

## **Schedule 19**

### **Part 1 – Council Equal Opportunities Policy**

3.1  
Equal Opportunity Employer  
– Policy Statement

**BARNET AS AN EQUAL OPPORTUNITIES EMPLOYER**

**POLICY STATEMENT**

Barnet Council is a major employer in the borough and has a key role to play in inequality and discrimination. We aim to ensure that equalities underpin all aspects of our employment policy and practice. We recognise that promoting equalities also benefits the organisation. We intend to become an 'employer of choice' by:

1. Being an equal opportunities employer committed to a policy of equal access to employment opportunities, learning and development, at all levels of the organisation.
2. Barnet will strive always to develop its people, recognising and responding to the diverse needs of its staff and to become recognised as an employer of choice. It will actively promote itself as a good practice employer.
3. The council will strive always to create and sustain a healthy and safe working environment, free from harassment and discrimination, treating all staff with dignity and respect.
4. All human resources policies, procedures, terms, conditions and benefits will be universal and consistent standards will apply to all Barnet's employees at every level of service and across the entire organisation.
5. The council is committed to reaching the highest level of the Equalities Standard for Local Government within the five-year timeframe of this strategy.
6. Where possible, the council will seek to maximise the employment opportunities for local people, although it will not actively discriminate against anyone from outside Barnet to achieve this.
7. Supporting staff in increasing their understanding of equalities issues through regular staff development programmes.
8. Building on our policies to ensure inequality and discriminatory practice does not occur.
9. Promoting and developing policies to ensure that we maximise employment opportunities for all.

## **MANAGEMENT & STAFF RESPONSIBILITIES**

### **1. INTRODUCTION**

The Council has a clear commitment to equalities and diversity and freedom from discrimination in all its services including employment. It recognises that the diversity in its workforce is a strength; valuing the differences between people and the ways that those differences can contribute to a richer, creative and more productive work environment.

#### **The Council wants**

- a dynamic labour market that provides full employment, flexibility and choice.
- to create workplaces of high productivity and skill, where people can flourish and maintain a healthy work-life balance.

All HR procedures within the Council have been written to reflect an employer's statutory responsibility on equal opportunities and the Council's commitment to managing diversity.

### **2. WHAT YOU CAN EXPECT?**

- The Council will put in place, and regularly review, HR policy and procedures that supports the Corporate agenda on managing diversity.
- The Council has a Dignity at Work policy that provides managers with a structured mechanism to tackle incidents of harassment, bullying and victimisation quickly and effectively.
- Learning and Development will work with all services in the Council in providing training on equalities & diversity issues.
- The Council's Equalities Policy 'Putting the Community First' outlines its visions and commitment to improving service delivery and employment practice. This vision is put into practice through Equalities Action Plans which identifies 4 target areas: leadership, access to and provision of services, employment and participation.
- Performance Management of equalities is done via the external validation of the Best Value Performance Indicators (BVPI), monitoring of the Race Equality Scheme Action Plan which identifies targets on how the Council is meeting its public duty to promote race equality.

- The Council has developed a Disability Equality Scheme to prepare for the new duty to promote disability equality effective from December 2006.
- Resources Directorate monitoring statistical information required under BVPI and results published and placed on the Council's website at regular intervals.

### **3. WHAT YOU MUST DO**

- Ensure that HR policies/procedures are followed. Judgement and areas of discretion must comply with anti-discrimination legislation and the Council's objectives on equality & diversity.
- Regularly review HR practices via team meeting to ensure compliance with equality & diversity objectives.
- Ensure that you are regularly updated and aware of the Council's objectives on equality and diversity.
- Ensure you are briefed and made aware of your personal responsibilities contributing to the success of the Corporate Equalities Action plan.
- Set targets to achieve the departmental objectives that underpin the corporate objectives.
- Ensure these targets are monitored against achievement & review in your appraisal. Ensure that these are reflected in your individual work plans.
- Ensure your employment data that is compiled by HR is accurate and current. This information is vital to ensure Council's compliance to the Local Government's Equality Standard as it helps identify areas of concern and to take corrective action.

### **4. WHAT YOU MUST NOT DO**

- Allow acts of discrimination, harassment, bullying, victimisation or examples of poor equalities practice.
- Introduce changes that may affect staff without full and justifiable regard for equality and diversity implications.
- Work with your managers and Departmental HR staff to introduce positive action initiatives in employment or equality & diversity initiatives to overcome the effects of discrimination faced by staff.



## 5. KEY INFORMATION

- HR policies & practices, which include the related equalities dimension, are available on the intranet and are available via your Service Area HR staff and/or your manager.
- Internal learning & development opportunities are set in Corporate Learning & Development site on the intranet site.
- The *Equality Standard* and the relevant equalities documents are available on the Intranet site on the Equalities page as well as the HR Intranet pages.



## **THE EMPLOYMENT OF PEOPLE WITH DISABILITIES**

### **1 SCOPE**

- 1.1 The Disability Discrimination Act 1995 makes it unlawful to discriminate against disabled people, or people who have had a disability, in the field of employment. The Act defines a person as having a disability if he or she 'has a physical or mental impairment which has a substantial and long-term effect.
- 1.2 To ensure that applicants with disabilities receive, and are aware that they will receive, fair treatment and that they will be considered solely on their ability to do the job, taking into account any reasonable training or aids that may be needed.
- 1.3 To make all "reasonable adjustments" which may be appropriate to avoid discrimination in the recruitment and retention of disabled people.
- 1.4 To achieve the full integration and acceptance of employees with disabilities
- 1.5 To promote equal opportunities and appropriate training for employees with disabilities as for other employees.

### **2 THE DISABILITY DISCRIMINATION ACT 1995 (DDA)**

**Appendix A** provides a full explanation and definition of the DDA and how it will affect working practices in the Council.

#### **2.1 Disability Two Tick Symbol**

This applies to applicants for employment, disabled employees and the Council's compliance with the employment-related requirements in Part 2 of the Disability Discrimination Act.



