



# **CODE OF PRACTICE ON THE EMPLOYMENT OF DISABLED PEOPLE**

**We will provide this policy on request at no cost, in large print, in Braille, on tape or in another non written format.**

# Code of Practice on the Employment of Disabled People

## 1. INTRODUCTION

It is widely recognised that disabled people are disadvantaged in the labour market; whether in access to employment or in the type of work obtained, and that they are often under represented in professional or managerial jobs.

West Lothian Housing Partnership (WLHP) is committed to equality of opportunity for disabled people within its workforce, in its services and their delivery. WLHP is also committed to identifying and removing practices which discriminate against disabled people.

This Code of Practice takes account of the provisions of the Equality Act 2010 and supplements WLHP's Equal Opportunities Policy.

The term 'Disabled' is applied to a variety of people with many types and levels of disability. A person is considered to have a disability if he/she has or has had a physical or mental impairment which has a substantial and long-term adverse effect on his/her ability to carry out normal day-to-day activities.

The effect of an impairment is long term if one of the following is true:-

- it has lasted for 12 months;
- it is likely to last for 12 months;
- if it is likely to last for the rest of the person's life.

## 2. OBJECTIVES OF THE CODE OF PRACTICE

It is unfair to discriminate unjustifiably against employees or job applicants on the grounds of their disability. Specifically, the objectives of this Code of Practice are to ensure that:-

- disabled people who apply for jobs within WLHP should know that they will receive fair treatment and be considered against the job criteria;
- applications from disabled people for posts will be actively encouraged and, under the 'Disability Confident' initiative, applicants who meet the minimum criteria for a post will be guaranteed an interview;
- all disabled employees will have equal access to training and development opportunities;
- assistance will be given by Employee Relations to disabled employees as far as is reasonably practicable;
- positive action policies may be developed, to remedy any under representation of disabled people in WLHP's employment.

Every effort will be made to retain an employee who is or becomes disabled and is no longer capable of carrying out his/her normal duties.

All employees will be made aware of the WLHP's policy on the employment of disabled people. In addition, disability awareness training will be carried out for employees.

## 3. DUTY TO MAKE REASONABLE ADJUSTMENTS

If an employee is disabled, or becomes disabled in the course of his/her employment with WLHP, he/she is encouraged to tell us about his/her conditions. This is to enable us to support you as much as possible.

The duties and working conditions of disabled employees will be reviewed periodically, in light of any changes in their condition.

The WLHP will comply with the requirement to make "reasonable adjustments" to working arrangements or physical features of premises where they cause disadvantages for a disabled person. Reasonable adjustments may include:-

- making adjustments to premises;
- allocating some of the disabled person's duties to another person;
- transferring the disabled person to fill an existing vacancy;
- altering working hours;
- assigning the disabled person to a different place of work;

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- allowing the disabled person to be absent during working hours for rehabilitation, assessment or treatment;
- providing or arranging for the provision of training;
- acquiring or modifying equipment or workstations;
- modifying instructions or reference manuals;
- modifying procedures for testing or assessment;
- providing help reading/interpreting from Braille;
- providing assistance.

WLHP will seek advice and support from Access to Work as appropriate in any such cases and there may be financial support for required modifications. All options such as a re-allocation of duties, re-training or redeployment, must be fully considered. In those instances where these are not possible, Employee Relations must be advised by the line manager, in writing, of the action taken. Where other options are explored and these options include ill health retirement or dismissal on the ground of lack of capability, the employee will be given reasons in writing and will retain the right to pursue the matter through the usual appeals procedure. Careful consideration will be given to any such proposals and they will be accommodated where possible and proportionate to the needs of the employee's job. Nevertheless, there may be circumstances where it will not be reasonable for WLHP to accommodate the suggested adjustments and we will ensure that we provide employees with information as to the basis of our decision not to make any proposed adjustments.

If a disabled employee is unable to continue carrying out existing duties (after any reasonable adjustments have been made), every effort will be made to find suitable alternative employment within WLHP with re-training provided where necessary. This will also apply where a WLHP employee becomes disabled.

### **4. RECRUITMENT**

All vacancies will be considered suitable for disabled applicants, unless there are justifiable restrictions, which prevent such a positive stance being adopted.

The Employment Service has developed the 'Disability Confident' Disability Symbol so that people with disabilities will know which employers will be positive about their abilities. WLHP uses the symbol, reflecting its commitment to good practice in the employment of disabled people.

All employers using the symbol are required to commit:-

- to interview all applicants with a disability who meet the minimum criteria for a job vacancy and consider them on their abilities;
- to ensure there is a mechanism in place to discuss, at any time, but at least once a year, with disabled employees what WLHP and they can do to ensure that they can develop and use their abilities at work;
- to make every effort when employees become disabled to ensure that they stay in employment;
- to take action to ensure that key employees develop the awareness of disability needed to make the commitments work;
- each year, to review these commitments and what has been achieved, plan ways to improve them and let all employees know about progress and future plans.

Advertisements inviting people with disabilities to apply for vacancies in WLHP will be placed in specialist journals if appropriate. Advice can be obtained from Employee Relations. Before a post is advertised, an up to date job description and person specification will be prepared in line with WLHP's Policy on the Recruitment and Selection of Staff. Any factors, which unnecessarily debar or limit the appointment of a disabled applicant who otherwise meets the recruitment criteria as contained in the job specification and candidate specification, will be identified and eliminated, where possible, at this stage.

