

GUIDELINES FOR MANAGERS ON EMPLOYING PEOPLE WITH A DISABILITY



Derry City & Strabane
District Council
Comhairle
Chathair Dhoire &
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Guidelines for Managers on Employing People with a Disability

1. Purpose of this document:

To provide additional guidance on the correct procedure to all staff in the Council who are responsible for the recruitment of new and retention of existing staff with disabilities. These guidelines support the **Policy on Employing People with a Disability** to ensure that all applicants and staff are treated fairly and equally.

2. Council Objectives

Derry City and Strabane District Council seeks to provide employment opportunities for people with disabilities, ensuring that they benefit from all available training and opportunities for career development. To achieve this we will:

- i. ensure that our recruitment processes are accessible to people with disabilities and that our selection processes focus on an individual ability to undertake the role
- ii. provide training and promotion opportunities that support their career development
- iii. where possible to seek to redeploy staff who become disabled whilst in our employment
- iv. promote a culture that encourages managers to employ staff with disabilities by focusing on the benefits they bring to the workforce

We are committed to:

- i. interview all disabled applicants who meet the essential criteria for a job vacancy and consider them on their abilities
- ii. ensure the mechanism is in place to discuss, at any time, or at least once a year with disabled employees, what can be done to make sure they can develop and use their abilities
- iii. make every effort when employees become disabled to ensure they stay in employment
- iv. take action to ensure that all employees develop the appropriate level of disability awareness needed to make these commitments work

The Council works in partnership with Northern Ireland Unions of Supported Employment (NIUSE) and Department for Communities (DfC) to support disabled staff to be recruited and to remain in employment with the Council.

This policy has been developed jointly with recognised Trade Unions (NIPSA/UNITE) who fully support the Council in its commitment to employing people with disabilities.

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3. Recruiting people with disabilities

3.1 Introduction

The Council is committed to employing people with disabilities in all types of work throughout the organisation. Therefore it is essential that our recruitment and selection processes remove the barriers that stop disabled people from applying for jobs in the Council and that we remove any possible discrimination from the recruitment and selection process.

3.2 Aspects of the recruitment and select process to support applicants with disabilities

3.2.1 Interview Guarantee Scheme

Council will guarantee an interview to all people with disabilities who demonstrate that they meet the essential (i.e. minimum) criteria for a post.

3.2.2 Job Descriptions

The requirements of the job will be carefully examined by Director and Lead Human Resources Officer to ensure that they do not discourage people with a disability from applying. Job Descriptions will be written in Plain English.

3.2.3 Person Specifications

The person specification will be based upon the job description and will be a clear outline of what is required. This document will be prepared in Plain English.

The criteria identified as essential are fundamental to the job i.e. the job cannot be performed without them. Including certain personal criteria as essential could be deemed discriminatory if any particular criteria are not necessary to perform the job.

3.2.4 Job Advertisements

The wording of the Council's advertisements include a welcoming statement in all advertisements stating that it is committed to a policy of equal opportunities in employment and welcomes applications from people with disabilities.

Job vacancies will be circulated to the public through normal media channels, to disability organisations through Northern Ireland Union of Supported Employment (NIUSE) and also through the Employers for Disability Northern Ireland (EFDNI) job noticeboard.

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3.2.5 Application Forms

Council job application forms will invite disabled applicants to state any requirements that might be necessary to enable them to attend an interview e.g., hearing loop, sign language interpreter, wheelchair access etc.

Managers involved in the recruitment process should avoid making assumptions about disabled job applicants and the type of work they would be capable of performing. Many disabled people are fit and healthy and capable of performing a wide range of tasks as competently as an able-bodied employee. Research indicates that people with disabilities have the same productivity levels at work, a better than average safety record and lower rates of sickness absence.

The Council will ensure that application forms and all job documentation are available in alternative formats such as, large print or Braille versions, upon request. Completed application forms will also be accepted in alternative formats.

To accommodate a reasonable adjustment applicants with disabilities will not be disadvantaged by the late arrival or completion of application forms and where necessary the closing date may need to be extended in some circumstances. *(For example, if an applicant requests an application form in Braille it may take a few days to make this available. It would be reasonable to allow the applicant a few days extension, if necessary, to afford them the same opportunity to complete their application.)*

Application forms and job documentation will be reviewed to ensure that they do not contain questions that may suggest discrimination (e.g. example, questions regarding possession of a driving licence could be discriminatory. If driving is part of the duties of the post the question asked of applicants should be whether they have access to a vehicle and/or transport).

3.2.6 Equal Opportunities Monitoring Form

The Council's Monitoring Form monitors gender marital status, family status, disability, religion and racial group. It has been agreed with, and has the support of, the trade unions and the Equality Commission NI.

The information is used to measure the effectiveness of the Council's Equal Opportunities Policy and will assist in the development and review of positive/affirmative action policies.

The monitoring information forms no part of the selection process and is concerned only with statistical analysis and does not identify individuals.

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3.2.7 Shortlisting Arrangements

Applicants with a disability will be assessed against the criteria set out in the application pack for the ring-fenced position. Reasonable adjustments may be considered where necessary.

