



DISABILITY MANAGEMENT

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Legal Basis

List the relevant legislation which is the legal basis for this policy. You must update this list with changes in legislation that are relevant to this policy and hyperlink directly to the legislation.

Legislation specific to the subject of this policy document

Section	Act (title and year)

Other legislation which you must check this document against (required by law)

Act (title and year)
Human Rights Act 1998 (in particular A.14 – Prohibition of discrimination)
Equality Act 2010
Crime and Disorder Act 1998
Health and Safety at Work etc. Act 1974 and associated Regulations
General Data Protection Regulation (GDPR) and Data Protection Act 2018
Freedom Of Information Act 2000
The Civil Contingencies Act 2004

Other documentation which you must check this document against

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Document
College of Policing – Code of Ethics
Norfolk and Suffolk Constabularies’ Standards of Professional Behaviour
College of Policing – Authorised Professional Practice

1. Our Policy

- 1.1 The Force is committed to ensuring the policy complies with relevant legislation and that consultation has been undertaken with all relevant staff groups. For Police Staff, unless we have expressly stated that a Force policy is contractual, all policies and procedures are non-contractual, which means we can change our policies at any time following consultation with UNISON on any significant changes.
- 1.2 All Force policies are intended to promote equality, eliminate unlawful discrimination and actively promote good relations regardless of a person’s age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity and trade union activity.
- 1.3 We are committed to strengthening the trust and commitment of all communities served and developing and investing in its people. On this basis, we are committed to valuing difference and recognising that individual needs will vary. Equality of opportunity is not about treating everyone the same, instead treating people fairly dependent upon their individual needs.
- 1.4 Although unintentional, certain workplace practices can present unnecessary barriers to disabled persons. We are committed to identifying any such structural, organisational, physical or attitudinal barriers that could place a disabled person at a disadvantage, then taking positive action to remove those barriers. The focus must remain on what each individual can do, rather than what they cannot.
- 1.5 This policy sets out our commitment to every police officer, member of staff and applicant, encouraging a proactive approach at every level. It provides guidance for line managers and individuals and clarifies the support framework that exists to ensure equality and inclusion. The primary aim of the policy is to ensure every existing or potential employee has the opportunity to perform to the best of their ability in the workplace.
- 1.6 Please see [‘Support Available’](#) section.

2. Definitions

Disability

- 2.1 Disability is legally defined under section 6(1) of the Equality Act (2010) as:

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‘a person (P) has a disability if:

Has a physical or mental impairment, and

The impairment has a substantial and long-term adverse effect on P’s ability to carry out normal day-to-day activities’

- 2.2 The constabularies are committed to moving beyond compliance and adopting best practice. Managers are therefore encouraged to avoid spending time assessing whether someone has a disability and instead, be proactive in obtaining advice around assessing what barriers they may be facing and being flexible in making adjustments to remove or reduce those barriers however please be aware there are exclusions to the main definition of disability. Please see [FAQs document](#).

Mental Impairments

- 2.3 The EHRC Code explains that the term ‘mental impairment’ is intended to cover ‘a wide range of impairments relating to mental functioning, including what are often known as learning disabilities’. Please see FAQs for further information.

Substantial Adverse Effect

- 2.4 Substantial adverse effect refers to the effect of the physical or mental impairment on the person’s ability to carry out any of the normal day-to-day activities specified in the Equality Act (2010). The effect must be more than minor or trivial, but does not have to be severe.
- 2.5 There are three types of case in which a person’s ability to carry out normal day-to-day activities is deemed to be substantially adversely affected (even if, at the relevant time, the effect may in fact be minor or non-existent). These are where:
- The substantial effect is likely to recur
 - The condition is progressive
 - Treatment is ameliorating the effect of the impairment

Long-term

- 2.6 Long-term means that the effect has lasted for at least 12 months, or it is likely to last for at least 12 months or it is likely to last for the rest of the life of the person affected.

Discrimination

2.7 Under the Equality Act 2010, it is unlawful for an employer to:

- Discriminate directly by treating a job applicant or member of staff (or a job applicant or member of staff who is either associated with a disabled person or perceived to be disabled) less favourably than others because

of disability. However, positive discrimination in favour of a disabled job applicant or member of staff (treating them more favourably than a non-disabled applicant or member of staff) is allowed.

