RECRUITMENT & RETENTION OF PEOPLE WITH DISABILITIES

PART ONE: PEOPLE WITH DISABILITIES AND EMPLOYMENT – A MANAGEMENT GUIDE
PART TWO: A PROCEDURE FOR RETAINING STAFF WHO BECOME DISABLED

Purpose of this document
To provide additional guidance on the correct procedure to all staff in the Trust who are responsible for the Recruitment of new and Retention of existing staff with disabilities. This policy must only be used as supplementary to the following policies:

- Recruitment & Selection Policy PP(049)
- Improving Employee Health, Wellbeing & Attendance PP(036)

To ensure that all applicants and staff are treated fairly and equally so that safe decisions are made to protect both children and vulnerable adults in the care of the Trust.

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PART ONE: PEOPLE WITH DISABILITIES AND EMPLOYMENT – A MANAGEMENT GUIDE

The West Suffolk NHS Foundation Trust seeks to provide equitable employment opportunities for people with disabilities, ensuring that they benefit from all available training and opportunities for career development. In line with the Equality Act 2010 all public sector organisations have general and specific duties to promote equality for disabled people.

1 The Trust’s Objective

To establish and promote the West Suffolk NHS Foundation Trust as an employer who is committed to maximising employment opportunities for people with disabilities and to promote employment practices that seek to eliminate any possible discrimination.

a) To achieve this aim we will:
   i. ensure that our recruitment processes are accessible to people with disabilities and that our selection processes focus on an individual ability to undertake the role
   ii. provide training and promotion opportunities that support their career development
   iii. where possible to seek to redeploy staff who become disabled whilst in our employment
   iv. promote a culture that encourages managers to employ staff with disabilities by focusing on the benefits they bring to the workforce.

b) The Two Ticks Status

The Trust has been awarded Two Ticks Status by the Job Centre Plus. Employers who use the Two Ticks symbol have agreed with the Job Centre Plus that they will take action on the following five commitments:

   i. to interview all disabled applicants who meet the essential criteria for a job vacancy and consider them on their abilities
   ii. to ensure the mechanism in place to discuss, at any time, or at least once a year with disabled employees, what can be done to make sure they can develop and use their abilities
   iii. to make every effort when employees become disabled to ensure they stay in employment
   iv. to take action to ensure that all employees develop the appropriate level of disability awareness needed to make these commitments work
   v. each year to review the five commitments and what has been achieve, plan ways to improve upon them, and let employees and Job Centre Plus know about progress and future plans

The Trust works in partnership with charities and training providers to support disabled staff to be recruited and to remain in employment with the Trust.
c) The Equality Act 2010

The Equality Act simplifies the law by bringing together several pieces of anti-discrimination legislation. This act incorporates the Disability Discrimination Act (DDA) 1995 and in some situations, strengthens legal protection for disabled people. There are also general and specific legal duties applied to public sector bodies to advance equality of opportunity and to promote positive relations with disabled people.

d) Working in Partnership with the Trade Unions

This Policy has been developed jointly with our Trade Union colleagues who fully support the Trust in its commitment to employing people with disabilities.

2 Recruiting People with Disabilities

a) Introduction

The Trust is committed to employing people with disabilities in all types of work throughout the organisation. Therefore it is essential that our recruitment and selection processes remove the barriers that stop disabled people from applying for jobs in the Trust and that we remove any possible discrimination from the recruitment and selection process.

Refer to the Recruitment and Selection policy PP(049) which gives the necessary procedure to ensure that the Trust has fair, open and non-discriminatory systems for recruiting, developing and promoting people based on high standards to ensure the recruitment and retention of high quality staff.

b) Aspects of the recruitment and selection process to support applicants with disabilities

NHS Job application forms will invite disabled applicants to state any requirements that might be necessary to enable them to attend an interview e.g. hearing loop, sign language interpreter, wheelchair access etc.

Managers involved in the recruitment process should avoid making assumptions about disabled job applicants and the type of work they would be capable of performing. Many disabled people are fit and healthy and capable of performing a wide range of tasks as competently as an able-bodied employee. Research indicates that people with disabilities have the same productivity levels at work, a better than average safety record and lower rates of sickness absence.

Failure to shortlist a disabled job applicant on account of the person’s disability could be discriminatory unless there is factual evidence which demonstrates that the person would be unsuitable for the job in question. Managers are strongly advised to give disabled candidates the benefits of the doubt when the position is not clear. Any concerns regarding the suitability of a particular applicant can be explored during the interview with a view to establishing the person’s ability to perform the job and review whether any adjustments would be required.

