

DISABILITY MANAGEMENT POLICY

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NORFOLK
CONSTABULARY



SUFFOLK
CONSTABULARY

DISABILITY MANAGEMENT

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Legal Basis

Legislation specific to the subject of this policy document:

- Equality Act 2010
- Protection from Harassment Act 1997

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

- [Human Rights Act 1998 \(in particular A.14 – Prohibition of discrimination\)](#)
- [Health and Safety at Work etc. Act 1974 and associated Regulations](#)
- UK General Data Protection Regulation (UKGDPR) and Data Protection Act 2018
- [Freedom Of Information Act 2000](#)

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Other documentation which you must check this document against:

- [College of Policing – Code of Ethics](#)
- [Norfolk and Suffolk Constabularies' Standards of Professional Behaviour](#)
- [College of Policing – Authorised Professional Practice](#)

1. Policy Statement

- 1.1 Norfolk and Suffolk Constabularies (together “the Constabularies”) recognise that some workplace practices or aspects of the work environment can be challenging for people with disabilities. We are committed to identifying any barriers that could place someone with a disability at a disadvantage and taking all reasonable steps to remove or reduce them.
- 1.2 The primary aim of this policy is to ensure every individual with a disability has the opportunity to perform to the best of their ability. The focus will always remain on what each individual can do and how we can support them, rather than what they are not be able to do. The policy provides the support framework to ensure equality and inclusion. We will strive to foster a proactive approach at every stage of the employment journey to support those with a disability or long-term health condition.
- 1.3 We are committed to strengthening the trust of all communities served and developing and investing in our people. On this basis, we are committed to valuing each individual and recognising that individual needs and circumstances will vary. Equality of opportunity is not about treating everyone the same, instead, treating people fairly based upon their individual needs.
- 1.4 The Constabularies are committed to ensuring this policy complies with relevant legislation and that consultation has been undertaken with all relevant staff groups. This policy can be changed at any time following consultation with the Police Federation and UNISON. The Constabularies' policies may also be periodically updated to reflect changes in legislation including police regulations.
- 1.5 The Constabularies will review this policy periodically to ensure that it reflects appropriate standards and continues to meet our needs.
- 1.6 This policy promotes equality, eliminates unlawful discrimination and actively promotes good relations regardless of age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, economic or family status.
- 1.7 Managers have a specific responsibility to ensure the fair application of this policy and all officers and police staff are responsible for supporting colleagues and ensuring its success.

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- 1.8 This policy has been formally agreed via the approved policy development/review process. It will be maintained by the People Directorate in conjunction with the Central Policy Unit.
- 1.9 The Director of People has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. Day-to-day responsibility for operating the policy and ensuring its maintenance and review has been delegated to the HR Managers.

2. “Disability Confident”

- 2.1 The Constabularies are “Disability Confident” employers. The Disability Confident Scheme is about creating a movement of change, encouraging employers to think differently about disability and take action to improve how they recruit, retain and develop disabled people.
- 2.2 In becoming Disability Confident Leaders (level 3 in the scheme), the Constabularies have demonstrated leadership and established themselves as employers that prioritise disability inclusion and reflect this across all its people-management practices. To retain level 3 status and promote continuous improvement the Constabularies are required to participate in an annual assessment process.

3. Disability and the Equality Act 2010

- 3.1 Someone is disabled under the Equality Act 2010 if they have a ‘physical or mental impairment’ that has a ‘substantial’ and ‘long-term’ adverse effect on their ability to carry out normal day-to-day activities, as explained below:
- *Impairment*: someone has an impairment if any of their physical or mental abilities are reduced¹ or affected in some way;
 - *Adverse effect on ability to carry out normal day-to-day activities*: day-to-day activities are things people do on a regular or daily basis, in their home and social life, or which enable people to fully participate in working life, which are impacted by a physical or mental impairment.
 - *Substantial adverse effect* –: this means the impact on the person’s ability to carry out normal day to day activities is significant, so is more than minor or trivial;
 - *Long-term effect* –: this is generally taken to mean that the effect(s) of an impairment has lasted, or is likely to last, longer than 12 months (or if it is likely to last for the rest of their life). The effects can still be considered long-term if they come and go, for example a fluctuating condition might affect someone for a few months at a time with other times when they are not affected.
- 3.2 The Constabularies however are committed to moving beyond compliance with the Equality Act and adopting best practice. It is best practice to

