

Policy on Employing People with A Disability

DCSDC Policy	
Document Number	A unique identifier will be assigned to an approved policy.
Responsible Officer	Lead Human Resources Officer
Contact Officer	Human Resource Team
Approval	Governance and Strategic Planning Committee recommended approval of the policy on(Ref.....) Policy was approved and ratified at full Council on
Effective Date	Date this approved version of the policy comes into effect.
Modifications	Record of all amendments and modifications to this policy, including dates that amendments were approved and/or came into effect.
Superseded Documents	N/A
Review Date	Every two years or if the following take effect: <ul style="list-style-type: none"> • Failure or weakness in the procedure is highlighted • Changes in legislative requirements • Changes in Government/Council or other directives and requirements
File Number	All documents relating to the development, communication, implementation and review of a policy must be held on a registered file.
Associated Documents	Equality Scheme Disability Scheme and Action Plan Recruitment and Selection Policy and Procedures Grievance and Disciplinary Procedures Protecting Dignity At Work

1. Preamble

1.1 Introduction

Derry City and Strabane District Council (the Council) has in place a Fair Employment and Equal Opportunity Policy Statement which emphasises its continuing commitment to the provision of equality of opportunity in all its employment practices and activities.

The Disability Discrimination Act places a duty on employers to make reasonable adjustments to ensure that their employment arrangements do not put a disabled person at a substantial disadvantage compared with a non-disabled person.

The Council recognises that there is an under-representation of people with a disability in its employ and the purpose of this document is to set out a policy that works towards improving this situation.

1.2 Purpose and Aims

- To assist the Council in complying with its statutory obligations under the DDA and Section 75 of the NI Act.
- To reserve a quota of suitable vacant positions for people with a disability to the exclusion of people who are not disabled.
- To encourage people with disabilities to apply for jobs within the Council.
- To ensure that people with disabilities who apply for jobs in the Council know that they will receive fair treatment and will not be subjected to unlawful disability discrimination and be considered solely on their ability to do the job.
- To promote a supportive working environment for people with disabilities and for those staff who provide assistance to employees with disabilities.
- To develop and extend work placement programmes and volunteering opportunities to make sure that people with disabilities can gain real work experience within the Council to improve their likelihood of securing future employment.
- To be recognised by the community as an employer which provides good employment opportunities for people with disabilities.

It is the Council's intention that the above aims will further the key objectives of its Disability Action Plan i.e. to ensure that it continues to give due regard to the need to promote positive attitudes towards people with disabilities and to their participation in the workforce.

2. Scope

This policy applies to all job applicants and potential applicants for work experience/placements and employment with Council.

3. Definitions

Disability: For the purposes of this policy, the Disability Discrimination Act 1995 defines a disability as a “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”.

This definition applies where the disability has lasted twelve months or is expected to last twelve months or more. Disability is not always obvious. Conditions such as asthma, diabetes, heart disease, arthritis, upper limb disorders (e.g. Repetitive Strain Injury) or epilepsy are examples of non-visible disabilities. Where necessary, guidance on the definition will be sought from the Equality Commission.

Reasonable Adjustments: The Disability Discrimination Act (DDA) requires that employers introduce reasonable adjustments in respect of applicants and employees who are disabled. This is with a view to ensuring that disabled people are not disadvantaged and enjoy equality of opportunity in employment.

4. Policy Statement

Derry City and Strabane District Council is committed to the creation of a diverse workforce, which accurately reflects the needs and aspirations of its employees, the customers and the community it serves.

Council undertakes to develop a working environment and provide conditions of employment which, as far as practicable, will offer people with disabilities the opportunity to seek, obtain and maintain employment with the Council. The organisation are committed to ensuring disabled employees can make a significant contribution in their place of employment, in jobs matched to their skills and abilities.

4.1 Roles and Responsibilities *

The **Chief Executive** has overall responsibility for ensuring the policy is put into place fairly and consistently throughout the Council and its objectives are met.

Each **Director/Lead Officer** in conjunction with the **Lead Human Resources Officer**, has specific responsibility for

- Identifying potential vacancies within their service area(s) which would be suitable for inclusion in the quota of ring-fenced positions
- Develop job descriptions and personal specifications to include non-discriminatory job related criteria
- Liaise with the staff member to identify any reasonable adjustments that are required and ensure that they are in place.
- Ensuring that the member of staff's work environment is free from any kind of harassment or less favourable treatment by colleagues, or customers/clients of the Council.

Managers and supervisors are responsible for

- Ensuring that this policy is implemented within their relevant service area
- Dealing with any matters arising.
- Ensuring that all staff with a disability get the same staff development opportunities, support and guidance in their work and involvement in what goes on in their service area
- Monitor and review that the member of staff is working safely and effectively with the reasonable adjustments that are in place

Staff

- Employees who have a disability are encouraged to discuss the implications of same with their line manager in the event that any reasonable adjustments may be required to ensure their full integration and participation in the workplace.
- Staff members have a responsibility to alert the Council to changes in their medical condition.
- All staff have a responsibility to ensure fair and equal treatment of d people with a disability at work.
- All employees are responsible for playing their part in achieving the objectives of this policy.