The Council has been awarded the 'Two ticks' symbol, that aims to ensure that people with disabilities feel confident that their employer will be positive about their abilities. All job advertised must be accompanied with the 'two ticks' symbol. This means that the Council will:

- interview all applicants with a disability who meet the minimum criteria for a job vacancy and consider them on their abilities;
- assess at least once a year what can be done to make sure that disabled employees can develop and use their abilities at work;
- make every effort when employees become disabled to ensure that they stay in employment;
- take action to ensure that managers and other employees are aware of the needs of disabled people and
- ensure that achievements are reviewed annually towards making the workplace welcoming and accessible for disabled people; to plan ways to improve and let all employees and customers know about progress and future plans.

### 3 THE RECRUITMENT AND SELECTION PROCESS

#### 3.1 It is unlawful for an employer to discriminate against a disabled person:

- In the arrangements made for determining who should be offered employment
- In the terms on which the disabled person is offered employment, or
- By refusing to offer, or deliberately not offering, the disabled person employment

Barnet's policy is to ensure that applicants with disabilities receive, and are aware that they will receive, fair treatment and that they will be considered solely on their ability to do the job. It is our duty to make **reasonable adjustments** and to eliminate discrimination. There is no requirement aside from the duty to make reasonable adjustments, to treat a disabled person more favourably than you would treat others. If after allowing for those adjustments, a disabled person has been assessed not being the best person for the job, then this decision is justifiable under the law.

#### 3.2 The duty to make reasonable adjustments applies to all aspects and stages of employment which include:

- Recruitment
- Selection
- Promotion
- Training
- Career Development
- Retention

Examples of reasonable adjustments can include:

- Structural or other physical adjustments to premises

- Minor reallocation of duties
- Redeployment/retraining
- Changes in working hours
- Changes in place of work
- Leave of absence for rehabilitation, assessment or treatment training
- Acquisition or modification of equipment
- Modifications of instructions or reference manuals
- Modifications of procedures for testing or assessment
- Providing a reader or interpreter
- Providing supervision and support

In deciding whether an adjustment is “reasonable” it is important to consider the effectiveness and practicality of the adjustment, the financial cost, the Council’s financial resources and the availability of other resources. (See Appendix A: Making Reasonable Adjustments)

#### 4 ADVERTISING AND RECRUITMENT

Barnet’s policy on advertising and recruitment aims to ensure that:

- 4.1 All job advertisements should include the Equality statement and the Two Tick Disability Symbol. Such a commitment entails offering a guaranteed interview scheme to disabled applicants who meet the minimum job criteria.
- 4.2 To attract disabled candidates when advertising we should consider disability press and websites.

For example,

- Disability Now ([www.disabilitynow.org.uk](http://www.disabilitynow.org.uk))
  - Scope ([www.scope.org.uk/work/index](http://www.scope.org.uk/work/index).)
  - Disability Net Job Centre ([www.disabilitynet.co.uk/classified/job/index](http://www.disabilitynet.co.uk/classified/job/index))
- 4.3 All application packs (information to candidates and the application form) to state clearly the guaranteed interview scheme and should be available in accessible formats such as audio tape, large print, Braille etc., upon request.
  - 4.4 Close links should be maintained with the local Disability Employment Adviser in local job centres. (see **Appendix B** for information.)
  - 4.5 All job descriptions should state the purpose, duties or tasks and responsibilities of the job and should be an accurate and fair description of what the job entails.
  - 4.6 Person specifications should only identify qualifications, knowledge and skills which must be justifiable in light of the job description. When including qualifications, consideration should be given whether it is a necessary requirement or whether other alternative evidence of competency is



acceptable. Care should be exercised in the inclusion of "desirable" qualifications or experience.

- 4.7 Through the recruitment process job applicants are made aware that, in responding to the question on the application form relating to disability, any declared disability will not preclude full consideration for the job.
- 4.8 Applicants should be informed of the facilities available to people with disabilities, and that the Council is obliged to make reasonable adjustments in the fair treatment of candidates.

## **5 SELECTION, ASSESSMENT AND INTERVIEW ARRANGEMENTS**

### **5.1 Shortlisting**

Barnet operates the guaranteed interview scheme under the Two Tick Disability commitments for job applicants who meet the minimum criteria. Therefore, at the shortlisting stage, candidates who meet this criteria should be noted (based on the monitoring information and the information provided by the job application) and placed on the shortlist.

Once the shortlist is drawn up, the recruiter should also consider whether reasonable adjustments are required to ensure that the interview arrangements do not present a substantial disadvantage to the disabled applicant. Interview arrangements and information to all shortlisted candidates will ask if any specific arrangements need to be arranged for the interview.

### **5.2 Interviews**

Interviewers should encourage applicants to demonstrate the skills and abilities they have and reassure them that their disability will not affect the consideration they receive. Interviewers must remember that they are considering an applicant's ability to do the job, not their disability.

Assumptions about difficulties and stereotyping should be avoided; any potential problems should be explored with the candidate.

Care should be taken to ensure that any tests used as part of the recruitment process do not discriminate against disabled people i.e. a requirement that all candidates must undertake a written test may discriminate against a person who is visually impaired. This does not mean that the disabled candidate is exempt from the test, but that it should be conducted in some other way.

All appointments must be made on merit.

### 5.3 Assessments

Where aptitude, ability and any other tests are used to assist in the selection process for specific occupations, they must be carefully chosen to ensure that they accurately assess the disabled applicant's ability to perform the duties of the job, **rather than assess their disability**. All applicants should be advised in advance of any tests to be used for assessment.

Routine testing of all candidates may discriminate against particular individuals or substantially disadvantage them. Tests and result assessments may need to be revised in order to take account of specific disabled candidates – except where the nature and form of the test is necessary to assess a matter relevant to the job.

Examples of reasonable adjustments during selection tests:

Allowing more time – for someone who has a stammer under stressful conditions to complete an oral test.

Alternative formats – tests can be given to disabled persons in formats that do not require the use of a particular impaired skill, unless the test is designed to measure that skill. So an individual with a visual impairment may be given an oral test, instead of a read format, unless the test is designed to assess the ability to read without help as a “true” requirement of the job (e.g. Post for a proof-reader's job).