¹ www.acas.org.uk/what-disability-means-by-law

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assume that someone who is asking for support for a health condition does indeed need that support. Managers should be proactive in obtaining advice around assessing what barriers an individual may be facing and being flexible in making adjustments to remove or reduce those barriers, rather than spending time assessing whether or not someone meets the disability definition under the Equality Act (the making of such adjustments does not indicate that the definition has necessarily been met).

- 3.3 There is no need for a condition to be medically diagnosed as long as the individual can show a substantial and long-term adverse effect on their ability to carry out day to day activities. Ultimately only a court or tribunal can determine whether a person has a disability under the Equality Act 2010 or not.

4. Discrimination

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

- discriminate by treating a disabled individual (or an individual who is either associated with a disabled person or perceived to be disabled) less favourably than others because of their disability. However, positive discrimination in favour of a disabled individual is allowed;
- discriminate indirectly by applying a provision, criterion or practice that disadvantages individuals with a disability without objective justification;
- treat a disabled person unfavourably because of something arising from their disability without objective justification;
- fail to comply with its duty to make reasonable adjustments where a disabled person is placed at a substantial disadvantage compared to those without a disability.
- subject a disabled person (or someone who either is associated with a disabled person or perceived to be disabled) to harassment related to disability by engaging in unwanted conduct related to their disability which has the purpose **or** effect of violating that person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them;
- victimise a person because they have made or intend to make a disability discrimination complaint under the Equality Act or alleging that the Act has been breached;
- ask job applicants pre-employment health questions, other than for a prescribed reason.

- 4.2 The protection from discrimination applies to the whole employment/ service lifecycle, from recruitment, to training, opportunity, progression, exit and giving of references.

Who can be held responsible for discrimination

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- 4.3 The Constabularies can be held responsible for the actions of its staff. However, it may not be held responsible if all reasonable steps were taken to prevent the discrimination. Any of our staff who discriminates against someone at work is also responsible for their own actions and a discrimination complaint can also be made against them personally.
- 4.4 If a line manager believes a member of their team might have a disability which they have not disclosed, they should take all reasonable steps to find out more about the support they need.
- 4.5 This may include:
- talking to the individual privately to ask if there is any support they need;
 - asking if they would agree to a Workplace Health referral;
 - assuring them that anything they tell them will be dealt with confidentially and will not be shared with a third party without their consent.
- 4.6 We will do all we can to:
- make sure that we do not unfairly discriminate in any aspect of work;
 - prevent discrimination and protect people from discrimination by others. If anyone has concerns or feels they are being discriminated against, there are a number of ways they can raise or report this, either informally or formally. Please refer to the Grievance and Resolution Policy for further information;
 - look after the well-being of our staff.

5. What is or could be a disability

Conditions that are automatically classed as disabilities:

- 5.1 A person is recognised as having a disability from the day of diagnosis of the following conditions without needing to demonstrate impact:
- Cancer
 - HIV infection
 - Multiple sclerosis (MS)
 - Being severely blind, sight impaired or partially sighted

Common conditions that can be disabilities

- 5.2 The following conditions may result in a disability depending on individual circumstances and how it affects them. It is important to note that not all disabilities are visible and many other conditions or impairments could potentially result in a disability.
- 5.3 Physical conditions:

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- Arthritis
- Asthma
- Auto-immune conditions e.g. lupus, rheumatoid arthritis
- Brain injury
- Cardio-vascular (heart) disease
- Chronic back pain
- Chronic fatigue syndrome
- Deaf or hearing impairment
- Diabetes
- Epilepsy
- Fibromyalgia
- Musculoskeletal conditions

5.4 Mental health conditions:

- Depression
- Anxiety disorders
- Bipolar disorder
- Schizophrenia
- Eating disorders
- PTSD
- OCD

