

Cultural Diversity

Disability Equality Reference Material

1. Introduction to the Disability Discrimination Act

1.1 As part of County Durham & Darlington PCTs commitment to disability equality, this guidance has been developed as part of the Trust's Diversity & Human Rights Scheme. This guide gives further information and practical advice on the Disability Discrimination Act 1995 (DDA) for employees of the Trust. It is meant to be used as an initial reference point for disability and discrimination issues.

1.2 As well as good practice, it is important for everyone to have a clear understanding of his or her duties and responsibilities under the law, including the need to make reasonable adjustments.

1.3 Disability and illness should not be confused or equated. The general health of many disabled people is as good as anyone else.

1.4 Statistics show:

- 6 million disabled people in the UK
- 2.4 million are of working age
- 31% currently in work
- fewer than 5% are wheelchair users

1.5 DDA makes it unlawful for the Trusts as Employers and Service Provider to the public, to treat disabled people less favourably for a reason related to their disability.

The first rights under the DDA 1995 came into force on 2 December 1996. It gives new rights to disabled people and makes it unlawful to discriminate against disabled people in relation to:

- employment
- the provision of goods, facilities and services
- the selling, letting or managing of land or premises

Since 2nd December 1996 it became unlawful to:

- Refuse to serve, or deliberately not provide a service to, a disabled person
- Provide a lower standard of service to a disabled person
- Offer a service on less favourable terms to a disabled person because of their disability

1.6 Service' includes:

- access to and use of any place the public is permitted to enter
- access to and use of means of communication
- access to and use of information services
- access to and use of financial facilities
- access and use of any entertainment, recreation or refreshment facilities

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- Services of any profession or trade or any local or other public authority.

From 1st October 1999, Service Providers have had to:

- Make reasonable changes to any policies, procedures and practices which would otherwise make it impossible or unreasonably difficult for disabled people to use their services
- Provide extra help to enable disabled people to access their services, for example by providing aids or equipment such as minicomms or sign language interpreters
- Provide their service in an alternative way, if this is reasonable.

From 1st October 2004 Service Providers have had to take:

- Reasonable steps to remove or alter physical barriers that make it unreasonably difficult, or impossible, for disabled people to use the service.

1.7 New rights were introduced in 2005 which also placed statutory duties upon public organisations to develop a disability equality scheme, similar to the Race Equality Scheme required for the Race Relations Amendment Act 2000.

1.8 Although other discrimination legislation prevents positive discrimination, the DDA does not prevent employers from treating their disabled staff more favourably because of having a disability.

1.9 The Act protects both disabled people and people who have had a disability in the past.

2. The Definition of Disability

2.1 An individual has a disability for the purpose of the Disability Discrimination Act 1995 (DDA) if he/she has “a physical or mental impairment, which has a substantial and long term adverse effect on his/her ability to carry out normal day to day activities.” This can include one or more of the following:

- mobility
- manual dexterity
- physical co-ordination
- continence
- ability to lift or carry or otherwise move everyday objects
- speech
- hearing
- eyesight (unless corrected)
- memory or ability to concentrate or learn or understand
- perception of the risk of danger

2.2 What effect does the Disability Discrimination Act (DDA) have upon the Trust?

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- 2.3 The DDA makes it unlawful for the Trusts as Employers and Service Provider to the public, to treat disabled people less favourably for a reason related to their disability.
- 2.4 Everyone should have access to the services and facilities, which the Trust provides. Full account should be taken of peoples views and expectations when designing delivery and reviewing services.
- 2.5 Under this legislation the Trusts have a duty to:
- provide equitable access to, and use of Trust's services and resources for all of the community
 - address physical, social and cultural barriers which presently exist with regard to access and participation
 - ensure that appropriate adjustments are made to give all individuals equal choice and fairness thus preventing discrimination
 - ensure that access to all facilities, goods and services comply with the Disability Discrimination Act 1995
 - raise awareness of the diverse needs of the Trust's Service users amongst council employees
 - ensure that services provided by or on behalf of the Trusts consistently reflect positive equality and anti-discriminatory practices.
- 2.6 People often think of disability as covering situations such as using a wheelchair, being blind or visually impaired, or deaf. However they are sometimes surprised to discover that disability can cover much wider ranging conditions such as facial disfigurement, dyslexia, learning difficulties, HIV, aids, heart disease, epilepsy, diabetes, depression and mental illness.
- 2.7 Guidance on determining whether an employee has a disability in accordance with the definition can be informed by medical advice. However the final determination of whether the DDA applies is for an Employment Tribunal to decide.

