

Employment of People with Disabilities Policy

1. Quick Reference Guide

- This Policy applies to all employees engaged on a substantive grade including fixed term contracts and other workers including agency, contractor and volunteer colleagues.
- Everyone using this policy should ensure that our Trust values and behaviours are followed.
- What is a Disability.
- How to manage people with disabilities
- Support available within the Trust for all employees who experience or become disabled whilst employed by us.
- Guidance for People Managers in how to manage a disability at work.

2. Introduction and Purpose

- Our ability to deliver an outstanding patient experience every time is reliant on creating an environment that enables you to work to the best of your ability.
- We believe that a diverse workforce brings many benefits to our employees and patients. In addition to complying with legislative requirements affecting the disabled, we will follow procedures designed to ensure that disabled colleagues have genuine equality of opportunity in relation to selection, training and ongoing career development.
- If you become disabled in the course of your employment, all reasonable, practicable steps will be taken, including retraining or re-deployment, to ensure that, where possible, you will remain in employment with us.
- We will promote employment and positive experiences if you have a disability and we will ensure all inappropriate and unfair discriminatory barriers to employment are removed, and that vacancies are filled with the right skills, experience and knowledge to enable you to reach your full potential.
- Complaints or issues regarding disability discrimination will be managed confidentially, with fairness, discretion, and sensitivity.

| Version No. | Updated by | Updated on | Description of changes |
|-------------|-------------------------------|------------|---|
| 2 | Head of Diversity & Inclusion | May 2021 | Removal of Section 4 as “Disability Confident Employer” status has expired. Amendment to section 6 to further clarify distinction and subsequent management of disability and sick leave. Request to ratify the policy until May 2022 to enable a wider review of Disability support across the Trust to be undertaken. This will include refreshed application for “Disability Confident Employer” Status. |

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| 3 | Head of Equality Diversity and Inclusion | | July 2022 – OD & P Review and new policy template |
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3 Eligibility

This policy and procedure apply to all employees engaged on a substantive grade including fixed term contracts and if you are an NHS employee seconded into the Trust. The policy applies to other workers including agency, contractor and volunteer colleagues and complaints under this policy will be managed according to procedures which are specific to their engagement with the Trust.

4 Scope

This policy applies to all workplace activities including work-related social events.

5 What is a Disability

The Equality Act 2010 provides protection for disabled people and people who have had a disability in the past and defines disability as:

'A physical or mental impairment which has a substantial and long-term adverse effect on a person's ability to carry out normal day to day activities.'

There can be occasions when a disability severely affects employment potential. Most people with disabilities are effective employees who are able to make a valuable contribution. It is important to consider the effect that a disability may have on an individual's performance, rather than the disability itself.

From an employment perspective there are four main classifications of people with disabilities:

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| Those who have overcome their disability so that it no longer has any significant limiting effect on the type of job they can do. |
| Those who need practical help in overcoming their disability which, once overcome, will not limit the type of employment they can do. |
| Those whose employment range may be restricted by their disability but who, given the right job, are as effective as anyone else. |
| Those who during their employment have become unable to perform all aspects of the job. |

NB: The definition of disability does not cover drug, alcohol or substance abuse or the immediate effects of its misuse, eyesight issues consistently rectified by contact lenses or disfigurements that consist of a tattoo or non-medical body piercing

6 How a disability at work will be managed

Once a disability has been identified or brought to your manager's attention, they should work with you and any relevant agency, to consider reasonable adjustments. A Tailored Adjustment Agreement ([Appendix A - Tailored Adjustment Agreement](#)) should be completed. Regular reviews to the form may need to be considered in the following circumstances: -

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| During one-to-one meetings |
| At a return-to-work meeting following a period of absence linked to the disability |
| Following occurrence of occupational health and/or access to work assessments, update or review |
| During objective/appraisal meetings |
| As part of any job role review/change or whenever new technology or ways of working are introduced |
| Following any change in circumstance for either the employee or employer. |

