



**East Dunbartonshire Council**

**Employment of People  
with Disabilities**

# **EMPLOYMENT OF PEOPLE WITH DISABILITIES**

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# **EMPLOYMENT OF PEOPLE WITH DISABILITIES**

## **1. PURPOSE**

This policy underpins the principles of East Dunbartonshire Council's Equality & Diversity Policy in which the Council and its employees are required not to discriminate against people with disabilities in the field of employment and in the provisions of goods, facilities and services. Employees are expected to behave in a non-discriminatory manner towards both the public and colleagues with disabilities. Employees have the right to work in an environment free from discrimination.

This policy lays down the Council's legal requirements towards its employees, job applicants and service users. It is the duty of Managers to implement the policy and all employees are expected to comply.

## **2. INTRODUCTION**

Discrimination in the field of employment and in the provision of goods, facilities and services is unlawful under the Disability Discrimination Act of 1995. Part 2 of the Act becomes law on 1<sup>st</sup> October 2004 and is based on the principle that disabled people should not be discriminated against in employment or when seeking employment.

The Council is also governed by the Code of Practice on Employment and Occupation – April 2004 as these will be admissible in evidence in Employment Tribunal proceedings under Part 2 of the Act, and must be taken into account by the Tribunal where relevant.

## **3. SCOPE**

The policy applies to all employees of East Dunbartonshire Council.

## **4. DEFINITIONS**

Part 2 of the Act provides the following definitions:

### **4.1 Disability**

Physical or mental impairment which has a substantial and long term adverse effect on (a person's) ability to carry out normal day-to-day activities.

## Mental Impairment

Deemed to consist of a “clinically well recognised illness”.

## Substantial Effect

A substantial effect is something which is more than a minor or trivial effect and reflects the general understanding of disability as a limitation going beyond the normal differences in ability which might exist among people.

## Long-Term Effect

The Act requires that the impairment has either lasted for at least 12 months, where the total period for which it lasts is likely to be at least 12 months, or is likely to last for the rest of the person’s life.

## Normal day-to-day Activities

Includes activities involving mobility, memory or the ability to concentrate, learn or understand.

## 4.2 Discrimination is defined as follows:-

### Direct Discrimination

Treatment of an employee amounts to direct discrimination if it is on the grounds of his/her disability; the treatment is less favourable than the way in which a person not having that particular disability is or would be treated or the relevant circumstances, including the abilities of the person with whom the comparison is made are the same as, or not materially different from those of the disabled person.

### Failure to comply with a duty to make reasonable adjustments

The duty to make reasonable adjustments arises where a provision, practice or any physical feature of premises occupied by the employer, places a disabled person at a substantial disadvantage compared with people who are not disabled. An employer has to take such steps as it is reasonable for it to have to take in all the circumstances to prevent that disadvantage – in other words the employer has to make a ‘reasonable adjustment’.

### Disability Related Discrimination

Disability-related discrimination occurs when the reason for less favourable treatment relates to the disability but is not the disability itself. The expression ‘disability-related discrimination’ therefore distinguishes less favourable treatment which amounts to direct discrimination from a wider class of less favourable treatment which, although not amounting to direct discrimination, is nevertheless unlawful.

## Victimisation

Victimisation is a special form of discrimination which is made unlawful by the Act. It is unlawful for one person to treat another ('the victim') less favourably than he treats or would treat other people in the same circumstances

## Harassment

Harassment occurs where, for a reason which relates to a person's disability, another person 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 him/her.

## **5. PRINCIPLES OF THE ACT**

The Government have published regulations, guidance and Code of Practice for employers and service providers, dealing with many issues of legal and practical importance and these are reflected in the following procedure.

In addition, the Council will regularly monitor the effect of this Policy to assess whether or not its aims are being achieved.

## **6. MONITORING**

All employees and job applicants will be asked to complete an equal opportunity monitoring form denoting any disabilities, to be returned directly to Human Resources.

East Dunbartonshire Council guarantees that this form will be used for the purpose of monitoring the effectiveness of its Equality & Diversity policy only.

## **7. POSITIVE ACTION**

Unlike the Sex Discrimination Act and Race Relations Act, the new Act does not prohibit positive discrimination if employers wish to do so. The Council, as a "disability symbol" user, has made five commitments to action, as follows:-

### **7.1 A Guaranteed Job Interview**

To interview all applicants with a disability who meet the minimum criteria for a job vacancy and consider them on their abilities.