5.5 Neuro-diverse conditions:

- Autism spectrum condition
- ADHD
- Dyslexia, dyspraxia, dyscalculia
- Tourette's

Progressive conditions:

- Motor Neurone disease
- Muscular dystrophy
- Parkinson's disease

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6. Sharing Information about Disability

Telling us about your disability or long-term health condition

- 6.1 We are committed to disability best practice and removing barriers and for this reason individuals are encouraged to tell us if they are experiencing any barriers related to their disability or health and require support in the workplace.
- 6.2 We understand that some people may find it difficult to discuss their disability or health condition. However, we aim to provide an environment where people feel comfortable to do so, and to be as open as possible with how we can support them.
- 6.3 You are not obliged to tell us, however, effective support can be provided when details about any disability or health condition are known. Anyone who wishes to share information about their health or disability can do this confidentially through their line manager, Workplace Health or HR.
- 6.4 Additionally, health and safety legislation places an obligation on not only the employer, but also on the individual, to co-operate to ensure the duty of care for themselves, their colleagues and members of the public is complied with and no-one is at risk. If a health condition or disability could impact others, consideration should be given by the individual to disclosing relevant details of their condition(s), so others who could be affected are made aware and given appropriate information and resources to deal with an incident e.g. first aid training on defibrillator, seizures etc.

Entering your disability information on EBS

- 6.5 To ensure we have accurate information relating to the protected characteristics of our staff, we encourage you to update your 'equal opportunities' information on EBS. All the information gathered is confidential and is not accessed by the line manager. The information helps us to promote inclusivity effectively. By understanding the makeup of our workforce we are able to identify and address any potential disparities, ensure fair treatment and create a supportive environment.
- 6.6 To update your disability status on EBS, please follow the following steps:
 - >ERP Hub
 - >EBS Dashboard
 - >Special information
 - >Equal Opportunities Monitoring
 - >Update – Disability

Data Protection and Workplace Health Privacy Notice

- 6.7 Managers are reminded of their confidentiality obligations under data protection rules. Information about people's health and disability falls within

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the special categories of personal data under the UK General Data Protection Regulation (“UK GDPR”). Managers must ensure any personal information disclosed to them is not shared without prior consent of the person concerned.

- 6.8 In addition, any manager who is made aware of any disability by a member of their staff is duty bound to request their consent to inform Workplace Health to ensure this is recorded in accordance with the ‘Workplace Health Privacy Notice’.

7. Reasonable Adjustments

- 7.1 The Equality Act requires employers to make reasonable adjustments when an individual 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 someone doing their job effectively, or offering them alternative work (where available) that they are otherwise capable of doing. Many people who acquire a disability are capable of continuing in their role with appropriate support.
- 7.2 What is “reasonable” will depend on each situation. The focus for making adjustments will be on the individual’s ability to function and carry out their role on a day-to-day basis, rather than their disability or health condition.
- 7.3 Decisions about whether an adjustment is ‘reasonable’ must take into account:
- Effectiveness - how effective the adjustment will be in avoiding or at least minimising the disadvantage the person would otherwise experience;
 - Practicality – how practical the adjustment will be to implement – such as length of time or any training requirements;
 - Cost – this may depend on the Constabularies’ resources and/or the availability of external financial support such as Access to Work. Some adjustments may require little or no cost;
 - Risk – would the adjustment cause any risk to others, if the adjustment would present any health or safety risk it will not be reasonable;
 - Disruption – would the adjustment cause unacceptable disruption to operational activity/service or to others.
- 7.4 Where consent has been given by the individual to share their medical/disability needs with HR, Workplace Health and Safety, the team will work closely with the individual and their line manager to identify the most appropriate adjustments. Managers and HR can also access the Business Disability Forum and contact the Disability Carers Network for advice and guidance.

