

# Disability Awareness

## What is Disability?

Under the Equality Act 2010 a person is classified as disabled if they have a physical or mental impairment which has a substantial and long-term effect on their ability to carry out normal day-to-day activities. Day-to-day activities include things such as using a telephone, reading a book or using public transport.

This definition not only includes impairments that most people might associate with disabled people (such as blindness, deafness and wheelchair use), but also many others including diabetes, cancer and mental health conditions.

There are contrasting ways of looking at disability. The medical model for example, identifies people's impairments or differences as the barriers to full inclusion in society. In contrast, the social model encourages us to look at how disability is created by the way in which society is organised, rather than by a person's impairment or difference. The focus of the social model is on removing barriers that restrict life choices for disabled people and this is the approach that Islington council has adopted.

An employee is a wheelchair user and is having difficulty manoeuvring around the office where they work. The medical model of disability would encourage people to see the employee's physical impairment as the barrier to their full inclusion in the workplace. The social model of disability would encourage people to see the layout of the office as the barrier. Potential solutions, such as the re-arrangement of desks could then be explored.

A resident with learning difficulties wants to participate in a council consultation but is unable to understand the detailed report on which residents have been asked to provide feedback. The medical model would encourage people to focus on the learning difficulties as the barrier to inclusion whereas the social model would encourage people to look at potential solutions such as the creating an accessible version of the report.

## Facts about Islington

- **Residents:** In the 2011 census 16% of people in Islington identified themselves as having a long-term health issue or as disabled
- **Staff:** 6.4% of staff have indicated that they are disabled on the HR system. However, the percentage is likely to be much higher than this as 13% of respondents to the (anonymous) staff survey in 2012 indicated that they were disabled.

## How do I know if someone is disabled?

It is really important to be aware that someone may be disabled even if they do not appear to be. There can be less awareness about impairments that are not visible, such as mental health issues or dyslexia. Different types of impairment may include:

- **Sensory:** impairment of vision (e.g. partial sight or total blindness, colour “blindness”) and restricted hearing (e.g. hearing loss, tinnitus, deafness)
- **Physical:** impaired ability to use hands, arms, legs, etc, including Cerebral Palsy, Parkinson's disease, spinal cord injury, RSI, paralysis and limb loss
- **Cognitive:** impairments to the way people think, process information or remember, including dyslexia, learning disabilities and dementia
- **Communication/Social:** impairments to the way people communicate or interact, e.g. speech impairments (e.g. stammering), autism and Aspergers Syndrome
- **Health/Injury:** such as diabetes, cancer, HIV, and impacts arising from injury or health issues e.g. facial disfigurements
- **Mental health:** including depression, anxiety disorders and bi-polar disorder.

## My responsibilities as a manager and a colleague

Managers have specific responsibilities for ensuring disabled staff are supported to address any barriers that they may face in the workplace. However, all members of staff have a role to play in creating a supportive and inclusive environment for disabled colleagues.

## How disabled staff and carers are protected against discrimination

Disabled staff are protected against discrimination and harassment by the Equality Act 2010. There are different types of discrimination. Direct discrimination involves treating a disabled member of staff worse than another member of staff, because they are disabled.

A member of staff is not offered a promotion because he has dyslexia, but his colleague, who does not have dyslexia, and has less experience and less qualifications, is offered promotion. This could amount to direct discrimination.

Discrimination arising from disability is where a member of staff is treated unfavourably not because they are disabled but because of effect of a particular impairment.

A member of staff might be given a disciplinary warning from her manager for taking sickness-related absences because of her bipolar disorder. Her employer's decision to treat this as a disciplinary matter, instead of adapting the absence procedures and considering reasonable adjustments may amount to discrimination arising from disability.

Indirect discrimination is when a person or organisation has practices or arrangements that seem to treat everyone equally but actually put disabled staff at a disadvantage.

There is a change in policy and all staff are required to hot desk. This new arrangement makes it difficult for a member of staff with a back injury to ensure that they always have the necessary equipment to work on their computer. It could amount to indirect discrimination if an allowance is not made for this member of staff.

Staff who are carers also have legal rights. If a member of staff is looking after someone who is elderly or disabled, the law protects them against direct discrimination or harassment because of their caring responsibilities.

A member of staff isn't offered a job because the employer assumed, without checking, that they would not be able to work occasional evenings because they care for their disabled son. This could amount to direct discrimination.

## **HR policies relevant to disabled employees and making 'reasonable adjustments'**

Managers should be familiar with all of the HR policies relevant to disabled employees. These include:

- Disability special leave
- Managing attendance procedure for disabled staff
- Reasonable adjustments.

If you are unsure about anything then please contact Human Resources – details are given below.