### **7.2 Consult Employees with Disabilities Regularly**

Employees with disabilities should be consulted regularly, at least once a year, by the manager to determine what the Council can do to ensure they can develop and use their abilities at work.

### 7.3 Try To Retain Employees If They Become Disabled

To make every effort when employees become disabled to make sure they stay in employment.

### 7.4 Improve Knowledge

To take action to ensure that key employees develop the awareness of disability required to meet the Council's commitments.

### 7.5 Check Progress and Plan Ahead

To review these commitments and achievements, plan ways to improve on them and inform employees about progress and future plans.

## **8. EAST DUNBARTONSHIRE COUNCIL'S RESPONSIBILITIES**

### 8.1 Recruitment and Selection

- The Council acknowledges that the unique problems of disabled employees may require special arrangements to enable them to effectively fulfil their duties. Every effort will be made to provide a suitable working environment for our disabled employees wherever this is practicable. In doing this we may call upon the help of specialist organisations who can provide advice and assistance on adaptations to premises, special aids equipment etc.

- It is Council policy not to discriminate against disabled people in recruitment. Applications for employment from disabled people are welcomed and must be fully and fairly considered, having regard to their aptitudes and abilities, in relation to the necessary requirements of positions being filled.

- Particular care will be taken in drawing up job descriptions and person specifications to ensure that certain job requirements do not inadvertently exclude people with disabilities. Selection criteria will be strictly related to the needs of the job

- Disabled applicants who meet the minimum essential criteria for a vacancy will be interviewed.

- The Line Manager in conjunction with Human Resources will do his/her utmost to ensure that, where necessary, special interview and selection arrangements are provided to the disabled candidate.

- For teaching posts it is a requirement to have mixed gender leeting and selection where there are applications from both genders and particularly where monitoring has shown that positive action may be appropriate.

## 8.2 Induction

- New employees will be encouraged to discuss with their Line Manager any problems which could arise as a result of their disability. Agreement should then be reached on any action which may need to be taken.

## 8.3 Risk Assessments

Disabled employees should be actively involved in the development of risk assessments relating to their job and or work environment.

Employees and line managers must be given access to any risk assessments relating to their post.

It is the line manager's responsibility to ensure that the contents of the risk assessment are applied in all work situations.

## 8.4 Terms and Conditions of Employment

- Disabled employees will be paid at the same rate and enjoy terms and conditions of employment identical to those of employees on the same grade. Special arrangements are available for employees on designated schemes such as the Sheltered Placement Scheme.

## 8.5 Training and Development

- The Council aims to ensure that employees with disabilities are given access to Career Development opportunities on a basis equal to other Council employees. We recognise that it is important that employees with disabilities are not denied opportunities for training, extra responsibility or more demanding work because of pre-conceived ideas about limitations imposed by their disability.
- The training and development of employees with disabilities will be based on a realistic assessment of their ability, with specialist advice where appropriate.
- Managers, in conjunction with Human Resources, will be encouraged to address changes in the needs of a disabled employee with the employee annually. Advice from specialist agencies and organisations is available at the employee's request.

## 8.6 Newly Disabled Employees

- Every effort will be made to retain the services of employees who become disabled, making use of the help that is available from the Disability Advisory Service, the local Occupational Health Department and other relevant agencies.
- Maximum support will be given to an employee who finds himself/herself unable to work under the arrangements they were initially employed due to disability. Where practicable, alternative work arrangements will be considered suitable to their

experience and abilities e.g. restructuring the job, job share or other flexible work arrangements and redeployment.

- Further guidance is available in the Policy “Suitable Alternative Employment on the grounds of Capability”.

This will be subject to consultaion with the employee concerned. If her or she feels that such arrangements are unsuitable, other options including ill health retiral will be examined.

#### 8.7 Training and Disability Awareness

Human Resources will take specific steps to raise awareness of disability throughout the organisation, particularly targeting all employees involved in recruitment and selection processes.

- Regular advice and support will be provided to Managers by members of Human Resources on this topic. Other measures include mandatory briefing sessions. These may include seminars with other relevant organisations and use of open learning facilities to access material on disability and equality.

