

# **Guide to recruitment and retention of people with a disability for Schools**

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## 1. Objectives and scope

- 1.1. The School will endeavour to create and maintain a workplace which is accessible by design including, but not limited to, physical buildings and presentation of information.
- 1.2. This guide should be read alongside the School's Recruitment and Selection Policy and is designed to:
  - assist managers and other employees involved in the recruitment, selection, management and retention of employees with a disability, and;
  - be a guide for employees with a disability to ensure they are aware of their employment rights and the support and advice which is available to them as an employee with a disability of Reading Borough Council.

## 2. Relevant Legislation

- 2.1. The Equality Act 2010 prohibits discrimination against people with a disability in a range of circumstances covering the provision of goods, facilities and services, the exercise of public functions, premises, work, education and associations.
- 2.2. Disability is one of the specified protected characteristics under the Act.

## 3. Definitions

- 3.1 A person has a disability if they have a physical or mental impairment and the impairment has a substantial, long-term, adverse effect on their ability to carry out normal day-to-day activities.
- 3.2 Whether a person has a disability for the purposes of the Act is generally determined with reference to the effect that an impairment has on that person's ability to carry out normal day-to-day activities.
- 3.3 A disability can arise from a wide range of impairments which can be:
  - Sensory impairments, such as those affecting sight or hearing;
  - Impairments with fluctuating or recurring effects such as rheumatoid arthritis, myalgic encephalitis (ME)/chronic fatigue syndrome (CFS), fibromyalgia, depression and epilepsy;
  - Progressive, such as motor neurone disease, muscular dystrophy, forms of dementia and lupus (SLE);

- Organ specific, including respiratory conditions, such as asthma, and cardiovascular diseases, including thrombosis, stroke and heart disease;
- Developmental, such as autistic spectrum disorders (ASD), dyslexia and dyspraxia;
- Learning difficulties;
- Mental health conditions and mental illnesses, such as depression, schizophrenia, eating disorders, bipolar affective disorders and some self-harming behaviour;
- Produced by injury to the body or brain
- Congenital (from birth)

### 3.4 Exclusions from the definition

3.4.1 Certain conditions are not regarded as impairments for the purposes of the Act. These are:

- Addiction to, or dependency on alcohol, nicotine, or any other substance
- The condition known as seasonal allergic rhinitis (e.g. hay fever)
- Tendency to set fires;
- Tendency to steal;
- Tendency to physical or sexual abuse of other persons
- Exhibitionism;
- Voyeurism.

### 3.5 'Substantial adverse effect'

A substantial effect is one that is greater than the effect which would be produced by the sort of physical or mental conditions experienced by many people which have only 'minor' or 'trivial' effects.

This could include:

- The time taken to carry out an activity;
- The way in which an activity is carried out;
- Cumulative effects of an impairment

For example, someone with depression experiences a range of symptoms that include a loss of energy and motivation that makes even the simplest of tasks or decisions seem quite difficult

- Effects of behaviour

For example, it would be reasonable to expect a person who has back pain to avoid extreme activities such as parachuting but would not be expected to give up or modify, more normal activities that might exacerbate the symptoms; such as moderate gardening, shopping, or using public transport.

- Effects of environment e.g. humidity, lighting, the time of day, how tired the person is, or how much stress he or she is under, may have an impact on the effects.
- Effects of treatment;
- Progressive conditions e.g. dementia, rheumatoid arthritis
- Severe disfigurements e.g. scars, birthmarks, limb or postural deformation

### 3.6 **'Long-term effects'**

The Act states that, for the purpose of deciding whether a person has a disability, a long-term effect of impairment is one:

- Which has lasted at least 12 months; or
- Where the total period for which it lasts, from the time of the first onset, is likely to be at least 12 months; or
- Which is likely to last for the rest of the life of the person affected

### 3.7 **'Normal day-to-day activities'**

The Act does not define what is to be regarded as a 'normal day-to-day activity'. Account should be taken of whether the person's impairment substantially affects their ability to carry out normal day-to-day activities such as remembering to do things, organising their thoughts, planning a course of action and carrying it out, taking in new knowledge, and understanding spoken or written information.

