

## A2 Equalities Policy and Employment of People with Disabilities

### 1 Policy

- 1.1 As a major employer in the London Borough of Barnet the Council is committed to eliminating discrimination and encouraging diversity amongst its workforce.
- 1.2 The Council's aim is that the workforce will be truly representative of all sections of society and that each employee feels respected and able to give of their best.
- 1.3 The purpose of this policy is to provide equality and fairness for all in employment and not to discriminate because of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, ethnic origin, colour, nationality, national origin, religion or belief, sex and sexual orientation. The Council opposes all forms of unlawful and unfair discrimination.
- 1.4 All employees, whether part-time, full-time or temporary, will be treated fairly and with respect. Selection for employment, promotion, training or any other benefit will be on the basis of aptitude and ability. All employees will be helped and encouraged to develop their full potential and the talents and resources of the workforce will be fully utilised to maximise the efficiency of the organisation.
- 1.5 The Council is committed to:
  - Creating an environment in which individual differences and the contributions of all employees are recognised and valued.
  - Ensuring every employee has a working environment that promotes dignity and respect to all. No form of intimidation, bullying, harassment or victimisation will be tolerated.
  - Making available, where necessary and possible, training, development and progression opportunities to all employees.
  - Recognising that equality in the workplace is good management practice and makes sound business sense.
  - Reviewing all employment practices and procedures to ensure fairness.
- 1.6 The above forms the Council's policy as at December 2010, it should be noted that: -
  - the policy does not confer any contractual rights
  - the Council will retain the right to review the policy at any time. Changes may result from employee, management and trade union feedback and/or from changes in employment legislation. The Council, following consultation with recognised Trade Unions, will implement revisions and updates.
  - The policy will cease on the 1 April 2015.

## 2 Scope

- 2.1 This policy applies to all Council employees, including Head Teachers, Teachers and Chief Officers.
- 2.2 A Chief Officer is defined as a Deputy Chief Executive, Assistant Chief Executive, Director or a designated Deputy to one of the Directors.
- 2.3 The policy is recommended for implementation by staff directly employed by schools, for example those based in Academies.

## 3 Principles

- 3.1 The Council aims to ensure that equalities underpin all aspects of its employment policy and practice. The Council recognises that promoting equalities also benefits the organisation. The Council intends to become an 'employer of choice' by:
  - 3.1.1 Being an equal opportunities employer committed to a policy of equal access to employment opportunities and learning and development, at all levels of the organisation.
  - 3.1.2 Striving always to develop its employees, recognising and responding to the diverse needs and to become recognised as an employer of choice. The Council will actively promote itself as a good practice employer.
  - 3.1.3 Striving always to create and sustain a healthy and safe working environment, free from harassment, discrimination and victimisation, treating all staff with dignity and respect.
  - 3.1.4 Ensuring all human resources policies, procedures, terms, conditions and benefits will be universal and consistent standards will apply to all employees at every level of service and across the entire organisation.
  - 3.1.5 Maximising the employment opportunities for local people, although it will not actively discriminate against anyone from outside the Council to achieve this.
  - 3.1.6 Supporting employees in increasing their understanding of equalities issues through regular development programmes.
  - 3.1.7 Building on policies to ensure inequality and discriminatory practice does not occur.

- 3.1.8 Promoting and developing policies to ensure that employment opportunity is maximised for all.
- 3.2 Breaches of the Equalities Policy will be regarded as misconduct and could lead to disciplinary proceedings, up to and including dismissal.

## **4 Discrimination**

- 4.1 The Council will not tolerate any forms of discrimination. Where an individual feels that he or she has been discriminated against he or she may raise a complaint through the Council's Grievance Policy and Procedure.
- 4.2 Where an individual is directly discriminated against or harassed for association with another individual, a complaint may be raised through the Grievance Policy and Procedure.
- 4.3 Where an individual is directly discriminated against or harassed based of a perception that he or she has a particular characteristic, a complaint may be raised through the Grievance Policy and Procedure.

## **5 Harassment**

- 5.1 The Council will not tolerate any forms of harassment. Where an individual feels that he or she has been harassed, he or she may raise a complaint through the Grievance Policy and Procedure.
- 5.2 The Council will also not tolerate harassment of its employees by a third party. Third-party harassment occurs where an employee is harassed by third parties such as clients or customers. If an employee feels he or she has been subject to harassment by a third party. He or she may raise a complaint through the Grievance Policy and Procedure.

## 6 The Council's Responsibilities

### 6.1 Management Responsibilities

- 6.1.1 The Council will put in place, and regularly review, HR policy and procedures that supports the management of diversity.
- 6.1.2 The Chief Executive and Directors are responsible for the overall management and strategic direction of the equalities agenda.
- 6.1.3 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.
- 6.1.4 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 identify four target areas: leadership, access to and provision of services, employment and participation.
- 6.1.5 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.
- 6.1.6 The Council has developed and published a Disability Equality Scheme.
- 6.1.7 The Resources Directorate monitors statistical information required under BVPI and publishes the results on the Council's website at regular intervals.
- 6.1.8 The HR Service has the responsibility to lead on equalities issues in employment throughout the Council.