Psychometric tests used in the selection process must be professionally validated, and administered and interpreted by trained staff. Other tests include: presentations, in-tray exercises, discussion papers, leaderless groups, chaired groups, task groups, written exercises such as problem-solving and report writing. Care should be taken to ensure that the skill or aptitude being measured is necessary in order to do the job.

Tests must be applied consistently to all candidates except where a reasonable adjustment may be necessary – the extent to which this is required would depend on how closely the test is related to the job and what adjustment you might have to make if the applicant was appointed.

## 6 HEALTH/ MEDICAL CHECKS

Disabled people should not be excluded because it is thought that the medical check will result in their rejection. If there are serious doubts about an applicant's health, Human Resources and the Council's Occupational Health Unit should be consulted. Advice from Occupational Health or other medical Advisor that an employee is 'unfit for work' would not mean that the duty to make a reasonable adjustment was waived. The Occupational Health Unit may reach a different opinion if the way the job is arranged is changed or some other adjustment was made.

(**Note:** Liaison between Managers, Human Resources and Occupational Health should be a continual process throughout a disabled employee's employment and not just at the pre employment stage.)

It could be found to be discriminatory, if someone, who has a disability and a high level of sickness absence, is rejected solely because of the level of absence, without examining what effect a reasonable adjustment may have.

## 7 RECRUITMENT DECISION

- 7.1 Applicants must be selected on their merits after reasonable adjustments, required under the Act, have been made. Assistance if necessary can be obtained from the Disability Employment Advisers at the local Job Centre, or your HR officer.
- 7.2 Decisions need to be based only on the criteria as previously defined in the employee specification and job description and on the needs of the job.
- 7.3 A brief written record of the assessment should be prepared and be retained relating to the shortlisted candidates' applications for a period of 6 months. The details need to be sufficient to enable recall of the reasoning behind your decisions to reject/select candidates in the event of a challenge.

This record should include information such as:

- The adjustment(s) you considered.
- The reasons why you did not provide the adjustment(s), why the adjustment(s) were considered to be unreasonable.
- The reasonable adjustment(s) offered to the disabled person.
- The disabled candidate's response to such offers.

- 7.4 Where the candidate's disability does not require an adjustment, no further action regarding the employee's disability is required. Any job offer is subject to medical clearance and a medical questionnaire being completed.
- 7.5 Any offer of a job to a disabled candidate requiring adjustments, should be made when reasonable adjustments have been considered.
  - **Appendix B** provides a list of contacts and the types of external support that is available to a manager when a disabled candidate is selected.

## 8 AGENCY WORKERS

Any manager recruiting workers through an agency may be required to make reasonable adjustments as agency workers are covered by the DDA. The

length of time envisaged that the agency worker will be employed will have a bearing on the reasonableness of making an adjustment.

## **9 FURTHER INFORMATION**

For further information please contact:

**HR Officers**

**Line Managers**

**HR Strategy Team**

**Department for Work and Pensions, Disability Unit**

Website: <http://www.disability.gov.uk>

**Disability Rights Commission**

Website: <http://www.drc.org.uk>

**Employers' Forum on Disability**

Website: <http://www.employers-forum.co.uk/www/index.htm>

**Equality Direct**

Website: <http://www.equalitydirect.org.uk>

**National Register of Access Consultants**

Website: <http://www.nrac.org.uk/>

**Directgov**

Website: (<http://www.direct.gov.uk/DisabledPeople/Employment>

**Jobcentre Plus**

Website: <http://www.jobcentreplus.gov.uk>

## APPENDIX A

### THE DISABILITY DISCRIMINATION ACT 1995 (DDA)

#### 1. DEFINITION OF DISABILITY

Under the DDA, a disabled person is defined as a person with **“a physical or mental condition which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.”**

Long-term means that the condition must last, or be likely to last, for more than 12 months. The applicant's ability to carry out normal day-to-day activities can be adversely affected in one or more of the following ways:

- mobility
- manual dexterity
- physical co-ordination
- ability to lift or otherwise move everyday objects
- speech, hearing or eyesight
- memory or ability to concentrate, learn or understand
- understanding the risk of physical danger.'

#### 2. EMPLOYMENT IMPLICATIONS

Under the DDA it is unlawful for an employer (or prospective employer) to:

- discriminate against a disabled person in employment
- fail to provide any necessary reasonable adjustments for disabled employees and applicants
- subject a disabled person to harassment
- subject a disabled person to victimisation because they have brought, or given evidence to information in connection with, proceedings under the DDA
- undertake disability-related discrimination.

The Disability Discrimination Act 1995 (Amendment) Regulations 2003 which came into force in October 2004 introduced some key amendments to the DDA, including:

- Requiring the employee to establish facts from which it may be presumed that discrimination has taken place, after which the burden of proof is placed on the employer to establish that there has been no discrimination.
- Specific prohibition of harassment based on disability.
- Removal of the justification defence in direct discrimination cases where the reason for that treatment is based merely on the fact that the person has a disability rather than on a consideration of the individual's abilities.



- Extension of protection in certain circumstances beyond the end of the employment relationship from acts of discrimination (including harassment).
- Removal of the justification defence in respect of a failure to make reasonable adjustments.

The Disability Discrimination Act 2005 is related to disability generally and extends outside the area of employment although some provisions will relate to employees. Parts of the Act came into force in December 2005:

- Extension of the definition of disability to cover persons with progressive conditions such as HIV, multiple sclerosis and cancer.
- People with mental illness are protected in the same way as everyone else by removing the requirement that their illness be clinically recognised.

### **3. UNDERSTANDING THE SOCIAL DIMENSION OF DISABILITY**

The concept of discrimination in the DDA recognises that functional limitations arising from disabled people's impairments do not inevitably restrict their ability to participate fully in society. It takes the view that it is often environmental factors (such as the structure of the building, or working practices) which lead to these social restrictions. This principle underpins the duty to make **reasonable adjustments** on the part of the employer to prevent discrimination.