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- 7.5 A line manager may refer a member of their team to Workplace Health for further advice and information as a supportive measure where reasonable adjustments may be required. They must always speak to the person prior to making a referral and can only do so with their fully informed consent. Consent will also be sought at each appointment for the subsequent report to be shared with the individual's line manager, in order to allow them to implement adjustments where reasonable and take any other action required. Where an individual does not consent to release of the full report, the clinician will discuss with the individual sending a report that contains only advice on adjustments or restrictions.
- 7.6 Any equipment purchased for an individual's own use to provide a reasonable adjustment (e.g. assisted technology such as screen readers, text to speech technology, specialist desk chairs, adjustable desks) will move with the individual on transfer/promotion/secondment to a new role, provided it is still necessary to meet the requirements in the new role. If it is no longer required, it should be returned to the allocating department (e.g. ICT, Health and Safety, Estates etc.)
- 7.7 There may be occasions where it is considered that an adjustment requested cannot be made as it is not deemed to be reasonable. Managers should always seek advice from HR before making any decisions in relation to this. If a particular adjustment would not be reasonable, we will explain why and where possible, try to find an alternative solution.

8. Workplace Adjustment Passport

- 8.1 The Workplace Adjustment Passport is a living record of agreed adjustments between an individual and their line manager which support them at work. It is voluntary to complete but can be used ensure that both the individual and their manager have a record of what they have agreed so that they feel supported.
- 8.2 If the individual's line manager changes, then the new manager can review what has previously been agreed, and ensure any adjustments are portable where they are still required/applicable, if moving to a new role.
- 8.3 Whilst the Workplace Adjustment Passport belongs to the individual it still needs to be completed and reviewed in discussion with the line manager and reflect adjustments which both have agreed to.
- 8.4 The passport isn't just for reasonable adjustments in relation to a disability or long-term health condition but can also include any adjustments or specific support agreed with the line manager, relating to, for example, caring responsibilities, menopause, neuro-diverse conditions, a temporary health condition.
- 8.5 To complete a Workplace Adjustment Passport please click [here](#) for a template and guidance notes. Please ensure you open and save your own copy before completing.

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9. Recruitment, selection and promotion processes

- 9.1 As Disability Confident employers, we are committed to fully supporting applicants who have a disability or long-term health condition, and taking action to continually improve how we recruit disabled people, for example:
- in our offer of a guaranteed interview, where the essential criteria have been met;
 - making reasonable adjustments at all stages of the application and interview/selection process;
 - in our approach to disability and health related questions.
- 9.2 Applicants are encouraged to let the Constabularies' recruitment team or the recruiting manager know as soon as possible if they have a disability, for example on their application form, with any additional information of how it may impact their ability to take part in the recruitment process or the core elements of the role applied for, and any adjustments they think they may need. Declaration is not mandatory but knowing that an applicant has a disability enables any necessary reasonable adjustments required to be put in place. If support is required at the application stage, the recruitment team can be contacted by telephone or email as will be stated on the recruitment advert.
- 9.3 Reasonable adjustments are intended to ensure applicants with disabilities/long-term health conditions are able to compete fairly with other applicants and have access to the same opportunities. The recruitment team/recruiting manager doesn't need to know details of the condition or symptoms, only the adjustments required and that they are necessary due to a disability/long-term health condition.
- 9.4 Requests for reasonable adjustments will be handled sensitively and not discussed with the panel/decision makers any further than is necessary for the purpose of the selection process.
- 9.5 In advance of the process the recruiting manager/panel chair, should make sure any additional selection tests they propose to use are role relevant and be mindful of different disabilities, to help ensure they are inclusive and practical for all to take part in, or to make reasonable adjustments if appropriate.
- 9.6 The nature of an adjustment will always be on an individual case basis. Some examples of recruitment based adjustments include providing information in a different format, interview related adjustments such as a change in venue or special equipment; modified assessment processes, such as allowing additional time.
- 9.7 The duty to make reasonable adjustments only applies when the Constabularies know or can reasonably be expected to know that an applicant has a disability, therefore it is important that applicants' needs are fully understood at the earliest opportunity and revisited throughout the

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recruitment process. The recruitment team will take responsibility for ensuring that any request for reasonable adjustments raised with them in advance is acted upon and will liaise with the recruiting manager as necessary.

