

Disability

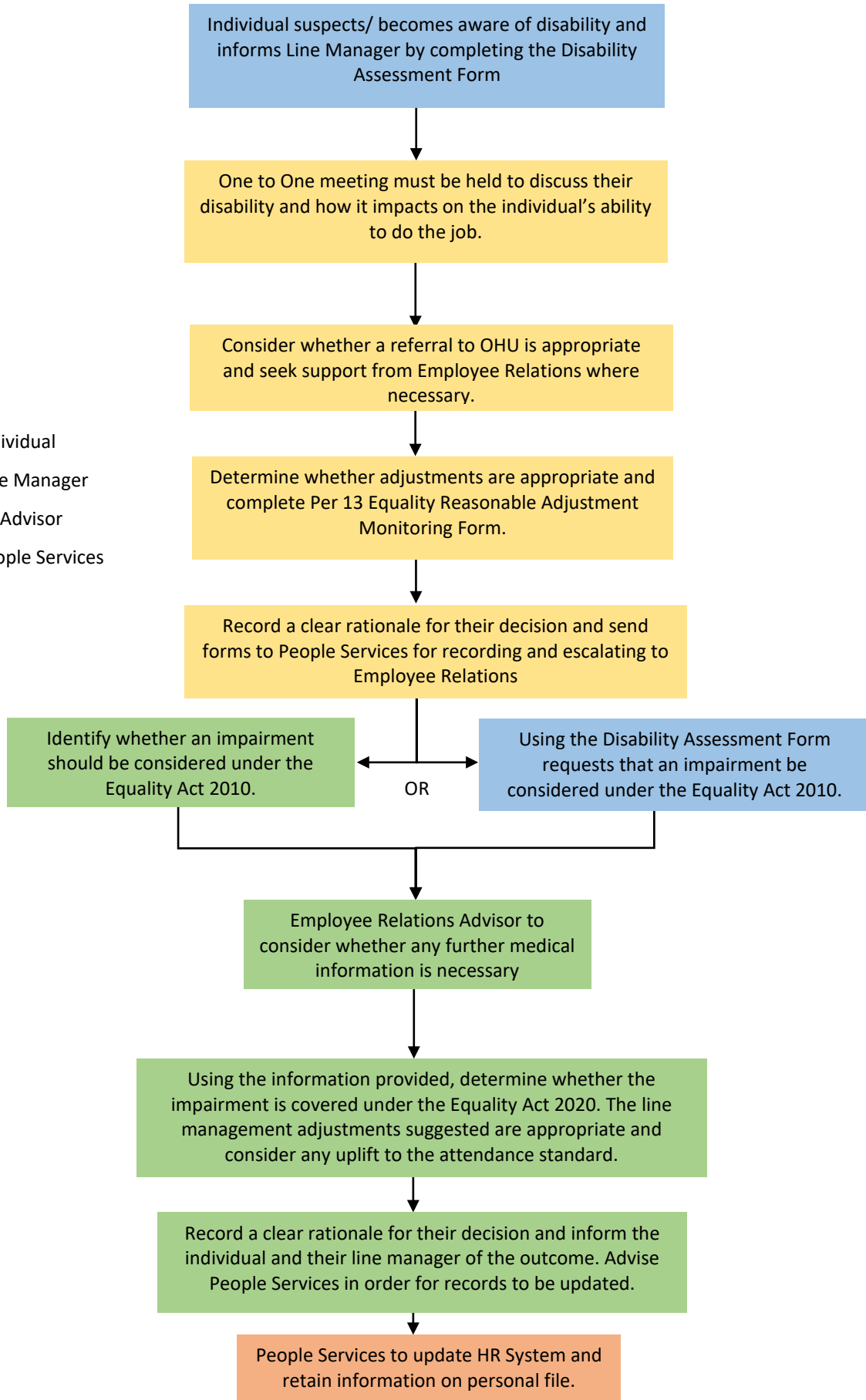
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Flowchart – Disability

Key:

- Individual
- Line Manager
- ER Advisor
- People Services



Policy Statement

Summary

West Yorkshire Police (WYP) actively promotes equality, diversity and inclusion and does not discriminate on the grounds of disability. The Force has a legal obligation and a duty of care to all that have a disability or who cares for someone who has primary caring responsibilities for someone with a disability. Support will be offered through the provision of reasonable or workplace adjustments, aids, adaptations and time off for disability related appointments.