### **4. REASONABLE ADJUSTMENTS**

- 4.1 Imposes on an employer a duty to make "reasonable adjustments" in cases where working arrangements or physical features of premises cause disadvantage for a person with a disability.
- 4.2 The duty to adjust is triggered when a person with a disability is placed at "a substantial disadvantage" as a job applicant or as an employee, by selection arrangements or working conditions, or by any physical feature of premises.
- 4.3 The person with a disability requiring an adjustment has a duty to notify the employer when applying for a job.
- 4.4 A failure to make a reasonable adjustment creates a case of unlawful discrimination.
- 4.5 For further details on reasonable adjustments **see section 3.4.**

### **5 RESPONSIBILITIES**

The onus is on the Council to prove that they have not discriminated against people with disabilities.

The Council must prove:

- a) the person with a disability is unsuitable for the employment;
- b) the person with a disability is less suitable for employment than another person and that other person is given the employment;
- c) the nature of the person's disability significantly impedes the performance of any of his/her duties;
- d) in the case of training the nature of the person's disability would significantly reduce the value of the training either to him/her or to the employer.

## APPENDIX B

### **FURTHER INFORMATION RELATING TO EXTERNAL SUPPORT**

**Note:** This document should be used in conjunction with the Recruitment and Selection policies and procedures and Making Reasonable Adjustments in section 3.4. Although Government funding is limited it should be seen as the first step in the analysis of whether the adjustment is 'financially reasonable'.

There are various government funded schemes that are in operation to provide financial aid and advice when interviewing and employing a disabled person. Support is there to provide assistance to employers and employees, with issues related to disability in employment. The Disability Employment Adviser will assist with investigating funding and any external support mechanisms that may be available for individual cases.

***Contact Points for Government funded schemes:  
Disability Employment Advisor (DEA) Stuart Downie***

***Stuart.Downie@jobcentreplus.gis.  
gov.uk***

***☎ 020 8732 5741      ☎ 020 8732  
6095 Minicom 02087326028***

#### **1. GOVERNMENT SCHEMES**

Further information is provided below on the role/definition of the people and schemes mentioned in these guidelines.

##### **1.1 ACCESS TO WORK SCHEME (ATW)**

The main source of financial support for obtaining equipment and other support for disabled employees is the Government's "Access to Work Scheme". This scheme is available through the Employment Service via the Placement, Assessment and Counselling Team (PACT) who are located at your local Job Centre.

Under the provisions of the scheme, Access to Work can help in a range of ways, e.g. helping pay for the following:-

- the purchase of specialist equipment, e.g. modified keyboard
- the adaptations of premises for an existing or potential employee
- the employment of support workers
- communicators for the deaf

- personal readers for the blind

assistance with fares to work for employees who are unable to use public transport.

**Newly employed people:** ATW will meet up to 100% of the agreed costs for any of the above.

**Employed people:** For disabled people who have been employed for more than 6 weeks there is a threshold of £300 per year below which support is not available. ATW will meet up to 80% of agreed costs for adjustments (listed above) costing up to £10,000; above this, ATW will meet 100% of the approved costs.

**Note:** All assistance must be agreed by PACT and cannot be given in retrospect.

## 1.2 JOB INTRODUCTION SCHEME (JIS)

This scheme offers to subsidise the payment of salary when an employer recruits a disabled person for a trial period usually up to six weeks (exceptionally, this can be extended up to a maximum of 13 weeks) providing the employee has not been working for four weeks prior to the start of employment.

The job can be full or part time, but must be expected to last at least six months after the end of the trial period.

The subsidy is a maximum of £75.00 a week towards the salary but the employer must pay the remainder up to the normal rate for the job. Approval for JIS must be gained from the DEA (see above) before the person starts the job.

**Tip:** JIS is ideally suited for situations where you are thinking of recruiting someone with a disability who you feel has the skills and potential to do the work, but who still leaves you with a few practical concerns about whether to take them on. The JIS enables you to take on someone with a disability for a trial period, providing you with a contribution towards his or her wages for the first few weeks.

## 1.3 PACT (PLACING, ASSESSMENT AND COUNSELLING TEAMS)

PACT is a service which brings together the work of the Disability Employment Adviser, the Disability Advisory Service and the Employment Rehabilitation Service. PACTs are being set up all over the country and are

there to provide support and assistance to disabled people who are trying to get back into employment.

PACTs/DEAs can also advise on:

Developing good employment practices;

Work preparation and employment rehabilitation;

Providing training or work experience;

Help to develop disability awareness;

The Disability Symbol.

