

# Disability in Employment Policy July 2025

## **1. Introduction**

- 1.1. The council believes in its commitment to employing, retaining and developing the abilities of disabled employees, which is demonstrated through the achievement and retention of our Disability Confident Leader status.
- 1.2. The Disability Confident scheme aims to help the council make the most of the opportunities provided by employing disabled people. It encompasses several voluntary commitments to encourage us to recruit, retain and develop disabled employees, such as offering work experience opportunities and implementing a flexible recruitment process.

## **2. Scope of the Policy**

- 2.1. This policy shall be applied fairly, consistently and equitably for all employees irrespective of race, gender, disability, age, offending past, caring or dependency status, religion or belief, sexual orientation, or gender identity and it is incumbent on those involved in managing grievance cases under this policy to ensure that this is the case.
- 2.2. This policy applies to all permanent and temporary council employees.
- 2.3. Human Resources will be responsible for recording and monitoring the application of this policy fairly and consistently across the council.

## **3. What Counts as a Disability**

- 3.1. In general, the Equality Act 2010 considers someone to be disabled for the purposes of the Act if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.
- 3.2. However, there are special rules that apply to people with certain impairments like progressive conditions. Also, some people are deemed to be disabled, for example those with HIV, cancer and some visual impairments.
- 3.3. In addition, a mental illness does not have to be 'clinically well recognised' before it is judged to be a mental impairment for the purposes of the Act.
- 3.4. Certain conditions are not regarded as impairments for the purposes of the Act, for example. drug or alcohol addiction or a tendency to start fires, steal or physically abuse others.

## **4. Discrimination Against Disabled Employees Because of a Disability**

- 4.1. The Equality Act 2010 protects employees in the workplace and in wider society from being treated unfairly. It amounts to unlawful discrimination if an employer:

- Treats a disabled employee or job applicant less favourably than others because of their disability.
- Has a policy or procedure which, although it applies to all individuals, puts those who share the same disability at a particular disadvantage when compared with those who don't share it.
- Treats an employee or job applicant less favourably because of something arising from their disability.
- Fails to comply with its duty to make reasonable adjustments for a disabled employee or job applicant.

4.2. Victimization is also unlawful discrimination under the Act, for example it is unlawful for the council to treat an employee (whether a disabled or non-disabled person) unfairly because they have, or the council believes they have:

- Brought proceedings or given evidence or information in connection with proceedings brought under the Act.
- Done anything else under the Act.
- Alleged someone has contravened the Act.
- Harass someone in relation to disability.
- Discriminate against someone on the grounds of their perceived disability, even if that perception is wrong.
- Discriminate against a person because they associate with someone who is disabled.

## **5. Reasonable Adjustments**

5.1. The council has a legal duty to make reasonable adjustments to any provision, criterion or practice, or to physical features of their premises, to enable a disabled employee to work or continue working if they would otherwise be at a substantial disadvantage compared with non-disabled employees.

5.2. In order to consider reasonable adjustments, the council needs to know or be reasonably expected to know, if a job applicant or employee is disabled. This means that there is a responsibility upon a disabled applicant or existing employee to provide the council with sufficient information to make a reasonable adjustment.

5.3. Adjustments for employees must be tailored to their specific needs and should not be based on any assumptions. As well as consulting the employee concerned, Occupational Health advice should be sought prior to determining suitable adjustments. If necessary, advice from a specialist adviser should be sought to ensure that the adjustment/s are appropriate. Adjustments should be kept under review and modified as appropriate.

5.4. Reasonable adjustments may include measures such as:

- Modifying physical features of the workplace
- Altering working hours

- Allowing absences during working hours for rehabilitation, assessment and treatment
- Additional training
- Equipment changes such as using modified equipment, for example a telephone with text display for use by an employee with a hearing impairment or using ICT software or other technical aids for a visually impaired employee
- Assigning a different place of work or training
- Modifying instructions or reference material
- Providing supervision or other support
- Transferring the employee to fill an existing vacancy
- Modifying procedures for assessments/testing

## **6. Recruitment and Selection of Disabled Employees**

- 6.1. The council will seek to advertise vacancies on appropriate disability job boards using the Disability Confident logo to encourage disabled applicants to apply for a role within the council.
- 6.2. Through the Disability Confident scheme, the council will interview all disabled applicants who meet the minimum criteria for a job vacancy and to consider them on their abilities.
- 6.3. All shortlisted applicants will be asked for details of any reasonable adjustments needed in relation to the interview and selection process.