6.1 Disability Leave / Sick Leave

It is recognised that if you are a disabled employee (as defined by the Equality Act 2010) you may need time off in relation to your disability. If a disabled employee needs time off for rehabilitation, assessment or treatment linked to your disability, this time should be recorded as disability leave by your manager. If time off work is because of your disability, but you are not undertaking rehabilitation, assessment or treatment, i.e., you are not fit for work due to an acute episode of your disability, then the time lost should be counted as sick leave. In these instances, your manager should record the sickness episode (as linked to the disability), so that these episodes can be considered when future Attendance Management triggers are discussed.

Employees with high amounts of sickness absence linked to their disability will have that absence managed in accordance with the Trust's Attendance Management policy. In specific cases and at the Trust's discretion and following advice from the Occupational Health department, amendment of sickness absence triggers for disability related sick leave may be agreed as a reasonable adjustment.

Your manager will regularly monitor disability leave from both a staff wellbeing and service provision perspective. In these circumstances regular input from the Occupational Health department may be requested.

An employee on disability leave will be required to provide fit notes (medical certificates) for any absences of more than 7 calendar days as outlined in the Trust's Attendance Management policy.

Disability leave for periods of rehabilitation, assessment and treatment is not exhaustible and will be paid in full. Other disability related absences from work which are classed as sickness leave, will be paid in accordance with the Trust's Attendance Management policy.

6.2 Returning to Work after Becoming Disabled

If you become disabled during your employment with the Trust, we will ensure that all necessary support is provided to help facilitate your return to work.

Your manager will work closely with you, the Occupational Health Department, and your People Advisor to ensure that suitable working arrangements can be provided whenever possible. This could include such options as: -

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| A phased return to work |
| Appropriate adjustments to your role |
| Adjustment of your immediate working area, including any additional equipment that may be required |
| A review of any training and development needs on your return |

6.3 Recruitment - Person Specification and Shortlisting

The following information provides an overview of the points that should be considered by recruiting managers when advertising and recruiting to a position within the Trust. The Recruitment Team can provide further advice and support.

Person Specification

The person specification should include a reference to the fact that the Trust is willing to consider making reasonable adjustments to the way in which a job can be carried out, or to the work environment. This is to enable a suitably qualified disabled person to take up the position (based on the ability of the person to do the job).

Shortlisting

This should be completed by identifying which aspects of the person specification can be assessed from the application form. Ideally, shortlisting will be performed by at least two people, including the line manager who will be responsible for the successful employee.

It is important to remember that, as a people manager, you may be asked to justify your reasons for selecting or rejecting employees for up to 1 year after the recruitment process.

Candidates should not be rejected on grounds of their age, sex, marital status, disability, ethnic background, social background or religious background unless clearly stated in the person specification.

The Recruitment Team will monitor through TRAC whether applicants with a disability have been shortlisted for interview. If they have not been shortlisted, the Recruitment Team will consider whether the applicant meets with the minimum criteria for interview as described in the person specification. If this is the case, then further discussions with you as the recruiting manager will take place to understand why an interview has not been offered. A note linked to these discussions will be recorded on TRAC for monitoring purposes.

7 Guidance for People Managers

Your role is integral in helping us achieve our ambition to make our organisation a truly outstanding place to work. For this to happen we know that all our people need to feel valued and respected regardless of any disability. Your role is to:

- promote the Trust as an outstanding place to work, so we can recruit/ retain people in a competitive employment market including those with particular skills and valued experience.
- promote the Trust as an inclusive organisation where disability discrimination (or any type of discrimination) will not be tolerated.
- ensure compliance with the Equality Act 2010.