### 6.2 Employee Responsibilities

- 6.2.1 All employees must 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.
- 6.2.2 Employees must regularly review HR practices via team meetings to ensure compliance with equality & diversity objectives.
- 6.2.3 Each employee must ensure that he or she is regularly updated and aware of the Council's objectives on equality and diversity.
- 6.2.4 All employees should be briefed and made aware of his or her personal responsibilities contributing to the success of the Corporate Equalities Action plan.

- 6.2.5 The employee targets must be set to achieve the departmental objectives that underpin the corporate objectives and that these targets are monitored against achievement & review in his or her appraisal. These must also be reflected in individual work plans.
- 6.2.6 Employment data, compiled by HR, must be 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.

### **6.3 Councillors' Responsibilities**

- 6.3.1 Councillors are responsible for promoting the equalities agenda and ensuring that adequate resources are made available.

### **6.4 Unions and Staff Representative Groups' Responsibilities**

- 6.4.1 These groups have a responsibility for representing the views and concerns of employees on equalities issues and in supporting the continuous improvement of equalities policy and practice.

## **7 Cycle of Improvement**

- 7.1 Barnet Borough Council believes that promoting equalities is a continuous process. To put its vision and principles into practices the Council commits to:

- Developing action plans and setting targets.
- Establishing and implementing monitoring systems.
- Evaluating and measuring progress.
- Publishing performance against the Equalities Targets.
- Sharing improvements and achievements with all employees and partners in the Community.
- Identifying areas for improvement.

## Employment of People with Disabilities

### 8

- 8.1 The Equality Act 2010 replaces and harmonises previous legislation relating to disability. It provides protection from discrimination for various protected characteristics, including disability. Many of the previous disability provisions, contained within the Disability Discrimination Act 1995, have been retained, for example the Council is required to make reasonable adjustments. The Equality Act has made it easier for a person to show that they are disabled and introduced new protection from indirect discrimination.
- 8.2 The Equality Act defines a person as having a disability if he or she ‘has 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.
- 8.3 The Council’s aim is to achieve full integration and acceptance of employees with disabilities, whether the employee has a disability when joining the Council or becomes disabled whilst in Council employment.
- 8.4 This policy is intended to ensure that applicants with disabilities for vacancies within the Council 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.
- 8.5 The Council will make all “reasonable adjustments” which may be appropriate to avoid discrimination in the recruitment and retention of disabled people.
- 8.6 The above forms the Council’s policy as at December 2010, it should be noted that:-
  - the policy does not confer any contractual rights
  - the Council will retain the right to review the policy at any time. Changes may result from employee, management and trade union feedback and/or changes in employment legislation. The

Council, following consultation with recognised Trade Unions, will implement revisions and updates.

- The policy will cease on the 1 April 2013.

## **9 Scope**

- 9.1 This policy applies to all Council employees, including Head Teachers, Teachers and Chief Officers.
- 9.2 A Chief Officer is defined as a Deputy Chief Executive, Assistant Chief Executive, Director or a designated Deputy to one of the Directors.
- 9.3 The policy is recommended for implementation by staff directly employed by schools, for example those based in Academies.

## **10 Disability Two Tick Symbol**

- 10.1 The Council has been awarded the 'Two Ticks' symbol, which aims to ensure that people with disabilities feel confident that the Council will be positive about their abilities. This applies to applicants for employment, disabled employees and the Council's compliance with the employment-related requirements in the Equality Act. All jobs advertised will be accompanied with the 'Two Ticks' symbol.
- 10.2 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 all reasonable efforts when employees become disabled to ensure that they stay in employment;
  - take action to ensure, as far as is practicable, that managers and other employees are aware of the needs of disabled people;
  - ensure that achievements are reviewed annually towards making the workplace welcoming and accessible for disabled people and
  - to plan ways to improve and let all employees and customers know about progress and future plans.

## **11 Reasonable Adjustments**

- 11.1 The Council'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 the Council's 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 one would treat others. If after allowing for those adjustments, a disabled person has been

assessed as not being the best person for the job, then this decision is justifiable under the law.

11.2 The duty to make reasonable adjustments applies to all aspects and stages of employment, which includes recruitment, selection, promotion, training, career development and retention.

11.3 Examples of reasonable adjustments can include:

- Structural or other physical adjustments to premises
- Minor reallocation of duties
- Redeployment/retraining
- Changes in working hours or 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

11.4 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 the Making Reasonable Adjustments at Annex A.