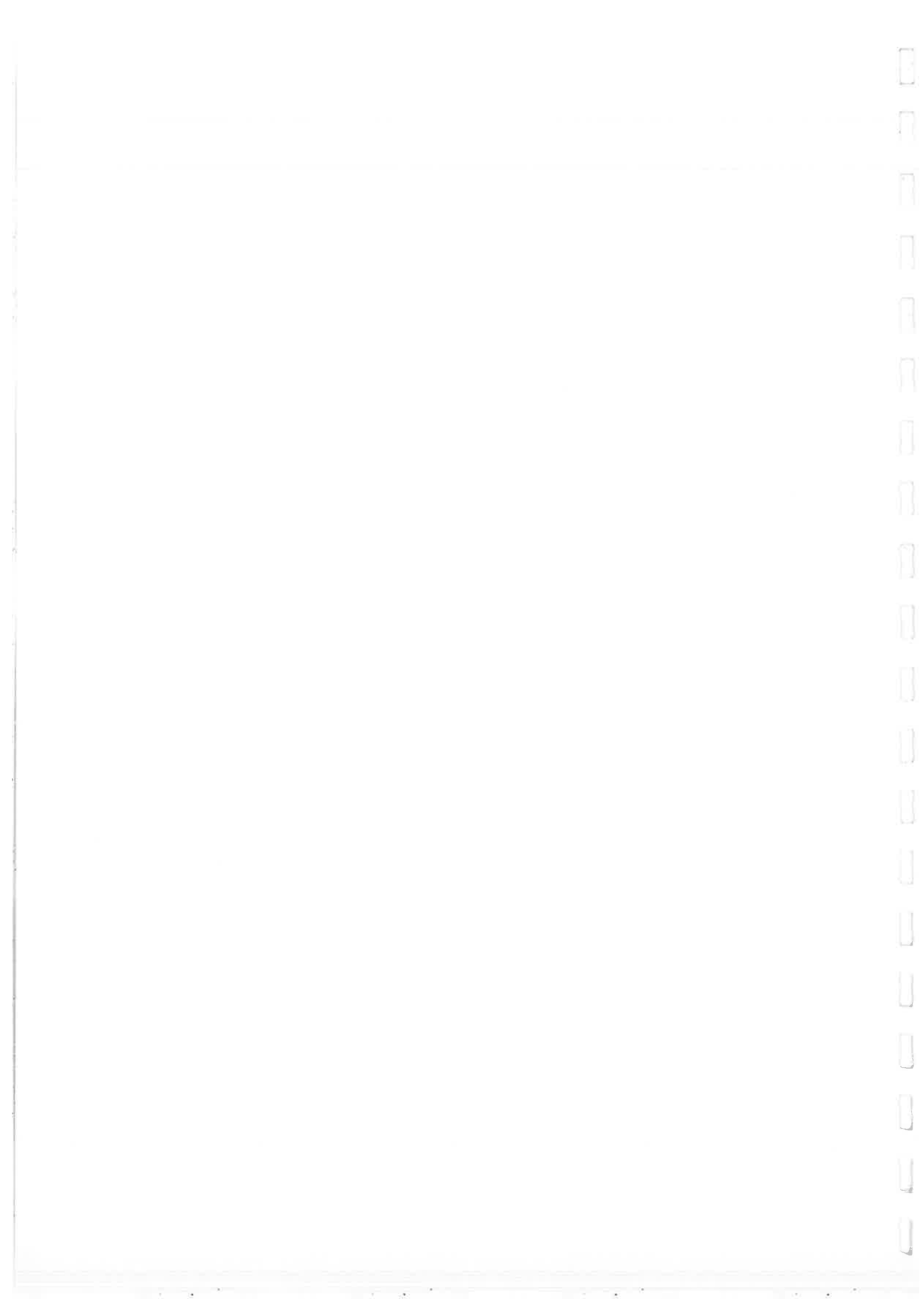
For further information on the services of PACT, contact can be made via local Jobcentres.

#### **1.4 OCCUPATIONAL PSYCHOLOGISTS**

Referrals can be made via the DEAs to an occupational psychologist who is able to carry out individual skills, job restructuring assessments for existing or potential employees.

Similarly if there is any queries on reasonable adjustment and assessment HR officers may refer to Occupational Health for assistance and assessments.





## **MAKING REASONABLE ADJUSTMENTS FOR EMPLOYEES**

### **1. INTRODUCTION**

- 1.1 In deciding whether an adjustment is “reasonable” it is important to consider the effectiveness and practicality of the adjustment, the financial cost and effectiveness of the adjustment

- To retain any employee who becomes disabled in suitable employment, where this is available, in accordance with the agreed Redeployment Procedure, unless this procedure is inappropriate in the light of the disability.

The following procedures apply when a disabled candidate is selected for the post and s/he requires an adjustment.

- 1.2 The disabled person is the best person to provide information on their disability and advice on the adjustments they are likely to need. The starting point is therefore to discuss the issue with them. It may be helpful to involve the HR officer in these discussions at an appropriate stage.
- 1.3 Arrange an appointment with the Occupational Health to identify the adjustments to be considered based on the information given the disabled employee as well as information about the job such as job description, person specification, hours of work, pattern of work, machinery and equipment, and any other information related to the job.
- 1.4 Each adjustment must be individually examined to determine if it is ‘reasonable’ under the DDA by applying the test outlined below:
- **Effectiveness** – how effective it will be in overcoming the disadvantage experienced by the individual.
  - **Practical** – how practical it might be for the employer.
  - **Financial and other costs** – the financial and other costs of the adjustment, and the extent of any disruption caused (this would take into account the employee’s experience and expertise).
  - **Financial and other resources** – the financial cost and other resources to the employer, i.e. Of the Council as a whole.

### **2 JUSTIFICATION FOR NOT MAKING THE ADJUSTMENT**

If, after completing the analysis, the adjustment is not considered reasonable, it must be clearly shown to be justifiable discrimination. For a tribunal to

consider discrimination as justifiable, the reason(s) for not making the adjustment **must** be **material** i.e. relevant and significant to the particular case, and **substantial** i.e. not minor or trivial.

### 3 MAKING THE ADJUSTMENT

**Appendix A** provides a list of types of reasonable adjustments that could be considered and the relevant personnel to be involved should be invited to a meeting. The following procedures apply to making the adjustment for new employee as well existing employees who have become disabled:

- 3.1 At the meeting, It must be made clear that the intention is not to look at the employee's capability but to look at the support or assistance that can be offered to the employee with the objective of retaining the employee in her/his current post wherever possible.
- 3.2 The manager must ensure that a copy of the relevant job description is available at the meeting. Circulate all relevant papers to participants of the meeting beforehand to allow time to consider the most effective means of implementation.
- 3.3 It is good practice to monitor the use of reasonable adjustments across the council. Therefore, line managers must send a completed copy of the monitoring form, attached at **Appendix B** to HR.
- 3.4 It is the duty of line managers to have regular reviews with disabled employees where adjustments have been implemented to ensure that they are effective or to discuss any changes to their condition. Managers need to assess with the individual the impact this may have on their ability to do their job. Advice is also available from HR.

### 4 MANAGING DISABLED STAFF

- 4.1 The Disability Discrimination Act and the Council's Equalities Policy have key implications in the employment and management of disabled staff, in particular, in the terms and conditions of service, arrangements for induction, training for promotion, in the arrangements made for employees who become disabled (or who have disability which is progressive, or in dismissal or redundancy).
- 4.2 Managers need to consider whether any reasonable adjustments need to be made to the terms and conditions to avoid discrimination. For example, altering the hours of work for someone whose disability means that s/he has difficulty using public transport during rush hours is considered a reasonable adjustment to the terms and conditions of service.