Our duty of care extends to employees who may have caring responsibilities for someone who has a disability.

Scope

This policy applies to all police officers and police staff.

Principles

General

- The Equality Act 2010 prohibits discrimination against employees who are disabled as defined by the act.
- The Force has a legal obligation to prevent the discrimination of those who associate with another person who may have a disability as well as anyone who it is perceived to have a disability.
- The Force will make reasonable adjustments to the work environment to reduce or remove any substantial disadvantage affecting a disabled employee or job applicant.
- The Equality Act 2010 prohibits the discrimination of an individual who associates with someone who has a disability as defined by the act. This includes those who have caring responsibilities for someone with a disability.
- The Force will help individuals to manage their disabilities by allowing them to take disability related leave.
- Disability related leave is for a fixed period or periods that are known in advance for medical appointments relating to an individual's disability. The amount of leave given can vary depending on the reason specified.
- An individual can apply for funding from the Force (Force Contribution) for any required equipment or adaptation through Access to Work. Each application will be considered on an individual basis.
- Individuals are encouraged to share they have a disability when applying for a position within the force so that appropriate reasonable adjustments can be put in place. If successful on gaining that position after interview and prior to appointment, individuals will be sent the Disability Assessment Form to complete.
- Individuals are encouraged to complete this form in order considerations

can be given to workplace reasonable adjustments prior to appointment. If appointed in role, this information will be recorded and retained on personal file and the condition formally recognised with the appropriate support offered.

- The Disability and Impact on Police Officer Recruitment and Ill Health Pensions Policy will be looked at when looking at any recruitment process or determination of pension benefits.

Disability

Principles

- All employees of the Force with a disability will be treated with sensitivity, integrity, fairness and respect and in accordance with Force policy. If you consider that you have a disability, we encourage you to tell us about it.
- Individuals are encouraged to share with their Line Manager any disabilities or long term conditions and complete a Disability Assessment Form so we can consider making reasonable adjustments to any aspect of employment policies, practices or the working environment and look to remove or reduce any barriers that may disadvantage you because of your disability.
- Line Managers are responsible for following procedure when making reasonable adjustments for an individual that has a disability or when identifying a suspected disability that has not been declared.

Line Manager Responsibilities

Line Managers are responsible for:

- Holding a one-to-one meeting with the individual to discuss, consider and complete the Disability Assessment Form and Per 13 Equality Reasonable Adjustment Monitoring Form where appropriate.
- Determining whether there is adequate medical information concerning the impairment to establish:
 - If the disability or condition has lasted or likely to last for a period of 12 months or more;
 - If there is a significant impact on the ability to undertake activities related to the role; and
 - If the impairment falls under the definition or qualifies for automatic protection within the Equality Act 2010;
- Considering referring the individual to the Occupational Health Unit (OHU) to clarify the specific effects of the individual's impairment, or if further medical information is required;
- Seeking the support and advice from the Employee Relations Team where necessary, in regards attendance uplifts and reasonable adjustments;
- Conducting an appropriate risk assessment with the individual in terms of the role that they are doing;
- Considering the impact of the individual's disability on other employees, the cost to the Force, and the health and safety implications of any proposed adjustments;

- Deciding on the most effective option for the individual and the Force, recording the rationale for this decision as required on the Disability Assessment Form;
 - Ensuring that the agreed workplace or reasonable adjustment is captured on the appropriate forms and sent to the People Services Team for recording on the HR System; and escalation to the appropriate Employee Relations Advisor;
 - Conducting an initial review of the adjustments after three months, and subsequently on an annual basis thereafter; and
 - Signposting the individual to the Employee Wellbeing Plan.
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Individual Responsibilities

Individuals are responsible for:

- Holding a discussion with their Line Manager (or a member of the Employee Relations Team where appropriate) to share any disabilities or long term conditions that they wish to raise, formally record or require support with;
 - Completing the Disability Assessment Form and sharing this with their Line Manager and People Services for consideration in regards reasonable adjustments and the recording of information on the HR System;
 - Assisting their line manager in the completion of the Per 13 Equality Reasonable Adjustment Monitoring Form when required;
 - Considering making an application to the Access to Work scheme, to help fund any equipment or aids that may have been identified under reasonable adjustments; and
 - Complying with the proposed adjustments determined, requesting line management review this sooner should circumstances change.
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Employee Relations Responsibilities