- 9.8 The chair of an assessment panel will also need to ensure they are confident to respond inclusively if any applicant arrives for an interview/assessment with a disability related need that was not advised in advance.
- 9.9 At interview/assessment, if the panel are not satisfied that all reasonable adjustments have been made, or cannot be made at that point, they should terminate the process and re-schedule for a later date. Should this situation arise it will have no detrimental effect on the interview/assessment result for the individual. Under no circumstances should an applicant be pressured in continuing until agreement about reasonable adjustments has been reached.
- 9.10 It is only permissible to ask questions about applicants' health before a job offer is made if it is necessary to determine their ability to perform an essential aspect of the role. This will only be in very limited circumstances and is separate to establishing whether reasonable adjustments to the recruitment process are required, so interviewers must take advice from the Recruitment Team or HR before preparing to ask such questions.
- 9.11 When appointing to a vacancy, managers will need to allow for practical and time-frame implications for getting reasonable adjustments in place, such as availability, and bespoke orders of specialist equipment, so should take this into account when agreeing a start date.
- 9.12 The above considerations also apply to internal promotion processes or career development programmes. Applicants should be asked at application stage if they need any adjustments to participate in the process, or to undertake the core elements of the role.

10. Training methods and CPD

- 10.1 Training methods may need to be adapted to ensure that those with disabilities can participate fully.
- 10.2 Training methods should take into account the needs of all delegates including their learning style, mobility needs and any necessary equipment or adaptive technology. It should be common practice to ask in advance of training delivery sessions if anyone in the group has any special requirements.
- 10.3 The Constabularies provide a large amount of training and CPD through the on-line learning management system (LMS) 'The Best I Can Be'. This supports inclusivity enabling staff with a range of accessibility requirements to undertake learning independently and in a more interactive way.

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11. Disability Related Sickness Absence

- 11.1 If an individual is absent from work due to ill-health and cites their disability or symptoms arising from it as the cause, this is classed as disability related sickness absence.
- 11.2 Anyone who has a period of disability related sickness absence is encouraged to let their line manager know this, so that appropriate support can be provided. It is important that this is marked as such on the sickness absence reporting form and return to work form, to ensure this can be clearly identified by the line manager and HR for welfare and absence management purposes.
- 11.3 While disability related sickness absence will not be discounted from an individual's attendance record, an adjustment to the attendance standard which triggers formal absence management action may be appropriate, depending on individual circumstances. Line managers should seek advice from HR before making any such adjustment.
- 11.4 For management of long-term disability related sickness absence, including contact arrangements, please refer to the Sickness Absence Management Policy.
- 11.5 If an individual requires any time off for planned or emergency treatment and/or medical appointments related to their disability/long-term health condition, they and their line manager should refer to the Leave and Time Off Policy (Officers) or Leave and Time Off Policy (Police Staff), as applicable, for information. If the time off required is more than one day, this will be recorded as sickness absence.

12. Acquiring a disability during service/employment

- 12.1 According to the Business Disability Forum, the majority of people with a disability or long-term health condition acquire this at age 16 or over. Therefore, many people with disabilities are likely to acquire their disability whilst they are of working age. We are committed to ensuring that individuals who develop a disability during their employment with us remain employed, and wherever possible, in their existing role. The knowledge, skills and experience of every officer and member of staff is valued highly and retirement on grounds of ill health will only be considered after all other options (i.e. reasonable adjustments including redeployment) have been fully explored and are non-viable. Information regarding ill health retirement can be found in the Retirement (Officer) and Retirement (Police Staff) policies.
- 12.2 Where an individual develops a new disability or an existing disability changes/worsens, we will:
- seek to determine the individual's capabilities within their existing role, considering whether their existing role could be adapted;

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- undertake a review of the individual's hybrid and home-working person category, as determined under the Hybrid and Homeworking policy;
- consult frequently with the individual, in order to identify and action any reasonable adjustments that would facilitate retention in their current role;
- seek advice and specialist support from Workplace Health, a suitably qualified medical expert and/or professional agencies such as Access to Work or the Business Disability Forum, as appropriate;
- consider medical redeployment if appropriate.

12.3 When an individual acquires a disability, whether through injury, illness or a change in health, they may not think of themselves as "disabled" even if their condition is a disability recognised under the Equality Act 2010. Managers should be mindful of any signs, such as changes in work performance, that could mean an individual has an underlying health condition or disability that they have not yet shared, for which they may need support with or a reasonable adjustment.