### 5 INDUCTION

- 5.1 Managers' responsibility to provide reasonable adjustments extends to the disabled employee's induction period. Managers must make additional

arrangements to ensure a smooth settling-in period. All reasonable adjustments must be in place on the disabled employee's start date.

**Factors to consider during induction**

- Are introductory talks or presentations held in accessible venues? (Adjustments such as the providing sign language interpreters for presentations may be required.)
- Are manuals or information packs available in appropriate formats, such as large print or on tape? Can instructions be given verbally if required?
- Does the team manager or supervisor understand the adjustments that are needed?
- Have colleagues been briefed? For example, have they received training to help them communicate with a new colleague who has a sensory impairment?
- Has anyone been designated as a facilitator to help a sight impaired employee orientate around the office?

Managers must make use of the 18-week assessment to monitor the effectiveness of adjustments where introduced and to consider any requirements or suggestions made by the employee.

**6. TRAINING AND DEVELOPMENT**

- 6.1 Disabled employees must be considered for promotion, secondments etc on equal terms with other staff. Assumptions should not be made about a disabled person's ability to move to an alternative location, e.g. to take up a secondment opportunity.
- 6.2 Adjustments may be required to ensure training programmes are accessible to disabled delegates, e.g. An extended training programme for someone with dyslexia.
- 6.3 Consistent with the recruitment process, it is important to focus on the minimum requirements of any particular job and to consider adjustments wherever possible in order to ensure the employee is not unreasonably excluded from career development opportunities.

**7. APPRAISALS AND ONE TO ONES**

The Council's appraisal system is an appropriate opportunity for line managers to discuss with disabled employees the impact their disability and their ability to perform at their full potential in their jobs. This process will help identify any barriers to performance which could be overcome by making reasonable adjustments.

- 7.1 The extent an individual employee makes of this opportunity will vary depending on:

- The nature of their disability and if their disability is newly acquired or recently changed
- The way and degree to which it impacts on their job
- Whether they have just been appointed or are well established in their positions.

7.2 At the meeting ensure:

- A clear two-way discussion, using a problem solving approach.
- Meeting must be held regularly; at appropriate agreed intervals with the employee (for example a newly recruited employee might need more frequent discussions than a well established employee whose needs are unchanged).

## 8 PROMOTION

Disabled employees must be considered for promotion on the same basis as other employees. Managers have a responsibility to create a challenging work environment for all employees that help them develop and reach full potential. Disabled employees must not be excluded from this. Just because an employee required adjustment to enable them to undertake a job, does not mean that they cannot be considered for any other post in the future.

## 9 RETENTION

Where an existing staff acquires a disability, or where an existing disability of an individual changes, managers need to assess with the individual concerned the impact this may have on their ability to do their job. Managers should wherever possible be giving their fullest support to retaining skills of their disabled members of staff. Potentially the employee will be facing a significant change in their lives, possibly in the context of a serious, even terminal, medical condition. Any such discussion should be handled sensitively and at an appropriate time.

If a disabled employee is unable to continue carrying out existing duties, every effort must be made to find suitable alternative employment within the Council's services, with retraining being provided if necessary.

In terms of the individual's disability, there will be a need to identify any reasonable adjustments which can be made to their working environment, conditions of the job to overcome any disadvantage the individual could be experiencing as a result of their changed circumstances.

An assessment of disability may be appropriate where it impacts directly upon the individual's ability to carry out the essential parts of the job. This can be arranged with the Occupational Health or HR. This process will assist in identifying appropriate adjustments.



## **10 TERMINATION OF EMPLOYMENT**

There may be cases where the impact of the changed or acquired disability on the individual's ability to do their job is so substantial that consideration must be given to their termination in that job. Any such consideration must be subject to the duty to make any reasonable adjustments which could include re-training or even re-deployment. Further guidance is available from HR. Reference must be made to the Government's Employment Code of Practice on the DDA.

## **11 HOSPITAL APPOINTMENTS**

There may be need to take into account the frequency of visits needed by staff with disabilities. Such appointments may be made within the times the specialists are available, with the individuals having little or no choice as to when they can attend. These appointments can be an ongoing requirement and not just for a specific period.

The staff must however be informed that they need to notify or forward a copy of the hospitals appointments (letter/card) to their line managers where necessary. (see Section 2.25 of the PPM)

## **12 MONITORING**

It is the Council's Equalities Policy to undertake equalities monitoring to provide us with information of the current profile of disabled staff and to inform on our recruitment strategy. When such monitoring is being carried out, managers must ensure that systems and support are in place to obtain the highest response from all staff.

## **13 TEAM WORKING**

All staff have an obligation under the Council's Equalities Policy to co-operate and support the effective integration of disabled employees into the workplace.

It is possible that adjustments to accommodate disabled employees can impact on their colleagues, e.g. allocating subsidiary tasks to other employees, providing assistance such as reading correspondence. Managers must ensure that good working relationships are developed and that no unreasonable pressure is put on other staff in implementing any adjustments.

The harassment and victimisation of disabled staff is prohibited under the DDA. Managers must not tolerate such behaviour by other employees and follow the disciplinary procedures in investigating such complaints. Where a disabled employee feels they have been the subject of harassment as a consequence of their disability, the Council's Dignity at Work Policy may be applicable.