Employee Relations are responsible for:

- Providing support and guidance to line managers as and when required to do so, where more bespoke reasonable or workplace adjustments are required;
- Providing support and guidance to individuals enquiring direct where appropriate;
- Considering whether an uplift to the attendance standard is a reasonable adjustment. A clear rationale must support the decision made and the individual and Line Manager both informed;
- Ensuring People Services are sighted on any determinations made in order the individuals record and HR System can be updated accordingly; and
- Identifying if an impairment needs to be considered under the Equality Act 2010 in instances where an individual may not have made such a request;
- Conducting recruitment pre-employment checks, receiving the Disability Assessment Forms prior to an individual being appointed in role, and carrying out the necessary checks in conjunction with the line manager, individual and Occupational Health, before confirming what adjustments can reasonably be accommodated in role;

- Informing Resourcing as to the outcome and suitability of the individual in role.

People Services Responsibilities

People Services are responsible for:

- Recording Disability Assessment Forms received directly from individuals and/or their Line Managers and escalating these to the appropriate Employee Relations Team for consideration/information/quality assurance;
- Recording any Disability Assessment Form and Per 13 Equality Reasonable Adjustment Monitoring Form received from Employee Relations and/or the Line Manager where an attendance uplift or adjustments have been agreed;
- Confirming to the line manager that this has been actioned;
- Through absence reporting, proactively monitoring and identifying any individuals whose condition receives automatic protection within the Equality Act 2010 and updating their records, accordingly, notifying the individual, their line manager and Employee Relations of the change.

Disability by Association

Principles

- Our duty of care extends to employees who may have caring responsibilities for someone who has a disability. We won't treat you any less favourably because you are 'associated with' a disabled person. For example, if you are a 'carer' and care for a disabled dependant or family member.
- Caring responsibilities is defined as:
"A carer is anyone, who looks after a family member, partner or friend who needs help because of their disability, who cannot cope without their support. "
- Whilst it is not our obligation to make reasonable adjustments in these circumstances we will look to explore what can reasonably be done to help support our employees who may have caring responsibilities for someone who has a disability. For example, allow time off "unpaid" to attend medical appointments, consider a deviation of a shift, consider a flexi-worker making the time back up elsewhere, and consider annual or unpaid leave. This can be applied for in the same way and is captured in the Disability Related Leave section.
- Individuals are encouraged to discuss their circumstances and seek support from their line manager.

Reasonable Adjustments

Principles

- Once an individual has told us about their disability, we can offer support and make reasonable adjustments.
 - The Disability Assessment Form and Per 13 Equality Reasonable Adjustment Monitoring Form enables us to jointly consider the condition and how it impacts upon the individual at work.
 - We can consider making reasonable adjustments to any aspect of employment policies, practices or the working environment with a view to removing or reducing any barriers that may disadvantage the individual because of their disability.
 - Reasonable adjustments are a practical way to remove/reduce any disadvantages that an individual may face as a result of their disability. Dependant on the disability, we'll make appropriate adjustments that are reasonable. These will be based on the circumstances of the case, such as:
 - Provide special equipment;
 - Revise working hours or pattern;
 - Establish evacuation plans in the event of an emergency;
 - Adjust targets;
 - Allow regular breaks;
 - Be flexible in applying our policies and procedures.
 - Dependent on the situation, we may make changes to our standard procedures to allow the individual to compete on a level playing field with colleagues who don't have a disability.
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Examples