3. Employment rights

- 3.1 A crucial part of the DDA is that it is unlawful for employers to discriminate against current or prospective disabled employees. Employers are required to act in a fair and common sense way. This could mean that employers have to make "reasonable adjustments" so that a disabled person is not put at a substantial disadvantage compared with a non-disabled person. It could also mean that employers have to be prepared to justify the way in which they treat a disabled person.
- 3.2 Discrimination includes treating a person less favourably than other people for reasons relating to their disability without being able to justify why this has happened.
- 3.3 The DDA also states that discrimination occurs when an employer fails to comply with a duty of reasonable adjustment in relation to a disabled person, and the employer cannot show that this failure is justified.

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3.4 The Act states that it is unlawful for an employer to discriminate against a disabled person:

- in the terms of employment.
- in the opportunities in promotion, transfer, training or receiving any other benefit.
- by refusing to afford any such opportunity.
- by subjecting them to dismissal or any other detriment.

3.5 In line with the above, the Trust's Commitment to Disability Equality can be observed by the commitment to the Positive about Disabled People symbol.

3.6 The Trusts have been recognised by being awarded with the Disability "Two Tick" symbol from the Jobcentre, which is a national recognition. We therefore ensure that we:

- provide equality of opportunity in recruitment and selection, education, training, promotion, transfers and terms and conditions of service
- ensure where possible, individuals are supported in work and provided with the necessary equipment and facilities, making reasonable adjustments to working arrangements or physical features of premises where required
- provide a safe working environment
- ensure that all employees are made aware of plans for the future

3.7 The "Two Tick" symbol - Positive about Disabled People requires our commitment to five objectives:

- guaranteeing a job interview for individuals who meet the minimum criteria for a job vacancy and consider them on their abilities
- consulting disabled employees regularly asking them at least once a year what can be done to develop and use their abilities at work
- keeping employees if they become disabled making every effort to ensure that they stay in employment
- improving knowledge ensuring that key employees develop awareness of disability which is needed to make commitments work
- checking progress and planning ahead, reviewing commitments yearly, identifying the achievements and planning ways to improve

3.8 The Trusts are committed to:

- establishing clear objectives for recruiting, retaining and accommodating disabled people, which are explicit and measurable
- developing a communications strategy to consult with employees
- ensuring awareness raising and training is provided
- planning ahead to improve upon successes
- achieving a representative workforce, which reflects the local population and recruitment area

4. Recruitment & Selection

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4.1 There should be no discrimination against a disabled person:

- in the arrangements made for determining who should be offered employment (the selection process)
- in the terms on which the person is offered employment
- by refusing to offer or deliberately not offering the person employment
- in the development of job specifications that will not have unnecessary/marginal requirements applied.
- in employee benefits
- in pension rights - schemes should display no less favourable treatment unless justifiable.

4.2 Therefore the Trusts guarantee to interview all applicants who have a disability and who meet the minimum criteria for any position applied.

- Job description/person specifications

4.3 A first step is to look at the job description/person specification for the vacant post. Check that it only includes requirements which are clearly related to the duties; otherwise a disabled applicant may be deterred from applying or be discriminated against in the selection process. Do not include unnecessary requirements, which can lead to discrimination.

- Advertisements

4.4 If you are using advertisements to recruit, use them to publicly welcome applications from disabled people. Make it clear that you can provide the vacancy information in different formats such as large print; tape, disk or e-mail and that applications can be received in a similar fashion.