For example, a woman has Asperger's syndrome, a form of autism, and this causes her to have difficulty communicating with people. She finds it hard to understand non-verbal communications such as facial expressions, and non-factual communication such as jokes. She takes everything that is said very literally, and therefore has difficulty in making or keeping friends or developing close relationships. She is given verbal instructions during office banter with her manager, but her ability to understand the instruction is impaired because she is unable to isolate the instruction from the social conversation. Effective communication can be achieved in many ways including verbal and non-verbal communication, including follow up written confirmation of any instruction/request.

## 4. Fair Recruitment and Selection

4.1 The School supports the government's Disability Confident Scheme which guarantees that applicants who declare a disability will receive an interview for the role they have applied for if they meet the minimum criteria. The scheme supports employers to make the most of the talents people with a disability can bring to the workplace. More information about the scheme can be obtained from Human Resources.

### 4.2. Application Forms

Application forms are available on request in formats that may be appropriate for applicants who have a visually impairment and include large print, computer disc and Braille on request. Consideration will be given to applicants with a disability who wish to present the required information in a different way.

### 4.3. Job Descriptions and Person Specifications

Job descriptions and person specifications that contain discriminatory criteria are contrary to the Equality Act 2010 and recruiting managers should review them prior to the recruitment process. Health related criteria should be carefully considered as they are usually irrelevant e.g. good eyesight, good verbal skills or being "fit and healthy". Even if a physical activity is usually essential to a job, a reasonable adjustment under the Equality Act could be to allocate this duty to a colleague.

### 4.4. Advertising

All advertisements should carry the Disability Confident statement to encourage applications from people with disabilities. Advertisement should state the closing date for applications and the date the interviews will be held in order to give prospective applicants some idea of the timescale for recruitment. This is particularly important for applicants with a disability who may need to make travel arrangements and book interpreters.

### 4.5. Shortlisting and Selection Process

4.5.1 All shortlisted applicants will be informed that reasonable adjustments will be made to the interview arrangements in order to meet their access needs if required.

4.5.2 Access to Work (see 5.1) may be able to cover the costs of interpreters and the candidate's travel if a taxi is needed.

4.5.3 Interview panel members should not make assumptions based on a person's impairment or the person's ability to undertake work. This would contravene the Equality Act 2010.

- 4.5.4 The duty to make reasonable adjustments applies to the conduct of the interview itself. At the beginning of an interview the chair of the panel must check with all candidates that their access needs have been met.
- 4.5.5 All interviews should be held in accessible venues. Appropriate car parking may need to be arranged in advance.
- 4.5.6 Under the Equality Act it is unlawful for a prospective employer to ask a job applicant about their health before offering work. This means that job applicants cannot be asked questions about their health and sickness record (e.g. how many days sickness absence they have taken) at any stage of the recruitment process before a job offer has been made.
- 4.5.7 It is acceptable to engage in a discussion about access requirements (such as wheelchair access to the premises where they will be working), before any offer is made, but only where this is raised by the applicant.
- 4.5.8 Once a job offer has been made, managers must be proactive about exploring any disability or health issues, such as instigating job-related reasonable adjustments.

#### 4.6 **Occupational Health**

All staff are required to complete a health screening form in relation to the demands of the job and may then have to complete a health questionnaire or health examination. People with a disability will be required to disclose this information to the Occupational Health service. Their medical information will be kept confidential to Occupational health at all times and they will use the information supplied to advise managers how the applicant can be supported in the workplace. The information supplied or obtained will be processed only in accordance with medical ethical rules and the provisions of the General Data Protection Regulations (GDPR).

## 5. **Support for staff with a disability**

### 5.1. **Access to Work**

Access to Work (ATW) is a government scheme which offers advice, support and financial assistance to employers and employees with a disability (the scheme also organises supported employment opportunities) such as:

- Specialist equipment for employees with a disability.
- Adaptations to premises.
- Employing a reader or support worker.
- Employing interpreters for workers with a hearing impairment.
- Travel costs to and from work if public transport / personal transport is inaccessible to an employee with a disability.