## **7. Promotion, Transfer and Training**

- 7.1. The council will offer the same training and development opportunities to disabled employees as other employees.
- 7.2. When addressing a promotion, transfer or training the following points should be taken into consideration:
  - What reasonable adjustments would be necessary and appropriate.
  - When comparing internal applicants for a promotion or transfer, the disabled employee's ability will be assessed as they would be after any reasonable adjustment has been made.
  - The need to offer specialised training.
  - Whether medical advice or professional evaluation should be sought to identify the potential impact of any restrictions and/or limitations.
  - Any matters being considered should be discussed with the disabled employee concerned.

## **8. Sickness and Absence**

- 8.1. A disability is a physical or mental impairment which, although it may affect the employees' day-to-day activities, does not necessarily impact on the person's general health.
- 8.2. Some employees who are disabled will require time off for medical

treatment, especially in the early stages of the onset of a disability or the period immediately following an accident.

- 8.3. Where sickness results in absence this will be addressed within the terms of the Sickness Absence Management Policy. In cases of long-term sickness, managers are responsible for assessing the impact on the service and maintaining ongoing discussions with the employee. Although the preference would be to retain a disabled employee, as with non-disabled employees sometimes the absence level is such that this may not be feasible. Even if an employee is disabled it may still be legally fair to dismiss an employee where the employee has long term sickness absence.
- 8.4. Dependent on the circumstances, employees may need to be cautioned that if there is no medical indication of a return to work soon, and dismissal on the grounds of capability is considered. The key elements of a fair procedure are to obtain suitable medical advice through the Occupational Health and if necessary from a specialist in their condition, to investigate carefully if reasonable adjustments would enable the employee to continue in their post and to consider suitable alternative employment.
- 8.5. Disability Leave should be recorded as such on the Human Resources system. It is relevant when it comes to dealing with specific issues such as performance reviews and redundancy selection criteria where disability related absences should be excluded from other sickness history where level of sickness absence is used as a factor in selection for redundancy.

## **9. Disability Leave Scheme**

- 9.1. The council is willing to support employees with disabilities and to take such measures as reasonable adjustments. The disability leave scheme provides a mechanism for all employees with a recognised disability to be considered for leave of absence for rehabilitation, treatment or assessment.
- 9.2. There is no qualifying period for anyone wanting to be considered for disability leave and it is available to all employees. Each case will be considered on its own merits and the approved time off will be recorded as disability leave. It will not be recorded against holiday, sick or any other form of leave.
- 9.3. This may be of particular benefit to a newly disabled employee or for someone whose condition has deteriorated allowing an agreed time off arrangement to help meet the changes in personal and professional circumstances.
- 9.4. Employees seeking disability leave should initially discuss any needs with their manager. The manager is responsible for considering the request and considering the employees' condition and possible changing needs. Where an employee has newly become disabled or where medical advice

is required or appropriate, the line manager would arrange for an assessment referral to Occupational Health.

- 9.5. The referral should include details of any service maintenance issues that need to be considered. A relevant medical appointment card or letter should be submitted to the line manager by the employee where disability leave relates to medical appointments. Disability leave requests should not be unreasonably refused.
- 9.6. Disability leave will be authorised over a period not exceeding twelve months, but it can be reviewed and/or extended as appropriate every twelve months thereafter.
- 9.7. The maximum number of disability leave days permissible in a twelve-month period is ten working days. This leave will be paid at the usual full salary.
- 9.8. The Special Leave form should be completed on the staff portal and signed off by the manager and Head of Service. The form will then be sent to Human Resources so the leave can be recorded appropriately.
- 9.9. Human Resources will be responsible for liaising between managers, employees and occupational health wherever necessary, to determine what support and assistance will be in the best interests of the employee and the service. Human Resources will maintain a disability leave record for monitoring purposes.