- Application forms

4.5 You will want to take special care to ensure you are not discriminating against disabled people in the way in which you deal with applications. You may need to make adjustments such as allowing a candidate to submit an application in a different format from that specified i.e. typewritten, telephone, tape or e-mail.

4.6 The application form should also give candidates the opportunity to say whether any special provisions or facilities are required at interview. Employers can ask applicants on the application form if they have a disability and also ask whether the applicant believes they need the employer to make a reasonable adjustment in the selection or interview process or indeed the job if the applicant is selected. Sharing this information at an early stage should be to the advantage not only of the individual but of the employer too.

- Selection

4.7 The selection procedures should not disadvantage disabled people at interview or when completing assessment and selection tests.

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- 4.8 Where an application is received from a disabled candidate, consideration will be given to any reasonable adjustments required, to allow for the restructuring of duties to a post to enable the candidate to move forward to the next stage of the recruitment process.
- 4.9 For example, if a person had manual dexterity difficulties and the job would require a small amount of filing (5% of duties) would it be reasonable to transfer that particular aspect to another member of staff – transferring another equivalent duty to the applicant?

- Interviewing

- 4.10 Interviewing job candidates requires skills and understanding. Arrangements must be made to make adjustments at the interview, if required. Even if you do not know in advance, you should try to accommodate any needs a disabled person might have when they arrive.
- 4.11 All interviews should be objective and non-biased, without any misconceptions about disability and whether the person can do the job. Questions concerning the disability should be restricted to those relevant to the work - would you ask this question to other non disabled candidates?
- 4.12 Conduct interviews in exactly the same manner as with non-disabled people. Emphasise abilities, achievements and individual qualities but do not place on pedestal.
- 4.13 Do not make assumptions about an individual's ability to perform certain tasks - disabled people often develop innovative solutions to everyday challenges with or without aid or technical support.
- 4.14 Do not rely on intermediaries for information or opinions about a disabled person's capacity to succeed at work – make your own informed judgements, which may include consultation with the Human Resource Service.

- Assessment testing

- 4.15 It is very important to examine selection tests, particularly if you have devised them "in-house" to ensure they are free from any unjustifiable bias.
- 4.16 You may need to revise tests or the way results are assessed to take account of specific candidates with disabilities, except where the nature and form of the test are necessary to assess a matter, which is very relevant to the job. For example, you could substitute practical tests rather than written tests for people with learning disabilities who are not good at reading and writing and do not need to be, in order to do the job.
- 4.17 When carrying out psychometric tests remember there are various issues, which can arise for disabled people, such as most tests will not have been "normed" on disabled people, so bias could occur.

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4.18 Some people with hearing impairment may have difficulty in following oral instructions or a person with dyslexia may take longer to read questions. Advice should be sought from a test consultant for each individual situation.

- Health Screening

4.19 Medical screenings are applied to all potential employees and should not only be offered to individuals who have a disability. The crucial question is not simply whether this person is fit for the job but often whether he or she would be fit for the job if a reasonable adjustment were made.

- Induction arrangements

4.20 For new disabled employees, the induction process is more important than ever. Managers, supervisors and fellow colleagues must be suitably briefed and understand the nature of the adjustments you have made. However work colleagues do not need to know the nature of the disability, unless for a health and safety reason and the individual agrees to the information being divulged.

4.21 It may be a good opportunity to nominate a mentor to assist the new employee within the first few weeks.

- Training

4.22 There will be:

- equal access to training and development.
- mandatory awareness training for all employees regarding disability equality.

4.23 Training programmes may need to take account of any particular problems or additional needs. For instance:

- individual training for a disabled person, to use adaptations or special equipment.
- training over a longer period.
- retraining to enable someone who becomes disabled to remain in employment or take a redesigned job. (About 12% of people in employment can expect to become disabled at some point in their working lives).