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Where it is not possible to eliminate all restricting factors and a vacancy is unsuitable for applicants with particular types of disability, Employee Relations must be satisfied as to the validity of the restrictions before the vacancy is advertised.

### **Note:-**

No recruitment form will be passed for advertising until it has been checked and authorised by the Workforce Planning Team.

## **5. SHORTLISTING**

Where an application is received from a disabled person, Employee Relations will inform the manager responsible for shortlisting. Should there be any disabled applicant who fails to be shortlisted for interview, the manager will discuss this with Employee Relations before making any arrangements for interview.

Any disabled applicant who meets the minimum criteria for a post is guaranteed an interview. The only exception is where Employee Relations has agreed to the post being unsuitable for applicants with particular types of impairment.

## **6. THE INTERVIEW**

Candidates invited for interview should be asked if they require any additional arrangements made to enable them to attend or to assist them. During the interview, the Chair of the panel should outline the systems of support available within WLHP and should make a note of any facilities which would be required if the candidate were appointed.

Discussions on the requirements relating to the applicant's disability should not impinge on the time allocated for interview.

## **7. RECOMMENDATION FOR APPOINTMENT**

Where a disabled candidate has been interviewed and is unsuccessful, prior to any offer of appointment being made, the Chair of the Interviewing Panel should contact Employee Relations and outline the reasons for the selection decision. The reasons will be recorded in detail on the Interview Assessment Form.

## **8. APPOINTMENT TO THE POST**

Where a disabled candidate is recommended for appointment, the Chair of the Panel should discuss with Employee Relations any requirements needed by the candidate.

If appropriate, and following discussion with the disabled employee, it may be helpful to advise the line manager and the Health & Safety Department of certain aspects of the employee's condition.

Employee Relations will provide support and guidance to both managers and the disabled employee, as requested, to ensure that any arrangements or equipment are working satisfactorily and that any unforeseen problems are being dealt with in a sensitive way.

## **9. CENTRAL REGISTER OF DISABLED APPLICANTS**

A central register will be held by Workforce Planning detailing all disabled applicants for externally advertised posts.

## **10. LEARNING AND DEVELOPMENT**

All senior managers in WLHP have responsibility for ensuring that employees receive such training as will enable them to meet job requirements effectively, and to ensure that they are kept informed of the opportunities available for career development. It is the responsibility of the senior manager to ensure that all disabled employees have equality of access to training and development.

When nominating a disabled employee to attend a course, managers should advise The Academy at least 4 weeks in advance if possible. The Academy will advise training providers of any particular access or other requirements and any necessary arrangements e.g. relocation of a course or transcription of material.

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Disability Awareness training will be made available for Employee Relations staff and senior/line managers to enable them to fulfil their roles effectively.

As part of a programme of Positive Action, Disability Awareness training will be made available to all employees. The training will cover WLHP's policies on disability as well as addressing issues associated with disability.

### **11. HEALTH AND SAFETY**

It is the responsibility of managers to ensure a safe working environment for all employees, and that specific arrangements are made for safe access and egress and fire evacuation for all disabled employees.

Wheatley Group's Health and Safety department will provide advice on adaptations to equipment, accommodation or buildings.

### **12. CONSULTATION**

In line with the requirements of the 'Disability Confident' initiative, WLHP will consult on a regular basis with representatives of disabled employees. The purpose of these meetings will be to:-

- improve communication;
- consult on the effectiveness of WLHP's policy with regard to disabled people.

WLHP will undertake to consult with disabled employees at any time, and at least once a year, about their employment needs; to ensure that they have the opportunity to develop and use their abilities at work.

### **13. MONITORING**

Monitoring of the effectiveness of WLHP's Equal Opportunities in Employment Policy and this Code of Practice will be undertaken as outlined below.

Workforce Planning will prepare an Annual Report for submission to the Management Committee detailing:-

- the number of disabled employees in WLHP (including information on grade, gender and ethnicity);
- the variance from the previous calendar year;
- the number of disabled employees who applied for vacancies in the last 12 months (including information on the grade of the posts applied for);
- the number of disabled applicants who were:-
  - short-listed for interview;
  - appointed to posts;
- the number of employees who become disabled during the course of their employment and the action taken;
- what positive action has been taken to increase the number of disabled employees over the last 12 months.

Workforce Planning will also prepare an action plan on disability for the following year, which will include:-

- a target number of disabled people to be employed by WLHP by the end of the next 12 month period, together with an indication as to how this will be achieved;
- what action will be taken by WLHP to eliminate barriers/improve access for disabled people e.g. increasing accessibility to information/buildings, arranging Disability Awareness training for employees;
- an assessment by WLHP of the steps, which it has taken to comply with the provisions of this Code of Practice;

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- an analysis will be made on an annual basis, of complaints submitted to Employee Relations under the complaints/grievance procedures to see if any patterns emerge or any changes are required to the provisions of this Code of Practice.

### **14. COMPLAINTS**

Any employee/job applicant, who considers that he/she has been treated unfairly or discriminated against on the grounds of his/her disability, may raise a complaint through the agreed procedures for dealing with complaints/ grievances.