- Discriminate by treating a job applicant or member of staff unfavourably because of something arising in consequence of disability without objective justification.
- Discriminate indirectly by applying a provision, criterion or practice that disadvantages job applicants or members of staff with a disability without objective justification.
- Fail to comply with its duty to make reasonable adjustments where a disabled job applicant or member of staff is placed at a substantial disadvantage.
- Subject a job applicant or member of staff (or a job applicant or member of staff who either is associated with a disabled person or perceived to be disabled) to harassment related to disability.
- Victimise a job applicant or member of staff because they have made or intend to make a disability discrimination complaint under the Equality Act 2010, or because they have done or intend to do other things in connection with the Act.
- Ask job applicants pre-employment health questions other than for a prescribed reason.
- Publish discriminatory advertisements.
- Instruct or pressurise others to discriminate.

3. Sharing Information about Disability

- 3.1 Employees are not obliged to tell the Constabularies about their disability however effective support can be provided when details about any disability, impairment or long-term condition are known. The Constabularies are committed to disability best practice and removing barriers for employees. For this reason, it is encouraged that individuals advise if they are experiencing barriers related to their disability. Additionally, Health and Safety legislation places an obligation on employees to cooperate with their employer to ensure the duty of care for themselves, their colleagues and members of the public is complied with and no one is at risk.
- 3.2 If an individual wishes to share information about their disability, this can be done through contacting either Workplace Health or Human Resources, or if the individual feels comfortable to do so, through their manager.
- 3.3 Managers are reminded of their obligations under the Data Protection Act 2018 and General Data Protection Regulation ((EU) 2016/679) to ensure this personal information is not shared without prior consent of the individual concerned. In addition, any manager who is made aware of any

such disability by a member of their staff is duty bound to inform Workplace Health to ensure this is recorded in accordance with the 'Workplace Health Privacy Notice' [Workplace Health Privacy Notice](#).

4. Recruitment and Selection

- 4.1 As part of our commitment as a Disability Confident employer, the Constabularies wish to ensure that disabled applicants are invited to interview (both internal and external) providing they meet the essential criteria for the vacancy. For this reason, candidates will be asked at application stage to confirm if they consider themselves to have a disability. Candidates can choose to opt out of this positive action recruitment process if they wish.
- 4.2 Candidates will also be proactively asked throughout recruitment if any reasonable adjustments are required in relation to the recruitment process itself. The duty to make adjustments only applies when the Constabularies know or are reasonably expected to know that an applicant has a disability therefore it's important that candidates' needs are fully understood at the earliest opportunity and revisited throughout the recruitment process. Responsibility for ensuring a request for reasonable adjustments is acted upon at the recruitment stage sits with Human Resources, who will liaise with the Chair of the panel as necessary. At interview, if the panel are not satisfied that all reasonable adjustments have been made, they should terminate the interview and re-schedule for a later date. Under no circumstances should an applicant be forced to proceed with the interview and/or associated tests until agreement about reasonable adjustments has been reached.
- 4.3 Reasonable adjustments during recruitment and selection are intended to ensure a disabled applicant is able to compete fairly with non-disabled applicants and have access to the same opportunities. The panel do not need to know the condition or symptoms, only the reasonable adjustments necessary.
- 4.4 Candidates should be reassured that adjustment arrangements are handled entirely separately to recruitment decisions.

5. Promotion and Career Development

- 5.1 The same principles as for selection should be applied when considering a disabled person for promotion or career development.
- 5.2 Throughout the process the panel must assess if the disabled applicant meets the specific requirements of the post, taking into account any reasonable adjustments that may be necessary and appropriate. Applicants should always be proactively asked to state the reasonable adjustments they would need to be made for selection activities. Where reasonable, assessment methods must be adjusted to allow individuals to demonstrate their potential to carry out the role. The panel do not need to

know the condition or symptoms, only the reasonable adjustments necessary for the individual to perform the role.

- 5.3 The Promotion (Police Officers) Policy (Norfolk only) should also be referred to.

6. Reasonable Adjustments

- 6.1 The Equality Act 2010 requires employers to make reasonable adjustments when an employee is placed at a substantial disadvantage as a result of their disability. This means, wherever possible, removing barriers that might get in the way of a person with a disability effectively doing his or her job, or providing the employee with a role that he or she is otherwise capable of doing.

- 6.2 Decisions about adjustments must take into account:

- How effective the change will be in avoiding the disadvantage the disabled person would otherwise experience.
- Practicality.
- Cost.
- The organisation's resources and size.
- The availability of financial support (considering Access to Work). etc. www.gov.uk/access-to-work)

- 6.3 HR and Workplace Health will work closely with the individual and line manager to identify the most appropriate adjustments. These should be documented by the individual and line manager within a '[Tailored Adjustment Agreement](#)'. The purpose of this record is to ensure consistency in approach across the constabularies, to assist individuals and managers when reviewing these adjustments, and to ensure the individual has their needs fully documented without expectation on the individual to explain what is already in place. Adjustments should be reviewed regularly by both the individual and line manager and amended as appropriate. This document will be held in accordance with the General Data Protection Regulations (GDPR).