4.24 As a training provider, all venues must be accessible.

- Career development and promotion

4.25 Enabling employees to benefit from training courses is one of the principal steps to good career development. It is therefore important not to make assumptions about a person's ability to benefit from training. Always check and talk with the person and discuss their needs and any adjustments they will need to participate fully.

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- 4.26 Other examples include allowing full participation in team and staff meetings and regular performance reviews.
- 4.27 If a disabled applicant is refused employment and refers this to an Employment Tribunal - the Tribunal will assume that the reason was related to the disability unless the employer proves otherwise.

- Health & Safety

- 4.28 The Health & Safety of all employees is paramount. However risk assessments should take place with a disabled person to identify what, if any issues, there are to manage.

5. Retaining employees who have or develop a disability

- 5.1 There are sound business reasons to retain employees who develop a disability, such as their wealth of knowledge and experience. The DDA code of practice states it would be reasonable to spend at least as much on an adjustment to enable a disabled person to remain in work – including any retraining – as might be spent on recruiting and training a replacement.

- 5.2 It is therefore necessary to consider the following when an employee becomes disabled:

- would it be feasible to reorganise the work to assist the employee? For example, allocate some of the disabled person's duties to another person?
- would altering the person's hours of work help the situation?
- would the reasonable adaptations of premises or modification of equipment enable the employee to remain in their job?
- is suitable alternative work available, to which the employee could be re-deployed?
- would retraining be available to enable the employee to secure alternative employment within the Trust?
- would a change in the employee's place of work assist in making access to work more easier (this could include a working from home provision)?

- Access to Work Scheme

- 5.3 Access to work provides practical support to disabled people entering into or who already are in paid employment, to help overcome work-related obstacles caused by disability. It provides a grant towards the extra employment costs resulting from a disability.

- 5.4 Access to work can help in a number of ways:

- special aids and equipment
- communicator support at a job interview
- adaptation to premises or existing equipment
- help with fares to work

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- support workers – personal readers, carers, drivers, job coach and communicators.

5.5 Employees and Managers who want to know more about the Access to Work scheme should contact the Human Resource Service.

- Supported Employment Programme

5.6 This programme provides jobs for disabled people in factories or supports people in open employment. The value of the programme lies in the ability to provide disabled people with the opportunity to realise their potential, working in open employment.

5.7 The employer benefits from the enthusiasm, loyalty and commitment of the individual. The Supported Employment Programme provider will negotiate support to you as the employer, and to the employee. This may take the form of a contribution towards wage costs, practical advice, job coaching or a combination of these.

5.8 Supported Employment can also assist in retaining a person in work who develops a disability, which deteriorates so that the individual needs support to continue working.

5.9 The Employment Service can also help retain a person in work who develops a disability or who has a long established disability, which deteriorates so that the individual needs support to continue working.

5.10 Managers who want to know more about help with the Supported Employment Programme should contact the HR Service in the first instance.

- Alternative Employment

5.11 The NHS Pension Scheme requires that an individual is considered for comparable employment, and it should be stressed that ill health retirement can only be granted when a qualified Occupational Health Physician is prepared to declare that the employee is **permanently** unfit to carry out their duties.

Reasonable Adjustments

5.12 Making reasonable adjustments is a major factor in avoiding discrimination. It is something managers should consider very carefully and it applies to all aspects of recruitment and employment with the Trusts.

- What is the duty of reasonable adjustment?

5.13 We have a duty to make a reasonable adjustment as and when the occasion arises, if:

- any physical feature of premises occupied by the council;
- selection arrangements;
- other arrangements;

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cause a substantial disadvantage to a disabled person, either as a job applicant or employee, compared with a non-disabled person.

