Human Resources Policy No. HR40

Employment of People with Disabilities

Additionally refer to:
HR01 Equality and Diversity
HR16 Grievances and Disputes
HR31 Managing Sickness Absence
HR33 Recruitment & Selection
HR65 Occupational Health

Sponsor:   Head of Human Resources in conjunction with Director of Corporate Affairs

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1. INTRODUCTION

1.1 Policy Statement

1.1.1 The Trust recognises that staff with disabilities can add significant value to the organisation and the services that it provides and encourage employment applications from all individuals based on the skills, experience and knowledge that they can contribute to the organisation.

1.1.2 The Trust is committed to best practice in relation to all employment practices and recognises its obligations to comply with relevant legislation. The employment provisions in regards to employing people with disabilities are contained in the current equality legislation which has extended cover to make discrimination against disabled people unlawful in all aspects of employment including prospective and existing employees who are, or who become disabled. The Trust will ensure that disabled people have genuine equality of opportunity in employment.

1.2 Definitions

1.2.1 Current legislation states that the definition of a disabled person may apply to an employee who has a physical or mental impairment that has a substantial and long-term adverse effect on his/her ability to carry out normal day to day activities.

1.2.2 It goes on to qualify the definition:

- The condition must be one that affects an individual’s everyday living activities whether it affects their ability to perform their normal work duties or not.
- The condition must have lasted for at least 12 months or is likely to last for the rest of the affected person’s life.
- Furthermore, an individual may still be considered to have an impairment if the condition goes into remission but is likely to recur.
- Additionally, a condition that is controlled or treated by a drug regime or physical aid is still considered to be ongoing if the absence of the measures is likely to lead to a recurrence of symptoms.

1.2.3 Managers should be mindful of the complexity and growth of Disability legislation and so should liaise with the Human Resources Department in all matters pertaining to the application of the definition.

1.3 Scope

1.3.1 This policy applies to all staff who are directly employed by the Trust, and including Bank Staff and those employed on temporary or fixed term contracts in accordance with our Equality and Diversity policy (HR01). The policy does not apply to individuals employed by agencies or contractors.

1.3.2 In implementing this Policy, Managers must ensure that all staff are treated fairly and within the provisions and spirit of the Trust’s Equality and Diversity Policy (HR01). Special attention should be paid to ensuring that the policy is understood when using it for staff new to the NHS or Trust, by staff whose literacy or use of English is weak, for persons with little experience of working life or where there are barriers to understanding.
1.4 Responsibilities

1.4.1 Managers will ensure that:
- Employment decisions made about disabled individuals are based solely on an assessment of their ability to fulfil the essential criteria for the post.
- Disabled individuals receive equality of opportunity in access to training and development and career progression.
- Employees who become disabled at work are given support to enable them to continue in employment if possible.
- Reasonable adjustments are made to ensure that employees with disabilities are able to fulfil their role e.g. adaptations to the workplace, equipment or job redesign.
- Employees with disabilities are provided with annual reviews, as a minimum, to address measures that can be taken to ensure that they are able to continue in their role.
- Where appropriate, risk assessments and manual handling assessments are undertaken in relation to relevant tasks and duties.
- Accurate records relating to an employees disability and actions taken in relation to it are maintained.
- Where an employee transfers within the Trust to a new department, all relevant documentation is transferred and that the new manager’s attention is drawn to relevant details.
- The needs of existing disabled staff are taken into consideration when reviewing or redesigning services. Where appropriate prior risks assessments should be carried out.

1.4.2 The Trust will:
- Monitor the effectiveness of this policy through employee diversity monitoring and the development of exit interviews;
- Review this policy in line with legislative requirements and organisational developments.

1.4.3 Staff should:
- disclose details of any disabilities to their manager in order that support can be provided as appropriate.
- when transferring to a new department, disclose details of any disabilities to their new manager to ensure that support can be continued and sustained.