Failure to shortlist a disabled job applicant on account of the person's disability could be discriminatory unless there is factual evidence which demonstrates that the person would be unsuitable for the job in question. Managers are strongly advised to give disabled candidates the benefit of the doubt when the position is not clear. Any concerns regarding the suitability of a particular applicant can be explored during the interview with a view to establishing the person's ability to perform the job and review whether any adjustments would be required.

3.2.8 Testing/Assessment Arrangements

If the selection process includes a test or assessment arrangement the Council will:

- Ensure that the tests/measure the skills required for the job, that they are applied fairly and equally to all applicants with disabilities, taking into account any reasonable adjustments that may be necessary. Applicants with a disability will be invited to suggest reasonable adjustments that they may need. Ensure that all candidates are informed, in advance, of the format and reasons for the tests/assessments.
- Ensure that when a candidate notifies the Council of the need for adjustments or special arrangements, alternatives are considered, again including any reasonable adjustments that may be necessary.

3.2.9 Interview Arrangements

Managers are not expected to make adjustments where they do not know, or could not reasonably be expected to know that a job applicant has a disability. All applicants are invited to advise the Council if they need any special arrangements in their formal letter inviting them to interview. If a candidate indicates that special arrangements may be necessary to allow them to attend an interview, in the majority of circumstances then Human Resources will liaise with the applicant regarding any special planning of the interview arrangements.

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The following are some examples of the types of adjustment which a manager may be asked to make to accommodate the needs of a job applicant:

- i) Re-scheduling the timing of the interview to suit the disabled applicants needs
- ii) Arranging to meet in an alternative location if the interview premises are difficult to access or a hearing loop is required
- iii) Reserving a parking space near the entrance to the interview premises
- iv) Re-arranging the furniture to make room for an applicant to use their wheelchair
- v) Making a member of staff available to meet a visually impaired candidate in order to escort them to the interview
- vi) Permit a candidate with learning difficulties to bring a supportive person with them to the interview to assist in answering the questions
- vii) Arranging for a sign language interpreter to be present at the interview to assist with communications.

If the candidate does not indicate that they need any special arrangements, but then arrives for interview and is placed at a substantial disadvantage because of the arrangements, there is still a duty to make any reasonable adjustment that is possible in the circumstances. It may be appropriate to consider re-scheduling the interview to another date as a reasonable adjustment.

3.2.10 Interview Process

Interviews will be conducted by panel members who are fully informed about, and have received training on, the requirements of the DDA.

Wherever possible interviews for candidates with disabilities will be conducted in the same way as those for non-disabled candidates, subject to any reasonable adjustments.

The interview should aim to assess each candidate for the job in question based on evidence of skills, experience and qualification/job trials/competency based. A fair assessment will be obtained through discussion of the facts and not assumed or inferred. Blanket assumptions that a person with a particular disability would not be capable of performing a job are inappropriate. Questions may only be asked about a candidate's disability if it is, or may be, relevant to that person's ability to perform the job, if necessary after a reasonable adjustment.

The Council will keep records that show the basis on which decisions have been taken at each stage of the process. These records will include (where appropriate) information such as:

- The reasonable adjustments (to premises, equipment or working arrangements, etc.) considered by the panel.

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- The rationale as to why requested adjustments were not offered/provided; or
- The adjustments offered to the candidate and their response to that offer.

The panel should discuss and agree the feedback to be given to applicants who are unsuccessful at the shortlisting stage and to all candidates at the interview stage. Care will be taken when providing feedback to people with a disability to ensure any necessary adjustment is made.

3.2.11 The Offer of Employment

The offer of employment will be made in an appropriate format, subject to any reasonable adjustments.

It is the Council's policy to submit all successful candidates for a pre-employment medical check to assess what adjustments may be needed to the workplace or the work environment.

Advice on making reasonable adjustments can be sought from the HR Team.

3.2.12 Induction

A structured Induction Programme will be followed for all new employees. If necessary it will be tailored to the individual needs of the disabled employee.

The line manager will ensure that information essential to the job and workplace such as work manuals, policy information on staff rules, grievance procedures, and health and safety procedures are communicated to employees with disabilities in a format that assures that they are fully informed.

It is desirable and recommended that a fellow employee acts as a temporary guide/mentor to offer assistance as necessary to the new employee by mutual agreement. The new employee will be informed of the first point of contact for advice or assistance on any issues in relation to the disability and the follow up procedure as may be required thereafter.

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8 Treatment of Existing Employees

8.1 Terms and Conditions of Employment

Wherever possible, adjustment will be made to terms and conditions of employment in order to accommodate the needs of a disabled employee.

For example, a disabled employee has problems travelling to work in the rush hour. A reasonable adjustment would be to allow the employee to start work at either an earlier or later time.

Council organisational development or change processes that are undertaken will be systematically planned, consulted upon, approved and implemented. If changes are proposed to the terms and conditions of the workforce, consideration will be given to the possible effect of those changes on disabled employees.