- 5.14 A reasonable adjustment is a change to current or future working arrangements, which will suit the needs of a disabled person. The Council will take various factors into consideration, when identifying any reasonable adjustment including:
- the effectiveness of the change.
 - the practicability of making the change and the financial implications.
- 5.15 However, we can only consider making an adjustment if we have knowledge of a person's disability. All employees will be made aware of the Trust's equality policy, to encourage disabled employees to approach their managers about reasonable adjustments, that could be made, to accommodate their needs.
- 5.16 Each reasonable adjustment case will be examined on its merits and any adjustments made, clearly communicated to the individuals concerned.
- 5.17 External assistance can be obtained via the Human Resource Service and in liaison with the Jobcentre. This could include the Access to Work or Workstep initiatives. However the Jobcentre will only assist, once they have identified what assistance and adjustments the employer has already made.
- 5.18 The Access to Work application can only be made by the individual employee, therefore it is important to ensure that communication and regular dialogue takes place between the manager and employee concerned.
- 5.19 The Occupational Health Service can supply the appropriate referral form to employees who feel they may benefit from the services of "Access to Work". Alternatively the employee may make direct contact with the local Access to Work team based at:

Access to Work Business centre
Level 5 - Newcroft House
Market Street (East)
Newcastle-upon-Tyne
NE1 6ND

- What does *physical feature* mean?

- 5.20 Physical feature includes:
- anything on the premises arising from the design of the building,
 - or its construction,
 - or from an approach to,
 - or exit from,
 - or access to the building,
 - fixtures, fittings, furnishings, equipment or materials,
 - and any other physical element or quality of land in the premises,
 - all whether temporary or permanent.

- What does arrangements made by or on behalf of the employer mean?

5.21 This duty applies to arrangements for:

- determining to whom employment should be offered
- and any term, condition or arrangement on which employment; promotion, transfer, training or any other benefit is offered or afforded.

5.22 The duty applies in recruitment and during employment; for example:

- selection and interview procedures,
- the arrangements for using premises for such procedures,
- job offers,
- contractual arrangements,
- working conditions,
- and for termination of employment.

- What sort of adjustments might an employer have to make?

5.23 Adjustments such as:

- Making adjustments to premises.
- Reallocating part of a job to another employee.
- Transferring the disabled person to fill an existing vacancy.
- Altering the person's working hours.
- Assigning the person to a different place of work.
- Allowing absences during working hours for rehabilitation assessment or treatment.
- Supplying additional training.
- Acquiring special equipment or modifying existing equipment.
- Modifying instructions or reference manuals.
- Modifying procedures for testing or assessment.
- Providing a reader or interpreter.
- Providing additional supervision.

- When is it reasonable for an employer to make an adjustment?

5.24 The DDA lists a number of factors, which may have a bearing on whether it will be reasonable, for the employer to have to make a particular adjustment – these are:

- the effectiveness of the particular adjustment in preventing the disadvantage;
- the practicality of the adjustment;
- the financial and other costs of the adjustment and the extent to any disruption caused;
- the fear of “upsetting” other staff whose roles and responsibilities may change, to some extent, to accommodate the individual's disability.
- the extent of the employer's financial or other resources, and

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- the availability to the employer of financial or other assistance to help make the adjustment.

5.25 Consider the effectiveness of the step in preventing discrimination. It is unlikely to be reasonable to make an adjustment which would be of little benefit to the employee, or one which has no effect on the person's ability to carry out their job.

6. Discipline and Grievance

- Victimisation

6.1 The DDA makes it unlawful for any person to victimise (to pick on or treat less favourably) any person (the victim) whether disabled or not, who:

- makes use of, or tries to make use of, their rights under the Act.
- takes an employer to employment tribunal under the Act.
- gives evidence or supplies information in proceedings connected with the Act.
- helps a disabled person who is covered by the Act.
- alleges that the Act has been broken or ignored (whether or not the allegation is later dropped)
- helps a disabled person complain about discrimination.

6.2 It also applies if you believe that the "victim" has done or intends to do any of these things.

6.3 Any individual, who feels that they have suffered any form of discriminatory practice, can refer the issue through the Trust's internal grievance procedure.

6.4 In certain circumstances, individuals may have the right to refer a case to an employment tribunal, on the grounds of discrimination. The Trade Unions are available to advise their members of their individual rights.

