

Guidance note on employing people with disabilities

1. Introduction

- 1.1. BBSRC recognises the contribution disabled people can make to the success of the organisation and this guidance note sets out its position regarding the treatment of disabled employees and potential employees. It covers those who have a disability at the time of initial appointment and those who develop a disability during employment.
- 1.2. The Equality Act 2010 defines a disabled person as someone who has 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. For the purposes of the Act:
- Substantial means neither minor nor trivial
 - Long term means that the effect of the impairment has lasted or is likely to last for at least 12 months.
 - Normal day-to-day activities include everyday things like eating, washing, walking and going shopping.
 - A mental illness does not need to be 'clinically well-recognised'
 - People with HIV, cancer and multiple sclerosis are covered by the DDA effectively from the point of diagnosis, rather than from the point when the condition has some adverse effect on their ability to carry out normal day-to-day activities

The Act includes protection from discrimination arising from unfavourable treatment because something is connected with an individual's disability (e.g. tendency to make spelling mistakes due to dyslexia).

- 1.3. There are sound business reasons for employing disabled people including:
- Widening the pool of candidates from which to recruit staff
 - Gaining a competitive advantage by having a diverse workforce
 - Making the organisation more representative of the community, thereby fostering a better public image as a fair and inclusive employer
 - Improving staff moral and loyalty by being inclusive and representative
 - Avoiding claims of unlawful discrimination

2. Helping disabled people at work

- **Induction:** We will consider whether our induction training is accessible for disabled people. We may ask new employees about access needs during their induction
- **Training:** We will offer disabled people as wide a choice of training as their colleagues without disabilities. We will consider the needs of disabled people during training. Where practicable we will tailor training programmes as necessary, to take into account an individual's disability
- **Career development:** We will provide disabled employees with opportunities to develop full and rewarding careers on an equivalent basis to other employees with similar skills and abilities. Disabled people should

have the same opportunities to undertake training on offer and to participate fully in staff meetings. When considering disabled people for promotion, if they are not able to undertake certain non-core tasks we will consider assigning these to other members of staff

- **Disciplinary action:** If it is necessary to take disciplinary action against a disabled person we will consider any reasons related to their disability, which may have contributed to the event that prompted the disciplinary action
- **Assessing performance and capability:** We will consider whether disability has played a part when deciding whether someone's attendance/performance meets the requirements of the role. See also appendix A9:4 of the employment code.
- **Redundancy:** We will apply the same arrangements and requirements for redundancy for disabled people as for others. We will ensure that the selection criteria are not unjustifiably discriminatory
- **Health and safety:** We will take into account the needs of disabled people when assessing risks. We will not use health and safety issues as an excuse to discriminate against disabled people

3. Retaining disabled employees

3.1. If an employee becomes disabled, or an existing disability becomes more severe, we will take steps to try to enable the employee to remain in employment. In consultation with the employee, we will consider making reasonable adjustments to enable the employee to remain at work. Adjustments might include:

- Offering a phased return to work and/or flexible working opportunities (see section A:3 part 2 of the employment code)
- Providing extra or more flexible rest breaks
- Restructuring the job of the disabled person e.g. allocating to other staff non-core tasks which the employee can no longer carry out
- Carrying out reasonable adjustments to make the premises more accessible
- Providing re-training
- Redeployment to a suitable post (if one exists), with a trial period where necessary
- Providing practical aids and technical equipment that help the disabled employee do their job

3.2. We will follow our medical retirement procedures in full consultation with the employee where it is decided that adjustments could not be made to allow them to remain in his/her post and a suitable alternative post is not available. A medical retirement certificate cannot be issued without a referral to the Occupational Health Advisor approved by the Research Councils' Pension Scheme.

4. Making reasonable adjustments

4.1. Under the DDA, if you have a disability and/or long-term health condition and you apply for a job or are an employee, we are required to consider reasonable adjustments to employment practices and/or the working environment if these place you at a substantial disadvantage.

- 4.2. There are no hard and fast rules about what constitutes a reasonable adjustment, mainly because what might be a great help to you might not be for someone else. Knowing what will make it difficult for you to do your job, as well as how to resolve the problem, will enable you to negotiate for the best solutions both for yourself and us as your employer. Detailed advice about making reasonable adjustments is set out in the guidance 'Employing people with disabilities' but some examples of criteria to test out whether a particular adjustment is reasonable are:
- Effectiveness in preventing disadvantage
 - Practicability
 - Costs of the adjustment and the extent of any disruption
 - The extent of the employer's financial or other resources
- 4.3. Many adjustments cost little or nothing and are often a matter of flexibility and developing a creative approach to working practices, such as enabling you to work flexible hours, taking food breaks to manage diabetes, or allowing you to take time off to attend doctors' appointments. Other adjustments might involve:
- During the recruitment process enabling you to apply for a job in a variety of ways (by telephone, tape, email, letter or in person), taking your specific needs into account during the interview or test (such as providing extra time)
 - Making modifications to buildings and facilities
 - Altering your working hours
 - Acquiring new equipment or modifying existing equipment e.g. voice activated software or a telephone with an amplifier
 - Translating instructions and reference manuals into accessible formats, such as large print and audio cassette
 - Giving feedback in a particular way or allowing you to work in a private room if most work is done in an open-plan office
 - Redistributing some of your duties within the work team
 - Providing an interpreter or reader
 - Redeployment to a different post (if available), with retraining and/or a trial period

5. Research Councils' Pension Scheme (RCPS)

- 5.1. All JNCC employees may join the RCPS and are eligible to accrue pension benefits for payment at normal retirement age and for death-in-service benefits. However, some restrictions may affect your access to ill-health retirement provisions (for further information contact the Joint Superannuation Service). No decision to deprive a member of this benefit on medical grounds will be made without referral to the approved Occupational Health Advisor.

6. Facilities

- 6.1. Where practicable we will meet the special needs of successful job applicants. Where we can identify and meet more general needs of particular groups of staff, we will anticipate these by providing appropriate facilities. With your agreement we may seek advice and assistance from the Disability Employment Advisor at the local Jobcentre Plus office, and/or other specialist organisations.

6.2. When surveying the accessibility of buildings we will consider the following features:

- Access at ground floor and other levels
- Availability of ramps
- Signs, signals and alarms
- Lighting

7. Monitoring and review

7.1. We will seek information about disability by means of an equal opportunities monitoring questionnaire from those applying for employment with us. The purpose of collecting this information is to help managers to:

- Eliminate discrimination and barriers to equal opportunities for staff with disabilities
- Identify adjustments which might need to be made when interviewing or employing a disabled person
- Develop the full potential of all employees and ensure equality of opportunity in career development

7.2. We will use equal opportunities data to produce anonymous statistical reports, which enable managers to monitor the success of BBSRC's policies and to frame new initiatives.

7.3. The JNCC Joint Sub-Committee on equality and diversity will keep this guidance note under review.