8.2 Health and Safety

The Council accepts its obligations under health and safety legislation to make every effort, insofar as is reasonably practicable, to provide a safe and healthy working environment for its entire staff. Where employees are disabled through reduced mobility, hearing or sight, it is important that they are able to make a rapid and safe exit in case of fire or other emergency.

Special arrangements may be necessary to ensure that an employee's disability does not create a hazard either for the person concerned or for others. For example, specific First Aid training may be necessary where a member of staff suffers from epilepsy.

8.3 Retention of Disabled Employees

It is the policy of the Council not to discriminate against employees who become disabled, who have a disability that worsens during their career or who has had a disability in the past. The issue of retention can also arise when an employee has a stable and long standing impairment but the nature of their employment changes.

The priority of the Council must be to keep a disabled employee in their existing job. If, as a result of their disability, the Council's arrangements or a physical feature of the Council's premises places the employee at a substantial disadvantage in carrying out their job, reasonable adjustments that would resolve the difficulty must be considered.

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An existing employee, newly disabled or facing disability, may have no idea what their future needs will be with regard to possible adjustments to premises, equipment or working arrangements etc. The employee and (if requested) their nominated representative should be involved (including if they are on sick leave) in any decisions that directly affect their working life.

The employee's line manager should ensure that they:

- Keep in regular touch with the employee
- Provide reassurance to the employee that they can expect the necessary support on their return to work
- Monitor progress and at the appropriate time begin discussions on specific needs
- With the employee's permission, keep colleagues and their trade union representative informed of progress and build support for the individual.

Any newly disabled employee is likely to need time to re-adjust. The Council may consider the following:

- A trial period to assess whether the employee is able to cope with their present job.
- A phased return to work, if they have been absent from work as a result of their disability, starting with part time hours and building up to full time hours (in consultation with the HR Department).
- Additional training or coaching appropriate for the employee.
- Requests from newly disabled employees for reduced or part-time hours / duties, whether on a temporary or permanent basis. The Council will also consider the superannuation implications of moving to part-time working in conjunction with the employee.

In some cases it may not be possible for the disabled employee to continue in their existing job. It may be necessary to consider a number of possible options, in consultation with the employee and their representative:

- Redeployment to another post or service.
- Premature retirement on grounds of incapacity.
- Termination of employment.

The Council will continuously monitor a disabled employee's situation, for example, if the disability is one of a progressive condition, further reasonable adjustments may need to be considered.

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8.4 Redeployment

The need for redeployment for a disabled employee may be identified in a number of ways. For example:-

- Consideration under the Management of Attendance procedure identifies the need for redeployment.
- A disabled employee requests redeployment as a reasonable adjustment.
- An employee's impairment becomes more severe and their performance steadily worsens as a result.
- An employee becomes disabled as a result of accident or illness.

If, even with adjustment and/or restructuring, retention in the same job is not practicable, redeployment to suitable alternative employment may be appropriate. The Human Resources Department will need to be made aware that the employee has been identified as awaiting redeployment.

Redeployment to suitable alternative employment requires:

- Defining the ability range of the employee
- Identifying any training or adjustments that could expand that range
- Looking for transferable skills
- Considering all suitable options for redeployment. For example this may include:
 - Holding suitable vacancies and offering preferential consideration (ie assessment against the essential criteria for a vacancy without competition, except from other redeployment candidates)
 - Ensuring every effort to make reasonable adjustments, in consultation with the employee, to ensure the employee is redeployed successfully
 - Allowing the employee to have a trial period in the new job. The length of the trial period must be mutually agreed in advance and be in writing.
 - Making a requirement for written reasons to be provided if reasonable adjustments cannot be made

8.5 Premature Retirement on Grounds of Incapacity

A disabled employee may be considered for premature retirement on grounds of incapacity where, in consultation with the Human Resources Department, it has been decided that reasonable adjustments cannot be made and that redeployment is not possible.

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8.6 Termination of Employment

If, having considered all alternative options (outlined in 8.4 and 8.5) it is apparent that the employee cannot realistically continue in employment, a decision to terminate the employment may be taken by the Council only after consultation with the employee and their nominated representative.

8.7 Internal Appointments and Transfers

The Council will not discriminate in assessing a person with a disability's suitability for internal appointments and transfers. As in the recruitment process, it is important to ensure that the criteria required do not exclude people with a disability who may be unable to meet the criteria because of their disability, but would be capable of performing well in the job. The Council may have to make reasonable adjustments to assist in this process.

8.8 Provision of Training

The Council will not discriminate on the grounds of disability when providing opportunities for training, and will make any reasonable adjustments necessary to facilitate the training of employees with a disability.

It is important that employees with a disability are given equal access to training opportunities as allegations of discrimination can be made when these opportunities are restricted by the accessibility of the venue chosen or the format, presentation or delivery methods of the training itself.

The Human Resources Department will ensure that the needs of employees with a disability are considered when organising training events and will endeavour to make sure that courses provided are accessible to both employees with/without a disability. Line managers must ensure that employees who are nominated for training events are selected on a basis that does not discriminate against people with a disability.