Where possible, all internal courses will be held within buildings which have disabled access. Managers should notify the Organisational Development Team via the Nomination Form, of any other requirements to allow time to make any necessary arrangements.

### 9. LINKS WITH OTHER AGENCIES

In order to facilitate this policy, close links will be maintained by Human Resources with the local Disability Employment Adviser and relevant specialist agencies where appropriate.

### 10 DISCIPLINE

Any employee who harasses or victimises any other employee or client on the grounds of disability or the use of the provisions of the DDA or this Policy, will be subject to the Council’s disciplinary procedure. In serious cases such behaviour will be deemed to constitute gross misconduct.

### 11. GRIEVANCES

Any employee, who believes he or she has received less favourable treatment on grounds of their disability, is asked to use the Council’s grievance procedure in the first instance.



# **PROCEDURE FOR EMPLOYING PEOPLE WITH DISABILITIES**

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## **1. THE “DOUBLE TICK” DISABILITY SYMBOL**

East Dunbartonshire Council has become a disability symbol user to demonstrate to our employees that the Council believes in good employment opportunities for people with disabilities. Additionally it is clear for potential job applicants with a disability that the Council welcomes them on the basis of their abilities.

As a symbol user the Council has made the following commitments:-

- To interview all applicants with a disability who meet the minimum criteria for a job vacancy, and consider them on their abilities.
- To ask disabled employees at least once a year what more can be done to make sure they can develop and use their abilities at work.
- To make every effort when employees become disabled to make sure they stay in employment.
- To take action to ensure that other key employees develop the awareness of disability needed to meet the symbol’s requirements.
- To review these commitments and achievements, plan ways to improve on them and inform employees about progress and future plans.

Failure to comply with the above five commitments will result in the Council losing its “Double Tick” Disability Symbol Status.

## **2. RECRUITMENT AND SELECTION**

### **2.1 Advertising**

As part of the overall Recruitment process, Human Resources will consider the following actions: \_

State in the advertisement that we welcome applications from disabled people and other groups who are underrepresented in our workforce. All advertisements carry a statement that the Council is “working towards equal opportunities”.

Use the Disability Employment Adviser (DEA) at the local Ability Development Centre for recruitment advice.

Send job advertisements to the Disability Employment Adviser (DEA), who keeps a list of suitable applicants with disabilities. (This happens automatically through the use of Job Focus)

Make contact with local community groups who offer training and employment advice to disabled people and are potential sources of recruitment.

Make application forms available in large print, on disc or cassette tape or any other appropriate media on request.

Accept applications on disc, cassette tape or on plain paper or any other appropriate media.

Ensure that applicants know that their personal requirements will be met at all stages in the process.

Ask applicants to identify any special arrangements they might need at interview including access to the building or the use of interpreters for hearing impaired people.

Guarantee an interview to all applicants with disabilities, in line with the good practice requirements of the “double tick” disability symbol who meet the minimum criteria of the job vacancy.

## 2.2 APPLICATION PACK

- Think about whether or not there is scope for flexibility in job descriptions and person specifications. Is it absolutely essential that everyone in a department can answer the phone? climb stairs? Is it necessary that the post holder has a high degree of mobility?
- The application form should provide the opportunity for the disabled person to:
  - indicate any disability which may affect arrangements for his/her interview;
  - indicate areas which may require adaptations to enable him/her to do the job.
- A disabled person applying for any job should first be assessed on his/her ability to carry out the job successfully.
- An applicant should not be rejected solely because he/she can only do the job if certain aids are provided .
- Any accommodation (aids or adaptations) should be taken into consideration in assessing a person's fitness to do the job.

### **Actions to consider**

- Beware of introducing unnecessary job requirements that may exclude disabled people.
- Human Resources will notify managers of any candidates that have indicated a specific disability on their Application Form. These candidates will need to be short listed if they meet the minimum criteria on the person specification and this will allow managers to ensure that special arrangements for the interview can be made if necessary.
- Remember that people with disabilities often have excellent qualifications but little work experience and a fragmented work history.
  - In situations where a candidate with a disability is leeted, ensure that interview questions for all candidates allow for skills which draw on transferable skills and experience which may have been developed in alterntive situations; training centres, personal or leisure situations or voluntary activities.

