criteria or practice made by the Employer.

Examples of Reasonable Adjustments include:

Work Environment

- ① Altering the height of a computer workstation so that an Employee with a neck injury can work without aggravating the injury;
- ② Providing a stair lift to enable a wheelchair user to remain part of the team and enable them to get to their office on an upper floor or relocate them to a ground floor office;
- ③ A consultant appoints a new secretary who visually impaired. It would be an appropriate Reasonable Adjustment to paint part of an interior in contrasting colours to help the visually impaired person find their way around;

It is important that the work environment is considered when planning new services / builds and access audits are an important way of ensuring current premises are accessible. Health and Safety requirements must always be adhered to.

Re-allocation of Duties

Re-allocating some of the duties carried out by the person with a disability to another Employee. For example

- ① A Clerical Officer with arthritis whose job may occasionally involve filing or photocopying. A possible reasonable adjustment might be to reallocate these duties to another member of staff;
- ② An Employee who is deaf may be unable to use the phone could take on different duties while their colleagues have responsibility for answering all phone calls.

Job Transfer

For example, an Employee who is no longer able to drive could be reallocated to a suitable desk job or other role where they are not required to drive. In these circumstances an Employee does not need to undergo a selection process. However, redeployment should only take place reasonable adjustments have been made to an Employee's existing role.

Altering Hours of Work

For example, an Employee who has depression may find the effects of the condition are worse in the mornings and the Trust may allocate shifts that start later in the day.

Or, an Employee has panic attacks when in stressful situations and finds it particularly stressful to travel in heavy traffic. The Trust agrees to change the Employee's hours of work, to ensure they do not have to travel in heavy traffic.

Assigning an Employee to a Different Place of Work

For example, this may include transferring an existing vacancy. It could also include moving the Employee to a ground floor office, or a different building depending on the effects of their disability. It could also mean moving an Employee to a location closer to home or working from home, for example, an Employee with a mental health illness may find working from home beneficial.

Time Off for Rehabilitation, Assessment or Treatment

Working hours may need to be adjusted or flexible arrangements put in place to enable Employees to attend for rehabilitation, assessment or treatment during working hours.

Providing Training or Mentoring

This may be linked to one of the other reasonable adjustments made for the Employee.

For example, an Employee who has been redeployed to an existing vacancy may require training to help them carry out that role. Another Employee could act as a mentor to talk about aspects of the work, work patterns and work load and provide advice to the Employee.

Additional support/supervision could be given to an Employee with a learning disability via peer support or coaching.

Alternatively an Employee who has been provided with a piece of equipment, for example voice recognition software, may also need to be trained in how to use it.

Refresher training may be necessary if the Employee returns to work after a long period of absence.

A visually impaired person attending computer training may require the computer to have speech output software.

All staff should attend Equal Opportunities Training to raise their awareness on Disability related issues.

Acquiring or Modifying Equipment

For example:

- ① An Employee who has dyslexia may benefit from voice-activated software, a spell checker or a Dictaphone to help record minutes or reports.
- ② An Employee who is deaf may find a telephone with text display to be a useful aide

Modifying Instructions or Reference Manuals

For example;

- ① An Employee with a learning disability may require their daily tasking to be repeated slowly in order for them to write them out, or they may require them to be provided in a written format by the line manager;
- ② An Employee, who has a degenerative eye condition that leads to a sight-disability may benefit from the Employer providing written materials in an enlarged format;

Providing Supervision / Other Support

An example of this is an Employee who returns to work following a period of absence due to a disability such as clinical depression may need additional guidance and supervision especially in the short term to help them recover their skills and confidence.

This list is not intended to be a comprehensive list of examples. There will be situations where adjustments can be made which do not fall under any of the above headings. The important point is to consider the requirements of the individual (which are best identified by consulting the Employee concerned) in line with the needs of the service.