## 14 FURTHER INFORMATION

For further information please contact:

**HR Officers**

**Line Managers**

**HR Strategy Team**

**Department for Work and Pensions, Disability Unit**

Website: <http://www.disability.gov.uk>

**Disability Rights Commission**

Website: <http://www.drc.org.uk>

**Employers' Forum on Disability**

Website: <http://www.employers-forum.co.uk/www/index.htm>

**Equality Direct**

Website: <http://www.equalitydirect.org.uk>

**National Register of Access Consultants**

Website: <http://www.nrac.org.uk/>

**Directgov**

Website: (<http://www.direct.gov.uk/DisabledPeople/Employment>

**Jobcentre Plus**

Website: <http://www.jobcentreplus.gov.uk>

APPENDIX A

**TYPES OF REASONABLE ADJUSTMENTS**

<b><i>Adjustment type</i></b>	<b><i>Possible Actions</i></b>	<b><i>People to be present at adjustment meeting</i></b>
Making adjustments to premises	Accessibility issue: Structural or other physical changes such as: widening doorways, providing ramps or moving furniture for wheelchair users. Relocating light switches; door handles. Evenness of flooring – inside and out. Providing appropriate contrast in décor to help the safe mobility of visual impaired.	Premises Controller Line Manger Disabled Employees HR
Re-allocating some of the disabled person's duties	Minor or subsidiary duties may be allocated to other employees.	Line Manager Disabled Employees HR
Transferring the person to fill an existing vacancy	If an employee cannot work in the same place or conditions, and reasonable adjustments have been considered, then a suitable alternative post should be considered (such a case might involve reasonable retraining).	Line Manager Disability Employment Advisor Occupational Psychologist Disabled Employee HR
Altering working hours	Allowing work flexible hours to accommodate additional breaks to overcome fatigue from the disability. Changing the disabled person's hours to fit with the availability of a carer.	Line Manager HR Disabled Employee
Assignment to a different place of work	Transferring a wheelchair user's work station from an inaccessible office to an accessible office. Moving the person to other premises if the building is inaccessible.	Premises Controller Line Manager Disabled Employee HR
Allowing absence during working hours for rehabilitation, assessment or treatment	Allowing more time off during work, than would be allowed to non-disabled employees, to receive physiotherapy or	Line Manager Disability Employment Advisor Occupational Psychologist

### 3.4 Making Reasonable Adjustments for Employees

<b>Adjustment type</b>	<b>Possible Actions</b>	<b>People to be present at adjustment meeting</b>
	psychoanalysis or undertake employment rehabilitation. Adjustments may be needed if a disability worsens or needs occasional treatment.	Disabled Employee HR
Providing supervision	Provision of a support worker, or help from a colleague,	Line Manager Disabled Employee Disability Employment Advisor HR
Providing or arranging training	Training in the use of particular piece of equipment unique to the disabled person, or provide appropriate training for all employees to assist the disabled person.	Line Manager Disability Employment Advisor Occupational Psychologist Disabled Employee HR
Acquiring or modifying equipment	Provide special equipment (such as adapted keyboard for a visually impaired person or someone with arthritis), or an adapted telephone for someone with a hearing impairment or modified equipment (such as longer handles on a machine)	Line Manager Disabled Employee Disability Employment Advisor HR
Modifying instructions or reference manuals	Common instructions to be revised when advising a disabled person.	Line Manager Disabled Employee HR
Modifying procedures for testing or assessment	Ensure that particular tests do not adversely affect people with particular types of disability. Example, a person with restricted manual dexterity may be disadvantaged by written tests, consider an oral test.	Line Manager Disabled Employee HR
Providing a reader or interpreter	Involve a colleague to read mail to a person with visual impairment at particular times. If appropriate use a sign language interpreter.	Line Manager Disabled Employee Disability Employment Advisor

APPENDIX B

**REASONABLE ADJUSTMENT RECORD FORM**

For the purpose of monitoring, this form should be completed in all cases of  
“reasonable adjustments” made for disabled employees.

**Personal details:**

Name of Employee .....

Job Title .....

Service Area .....

Location ..... Work contact number .....

Is the employee an existing employee/new employee (please delete as necessary)

Please give date that the adjustment is needed from (i.e. in the case of a new  
employee, when is the start date?).....

**Details of Disability:**

.....

.....

.....

.....

Give brief details of aspects of job which needed adjustment .....

.....

.....

.....

Details of adjustment needed .....

.....

.....

**External Support:**

Where financial support/equipment is required for an adjustment, the D.E.A.  
should be contacted to establish if funding/equipment is available.

Date contacted .....

Support given .....

.....

.....

**Authorisation:**

Cost Code ..... Budget Holder Authorisation .....

Cost .....

**Once the adjustment has been made, please complete this form and  
send copies to HR.**



## **Schedule 19**

### **Part 2 – RP Equal Opportunities Policy**



# L&Q Policy

## Equality and Diversity



Document owner: Policy and Performance Team  
Department: Operational Support  
Consultation: Resident's Board 09/06/10 and  
Equality and Diversity Group 14/06/10  
Equality Impact Assessment: 08/03/2010  
Approved by QSG: 20/04/2010  
Review date: 2013  
Suitable for external release: Yes

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### Introduction

L&Q believes in and is committed to promoting equality and diversity within our organisation and the communities we serve. We are dedicated to promoting equality and diversity both as a landlord and employer and will work to eliminate any direct or indirect discrimination, whether intentional or unintentional. We will use the strength of our organisation to influence and actively challenge and eliminate inequality and disadvantage.

Our goal is to ensure that everyone has fair and equal access to our services and workplace. We expect everyone who works for L&Q to uphold L&Q's value of 'Diversity' which is one of L&Q's Value Driven Working Principles, this principle is supported and reinforced by this Equality & Diversity Policy.

### Definitions

The definition of the terms equality and diversity used through this document are based on the legal definitions in the Equality Act 2006:

*Diversity - is the fact that individuals are different and that such difference should be valued*

*Equality – creating parity between individuals. Equality is not about treating everyone the same way, it recognises that individual needs can be met in different ways*

*Protected characteristics – as defined by the Equality Act 2010 are:*

- age;
- disability;
- gender reassignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

Our commitment to equality and diversity is key in delivering our 5 year plan and is embedded in our core corporate objectives of Responsible growth and Resident satisfaction

## **Scope of policy**

This policy applies to all policy areas but positively addresses equality and diversity in the following areas of operation:

The governance of the Trust

Housing management

The provision of services

Harassment and Bullying

Recruitment, employment and training

Development & Regeneration

Procurement

## **Equal Opportunities and Diversity Statement**

L&Q is committed to eliminating discrimination, promoting equal opportunities and valuing diversity amongst our workforce, customers and the communities we serve. We understand that certain groups or individuals are more likely to be discriminated against. We are committed to eliminating all forms of unfair discrimination and to promoting equality for all residents, staff and others who work with us.