- Examples of reasonable adjustments may include:
 - **For example:** (*Altering an employee's hours of work or training*). An employer allows a disabled person to work flexible hours to enable them to have additional breaks to overcome fatigue arising from their disability. It could also include permitting part-time working, or different working hours to avoid the need to travel in the rush hour if this is a problem related to an impairment. A phased return to work with a gradual build-up of hours might also be appropriate in some circumstances.
 - **For example:** (*Allowing an employee to be absent during working or training hours for rehabilitation, assessment or treatment*). An employer allows a disabled person who has recently developed a condition to have more time off work than would be allowed to non-disabled workers to enable them to have rehabilitation. A similar adjustment would be appropriate if a disability worsens or if a disabled worker needs occasional treatment anyway.
 - **For example:** (*Acquiring or modifying equipment*). An employer might have to provide special equipment (such as an adapted keyboard for someone with arthritis or a large screen for a visually impaired workers), an adapted telephone for someone with a hearing impairment, or other modified equipment for disabled workers (such as longer handles on a machine).
 - **For example:** (*Providing supervision or other support*). An employer might arrange help from a colleague, in appropriate circumstances, for

someone whose disability leads to uncertainty or lack of confidence to offer additional support.

- The above list is not exhaustive. A varied and wide range of adjustments can be considered depending on individual circumstances and the reasonableness of the adjustment. If the adjustments needed/requested cost money, the individual should contact *Access to Work*. *Access to Work* may contribute to the cost of adjustments.

Force Contributions Through Access to Work

Introduction

The Force will make reasonable adjustments where possible for the individual, which can include equipment for adaptation. This can be funded by the Force in certain circumstances if the individual makes an application through Access to Work.

Individual Responsibilities

Individuals are responsible for:

- Considering completing an application for the Access to Work scheme for force contributions.

Employee Relations Responsibilities

Employee Relations Advisors are responsible for:

- Assessing the Access to Work scheme application for funding, and ensuring the appropriate medical information has been included before making a recommendation to the District or Departmental Senior Leadership Team (SLT);
- Ensuring that the individual is informed of the process of the application and is provided with a written rationale of the decision if the application is not approved; and
- Arranging with the District and Departmental SLT the allocation of funding from the budget to the Business Support Team.

Disability Related Leave

Criteria

- Disability leave can be granted to attend the following appointments for an individual disability:
 - Therapy session;
 - Hospital visit;
 - Rehabilitation sessions;
 - Medical assessments; and
 - Medical treatment.
- Provided that the individual adheres to the working hours stated within Force policy, disability related leave will be credited.
- The level of working time credit must be what is considered to be

reasonable in the circumstances and agreed ahead of an appointment;

- If a staff member or police officer has a medical appointment related to a disability part way through their working day and they return to work after the appointment they must be given a credit for the full period of their absence, less any meal break taken during their absence for a staff member.
- If a flexi-time staff member begins or ends their day by attending a medical appointment then their time worked before or after the appointment will be added to a credit for the appointment to give their total flexi time for the day, subject to the relevant bandwidth provisions.
- Disability by Association – those wishing to accompany an individual with a disability for whom they are caring for, to any of the above appointments can do so in their own time. They must apply for the time by completing a Per 14 and submitting to their line manager and letting their line manager have sight of any appointment cards or letters available upon request. Also ensuring the individual cared for is aware this information has been shown, but not retained, for transparency.

**Individual
Responsibilities**

Individuals are responsible for:

- Arranging appointments wherever possible in own time;
 - Completing a Per 14 form and submitting to line management; and
 - Attaching copies of appointment cards or letters available to line management on request.
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**Line Manager
Responsibilities**

Line Managers are responsible for:

- Monitoring the amount of disability leave taken by an individual and seeking advice from the Employee Relations team where the amount of disability leave requests seem excessive;
 - Using reasonableness determining whether or not to approve disability related leave requests;
 - For disability by association, ensuring time off for those caring for an individual with a disability to accompany them to their appointments is granted and consideration given to the options available in respect of unpaid leave, deviation of shift, working back hours etc. as highlighted in the disability by association section;
 - For disability by association, where proof of an appointment has been sought for transparency this third party information ensuring this is not retained; and
 - Ensuring all disability related leave is recorded on the HR IT system as absence.
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Additional Information

Compliance

This policy complies with the following legislation and policy:

- Equality Act 2010
 - Regulation 13 of the Police Regulations
 - Leave and Hours of Duty – Police Officers policy
 - Data Protection Act 2018
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Terminal diagnosis

- West Yorkshire Police has signed the TUC's recognised Dying To Work Charter.
 - This acknowledges that individuals who receive a terminal diagnosis require support and understanding.
 - Further information and guidance is available on the intranet.
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Supporting Information

The supporting information for this policy can be accessed online.