The Act lists a number of factors, which may have a bearing on whether it will be reasonable for the Trust to have to make a particular adjustment. These are:

- The effectiveness of the particular adjustment in preventing the disadvantage
- The practicability of the adjustment.
- The financial and other costs of the adjustments and the extent of any disruption caused.
- The extent of the Employer's financial or other resources
- The availability to the Employer of financial or other assistance to help make an adjustment
- The nature of the Employer's activities, and the size of its undertaking:
- In relation to private households, the extent to which taking the step would disrupt the household or disturb any person residing there;

There are no financial limits to Employers making reasonable adjustments under the DDA. The Employment Tribunal will decide what is reasonable, taking into account the following factors:

- the effectiveness of the steps in overcoming the disadvantage.
- the practicability of making the adjustment.

Reasonable adjustments can range from highly expensive to cost free which and can be just as effective. The Employer's duty to make Reasonable Adjustments is ongoing. All arrangements should be monitored and reviewed regularly as it may be necessary to consider further or alternative adjustments.

6) STEPS TO TAKE IN RECRUITING/SUPPORTING APPLICANTS WITH A DISABILITY

Step 1

If applicant has stated on their application form that they require a Reasonable Adjustment consult with the applicant and ensure that reasonable adjustments are in place.

Step 2

If applicant is successful at interview, refer to Occupational Health for pre-employment medical assessment [as standard for all Trust Employees]. Occupational Health will give recommendations on adjustments which are required to facilitate introduction into the job.

Step 3

Where reasonable adjustments are required, a meeting should be arranged between, Human Resources, line manager and new Employee. Input from Occupational Health can also be arranged where appropriate. This meeting will determine the necessary reasonable adjustments.

Step 4

If necessary, the new Employee and Human Resources will meet with the Disablement Advisory Service to further discuss reasonable adjustments to the workplace. The Disablement Advisory Service and specialist voluntary organisations provide advice, guidance, training and a placing service for people with disabilities and health issues.

Step 5

Human Resources will advise new Employee that they may contact them for help and support throughout the course of their employment with the Trust. It may be necessary for Reasonable Adjustments to be made to the new Employee's induction to the Trust / Department.

7) STEPS TO TAKE IF AN EMPLOYEE DEVELOPS A DISABILITY

These are General Principles. The position in any individual case will depend on the precise facts. Advice and guidance should always be sought from the Personnel Department.

Step 1 – Gathering Information

An Employer who becomes aware of an Employee's disability or has reason to believe an Employee may have a disability should **first discuss the situation with the Employee**. Together the Employer and the Employee should agree a plan of action that could include conducting a risk assessment, obtaining medical reports and identifying reasonable adjustments.

Step 2

Refer the Employee to the Occupational Health Service **if appropriate**. Occupational Health will provide advice to management on the person's fitness for work, functional capabilities and on any adjustments which could be considered for example to premises or working duties/arrangements. Advice from Occupational Health is important in assisting the management of disable Employees. If referral to Occupational Health is not appropriate go to step 3.

Some examples of when this may be appropriate include:

- suitable adjustments are difficult to identify or hard to provide
- a person has recently acquired the disability or has a fluctuating / progressive condition and is not sure what impact this may have or what would help them do the job
- the need to establish whether an underlying medical condition is the cause of workplace problems
- an occupational opinion is required to ensure a safe and healthy working environment

It is necessary to provide Occupational Health with sufficient information to allow an in depth assessment and useful advice to be given. This includes:

- a) Objective and quantitative information about the Employees job, for example;
 - Working hours/shift patterns
 - Job title, location and duties(a job description is useful)
 - Travel involved as part of their duties in work
 - The physical requirements of the job
 - The working environment
 - Intellectual and emotional demands
- b) other relevant information which may include;
 - records of sickness absence, time keeping
 - details of adjustments that you may be considering or that are already in place – and what is practical for you or what you feel you could accommodate
 - concerns regarding capability

NB

- managers do not need to know the medical diagnosis but should focus on the impact on the job and adjustments required
- further specialist medical or employment advice may be appropriate
- occupational health must report back on any adverse constraints which could affect capacity to work

Once the report is received back from Occupational Health the Manager and a representative from Human Resources should meet with the Employee to determine a course of action. If necessary a case conference can be set up with the Employee, their representative, HR, management and occupational to discuss how to move forward in an individual case.