5. Legal & Policy Framework

5.1 This Policy takes account of Council's obligations under Section 49A of the Disability Discrimination Act 1995 (as amended by the Disability Discrimination (NI) Order 2006), which requires the Council, when carrying out its functions, to have due regard to the need to promote positive attitudes towards people with disabilities and the need to encourage their participation in public life.

5.2 In developing this policy the Council has also taken account of its duty under Section 75 of the Northern Ireland Act 1998 which requires the Council, when carrying out its functions, to have due regard to the need to promote equality of opportunity between a range of groups, including people with and without disabilities.

6. Impact Assessment

6.1 Screening and Equality Impact Assessment *

This policy has been screened for equality implications as required by Section 75 and Schedule 9 of the Northern Ireland Act 1998.

Under the Disability Discrimination Act (1995), employers have to make reasonable adjustments for disabled people and can also consider positive action. Positive action measures may involve treating disabled people more favourably than people who are not disabled during a recruitment process or during the course of employment..

The policy has significant equality implications for people with disabilities. However these are all positive implications because the policy has been specifically developed for the purpose of promoting equality of opportunity for people with disabilities. The policy will not therefore be subject to an equality impact assessment.

6.2 Impact on staff and financial resources *

Research has shown that people with a disability generally do stay in work longer, are sick less and are reliable time-keepers. This is powerful employment card as people losing or leaving jobs costs employers significant sums. The combination of being reliable and staying in a job longer, combined with estimates of what it costs to find, interview, recruit and train new staff can lead to significant employer savings.¹

Employers do worry that employing a person with a learning disability will cost them significant through providing workplace accommodations. The reality is that many "reasonable adjustments" are cost neutral.

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. The programme can assist in a number of ways, for example:-

- Communication support at interview
- Special aids and equipment
- Adaptations to premises and equipment
- Travel to Work
- Support Worker
- Disability awareness training

7. Implementation

The Council is committed to ensuring that prospective employees with disabilities are not discriminated against during the recruitment and selection procedure. This means that careful consideration has to be given to all areas of recruitment and selection to ensure that discrimination does not occur. Full guidance on effectively implementing this policy is contained in the accompanying **"Guidelines for Managers on Employing People with a Disability"**.

¹ <https://www.mencap.org.uk/sites/default/files/2017-06/2017.061%20Benefits%20of%20employing%20PWD%255b1%255d%20%281%29.pdf>

8. Harassment

Harassing a person with a disability on account of that disability is unacceptable behaviour.

The Council has a specific policy and procedure for dealing with harassment on the grounds of disability as well as gender, marital status, family status, religious beliefs, political opinion, race, age, sexual orientation, trade union membership/non membership and criminal record.

The policy makes it clear that harassment is unacceptable behaviour for all employees. Any breach of this policy will result in disciplinary action which may, where appropriate, warrant dismissal.

9. Discipline

The Council's Disciplinary Policy and Procedure will be applied to employees with a disability in the same way that it is applied to all other employees.

When proposing the use of the Disciplinary Policy and Procedure in relation to a disabled employee, managers must first 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 that are 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 or representation.

In such cases, advice and guidance may be sought from the HR Department.

10 Complaints

Employees who believe that they have not been treated equitably are encouraged to take raise their issues through the Council's Grievance Procedure.

11 Support and Advice *

Council will work closely with NIUSE, the Equality Commission, the Department of Communities and local representative groups to ensure that it is providing the best working environment and in-work support possible for all employees including employees with a disability.

12 Guidelines and Forms

Accessible Application Packs including job descriptions and personal specifications for each relevant ring-fenced post will be prepared by HR Team

“**Guidelines for Managers on Employing People with a Disability**” is available to ensure effective implementation of this policy – this is available from the HR Department.

13 Communication Strategy

Council will promote availability of ring-fenced post in relevant media, NIUSE and EFDNI job noticeboards and to local representative groups.

15 Risk Management *

All risk assessments will be reviewed to ensure that they cover risks that may be present for new employees. This will be carried out in consultation with the staff member and where necessary any reasonable adjustments will be put in place as a control measure.

12. Monitoring and Review

This procedure will be reviewed by the Council to assess its effectiveness. Complaints about disability discrimination relating to employment will be monitored on an annual basis by HR team.

Progress on Council’s Disability Action Plan which includes actions on the recruitment of staff with disabilities will be reported on annually to Equality Commission through the Annual Equality Progress Report.

This policy will be reviewed every two years or if the following take effect:

- Failure or weakness in the procedure is highlighted
- Changes in legislative requirements
- Changes in Government/Council or other directives and requirements.