- 6.4 Any equipment purchased to provide a reasonable adjustment, provided it is still necessary to meet the requirements of the new role, will move with the individual requiring it on transfer/promotion/secondment to a new post. If it is not required, it will be returned to the allocating department (e.g. ICT/Health and Safety/Facilities etc.)

- 6.5 There may be occasions where the Constabularies state an adjustment cannot be made as it is not deemed to be reasonable. It would be for the Constabularies to show why this is the case. Because of the potential consequences of not making an adjustment, managers should always

seek advice from Human Resources before making any decisions around this.

7. Disability Related Sickness Absence

- 7.1 Disability related sickness absence is where a person is unable to work due to a disability related condition.
- 7.2 If a period of sickness is disability related it is important that this is marked as such on the sickness reporting form to ensure this can be clearly identified by Human Resources for welfare and absence management purposes.
- 7.3 An adjustment to the attendance standard may be an appropriate reasonable adjustment depending on the particular circumstances of an individual case. Advice should be sought from Human Resources and/or Workplace Health.

8. Disability Arising During Employment

- 8.1 We are committed to ensuring that individuals who develop a disability during their employment remain employed, where possible in their existing role. The knowledge, skills and experience of every employee is valued highly and retirement on grounds of ill health will only be considered as a last resort.
- 8.2 Where an employee develops a disability as a result of injury or a medical condition, we will:
- seek to determine the employee's capabilities within their existing role;
 - consult frequently with the individual, in order to identify and action reasonable adjustments that would facilitate retention in the employee's substantive role;
 - seek advice from professional agencies such as Access to Work or the Business Disability Forum where required ;
 - consider medical redeployment to another existing role only if the impairment warrants such a move and there is medical advice confirming this.

9. Medical Redeployment

- 9.1 In some circumstances, where an employee who develops a disability or long term condition has already considered adjustments or changes to hours without success, it may be necessary to explore redeployment to another role either on a temporary or permanent basis.
- 9.2 For Police Officers, redeployment will be managed in line with the [Limited Duties policy](#).

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9.3 For Police Staff, medical redeployment must be considered prior to ill health retirement or termination of employment on grounds of capability. It may take between three and six months to identify a suitable alternative role. Line managers, in conjunction with Human Resources, should actively assist individuals in identifying redeployment opportunities. Once identified, advice should be sought from Workplace Health and Wellbeing to ensure the role is suitable. Reasonable adjustments should be considered including training, flexible working etc.

10. Support Available

Workplace Health Safety and Wellbeing

10.1 The Workplace Health Safety and Wellbeing department will provide advice and guidance on health related issues in the workplace. See [Workplace Health, Safety and Wellbeing Intranet Page](#)

Validium – Employee Assistance Programme

10.2 A confidential, independent telephone support and counselling service – 0800 0397878

Staff Associations and UNISON

- Police Federation www.polfed.org/norfolk www.polfed.org/suffolk
- The Superintendents Association www.policessupers.com
- UNISON: unison@suffolk.pnn.police.uk or reevesc@norfolk.pnn.police.uk

Staff Support Networks

- Suffolk Police Disability and Carers Association (SPDCA)
- Norfolk Disability and Carers Association (NPDCA)

10.3 For full details of all support networks see [Support and Social Intranet Page](#)

Line Manager

10.4 Your line manager or another manager in whom you have confidence can offer advice/support regarding the policy.

Human Resources

10.5 An appropriately qualified HR Professional can also offer you guidance and advice in respect of the policy and process.

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ACAS

10.6 ACAS (Advisory, Conciliation and Arbitration Service) provides information, advice, training, conciliation and other services for employees to help prevent or resolve workplace problems. Information can be found on their website, www.acas.org.uk

Business Disability Forum

10.7 HR and Suffolk line managers can use the Business Disability Forum advice service for advice on matters relating to disability in employment. Norfolk managers who manage Suffolk staff can also access this service. www.businessdisabilityforum.org.uk

Access to Work

10.8 If the help you need at work in relation to your disability is not covered by the Constabularies making reasonable adjustments, you may be able to get help from Access to Work.

10.9 You'll be offered support based on your needs, which may include a grant to help cover the costs of practical support in the workplace.