Managers are not expected to make adjustments where they do not know, or could not reasonably be expected to know that a job applicant has a disability. All applicants are invited to advise the Trust if they need any special arrangements in their formal letter inviting them to interview. If a candidate indicates that special arrangements may be necessary to allow them to attend an interview, in the majority of circumstances the Human Resources Directorate will liaise with the applicant regarding any special planning of the interview arrangements.
However, where a manager is making their own arrangements they will be responsible for liaising directly with the candidate.

The following are some examples of the types of adjustment which a manager may be asked to make to accommodate the needs of a job applicant:

i. Re-scheduling the timing of the interview to suit the disabled applicants needs
ii. Arranging to meeting in an alternative location if the interview premises are difficult to access or a hearing loop is required
iii. Reserving a parking space near the entrance to the interview premises
iv. Re-arranging the furniture to make room for an applicant to use their wheelchair
v. Making a member of staff available to meet a visually impaired candidate in order to escort them to the interview
vi. Permitting a candidate with learning difficulties to bring a supportive person with them to the interview to assist in answering the questions
vii. Arranging for a sign language interpreter to be present at the interview to assist with communications.

The interview should aim to assess each candidate for the job in question based on evidence of skills, experience and qualification. A fair assessment will be obtained through discussion of the facts and not assumed or inferred. Blanket assumptions that a person with a particular disability would not be capable of performing a job are inappropriate.

Where the recruitment, selection and offers of employment may differ for candidates with disabilities, the Recruitment and Selection Policy PP()049 specifically outlines the manager's responsibilities in those circumstances, to ensure a fair non-discriminatory process and reference should always be to that policy in the first instance.

3 Managing People with Disabilities

a) A positive working environment

People with disabilities may need longer to settle into a new job. This may be because of their disability or because they have undergone a long period of unemployment prior to starting work. Therefore, the manager and the new employee should jointly review the induction programme in order to overcome any potential difficulties.

Managers should take care to ensure that staff who cannot receive vital information via the normal channels, e.g. notice boards, staff meetings, e-mail etc are able to receive such information by other means more suitable to their needs and at the same time as other staff.

People with disabilities should become fully integrated into the workforce and may need flexibility and support from their colleagues. Raising awareness of a disability can be an important part of integration, but managers must gain consent from the individual concerned before any information regarding their disability is divulged.

b) Health and Safety

Health and Safety provisions cover all employees but other factors may need to be considered in the case of people with disabilities.

i. Facilities and access for people with disabilities should be taken into account in any new building works that the Trust undertakes
ii. Managers with doubts about aspects of safety should initially discuss these with occupational health or the risk office

c) Sickness Absence

The majority of disabled people are fit and healthy and do not require any more time off work than other employees. A disability is a physical or mental impairment which although may affect a persons day to day activities, does not necessarily impact on the persons general health. However, certain individuals who are disabled may require time off work for medical treatment, especially in the early stages of the onset of a disability or in the period immediately following a serious accident. In these circumstances the case should be discussed with Occupational Health and consideration given to time off as a reasonable adjustment. Please see the policy Time Off for Appointments etc. PP(191 paragraph 2.3 for details.

d) Career Development and Training

People with disabilities must have equal access to career guidance and development opportunities in order to maximise their professional and personal potential.

As part of appraisal managers should discuss individual training needs with the employee and together decide which training opportunities or resources will best suit those needs.

The Knowledge and Skills Framework (KSF) will be used to determine the skills and knowledge needed to undertake a role. Managers will need to determine if any reasonable adjustments need to be made to accommodate individual need, with regard to learning and development.

e) Individuals who become disabled during employment

When an individual working for the Trust becomes disabled following a medical condition or serious accident, the Trust will made every effort to retain that person in a role within the Trust. This may take the form of introducing adjustments to the individual's post or alternatively looking for redeployment opportunities elsewhere in the organisation.

(Section Two of this Policy outlines the process for retaining employees who become disabled whilst in employment)
PART TWO: PROCEDURE FOR STAFF WHO BECOME DISABLED WHILST EMPLOYED BY THE TRUST
To be used in conjunction with Trust policy Improving Employee Health, Wellbeing & Attendance PP(036)

1  Introduction

This procedure is intended to provide a framework for all managers and staff to ensure that every endeavour is made to retain staff in the event of long term sickness absence and/or disablement.

2  Scope

This procedure covers all employees of the West Suffolk NHS Foundation Trust.

3  Process

When a manager has identified that an individual has a disabling condition either as a result of a medical condition or a serious accident, the manager will arrange to meet with the individual to discuss how the Trust can support them to stay in employment.

