

**DISABILITY MANAGEMENT**

Owning Department:	HR		
Department SPOC:	HR Advisor, Policy, Reward & Employee Relations		
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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**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 each individual's different perspective 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 We recognise that some workplace practices or physical aspects of our work environment can be challenging for people with disabilities. We are committed to identifying any such challenges that could place a person with disabilities at a disadvantage, then taking all reasonable steps to remove steps to overcome them. 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 individual 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:

‘a person (P) has a disability if:

- (a) Has a physical or mental impairment
- (b) The impairment has a substantial and long-term adverse effect on P’s ability to carry out normal day-to-day activities’

Please be aware there are exclusions to the main definition of disability. Please see FAQs at Appendix B.

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.

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) Guidance. 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.

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Discrimination

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

- Discriminate by treating an individual 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 individual (treating them more favourably than a non-disabled individual) is allowed.
- Discriminate by treating a disabled person unfavourably because of something arising from their disability (i.e their physical or mental health limitations)
- Discriminate indirectly by applying a provision, criterion or practice that disadvantages individuals with a disability without objective justification.
- Fail to comply with its duty to make reasonable adjustments where a disabled individual is placed at a substantial disadvantage.
- Subject an individual (or an individual 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 a relevant protected characteristic 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 an individual because they have made or intend to make a disability discrimination complaint under the Equality Act 2010 or alleging that the EA 2010 has been breached, 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.
- Failure to make reasonable adjustments: the Constabularies are under a duty to make reasonable adjustments to working practices (written and unwritten), its premises and the provision of auxiliary aids where an applicant, member of staff or an officer with a disability is put at a substantial disadvantage, compared to those without a disability. If they are put to such a disadvantage, the constabularies must take such steps as it is reasonable to have to take to avoid the disadvantage or to provide the required aid. This duty is explained in more detail in section 2.3.
- The protection from discrimination applies to the whole employment/service lifecycle, from recruitment, to training, opportunity, progression, exit and giving of references.

3. Our Procedures

Sharing Information about Disability

- 3.1 Individuals 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 this reason, it is encouraged that individuals advise if they are experiencing barriers related to their disability or health. Additionally, Health and Safety legislation places an obligation on not only the employer, but also on individuals to cooperate 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 or health, 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 request the individual's consent 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 improve the recruitment process and representation of people with disabilities within the Constabularies. For this reason, candidates will be asked at application stage to confirm if they consider themselves to have a disability, how it may impact their ability to take part in the recruitment process and/or the core elements of the role they are applying for.

Declaration is not mandatory, but knowing that an applicant has a disability enables the Constabularies to make any necessary reasonable adjustments accordingly.

- 4.2 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 an applicant with disabilities is able to compete fairly with other 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 Requests for reasonable adjustments will be handled sensitively and not discussed with the panel/decision makers any further than is necessary.

5. Promotion and Career Development

- 5.1 At the start of and during a promotion selection process or career development course application, applicants should be asked if they need the Constabularies to make any adjustments to the application process or for them to do the core elements of the role they are applying for. The panel should only ask such questions related to an applicant's health as are necessary to understand whether an adjustment requested by them would be effective and reasonable in the circumstances.
- 5.2 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 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 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 Where consent has been given by the individual to share their medical/disability needs with HR/Workplace Health and/or their manager, HR/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 the individual has their needs fully documented without expectation on the individual to explain what is already in place, to assist individuals and managers when reviewing these documents and to ensure consistency in approach across the constabularies. 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 consider 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 If an individual takes sickness absence citing their disability or symptoms arising from it, this is classed as disability related sickness absence.
- 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 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;
- consult frequently with the individual, in order to identify and action reasonable adjustments that would facilitate retention in the individual’s substantive role;
- seek advice from Workplace Health, a suitably qualified medical expert and/or professional agencies such as Access to Work or the Business Disability Forum.
- Consider medical redeployment as below.

9. Medical Redeployment

9.1 In some circumstances, where an individual 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.

9.2 For Police Officers, redeployment will be managed in line with the [Limited Duties policy](#).

9.3 For Police Staff, please refer to the [Sickness Management policy](#).

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.policesupers.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)

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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 guidance and advice in respect of the policy and process.

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 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.

10.9 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 is initiated by the individual, the Constabularies can then support the application if recommendations are made.