Step 3 – Reasonable Adjustments

Investigate and implement any reasonable adjustments in a timely manner. Where appropriate seek additional information and advice from statutory and voluntary bodies. It may be appropriate to contact a Disablement Employment Adviser based at Jobs and Benefits Offices or Job Centres. The Disablement Advisory Service provides advice, guidance and training for those who wish to obtain or retain employment. They also offer a range of practical and financial support to Employers recruiting and retaining disabled Employees. For further information refer to appendix 3 – Guidance Notes on Assistance Available for Employees with a Disability.

Step 4 – Alternative Employment

Where no adjustment is possible to enable the Employee to continue in their position redeployment should be considered in conjunction with the Personnel Department. It is important to note that you should consider all available opportunities i.e. both redeployment opportunities where reasonable adjustments are not required and where reasonable adjustments are required.

At this point the individual's qualifications or relevant experience should be assessed and the Recruitment Section contacted to determine any suitable vacancies/redeployment opportunities. It is important to remember that the reasonable adjustment duty may apply to any criteria for vacant positions. It may, for example, be a reasonable adjustment for the Employer to provide training to enable the Employee to carry out the duties of the position.

Once a suitable vacancy has been determined, Employees should meet with the appropriate manager and Human Resources to investigate the need for further reasonable adjustments in the workplace.

Step 5 – Where no adjustment or alternative employment is possible

If neither reasonable adjustments nor redeployment is possible, then retirement / termination on ill health grounds may be considered as the most appropriate course of action.

Step 6

The Personnel Department will monitor all cases on an on-going basis, in conjunction with the Employee, line manager, Occupational Health, the Disablement Advisory Service and other relevant voluntary agencies, if appropriate.

8) AVAILABLE ASSISTANCE FOR DISABLED EMPLOYEES

Human Resources provide advice to both staff and management on statutory recommendations and best practice guidelines. They will ensure Trust compliance under the DDA and promote equality of access to employment opportunities throughout the Trust.

The Trust works in conjunction with the Disablement Advisory Service within the Department of Employment and Learning, which is a statutory body established to meet the needs of Employees with disabilities to either secure employment or continue and develop within their current workplace. The DAS can provide financial assistance in the procurement of support and equipment and also, offer impartial advice to both Employers and individual Employees.

Refer to Appendix 3 Guidance Notes on Assistance Available for Employees with a Disability

Definition of Equipment

The Trust defines equipment as any support or special equipment acquired specifically to assist a person with a disability to carry out their job. Special support is any item that a person with a disability needs to do a job that a person without a disability would not need to do that job. The list can include:

- Wheelchair
- Hearing aid
- Computer equipment
- Specialist chair
- Text Telephone
- Magnifying equipment
- Support worker

Contributions Towards the Cost of Aids & Equipment

Generally, when support and equipment are required for an Employee to use in the workplace, the Access to Work Scheme will request that the Trust agree to contribute towards the costs. In certain cases the Access to Work Scheme will specify the required amount they wish the Trust to contribute i.e. first £500 of cost and 20% of remaining sum.

Contact Details

If you have a query on any aspect of this Policy or require guidance, please contact:

Contact :
Employment Equality Section, Human Resources Department
Telephone Extension : 9063 6105.

Appendix 2

GUIDANCE ON HOW TO TREAT DISABLED COLLEAGUES / EMPLOYEES / JOB APPLICANTS

Most people want to treat disabled Employees, job applicants and colleagues in the same way as everyone else but aren't always sure how to go about it.

These suggestions may be useful when meeting disabled people:

- Disabled people are individuals just like everybody else. Don't make assumptions about their abilities or their needs. Don't forget some disabilities are hidden, for example, epilepsy and mental ill health.
- If you aren't sure how something might affect a disabled person, ask them.