**Annex A**

**Making Reasonable Adjustments**

**12**

- 12.1 In deciding whether an adjustment is “reasonable” it is important to consider the effectiveness and practicality of the adjustment and the financial cost.
- 12.2 The Council aims, where reasonably practicable, to retain any employee who becomes disabled in suitable employment.
- 12.3 The following procedures apply when a disabled candidate is selected for the post and an adjustment is required.
- 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 him or her.
  - An appointment should be made with Occupational Health to identify the adjustments to be considered based on the information given by the disabled employee as well as information about the job, such as the job description, person specification, hours of work, pattern of work, machinery and equipment, and any other information related to the job.
  - Each adjustment must be individually examined to determine if it is ‘reasonable’ under the Equality Act 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 Council.
    - 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 of the Council as a whole.

## **13 Justification for not making a reasonable 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, relevant and significant to the particular case, and substantial, which is determined as not minor or trivial.

## **14 Making the Adjustment**

- 14.1 **Annex B** provides a list of types of reasonable adjustments that could be considered and the relevant people to be involved should be invited to a meeting. The following procedures apply to making the adjustment for a new employee as well existing employees who have become disabled.
- 14.2 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 his or her current post wherever possible.
- 14.3 The manager must ensure that a copy of the relevant job description is available at the meeting and to circulate all relevant papers to participants of the meeting beforehand to allow time to consider the most effective means of implementation.
- 14.4 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 **Annex C**, to HR.
- 14.5 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.

## 15 Managing Disabled Employees

- 15.1 The Equality 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.
- 15.2 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 he or she has difficulty using public transport during rush hours is considered a reasonable adjustment to the terms and conditions of service.

## 16 Induction

- 16.1 The 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.
- 16.2 Factors to consider during induction:
  - Are introductory talks or presentations held in accessible venues? Adjustments such as 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?
- 16.3 Managers must make use of the probationary period to monitor the effectiveness of adjustments where introduced and to consider any requirements or suggestions made by the employee.

## **17 Training and Development**

- 17.1 Disabled employees must be considered for promotion opportunities on equal terms with other staff. Assumptions should not be made about a disabled person's ability to move to an alternative location.
- 17.2 Adjustments may be required to ensure training programmes are accessible to disabled delegates, for example an extended training programme for someone with dyslexia.
- 17.3 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.

## **18 Appraisals and One to Ones**

- 18.1 The Council's appraisal system is an appropriate opportunity for line managers to discuss with disabled employees the impact of 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.
- 18.2 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.
- 18.3 The appraisal meeting must ensure a clear two-way discussion, using a problem solving approach.

## **19 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 their full potential.

## 20 Retention

- 20.1 Where an existing employee 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, give their fullest support to retaining the skills of their disabled members of staff. If a disabled employee is unable to continue carrying out existing duties, all reasonably practicable efforts must be made to find suitable alternative employment within the Council's services, with reasonable retraining being provided, if necessary.
- 20.2 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 Service or HR. This process will assist in identifying appropriate adjustments.

## 21 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 re-deployment. Further guidance is available from HR.

## 22 Hospital Appointments

There may be need to take into account the frequency of visits needed by employees 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 employee must however be informed that he or she needs to notify or forward a copy of the hospitals appointments (letter/card) to their line managers where necessary. Refer to the Council's Attendance Management Policy for further guidance.

## 23 Monitoring

It is the Council's Equalities Policy to undertake equalities monitoring to provide information of the current profile of disabled employees and to inform the 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 employees.

## 24 Team Working

All employees 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. Managers must not tolerate such behaviour by other employees and follow the disciplinary procedures in investigating such complaints. Where a disabled employee feels he or she has been the subject of harassment as a consequence of their disability, the Council's Grievance Policy may be applicable.

**Annex B****Types of Reasonable Adjustments**

<b>Adjustment type</b>	<b>Possible Actions</b>	<b>People to be present at adjustment meeting</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 Manager 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 (Job Centre) 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 psychoanalysis or undertake employment rehabilitation. Adjustments may be needed if a disability worsens or needs occasional treatment.	Line Manager Disability Employment Advisor (Job Centre) Occupational Psychologist 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 disable person, or provide appropriate training for all employees to assist the disabled person.	Line Manager 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 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 (Job Centre)

## 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	
Contact Number	

Is the employee an existing employee or a new employee?

.....

Please give date that the adjustment is needed from, in the case of a new employee, when is the start date?

.....

### Details of Disability:

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Give brief details of aspects of why the adjustment is needed:

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Details of adjustment needed:

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.....

**External Support:**

Where financial support/equipment is required for an adjustment, HR should be contacted to establish if funding/equipment is available. This will be with reference normally to the Disability Employment Adviser at the Job Centre.

Date contacted: .....

Support given:

.....  
.....  
.....

**Authorisation:**

<b>Cost Code:</b>	
<b>Budget Holder Authorisation:</b>	
<b>Cost:</b>	

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