- work with other line managers and external Voluntary Services, Occupational Health and Agencies, i.e., Access to Work, etc, to help promote, facilitate the employment of, or retention of our employees with disabilities.
- ensure colleagues have access to training in all aspects of recruitment and selection, equal opportunities, and disability awareness.
- monitor, report and apply best practice on the effectiveness of the Trust's policies linked to Equal Opportunities/Disabilities and ensure fairness of the recruitment and selection process.
- to work with any employee who raises a claim of disability discrimination to get the matter resolved as quickly as possible promoting sensitivity and empathy in accordance with our - **Dignity at Work Policy**

7.1 Your Responsibilities as a Manager

As a manager you are responsible for creating an environment where all your employees can work to the best of their abilities:

- You should encourage an open dialogue where employees can talk to you about an existing disability or one that has happened recently because of an injury or illness.
- Deal with the matter sensitively and listen with empathy. Liaise with your People Advisor at an early opportunity so that they can assist you in supporting your employee.
- You will need to consider making reasonable adjustments to the job role if that is practical i.e., a change of work pattern, hours or days of the week, or whether specialist equipment might be needed. Explore whether retraining might be an option.
- Regular monitoring of sick leave for disabled employees and refer to your People Advisor if you have concerns about your employee.
- Engage in the recruitment and selection process so that you are familiar with the process of producing job descriptions, person specifications and recruitment adverts so as not to discriminate against anyone who might have a disability.
- If a complaint for disability discrimination has been brought to your attention, guidance is available from your People Advisor in resolving issues informally and must be sought where a formal complaint has been made. Should this be the case, then complaints should be managed in accordance with our - **Dignity at work Policy**

7.2 The Role of the Occupational Health & Safety Department

Our Occupational Health and Safety Department can offer the following support: -

- Advice and assistance to managers and our employees regarding the appointment or retention of employees with disabilities
- Advice on appropriate workstation design and working practices relating to new employees or existing employees who become disabled
- Assist with risk assessments of the workplace
- Advice on any specialist first aid training, to support a disabled employee ie dealing with an epileptic seizure

7.3 The Role of our Employees

All employees should:

- Accept colleagues who are disabled in the same way as you would any employee
- Inform management of any disability which may affect their employment so that reasonable adjustments can be made or considered
- Discuss any issues linked to their disability with their manager at the earliest opportunity

- Ensure any employee with a disability has made their colleagues aware so emergency procedure can be followed

8 Other Agencies

The 'in-house' resources of Salisbury NHS Foundation Trust are normally sufficient for most needs, however, there may be occasions when it is necessary to seek the assistance of outside agencies. Some of these are detailed below.

Access to Work

Access to Work is a publicly funded employment support program that aims to help more disabled people start or stay in work. It provides both practical and financial support to those with a disability or long term physical and mental health condition. Further information can be found at <https://www.gov.uk/access-to-work>

Disability Employment Advisers

Disability Employment Advisers (DEAs), contactable through JobCentre Plus are able to provide assistance in supporting an individual to find work. This can include coaching, job matching and job introduction schemes that support the learning of new skills. Further information can be found at and <https://www.gov.uk/specialist-employability-support>

Equality and Human Rights Commission (EHRC)

The EHRC has a statutory remit to promote and monitor Human Rights and to protect, enforce and promote Equality across the nine protected characteristics.

Further information can be found at: <http://www.equalityhumanrights.com/>

9 Monitoring Compliance and the effectiveness of this policy

This will be monitored by OD and People Directorate. Our People managers are responsible for the implementation of this policy and procedure.

Appendices

| Appendix | Description | File |
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| A | Tailored Adjustment Agreement | https://mg.salisbury.nhs.uk/media/3503/appendix-a-tailored-reasonable-adjustments-agreement-may-2021.doc |

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| Post Holder /Author Responsible for Policy: | Head of Equality Diversity and Inclusion |
| Date Written: | July 2022 |
| Approved By: | JCC September 2022 |
| Ratified by: | OMB September 2022 |
| Next Due for Review: | September 2023 |
| Date Policy effective from: | 01 May 2023 |