Communication

- If a disabled person is with someone, talk to the disabled person directly, not to the person who is with them. This also applies to a deaf person accompanied by a sign language interpreter.
- When talking to a deaf person, find out whether they lip-read. In any event make sure your face is in the light, look directly at the person, speak clearly and naturally, remembering to keep your hands away from your face.
- When you first meet a blind person, introduce yourself. When you are going to move away, tell them. Don't leave them talking to an empty space.
- When you are talking to someone with speech impairment, concentrate on what is being said, be patient and don't try to guess what they want to say. If you don't understand, don't pretend you do.
- If someone has difficulty understanding you - perhaps because they have a learning disability - be patient and be prepared to explain something more than once. Concentrate on using simple language.
- When talking to a wheelchair user, try to ensure that your eyes are at the same level as theirs, perhaps by sitting down. If a chair is not convenient it is acceptable to stand whilst speaking to a wheelchair user but at a comfortable distance to avoid neck strain. Don't lean on the wheelchair - it is part of the user's personal space.
- Avoid asking personal questions about a person's disability, such as 'Were you born like that?' But a Manager could ask 'Does your disability affect your ability to do this job?'
- If someone looks 'different', avoid staring. Concentrate on what they are saying, not on the way they look.

- Do not be patronising. If you are talking to an adult, treat them like an adult.

Assistance

- If someone looks as if they need assistance, offer, but wait for them to accept before you help.
- When guiding a blind person do not push or pull them. Ask if they would like to take hold of your arm. If there are any steps tell them whether the steps go up or down.
- Remember that guide dogs for blind people, hearing dogs for deaf people and other assistance dogs, are working dogs, not pets. They should not be fed, patted or distracted when they are working.
- Above all respect the person and don't focus on the disability. Most of the above points are just good manners.

Language

Some of the words and phrases we use offend disabled people, because they suggest that the disabled person is dependent or helpless. Some words such as 'cripple' or 'retarded' have become terms of abuse or are used to make fun of disabled people. Below are some common words to avoid with suggested alternatives.

Do not say
the disabled

Use
disabled people / people with
disabilities

suffering from / crippled by / afflicted by /
victim of

a person who has / a person
with

deaf and dumb

deaf without speech

an epileptic

a person with epilepsy

spastic

a person with cerebral palsy

mentally handicapped / subnormal

a person with a learning
disability

confined to a wheelchair / wheelchair
bound

wheelchair user

APPENDIX 3

GUIDANCE NOTES ON ASSISTANCE AVAILABLE FOR EMPLOYEES WITH A DISABILITY

Summary of Employment Schemes for Disabled People

1) Job Introduction Scheme

The Job Introduction Scheme offers Employers a weekly grant towards the costs of employing disabled people during their initial period of employment. This gives the disabled person and the Employer the chance to see if the job and the disabled person match.

The grant is currently £75 per week and the trial period normally lasts up to 6 weeks.

2) Access to Work (NI)

Access to Work (NI) can help

- Employers who wish to recruit or retain disabled people in employment.
- Disabled people who wish to take up employment, or who are in work and experience difficulties related to their disability.

Access to Work (NI) is available to overcome the practical problems caused by disability. It offers advice and help in a flexible way that can be tailored to suit the needs of an individual in a particular job, or getting to and from work.

Access to Work (NI) can make a grant towards the approved extra costs that arise.

Personal and Business benefit will be taken into account in all cases.

Access to Work (NI) can assist in a number of ways. It can help, for example towards the cost of:

- Communication Support at Interview: for people who are deaf or people who have a hearing impairment when attending job interview;
- Special Aids and Equipment: Work provision of special equipment to suit particular work needs arising from disability;

- Adaptations to Premises and Equipment: modification to premises to facilitate a disabled Employee;
- Support Workers: a support worker, if practical help is needed because of a disability, either at work or getting to and from work and includes personal reader support for someone who has a visual impairment;
- Travel to Work: support can be provided when a disabled person incurs extra costs in travelling to and from work because of disability.

If you want more information or wish to apply for assistance through this programme you should get in touch with the Disablement Employment Adviser (DEA) in your local Jobs & Benefit Office or Jobcentre.

The Access to Work (NI) application must be made by the disabled person.

The DEA will refer the application to an Access to Work (NI) Adviser who will normally visit the place of work and advise on the most cost effective solution.

Help will be approved for as long as it is required up to maximum of three years. After that, if support is required to continue it will be considered under the rules of the programme in operation at the time.

3) Workable (NI)

Workable (NI) is a programme that gives disabled people the opportunity of working alongside non-disabled Employees in a wide variety of jobs for a minimum of 16 hours per week.