The Equality Act requires an employer, and therefore a manager, to make 'reasonable adjustments' to any elements of the job which place a disabled person at a substantial disadvantage compared to non-disabled people. These reasonable adjustments may impact on the recruitment, induction and on-going work of an individual. Examples include:

- Giving longer time for interviews and tests
- Providing information in different formats
- Being flexible about the location and hours of work
- Providing suitable equipment.

In order to determine what is 'reasonable' the manager will have to consider issues such as cost, practicality and the effect on others. Many reasonable adjustments are low or no cost and make a big difference to disabled employees.

### **My responsibilities as a service provider**

All members of staff designing policy and providing services to residents have legal responsibilities under the Equality Act 2010.

We must ensure that we do not discriminate against residents, even if this is unintentional. As with employees, there are different types of discrimination. These include:

- Someone who is told not to attend a training session because they are thought to have learning difficulties and it is assumed that they would not be able to understand the content
- A resident is refused access to council offices because they need to use a guide dog and dogs are not normally allowed inside the building. This could be an example of discrimination arising from disability
- A council is transferring a number of functions online without first ensuring that there are alternative routes or additional support for disabled residents that cannot use computers. This could amount to indirect discrimination.

For indirect discrimination, it doesn't matter whether the person or organisation knew that a service user or staff member was disabled when the discrimination took place. This means that all teams have to plan in advance and think about how their policies and practices may affect disabled people.

## **Additional responsibilities because the council is a public body**

Public bodies, such as Islington Council, have some additional responsibilities. Council services also need to demonstrate that they are taking the three aims of the 'Public Sector Equality Duty' into account when making decisions about services. These are:

- Eliminating unlawful discrimination, harassment and victimisation
- Advancing equality of opportunity between people who share a protected characteristic and those who do not
- Foster good relations between people who share a protected characteristic and those who do not.

There are nine protected characteristics including: Disability, Age, Gender, Race, Religion and Belief, Sexual Orientation, Gender Reassignment, Pregnancy and Maternity, Marriage and Civil Partnerships.

Managers of services need to show that they are positively contributing to the advancement of equality (including disability equality) and good relations. This requires equality considerations to be reflected in the design of policies and the delivery of services, including internal policies, and for these to be kept under review.

The best way in which a team can meet their legal duty and assess the potential impact of their service or policy on residents with protected characteristics (including disabled residents) is by using Resident Impact Assessments (RIAs) when changes are first being considered. [More information on how to do this can be found here.](#)

## **Language and attitudes**

The language used to describe people has an important influence on attitudes, behaviour and the way in which society understands the experiences and aspirations of particular groups.

For many, disability is part of their identity and discriminatory language and behaviour, even if well-meaning can have far-reaching consequences.

Islington Council's commitment to disability equality can best be demonstrated by a supportive and inclusive work environment, and services that anticipate and respond to the needs of disabled residents. The language used and attitudes displayed by every member of staff contribute to this.

## **Disability equality – five ways to make sure you are contributing...**

- Refer to “disabled people” rather than “people with disabilities” as this reflects the social model of disability
- [Read up on HR policies relating to disability](#)
- Ensure disabled people are not disadvantaged in finding out about or accessing your service. Is there a more accessible way to do things?
- If you are planning a service or policy change, fill in a Resident Impact Assessment form to flag up any equalities issues (including disability) and show how you are responding to them. [More information on how to do this can be found here.](#)

## **More information**

[General information on disability can be found on izzi](#) or find out more by reading the [Equality Act 2010](#).

## **Access to Work**

Access to Work is a specialist disability service delivered by Jobcentre Plus, which provides practical advice and support to disabled people in employment or self-employment and their employers. It is provided where an individual requires support or adaptations beyond the reasonable adjustments which an employer is legally obliged to provide under the Equality Act 2010.

[More information on the access to work service can be found here.](#)

## **Carers**

[Information on carer's rights can be found here.](#)

[Information on the support available to staff who are carers can be found here.](#)

## **Working with residents**

[Disabled-Go](#) is an online directory that provides information on the accessibility of a wide range of venues in the borough.

[Links for Living](#) is an online directory that provides information on organisations and services for adults with health or social care needs.

## **Further Support**

If managers, or staff, have any queries relating to reasonable adjustments or any other aspect of disability you can contact the Disability Champions in HR:

[hrrdisabilitychampions@islington.gov.uk](mailto:hrrdisabilitychampions@islington.gov.uk)

**Contacts:**

Susan Hall-Brunton 020 7527 2422 [Susan.Hall-Brunton@islington.gov.uk](mailto:Susan.Hall-Brunton@islington.gov.uk)

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