13. Medical Redeployment

13.1 In some circumstances, an individual who develops a disability or long-term condition may no longer be able to perform the role that they hold even after all reasonable adjustments have been made.

13.2 However, this does not mean that the individual's skills and experience cannot be valuable elsewhere in the organisation. In such cases, if all adjustments have been considered, it may be necessary to explore redeployment to an alternative role.

13.3 Management under capability procedures or ill health retirement shall only be considered as a last resort.

13.4 The considerations of how best the skills of an individual who acquires a disability or long-term health condition may be utilised, will depend on whether they are an officer or member of police staff.

13.5 For further information regarding police officers please refer to the Limited Duties Policy.

13.6 For further information regarding police staff, please refer to the medical redeployment section in the Sickness Absence Management Policy.

14. Support and advice

The following are the main sources of advice and support:

Line Manager

14.1 The line manager will act as the individual's main source of support in respect of welfare and supporting them to do their job. The individual may

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also choose to speak to another manager whom they have confidence in for advice and support.

HR

14.2 HR Advisors can also offer guidance and advice. Please see the HR intranet page for a list of current HR Advisors and the business areas they are aligned with.

Workplace Health

14.3 Workplace Health provide information and advice on a wide range of health-related issues. Please visit the Workplace Health, Safety and Wellbeing Intranet site for full information on what is available including how a line manager can make a management referral for a member of their team.

Employee Assistance Programme (EAP)

14.4 The EAP is a free confidential, independent support and counselling service available 24/7.

14.5 There are three ways of contacting the EAP Service:

- Phone number: 0808 196 1441
- App: MCL Medics EAP
- Desktop Link: app.mclmedicseap.com

14.6 Whichever way you choose to access the service, you will first need to create an account and register. When you create an account, you will be asked for a unique company code which can be found here:

- Norfolk staff: 832982
- Suffolk staff: 606412

Police Federation

- Norfolk Police Federation: www.polfed.org/norfolk
- Suffolk Police Federation: www.polfed.org/suffolk

Police Superintendents Association

- The Police Superintendents Association www.polic-supers.com

UNISON

- Norfolk and Suffolk Police Branch UNISON

Staff Support Networks

- The Disability and Carers Network (DCN) is an informal support group in the Constabularies that provide a safe and supportive forum for those

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who have a disability or who are caring for someone with a disability, for example a family member or friend. The network is also open to those who are interested in learning more about disabilities or who wish to support this area.

- For details of all the Constabularies' support networks please visit the Support and Social Intranet Page

Peer Support Groups

- The Constabularies have a number of health-based peer support groups, overseen by Wellbeing and led by Wellbeing Champions. For information please visit the Peer Support Group's page on the intranet.

ACAS

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

Business Disability Forum

14.8 As the Constabularies are members of the Business Disability Forum all managers, officers and staff can register to access the Knowledge Hub which provides a wide range of resources and toolkits. Simply go to the website and enter your name and work email address to register. www.businessdisabilityforum.org.uk

Access to Work

14.9 If the help an individual needs at work in relation to a disability is not covered by the Constabularies making reasonable adjustments, help may be available from Access to Work.

14.10 Support will be offered based on an individual's needs, which may include a grant to help cover the costs of practical support in the workplace. Whilst contact with Access to Work will need to be initiated by the individual, the Constabularies, HR and line manager, can then support the application if recommendations are made.

14.11 Individuals can find more information about Access to Work through the following link:

Access to Work: Get support if you have a disability or health condition

14.12 Line managers and HR can find more information about Access to Work through the following link:

Access to Work: Guide for Employers

14.13 Typically, recommendations through Access to Work, such as specialist equipment or services, have to be funded by the Constabularies initially

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then claimed back through Access to Work. Facilities Department will support with the purchase of furniture when authorised by Health and Safety, ICT for software and hardware and additional items including training will typically need to be funded through the line manager's department budget.

- 14.14 Managers can contact their HR Advisor for help and guidance with Access to Work.