Where employees fail to disclose relevant information relating to a disability or health condition, the Trust will not be responsible for providing support as outlined in this policy.
1.5 Employment Service’s ‘Two Ticks’ Positive About Disabled People Symbol

The Trust is committed to meeting the requirements of the Jobcentre Plus Disability Symbol, therefore it is the responsibility of all managers and employees to comply with and promote these Five Commitments:

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

b) To ensure there is a mechanism in place to discuss, at any time, but at least once a year, with disabled employees what they can do to make sure they can develop and use their abilities.

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

d) To take action to ensure that all employees develop the appropriate level of disability awareness needed to make your commitments work.

e) Each year, to review the five commitments and what has been achieved, to plan ways to improve on them and let employees and Jobcentre Plus know about progress and future plans.

2. EXTERNAL ADVISORY SERVICES

2.1 Remploy provides advice and assistance to disabled individuals during the recruitment process and throughout the employment relationship.

2.2 The services provided range from assistance to applicants in completing application forms or financial assistance to purchase appropriate equipment to ensure an individual can fulfil their job role on some occasions through assistance with an Access to Work application.

Remploy offers support on a case by case basis and are contactable directly through their website www.remploy.co.uk or 0845 8452211.

2.3 Other External Advisory Services

In addition to the services provided through Remploy, the Trust will also utilise other external providers as appropriate to ensure that expert advice and guidance is received. For example the Trust has developed links with Shaw Trust, Enable, local Disability Employment Advisors, and Access to Work Advisors.

3. RECRUITMENT

3.1 Person specifications will be drawn up for all posts advertised and will relate to the skills and qualities required for the job. Managers will ensure that job descriptions and person specifications comply with the principles of equality and diversity.

3.2 All internal and external recruitment advertisements will carry the ‘Positive about Disabled People Symbol’. All externally advertised jobs on NHS Jobs are automatically sent to the local Job Centre. Applicants with a disability will be granted an interview if they meet the essential criteria detailed in the Person Specification. A copy of this policy and other relevant policies will be available to all job applicants on request to the Human Resources Department.
3.3 Prior to an interview, job applicants who have a disability will be invited to request any assistance they require to attend the interview. Managers will take reasonable steps to meet such requests.

3.4 Short listing and selection will be based only on the criteria stated in the Person Specification.

3.5 Applicants will not be precluded from employment on the grounds that special arrangements may be required because of their disability to enable them to fulfil their role.

3.6 Managers will give full consideration to making reasonable adjustments to the job or to the working environment during the recruitment process. Further information may be found in the Recruitment and Selection policy or by reference to the Human Resources department.

3.7 In all circumstances, appointments will be made based on the most suitable individual for the post.

3.8 When a person with a disability is appointed into a post where adaptation is required, managers will seek their permission to approach the Disability Employment Advisor or Remploy who will advise on alterations to premises, special equipment or other support which may be needed to enable the individual to make an effective contribution. Managers will take reasonable steps to act on the advice given. Contact details of External Agencies are available for the Human Resources Department.

4. WORK BASED HEALTH ASSESSMENT

4.1 During the recruitment process, all applicants will be asked about their health and recent sickness absence record for the purposes of ensuring that contractual obligations will be fulfilled. In addition, all applicants offered employment are required to complete a Work Based Health Assessment which should be returned confidentially by the applicant to the Recruiting Manager or to Occupational Health Department as defined by criteria on the Assessment Form. Occupational Health will advise on the individual's fitness for the job and whether adjustments will be necessary.

4.2 If an illness or disability is declared at or before interview, the recruiting manager will discuss it with the applicant, only insofar as it is relevant to assessing any implications relating to their suitability for the position.

4.3 Should the recruiting manager need further advice, they should contact the Occupational Health Department and/or the Human Resources Department.