## 2.3 INTERVIEW

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

### **Points to consider**

- Most people are anxious at interview; some people with disabilities are even more anxious because they are so used to being rejected on the grounds of their disability.
- Offer advice on available travel facilities, if appropriate.
- Think about the interview venue. Is it accessible not only to applicants with mobility impairment but to applicants with sensory impairments (i.e. impaired sight or hearing)?
- Can the person get there and find his/her way round the building? Make arrangements to meet the applicant who might have difficulty reading signs. Explain, when necessary, where the designated car park spaces and ramps are located.
- Ensure that necessary practical arrangements are made for interviewing applicants with disabilities and that the interview panel are aware of the arrangements made.
- Make it clear to disabled applicants that they may be accompanied by an advocate, or any other suitable person of their choice, if they wish.
- People who are disabled often have ways of managing their disability and would welcome the opportunity of discussing how they propose to do so within the context of the job they have applied for.
- Do not make assumptions about the needs and capabilities of disabled applicants. Frame questions in a similar way to the wording in the application form.
- If you have been given no prior notice of a disability and you are informed an applicant has a disability you must try to make reasonable adjustments, where possible. This may also mean rearranging an alternative interview date and time.

## 2.4 APPOINTMENT

Where it is known that someone with a disability is to be appointed establish with the individual concerned, and with the relevant Human Resources Adviser what provision needs to be made.

Some people feel more at ease if colleagues know about their disability, others will prefer confidentiality. When anyone joins a new organisation, it is expected that they will take some time to adjust to their job and environment. When a disabled person has accepted a job, offer them the opportunity to discuss their employment needs before starting.

A supportive induction/orientation to give a disabled person confidence is an excellent way of easing them into the work environment. It is important to identify any particular needs as early as possible after appointment since the arrangement of some facilities may take some time.

### **Actions to consider**

- Help visually impaired people to learn "routes" into the building, to the canteen, toilets etc. Remember that if a person has a guide dog suitable accommodation/space will need to be provided for it.
- Give people who need to take medication the opportunity to do so in private. A suitable storage facility may also need to be provided and Health & Safety should be contacted for advice.
- Arrange training for the colleagues of a newly appointed disabled employee to familiarise them with methods of communication or any other relevant issues, e.g. finger-spelling or awareness of how to facilitate lip-reading, training on the condition of the disabled colleague. The local Disability Service Team or the relevant association (RNIB, RNID) will offer further help with this.
- When communicating with a new employee with a learning disability vocabulary is important - instructions should be simple but specific.
- Check that the building is accessible and suitable (e.g. location of parking spaces) when appointing a person with a mobility disability.
- After full consultation with the person concerned, and with their consent, colleagues may be briefed on any first-aid implication of hidden disabilities such as epilepsy or diabetes. This may be done by the manager or the employee, as decided and agreed with the employee.

### **3. PROVIDING WORKPLACE EXPERIENCE**

It was found in a recent survey that there are over 8 million disabled adults in Britain, but that only 31 per cent of people with disabilities of working age are in gainful employment.

Many disabled people have acquired considerable work related skills but have little or no actual work experience.

#### **How will this benefit the Council?**

- Offering work experience placements to disabled people demonstrates commitment to equal opportunities in the organisation and offers a recruitment source of highly skilled people.
- Work experience enables disabled people to practise skills in a real work situation.

#### **How can the Council encourage work experience for people with disabilities?**

- Human Resources will consult with services to investigate areas of work where the Council could deploy a work experience trainee, and approach (through the Disability Service Teams) local organisations which could find suitable candidates.
- In order to provide successful work experience placements for disabled people, the expectations and responsibilities involved on both sides should be made clear. An agreement between the supervisor and the trainee should cover the following areas:
  - The trainee's past work experience, skills and abilities.
  - The aims and objectives of the placement.
  - The terms and conditions of the placement.
  - Supervision and support during the placement.
  - Health and safety procedures

## **4. BEST PRACTICE**

### **4.1 Employee Development**

#### **Improving training for employees with disabilities**

People with disabilities should enjoy the same opportunities as other employees to develop full and rewarding careers. Realistic assessment of the best career development opportunities for employees with disabilities should be made in consultation with them and all possibilities considered.

#### **Actions to consider**

Ensure that disabled employees are offered as wide a choice of training opportunities as their non-disabled colleagues, that training materials are available in an appropriate medium (e.g. disc, cassette tape) and that there is appropriate access to the building, appropriate time.