6.5 It is similarly important when taking disciplinary action against a disabled employee, that managers have fully considered and are aware of, reasons why a disabled employee might have behaved in the way, which has led to the disciplinary action. This is to ensure that there is no discrimination, which is just due to disability.

6.6 It is worth noting that "reasonable adjustments" may need to be made in relation to arrangements for disciplinary action or interviews, in the same way as for other things.

Termination of employment

- Redundancy

6.7 Generally, the same arrangements, duties and requirements for redundancy will apply for disabled employees as do, to non-disabled employees. However, it is essential to recognise that it can sometimes be easy to unintentionally discriminate against a disabled person in these situations.

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- 6.8 It is normal practice for a consultation process with employees to be undertaken, when redundancies are being considered. Employers need to ensure that any arrangements, which are made for consultation, do not discriminate against a disabled employee. For example, to make sure everyone has received information and fully understood the proposals and has had the same chance as any other employee, to contribute to the consultation process.
- 6.9 Care needs to be taken with the use of “selection criteria” when implementing redundancy procedures. This is an area where, without sufficient attention and care, the criteria, which are set, or the assessment against the criteria, may inadvertently discriminate against a disabled employee.

- Dismissal

- 6.10 Dismissal on the grounds of capability should generally only be made, after careful exploration of all the possibilities, of whether reasonable adjustments could be made, and often it will be appropriate to seek expert advice, before dismissing an employee.
- 6.11 Care should be taken to ensure that any dismissals that prove necessary, can be justified and are non-discriminatory.

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7. Service Delivery Rights

- 7.1 Everyone should have access to the services and facilities, which the Trusts provide. Full account should be taken of peoples views and expectations when designing delivery and reviewing services.
- 7.2 Under Part 3 of the DDA, from the 2nd of December 1996, the Trusts had a duty as Service Providers not to refuse a service; provide a worse standard of service; or offer service on worse terms to disabled people, for a reason related to their disability. Similar duties apply to those selling or letting premises.
- 7.3 We should make reasonable changes to any policies; procedures and practices, which would otherwise make it impossible or unreasonably difficult for disabled people, to use our services.
- 7.4 Making changes – From October 1999, organisations that provide goods or services to the public have to consider making changes to business practices, which exclude disabled people. Where reasonable, they must also provide auxiliary aids and services to help people use services. Organisations must find a reasonable alternative method of delivering the service where a disabled person cannot gain access.
- 7.5 Physical adjustments - From 2004, organisations will have to take reasonable steps to remove, alter or avoid physical barriers that make it unreasonably difficult or impossible for disabled people to access their goods and services. This might, where it is reasonable to do so, include installing ramps or widening doors to allow wheelchair access.
- 7.6 Disabled people can take a service provider to court and if successful could receive compensation for any financial loss and injury to feelings and can also seek an injunction to prevent the provider from repeating the discrimination.
- 7.7 Therefore disabled people are not to be treated less favourably by those providing goods, facilities or services to the public, or by those selling letting or managing premises. The Trust is committed to providing high quality services and will take reasonable steps to:
- change policies, procedures and practices, where disabled customers would otherwise find it impossible or unreasonable, to access our services.
 - provide reasonable auxiliary aids or services (such as Braille or large print formats, or sign language interpreters) where this would facilitate access to the service, for disabled people.
 - provide the service by other means, where physical barriers impede access.
 - consult with disabled individuals on service provision, rather than making assumptions.
- 7.8 The remaining reasonable adjustment duty (the removal or alteration of physical barriers to access) came into force in October 2004. Managers have a responsibility to ensure that:
- you can identify the needs of your disabled customers,

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- you can communicate and get information to visually or hearing impaired customers in a variety of formats,
- you do not make it unreasonably difficult for a customer to access your service, or to get around the public areas,
- if your service is inaccessible, there are alternative ways of dealing with disabled customers,
- you do not ask a customer to supply documentary evidence, which a disabled person might not be able to supply (for example, a driving licence).