5. ROLE OF OCCUPATIONAL HEALTH

5.1 Managers should gain advice and support as appropriate from the Occupational Health department following referral of their member of staff in line with the Trust's Policy for Managing Sickness Absence (HR31).
5.2 Where information is disclosed to Occupational Health that may impact upon an individual’s ability to undertake any aspects of their role, they may discuss this information further with the employee’s manager and a further meeting should be arranged by the manager with the employee to discuss the outcome of the Occupational Health report.

6. ACCESS TO TRAINING AND DEVELOPMENT

6.1 Employees with disabilities will be given equal opportunity and support to access training and development as any other member of staff. Training and development needs will be identified as part of the employee performance review process.

6.2 Reasonable adjustments will be made to ensure that all Trust employees are able to access training.

7. ATTENDANCE

7.1 Employees with disabilities who have sickness absence will be treated in accordance with the Managing Sickness Absence Policy (HR31). If the sickness absence relates directly to the individual’s disability, managers should take advice from the Human Resources Department at an early stage.

8. REDEPLOYMENT/SUITABLE ALTERNATIVE EMPLOYMENT

8.1 Where an individual with a disability, or an employee becomes disabled during their employment with the Trust and cannot continue with, or return to, their full duties, managers will:

   a) Seek advice from the Human Resources Department to ensure that the appropriate procedure is followed.
   b) Seek advice from the Occupational Health Service as to whether the employee could fulfil some aspects of their role or to identify any alternative tasks which they may be able to undertake within the Trust.
   c) Seek advice, with the employee’s consent, from the Disability Employment Advisor or Remploy on alterations to the workplace, special equipment or job redesign which may assist the individual to return to work.
   d) Make reasonable efforts to accommodate the needs of the individual by means of:
      - Re-designing their job, reallocating some duties or transferring to another post or place of work as appropriate;
      - Providing training to enable them to undertake alternative duties;
      - Offering flexibility in hours, starting and finishing times or days of attendance;
      - Providing modified equipment or assistance such as readers or interpreters.
      - Seeking assistance from the Human Resources Department to identify vacancies in other areas of the hospital if appropriate;
      - Responding positively to requests from the Human Resources Department to accommodate employees from other areas.

   The above list is illustrative and should not be considered exhaustive. Managers are encouraged to seek creative solutions which will meet the needs of the individual and the organisation.
8.2 Where, as a result of redeployment, a member of staff transfers to a post at a lower grade then pay protection will NOT apply. Protection in relation to NHS pension may be possible and employees should refer to the Pensions Officer for guidance.

9. REDRESS

9.1 Any member of staff who feels they have been discriminated against under the terms of this policy should have an informal discussion with their immediate line manager about their needs and why they feel they are being discriminated against. If this discussion does not provide a satisfactory outcome, staff have the right to pursue their grievance in accordance with the Trust’s Grievances and Disputes policy (HR16).

9.2 External applicants who feel that they have been discriminated against should contact the Human Resources Department who will conduct initial investigations to ascertain if the terms of this policy have been breached.

9.3 If it is considered that discrimination has occurred, an investigation will take place which may result in disciplinary action being taken against those responsible under the Disciplinary Procedure (HR36).

10. MONITORING

10.1 Monitoring of the effectiveness of the policy will be carried out by:

a) Audits of Equal Opportunities Monitoring forms for recruitment. The results of such audits will be reported to the Trust Board on an annual basis.
b) Submitting annual Staff Profile reports to the Trust Board.
c) Periodic audits of the recruitment process, training records and sickness records.
d) Monitoring the uptake and success of Remploy services.
e) Successful re-validation on an annual basis of the right to use the Positive about Disabled People logo – “two ticks” symbol by JobCentre Plus.

11. TRAINING AND AWARENESS

11.1 Training will be made available for managers and supervisors in the application of aspects of this policy.

11.2 Staff will be made aware of the policy and the Trust’s commitment to people with disabilities on induction. Communications on disability issues may be made from time to time via the intranet and may appear as articles in any of the relevant Trust publications.