To be eligible for Workable (NI) the person's disability must have a significant adverse impact on their ability to carry out the particular job that they are currently doing or the job you applied for.

The local DEA can check that other forms of support including reasonable adjustment by the person's Employer have been considered and are not sufficient to enable the Employee to work effectively. The DEA can call upon professional advice to consider the type of employment and support(s) required to meet the particular needs.

There are a range of supports available through Workable (NI) that are designed to meet the needs of each individual and their Employer. The supports can include: the services of a Job Coach; extra training; the advice and assistance in the implementation of reasonable adjustments, assistance with development costs and extra support for colleagues and supervisors.

4) New Deal for Disabled People (NDDP)

What is New Deal for Disabled People?

This is another programme to help people to return to work funded by the Department for Employment and Learning.

NDDP has been established to assist people on health related benefits find and retain paid work. Through a network of specially appointed Job Brokers, personal advice and support is available to help people achieve their goal of returning to work.

The programme is totally voluntary, but in all cases the client must be in receipt of an appropriate qualifying benefit; which includes Incapacity Benefit, Income Support with a disability premium, Severe Disablement Allowance, Income Support pending an appeal against disallowance from Incapacity Benefit, National Insurance credits because of incapacity (a client may get these on the own or with Income Support, Housing Benefit or War pension), Disability Living Allowance provided that the client is not getting Jobseeker's Allowance and is not in paid work for 16 hours or more a week, War Pension with an Unemployment Supplement, Industrial Injuries Disablement Benefit with an Unemployability Supplement, or a benefit equivalent to Incapacity Benefit from an EU country. Individuals may be in receipt of more than one qualifying benefit.

NDDP can benefit people by offering the following options: -

- Improving job search skills – help can be given with identifying transferable skills and improving interview techniques.
- Approved Work – enables the disabled person and the Employer to assess each other's suitability without commitment.

Benefits remain in place for the duration of the approved work.

- Permitted Work – allows the disabled person to try out employment for an agreed length of time before benefits are signed off.
- Other DAS Services – other DAS programmes e.g. Access to Work (NI) may be accessible

Full details of eligibility and further advice can be obtained by contacting the local DEA or Job Broker. Alternatively contact can be made by telephoning the NDDP Team directly on, Free phone 0800 028 7766.

5) Tax Credits

A part of the Government's programme for tackling poverty and making work pay, two tax credits have been introduced from April 2003 for families with children and low income working families.

Child Tax Credit and Working Tax Credits were introduced from April 2003 and replaced the old Tax Credits; Working Families' Tax Credit, Disabled Persons Tax Credit, the New Deal 50plus Employment Credit and the Children's Tax Credit.

Both credits are administered by and claimed from the Inland Revenue.

Inland Revenue Contact Points:

Tax Credits Website

www.inland.revenue.gov.uk/taxcredits

If customers have questions about tax credits or need help and advice:

Telephone – 0845 603 2000

Text phone – 0845 607 6078

6) Work placements

The Trust is committed to working with external organizations to develop and provide work placements to make sure that disabled people can gain real work opportunities and experience within the Trust to improve their opportunities of securing future employment. A work placement is a planned period of work based learning or experience. The Trust recognises that work placements can be a key to the world of work from which disabled people may otherwise be excluded. Placements are facilitated through the Human Resources Department in conjunction with a number of organisations.

Organisations that provide a service to disabled people include:

<p>Action MS Knockbracken Healthcare Park Saintfield Road Belfast BT8 8BH Tel: 028 9079 0707 Fax: 028 9040 2010 Email: info@actionms.co.uk</p>	<p>Carers Northern Ireland 58 Howard Street Belfast BT1 6PJ Tel: 028 9043 9843 Fax: 028 9032 9299 Email: helen@carersni.demon.co.uk</p>
<p>British Deaf Association (NI) 3rd Floor, Wilton House 5-6 College Square North Belfast BT1 6AR Tel: 028 9038 7700 Fax: 028 9038 7707 Text phone: 028 9038 7706 Email: nireland@bda.org.uk</p>	<p>Disability Action Portside Business Park 189 Airport Road West Belfast BT3 9ED Tel: 028 9029 7880 Fax: 028 9029 7881 Text phone: 028 9029 7882 Email: hq@disabilityaction.org Website: www.disabilityaction.org</p>
<p>Arthritis Care Northern Ireland 115 Enkalon Business Park 25 Randalstown Road Antrim BT41 4LT Tel: 028 9448 1380 Fax: 028 9446 9761 Email: nirelandoffice@arthritiscare.org.uk</p>	<p>Dyslexia Assessment & Advice Centre 59 Drum Road Cookstown BT80 8QS Tel: 028 8676 6996</p>
<p>British Epilepsy Association Knockbracken Healthcare Park Saintfield Road Belfast BT8 8BH</p>	<p>MENCAP Northern Ireland Segal House 4 Annadale Avenue Belfast BT7 3JH</p>