In order to do this the manager should call a case conference involving the individual, Occupational Health, Human Resources, and where appropriate a Trade Union representative or work colleague.

The purpose of the meeting will be to discuss the various options available i.e.:  

i. To return to full duties using a phased return where necessary and to monitor progress
ii. To investigate any reasonable adjustments to the current post to enable the individual to return to their substantive role
iii. To actively seek redeployment into another post using a trial period where appropriate
iv. If the individual is unable to continue working in any role, as a last resort the Trust will recommend termination of contract on the grounds of ill health.
v. To pursue ill health retirement and early release of pension for staff with two or more years of pensionable service. See Retirement policy PP(065)

4  Monitoring progress

Whilst an employee is on sick leave, the manager may, at intervals, refer them to the Occupational Health Department for a progress assessment.

Monitoring should take place in accordance with the Trust Policy Improving Employee Health, Wellbeing and Attendance PP(036). The manager will keep in touch with the employee during their sick leave and they will liaise with the Occupational Health Department to determine when and if the employee is fit to return to work.

5  Adjusting the Substantive Post

If following the medical assessment it is identified that an individual has a permanent disability the manager will examine the potential for them to remain in their substantive post.

This can include consideration for part time working and job share, or working hours flexibly (subject to the exigencies of the service). The manager will take into account any special
needs that may be required such as adaptations to the premises or equipment. This will be done in conjunction with Occupational Health and may involve outside charities and agencies.

Where a post has been adjusted, it is important that regular reviews take place to identify any necessary training or further adjustments.

6 Redeployment into an alternative post

Where it has been identified that an individual cannot continue to undertake their current post due to a disability, then redeployment should be considered.

A meeting should be arranged by the manager with the individual, Human Resources, Occupational Health, and where appropriate, the Trade Union Representative.

The purpose of this meeting will be to identify those posts in the Trust that may be suitable as redeployment opportunities, taking into account the individuals qualifications, experience and ability to undertake the role. The HR Directorate will ensure that all such vacancies are brought to the attention of the individual. The period used for seeking alternative employment should provide a reasonable time scale to allow vacancies to arise i.e.:

i. A minimum of 2 months
ii. The remaining period of the Occupational Sick pay (whichever is the greater)

Where a post is identified as a redeployment opportunity, the HR Directorate will arrange for the individual to be interviewed by the manager. This will be without competition taking priority over staff that are on the “At Risk Register” under the Trust’s Organisational Change Management Policy.

Whilst the interview will be outside the normal recruitment procedures it will contain the following requirements:

i. The individual must meet the minimum criteria of the job
ii. They must be given Occupational Health clearance to undertake the role

Individuals are encouraged to provide a manager with information about their skills and experience prior to the redeployment interview, in order for an informed discussion to take place. This can be done either by using the Trust Application Form or another medium if preferred.

When individuals are offered a redeployment post it will be subject to a trial period. The length of the trial period will be determined taking into account the following:

i. That reasonable adjustments are in place to ensure the trial is realistic
ii. That the adjustments are reviewed during the trial period to assess their effectiveness
iii. That the appropriate amount of time is allowed for essential training to take place (i.e. that which is required to undertake the key functions of the role)

The minimum time for any trial period will be 4 weeks.

7 Terms and Conditions of Redeployment

The Trust will, where wherever possible, seek to redeploy staff who become disabled during employment into a post with similar pay and status.
Where the redeployment is into a post at a lower band, incremental credit will be given for the complete number of years in post in which the individual has gained transferable skills and experience. However, this must be subject to the individual meeting, the KSF Foundation Gateway for the new post and where appropriate the final Gateway.

8 Termination of Contract

In cases where reasonable adjustments or redeployment are not appropriate the Trust will be forced to consider termination of contract on the grounds of incapacity due to ill health. The decision to terminate the contract will only be made by the Trust as a final resort following meetings with the employee and their Trade Union representative to explore all other options and having received medical advice from the Occupational Health Physician and/or Health Specialist. Termination of contract will be in accordance with statutory procedures.

9 Retirement on the Grounds of Incapacity

Individuals with 2 or more pensionable service may apply to the Pensions Agency to retire on the grounds of incapacity due to ill health. An application is made by the individual and must be supported by their medical practitioner. The application is made on a voluntary basis and only when alternative employment options have been exhausted.

10 Review and Monitoring

This policy will be reviewed by the Executive Director of Workforce and Communications in consultation with Trust Council.
### Other relevant policies/documents & references:

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### Additional Information:

- For review at the same time as the [Recruitment & Selection Policy PP(049)](http://www.equalities.gov.uk)