Managers should encourage applicants to contact ATW as soon as they have made a firm job offer and not wait until they start in employment.

## 5.2 **Reasonable Adjustments**

Under the Equality Act 2010 an employer has a duty to make reasonable changes for applicants with a disability and for employees whose condition is covered under the Act.

The adjustment could be a physical change or a change in the way something is done. This could include assessing working hours, alternative duties and responsibilities, looking at alternative roles within the service or adjacent services. Further advice and guidance is available from Human Resources.

## 5.3 **Accessible Parking**

If required, a designated space should be made available as close to the building as possible for employees with a disability who require this. The School will reimburse parking fees if necessary.

## 5.4 **Health and Safety**

It is important that risk assessments are undertaken for lone workers, and a Personal Emergency Evacuation Plan (PEEP) should be planned, if required, involving the employee with a disability. This should include arrangements if they are attending meetings or training in other buildings. Advice can be sought from the Corporate Health and Safety Team.

## 5.5 **Retention**

The School has a legal responsibility to attempt to redeploy employees who as a result of their impairment become unable to fulfil the duties of their substantive post. Making reasonable adjustments to the substantive post should usually be considered first. Ill health retirement or dismissal on medical grounds will only be considered when all other options have been explored fully.

## 5.6 **Developmental Support**

If an employee with a disability wishes to discuss career development then support is available from their line manager, Organisational Development and Learning, Human Resources and the Council's union learning representatives.

## 5.6 **Sickness Absence**

Please see the School's Managing Sickness Absence Policy

## 5.7 **Employees with mental and emotional distress and/or stress related impairments**

5.7.1 Employees experiencing mental and emotional distress must not be treated differently to other employees unless they ask for help or demonstrate clear signs through their performance or behaviour that it is needed.



- 5.7.2 Creative solutions need to be adopted for staff experiencing mental and emotional distress, such as being allowed to take time out in a quiet place if they are feeling anxious or distressed.
- 5.7.3 Flexible working can reduce potential periods of sickness absence e.g. starting work at a later time if they find it hard to leave the house in the mornings because of their impairment or medication.
- 5.7.4 One-to-one supervision sessions and informal discussions can be used as stigma-free opportunities to find out about any problems. Employees may be reluctant to talk openly if they feel that their disclosures will not be dealt with positively and sympathetically.
- 5.7.5 Managers need to discuss with an employee who has a disability how to explain the sickness absences to the employee's co-workers. Colleagues are often unsure how to respond to a colleague who is absent due to a mental health related illness.
- 5.7.6 Occasionally an employee may behave in a way that is unusual and affects colleagues or clients. Managers should try and take the individual to a quiet place and speak to them calmly. Suggest that the employee contacts a relative or friend or that they go home and contact their GP or Occupational Health.

#### 5.8 **Support for people with dyslexia, dyspraxia etc**

Assessments and emotional support can be obtained from the Adult Dyslexia Centre, online at [www.adc.org.uk](http://www.adc.org.uk). The centre is based at The Field Centre, Braywick Heath Nurseries, 41 Braywick Rd, Maidenhead SL6 1DX. The helpline number is 07921 022589, or email [help@adc.org.uk](mailto:help@adc.org.uk).

A range of physical aids are available to assist employees with these conditions.

#### 5.9 **Allowing employees with a disability to attend medical appointments during working hours**

Paid time off will be given for specialist or hospital appointments, meetings with a Disability Employment Advisor, rehabilitation or assessment. Please see the School's Managing Sickness Absence Policy which includes guide on time off for treatment.

#### 5.10 **Modifying policies and procedures**

If current policies and procedures appear too rigid to enable an employee with a disability to benefit, contact HR to discuss adjustments. The Equality Act 2010 code of practice specifically refers to modifying disciplinary or grievance procedures and redundancy selection criteria where required. HR will also seek views from trade unions.

### 5.11 **Complaints**

Any current employee who considers that they have been treated unfairly or discriminated against on the grounds of an impairment or mental and emotional distress may raise a complaint through the School's Grievance Policy. Support can also be sought from a trade union representative if the employee is a member. External job applicants with a complaint about the recruitment process should seek redress through contacting Human Resources.