- Access to Information

7.9 All of our publications can be available upon request, in accessible formats and languages.

- Training

7.10 We have commenced a Corporate Diversity Training Programme, which will ensure that every member of staff will receive diversity training, which will raise awareness, recognizing specific needs and diversity issues.

8. Code of Conduct / Language and Behaviour

8.1 The NHS Code of Conduct states that managers will:

- Make the care and safety of patients their first concern and act to protect from risk
- Respect the public, patients, relatives, carers, NHS staff and partners in other agencies
- Be honest and act with integrity
- Accept responsibility for own work and the proper performance of the people that I manage
- Show commitment to working as a team member by working with colleagues in the NHS and wider community
- Take responsibility for learning and development

8.2 The Trusts are committed to good practice in the recruitment and advancement of disabled people in employment within the council. Therefore negative attitudes must be eradicated and staff made aware of details of language and behaviour, which can cause unnecessary offence. Some terms we use as individuals may cause offence to disabled people.

8.3 By understanding the feelings of people who have disabilities themselves, we can do much to ensure that everyone has the opportunity to compete and flourish on equal terms, within the workplace.

- Correct Terminology

8.4 The British Council of Organisations of Disabled People (BCODP) recommends the term “disabled people” but {as} there are many other people who prefer “people with disabilities.” It is best to ask how individuals how they wish to be described.

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8.5 The word “disabled” should not be used as a collective noun i.e. “the disabled”. It implies a homogeneous group, separate from the rest of society. We are all individuals and should be treated that way.

8.6 The word “handicapped” should never be used.

- Common courtesies

8.7 Offer assistance to a disabled person if you wish, but wait until your offer is accepted, before you help. Do not assume you know the best way to help - the individual is his or her own expert. Listen to any instruction given.

8.8 Treat adults as adults. For example call a person by their first name only when extending that familiarity to others present. Do not use gestures more suitable for children such a “patting on the head”.

8.9 Do not lean on a person’s wheelchair - this is their personal body space.

8.10 Make appropriate physical contact according to the situation. For example, shaking hands or an arm around the shoulders.

8.11 Talk directly to a disabled person, rather than through their companion. Relax and make eye contact.

8.12 Do not be embarrassed about using common expressions such as “see you later” and “I’ll be running along then” which may relate to a person’s impairment.

8.13 When planning an event, ask advice from disabled people and advertise accessibility. If access and facilities are not clearly described, disabled people may not attend, because of previous difficulties.

8.14 Do not make assumptions about the existence or absence of disabilities. Some people have hidden disabilities, such as diabetes or mental health difficulties.

- Language

8.15 It is important to gain a general understanding of words and phrases, which may give offence. The following should be remembered, when talking/writing to disabled people:

DON'T SAY	INFERENCE	DO SAY
handicapped	connotations of “cap in hand”	disabled person
spastic		cerebral palsy
epileptic		person with epilepsy
victim of crippled by suffering from afflicted by		person who has person with person who experienced
invalid	equating disability with illness and can be construed as “not	

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	valid”	
wheelchair bound or confined to a wheelchair	remember wheelchairs represent freedom to users	wheelchair user person who uses a wheelchair
mental handicap		people with learning difficulties (remember not to confuse with mental illness)
medical labelling	“patients” say nothing about people as individuals	
deaf and dumb		he/she is deaf / partially deaf - deafened - hard of hearing
disabled toilet		toilets are accessible or not

Never use words like:

spastic	cripple	retarded	defective	Blind as a bat	deaf and dumb	mentally deficient
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- Meeting people with disabilities

Meeting people who are deaf.

- 8.16 Do not assume a person’s ability to communicate, or the ways in which this is done - always ask the person to tell you.
- 8.17 Remember individuals who use sign language, find this the easiest method of communication.
- 8.18 If an interpreter is present, speak to the person you are meeting, rather than the interpreter.
- 8.19 When you speak directly to a deaf person, remember shouting does not help – you may want to use written notes.
- 8.20 Do not assume deaf people can all lip read - always ask the person first.
- 8.21 When meeting a person who lip reads:
 - look at them directly,
 - speak with facial expressions, gestures and body movements (only 3 words out of 10 are visible on lips)
 - face the light and keep hands away from face,
 - if necessary attract attention with a light touch on their shoulder or a wave of hands.