## **10. Health and Safety – Extra Needs in the Event of an Emergency**

- 10.1. We need to ensure that any employees on the premises are adequately considered about Health and Safety in the event of an emergency. This can take different forms depending on the disability or needs of the employee.
- 10.2. The fire and rescue services are not responsible for the normal evacuation of anyone in an emergency but will rescue anyone who is trapped or injured. It is therefore the responsibility of local managers to ensure that adequate arrangements are in place for the safe evacuation of employees with a disability and that these arrangements are known and understood by work colleagues. This should be carried out in a formal risk assessment.
- 10.3. Special consideration should be given to the following points:
  - Recognition of the emergency alarm.
  - Evacuation of mobility-impaired people.
  - Transport of wheelchairs downstairs.
  - Responsibility for safe evacuation.
- 10.4. Further advice can be obtained from the Health and Safety Adviser.

## **11. Temporary Impairment**

- 11.1. Temporary mobility impairment (for example, an employee with a limb in plaster or an employee with temporary loss of hearing) can arise at any time affecting an employee.
- 11.2. It may be possible for the affected employee to continue to work, provided their safety and that of those affected by them is not compromised and their doctor approves.
- 11.3. Whilst these conditions may not be covered by The Equality Act 2010 requirements for normal work and for emergency evacuation are no different to those of the long-term disabled. Their needs must be considered before permission is given for them to return to work. It is common to consider that an employee can use existing facilities e.g. lifts for access; however, this is not an option in the event of an emergency. The manager should carry out a risk assessment with the employee to ensure it is safe for them to return to work.

## **12. Workplace Access**

- 12.1. External help can be obtained through a variety of schemes from the Employment Service's Disability Advisers (DEA) based at local job centres. The DEA is part of an Employment Service Disability Team.
- 12.2. Access to Work is a programme run by the Department of Work and Pensions and provides support to disabled employees to help overcome the practical work-related problems caused by disability. Advice and help can be provided in a tailored way to suit the needs of an employee in a particular job. The scheme requires that the initial application for support must be made by the disabled employee. An assessment is then made by DWP as to whether to make a grant towards any additional employment costs. After the initial approach has been made by the employee, this can then be followed up.
- 12.3. Examples of assistance may include:
  - A communicator for deaf employees or those who have a hearing impairment and need assistance at interview.
  - A reader at work for someone who is blind or has a visual impairment.
  - Special equipment/alterations to existing equipment to suit work needs arising from disability.
  - Alterations to premises or working environment, if needed because of disability, either at work or getting to work.
  - Help towards the cost of getting to work if disability prevents an employee from using public transport.
  - External help and guidance for all the above may be available through the 'Employment Services Disability' team who are based at local Jobcentres.
  - In addition, a new organisation has been set up to help disability law compliance – The Council for Access and Equality.

- 12.4. The help can include a grant towards meeting the costs associated with making adaptations to meet the needs of a disabled employee. Human Resources can provide further information and advice to managers and disabled employees about this scheme.

### **13. Retaining Employees Who Develop Disabilities**

- 13.1. All of the disability related provisions of the Equality Act 2010 apply to employees who become disabled whether suddenly or gradually, in the same way as they apply to employees who already have a disability. The Act also applies to employees who have an impairment which worsens or where the impairment remains stable but the nature of that employee's role changes.
- 13.2. Disability must not be a factor when selecting for redundancy and should not be used as grounds for compulsory early retirement/dismissal without exploring all reasonable adjustments.
- 13.3. After all reasonable adjustments have been fully considered; if a post holder is unable to continue in their current role consideration will be given to identifying suitable alternative work. Employees in this situation will be treated as "at risk" of job loss and be given priority consideration for available jobs. Where a role is identified as potentially suitable, following consultation with the employee, Human Resources and the manager, the role would not be advertised, and the employee will be offered an interview.
- 13.4. Where a role has already been advertised, priority consideration is given to the employee by way of an interview to determine their suitability before any other candidates are interviewed.

### **14. Disciplinary and Grievance**

- 14.1. Where Disciplinary and Grievance issues arise for disabled employees the council's procedures will still be applied.
- 14.2. Any decisions or actions resulting from either the Disciplinary or the Grievance procedure for disabled employees, will take due regard of the provisions of The Equality Act 2010 and any agreed adjustments that have been made.