<p>Tel: 028 9063 4942 Fax: 028 9031 5914 Email: mclarke@epilepsy.org.uk</p>	<p>Tel: 028 9069 1351 Fax: 028 9064 0121 Email: mencap-ni@dnet.co.uk</p>
<p>Autism NI Knockbracken Healthcare Park Saintfield Road Belfast BT8 8BH Tel: 028 9040 1729 Fax: 028 9040 3467 Email: infor@autismni.org</p>	<p>Northern Ireland Association for Mental Health 60 University Street Belfast BT9 6AF Tel: 028 9032 8474 Text phone: 080 9023 4940 Email: a.ferguson@niamh.co.uk</p>
<p>Royal National Institute for the Blind (NI) 40 Linenhall Street Belfast BT2 8BA Tel: 028 9032 9373 Fax: 028 9027 8119 Email: smalcolm@rnib.org.uk</p>	<p>Disablement Advisory Service (DAS) Department for Employment and Learning 5th Floor Gloucester House 57-63 Chichester Street Belfast BT1 4RA Tel: 028 9025 2206 Fax: 028 9025 2363 Email: www.delni.gov.uk/das</p>
<p>Sense Northern Ireland The Manor House 51 Mallusk House Newtownabbey BT36 4RU Tel: 028 9083 3430 Fax: 028 9084 4232 Email: senseni@senswest.org.uk</p>	<p>Down's Syndrome Association Graham House Knockbracken Healthcare Park Saintfield Road Belfast BT8 8BH Tel: 028 9070 4606 Fax: 028 9070 4075 Email: downs.syndrome@cinni.org</p>
<p>The Guide dogs for the Blind Association Lanesborough House 15 Sandown Park Knock Belfast BT6 6HE Tel: 028 9047 1453 Fax: 028 9065 5097 Email: belfast@gdba.org.uk</p>	<p>Employers' Forum on Disability Northern Ireland Banbridge Enterprise Centre Scarva Road Industrial Estate Banbridge BT32 3QD Tel: 028 40 624 526 Fax: 028 40 669 665 Text phone: 028 40 624 526 Email: info@efdni.org.uk</p>
<p>Ulster Supported Employment Ltd 182-188 Cambria Street Belfast BT13 3JH</p>	<p>Muscular Dystrophy Campaign Forster Green Hospital 110 Saintfield Road Belfast BT8 6AA Tel: 028 9079 0708</p>

<p>Tel: 02890 356600</p>	<p>Fax: 028 9079 0708 Email: oonaghm@muscular-dystrophy.org</p>
<p>Royal National Institute for Deaf People Wilton House 5 College Square North Belfast BT1 6AR Tel: 028 9023 9619 (Voice/Test) Video Phone 028 9043 8354 Fax: 028 9031 2032 Email: helpline@rnid.org.uk</p>	<p>North West Forum of People with Disabilities 58 Strand Road Derry BT48 7AL Tel: 028 7130 9191 Fax: 028 7130 9191 Email: northwestforum@utvinternet.com</p>
<p>The Cedar Foundation Malcolm Sinclair House 31 Ulsterville Avenue Belfast BT9 7AS Tel: 028 9066 6188 Fax: 028 9068 2400 Email: info@cedar-foundation.org</p>	<p>Action Mental Health 19 Knockbracken Healthcare Park Saintfield Road Belfast BT8 8BH Tel : 02890403726</p>

This list is not exhaustive