Meeting people who use wheelchairs or crutches.

- 8.22 Try to put yourself at their eye level. Check parking arrangements / ramped or step free entrances / suitable toilet facilities / lifts / assistance available.
- 8.23 If there are access problems - notify the person in advance to discuss.

Appendix 5 SINGLE EQUALITY SCHEME
(including the statutory Race, Disability & Gender Equality Schemes)

Meeting people with vision loss.

- 8.24 Identify yourself clearly and introduce anyone else present and their location in the room.
- 8.25 When offering a handshake ask “shall we shake hands”.
- 8.26 When help is needed on unfamiliar ground, say “Let me offer you an arm”. This allows you to guide rather than propel or lead the person.
- 8.27 When offering a seat, place the person’s hand on the back or arm of the chair.
- 8.28 When talking in a group, remember to say the name of the person, to whom you are speaking.
- 8.29 Do not leave someone talking to an empty space. Say when you wish to end a conversation, or to move away.

Meeting people with speech difficulties.

- 8.30 Give your full attention to the individual.
- 8.31 Be encouraging and patient - resist temptation to finish sentences.
- 8.32 Do not correct, or speak for the person.
- 8.33 Where possible, ask questions that require short answers.
- 8.34 If you have difficulty in understanding, don’t pretend and repeat what you do not understand and the person’s reactions will guide you.

Myths and misconceptions

Myth	Disability is a devastating personal tragedy.
Truth	The lives of disabled people are not tragic. What often disables people is the attitudes they encounter and the environment in which they live and work.
Myth	Most deaf people can lip read.
Truth	For clear and efficient communication many deaf people will need services, such as sign language interpreters, lip readers and speech to text.
Myth	Most disabled people are unable to have relationships.
Truth	Many disabled people, like non-disabled people, make choices about marriage, long-term relationships and having children.
Myth	Disability and illness are interrelated.
Truth	Disabled people can get the same illnesses as other people.
Myth	Disabled people are dependent on others.
Truth	Disabled people sometimes need help with some things – too often because of an inadequately designed environment. Nonetheless individuals strive to be independent.
Myth	Blind people have a sixth sense.
Truth	Some people use and refine their other senses to compensate.
Myth	Disabled people are courageous.
Truth	Disabled people, like non-disabled people, cope with life, in their own individual way.

Appendix 5 SINGLE EQUALITY SCHEME
(including the statutory Race, Disability & Gender Equality Schemes)

Myth	Wheelchair users are not mobile.
Truth	Wheelchair users do get out and about. Some use wheelchairs generally, others only when necessary.
Myth	There are disabled people who are “uneducable”.
Truth	Individuals reflect the same range of academic ability as non-disabled people, with some achieving high qualifications and undertaking high-level jobs.

9. Further Information:

9.1 The Disability Rights Commission (DRC) provides a direct route for any inquires in employment or service provision. The DRC can be contacted as follows:

Telephone: Telephone: 08457 622 633 Textphone: 08457 622 644 You can speak to an operator at any time between 8am and 8pm, Monday to Friday)
email: www.drc.org.uk

9.2 There are a number of voluntary organisations, which can offer advice such as:

- Royal National Institute for the Blind
- Royal National Institute for Deaf People
- SCOPE (for people with cerebral palsy)
- RADAR (for disability generally)
- MENCAP (for people with learning disabilities)
- MIND (for people with mental illness)
- British Dyslexia Association
- Employers Forum on Disability

9.3 The DRC can assist with providing contacts for the above. The Employment Service Disability Employment Advisors are based in Jobcentres. The Advisory, Conciliation and Arbitration Service (ACAS) are another useful contact, providing free independent advice.