When assessing the best career development for a disabled employee consult with the person concerned as some work areas may be more appropriate than others.

When organising meetings or other work-related activity, ensure that suitable arrangements are made for disabled employees.

#### **Social Activities**

The social side of work contributes greatly to job satisfaction. Ensure that venues chosen for social activities are accessible to disabled employee.

### **4.2 Performance Management and Development Planning**

As a symbol user the Council has committed itself to ask employees at least once a year what more can be done to make sure they can develop and use their abilities at work.

#### **Actions To Consider**

Line Managers should therefore use the opportunity presented by the Performance Management & Development Planning Review to address this matter. Separate provisions exist for Teachers within the Council's Professional Review and Development Policy.



### **4.3 Retention of Employees with Disabilities.**

Wherever possible the Council will aim to retain employees who are affected by disability while in its employment.

- Discuss with the individual concerned whether special assistance or expert consultation is necessary. Involve the employee at all stages when reviewing, assessing or redeploying.
- Discuss with the individual concerned whether redesigning their post, acquiring special equipment or adapting the premises are necessary.
- Consider referring people who become disabled to the Disability Employment Adviser, who can offer help through assessment and counselling and, where appropriate, can arrange for work preparation opportunities.
- Referral to the Council's independent medical adviser where appropriate for expert assessment of the individual's fitness for work for a variety of posts, subject to the agreement of the employee.
- Consider retraining for alternative work for newly disabled employees or for those whose impairments become progressively severe.
- Consider alternative posts if the present post cannot be adapted.
- Consider including development programmes as part of the re-deployment of a disabled employee.
- Consider the possibility of retention under the Employment Service's Supported Placement Scheme if medical retirement seems likely.
- Work towards creating an open environment whereby people with a disability feel they can be open.

The above will be subject to consultation with the employee concerned. If he or she feels that such arrangements are unsuitable, other options including ill health retiral will be examined.

Further information can be obtained from the Policy on Suitable Alternative Employment on the Grounds of Capability.

#### **4.4 Health and Safety Issues**

Managers should ensure that the needs of people with disabilities are taken into account when considering means of escape from a department during an emergency. Advice should be obtained from the Health & Safety Advisers.

Actions to consider

- Make sure that any new employee is made aware of the emergency procedure. This should include knowing how to raise the alarm and where escape routes are situated.
- Ensure that escape procedures are effective in meeting the needs of disabled people.
- Ensure that the arrangements for escape for disabled employees are well known - discuss best methods with disabled people - themselves and communicate this information to all employees in the department.
- Appoint someone in the department to assist a disabled employee in the event of a fire.
- Inform local fire station and police of location of any employee with a mobility, hearing or visual disability.
- All arrangements in the event of fire and other emergencies should be discussed with the person responsible for health and safety

## **5. SOURCES OF HELP**

### **5.1 Human Resources**

Human Resource Advisers are available to advise and assist both managers and employees. In all cases, Managers must contact Human Resources prior to taking any action.

### **5.2 Trade Unions**

The Trade Unions take a close interest in the development of good practice for members with disabilities, and local officials may have access to examples of good practice that can be adopted.

Trades Unions should be called upon by their members to assist in any retention matters.

### **5.3 The Employment Service**

To access any of the following services contact Human Resources who will put you in touch with the Disability Employment Adviser (DEA). The Disability Employment Adviser (DEA) is part of a team of professional disability specialists known as Disability Service Teams. Disability Service Teams can offer advice on other useful contacts locally for different disability issues and should be contacted through Human Resources.

### **5.4 Access to Work**

The Access to Work scheme is designed for people with a disability, regardless of whether or not they are employed, unemployed or self-employed; in a job that is full-time, part-time, temporary or permanent. This scheme can make funds available for a wide range of adaptations and support services, and help from a support worker when required. Individuals with disabilities will have access to help up to the value of £21,000 over five years. More may be available in exceptional cases and the employer would normally not have to contribute to these grants. The Disability Employment Adviser (DEA) can give further advice on what is available under the scheme.

### **5.5 What else is available from the Employment Service?**

The DEA also offers specialist help and advice on:

- the recruitment of employees with disabilities, and retention of employees who become disabled while in Council employment;
- employing someone for a trial period through the Job Introduction Scheme;
- offering job opportunities in supported placements;
- legal obligations for employing employees with disabilities.