### *Our customers/stakeholders:*

As a provider of public services we will adhere to the Equality Act 2010, Public Sector Equality Duty, which requires us in the exercise of our functions to have due regard to:

1. Eliminate discrimination, harassment and victimisation and any other conduct prohibited by the Act
2. Advance equality of opportunity between people who share a protected characteristic and those who do not
3. Foster good relations between people who share a protected characteristic and those who do not

We will work together to ensure that our customers receive culturally sensitive services that recognise issues of discrimination and celebrate their diversity. We will work to provide services that meet the needs of individuals and create sustainable cohesive communities.

### *Our People:*

We will work to create a working culture where everybody feels welcomed and everyone is valued and respected.

### *In order to achieve this for our residents and staff we will:*

- Provide and promote equal opportunities whatever a person's protected characteristic
- Give all staff equal opportunities training.
- Encourage groups and individuals that are disadvantaged in housing and employment, to apply for jobs, homes and work contracts.
- Keep a record of and monitor the ethnic origin, sex, disability and age of everyone who applies to us for a home or job.
- Apply our commitment to equal opportunities and diversity when we decide who serves on our committees.
- Make sure everyone we work with or who works for us knows about our policy, and keeps to it. If any of these people have their own policy, we will make sure it does not conflict with ours.
- Take into account good practice in equal opportunities and diversity when we update our housing and employment policies and procedures.

- Respect and listen to the customers and staff.

### **The Governance of the Trust**

We believe that the reputation and accountability of L&Q is improved by aiming to have a representative Board and committees.

Our Board of trustees are responsible for ensuring that all targets for equality and diversity are met.

We will ensure that the Board and committees have the appropriate skills and knowledge to ensure that L&Q's commitment to equality and diversity are implemented effectively. We will ensure that our Board and committees are recruited in an open and accountable manner. We will aim to remove barriers that may prevent underrepresented groups applying to L&Q.

The Governing Board and the Executive Management team will be responsible for ensuring that the policy is implemented and understood throughout the business.

All employees will be responsible for ensuring that they comply with this policy and related documents and have a responsibility to report any instances of discrimination or service failure.

### **Housing services**

We will work to ensure that our approach to equality and diversity spans the provision of housing and related services.

We will work in partnership with local authorities, other housing providers, local agencies and government to assess and ensure the diverse needs of all residents are met, and to improve access to housing by providing affordable and accessible housing.

We will look to develop effective policies and procedures that will ensure that transfers, empty homes and choice based lettings are dealt with in a fair and consistent manner, and will monitor their impact as part of our E&D strategy.

### **Provision of services**

We will understand and respond to the needs and aspirations of our residents and others within the neighbourhoods where we work.

We will aim to remove any barriers to different groups accessing information and advice about our services, and we will ensure we understand the communication needs of our residents.

### **Harassment and bullying**

We have developed policies to deal with hate crimes and harassment on the grounds of race, gender, sexual orientation, disability or other perceived difference.

We will help residents to report incidents and support and assist those who are victims of harassment, working with other agencies and groups where appropriate. Equally, we expect residents to respect our staff and will take action against those who abuse or harass them.

We will work with local authorities and other local agencies to ensure support is provided to victims of harassment.

### **Recruitment, Employment and Training**

Our people focus on delivering the best service to our residents and are representative of the neighbourhoods they serve.

Our policies recognise the benefits of diversity and ensure that all employees have equal opportunities and receive fair treatment. Recruitment to posts is governed by our recruitment and selection policy, we recruit on the basis of the person's ability to do the job.

We search for applicants from the widest pool possible; all advertisements are placed at least internally, sometimes externally as well. We are committed to promoting and developing our current workforce wherever possible.

On an annual basis we monitor to ensure we are recruiting, retaining and training a diverse workforce. This information is reported to Board.

We encourage personal development of staff through the use of performance management systems and provide extensive training programmes including diversity training.

We have grievance, harassment and whistle blowing procedures to protect staff. We take action against those who discriminate against or harass our employees.

We will ensure that all employees have equal access to training and development opportunities. We ensure that all employees are treated fairly in terms of pay and conditions.

### **Development and Regeneration**

We will ensure that the location and design of housing reflects the needs of our residents and the communities we serve. We will aim to provide community development activities that promote diversity, and help to remove barriers to training and employment opportunities. We will work to support and develop mixed tenure communities and in partnership with local authorities and other agencies to promote community cohesion and assist in eliminating discrimination.

We will provide a range of ways for residents to get involved and influence service delivery which encourages best practice and the involvement of Black , Minority and Ethnic people and other "hard to reach" groups. We will ensure our buildings are accessible to everyone.

### **Procurement**

All consultants and contractors including our partner organisations are checked to make sure they have equal opportunities policies that are compatible with our own.



We will ensure that our contractors and consultants who provide services in people's homes are aware of and are sensitive to the different and diverse needs of our residents.

We will work with partnering organisations and local and central government to improve the economic development of local communities.

### **Implementation and Monitoring**

This policy will be implemented and monitored through our diversity strategy and equality plans which are embedded in employment and service planning at every level.

*We are committed to:*

Tackling institutional discrimination

Consulting and involving residents in what we do

Monitoring the impact of our work and addressing any adverse impact

Publishing and providing equal access to information on what we are doing

Recruiting a diverse workforce that reflects the communities we serve

Providing a safe and secure environment for our customers

L&Q staff are responsible for the implementation of this policy in their individual role as an employee of L&Q.

All managers have responsibility for equality and diversity both in terms of staff, stakeholders and resident needs. L&Q has an Equalities and Diversity Working Group who will review policy and good practice in this area including L&Q's Equalities plan and disseminate information to staff.

