

1. EQUAL OPPORTUNITIES

INTRODUCTION

This Section deals with equal opportunities within the NICS, but it is essential that equal opportunities is seen as an integral part of many wider personnel policies and procedures and must be incorporated in the development and implementation of all relevant policies and procedures. Everyone has a responsibility for ensuring that equality of opportunity is a reality across the NICS. The Section does not cover in detail those aspects of equal opportunities that are covered in other related documents, ie:

- ‘Equal Opportunities - A Guide for All Staff’;
- ‘Code of Practice on the Employment of People with Disabilities in the NICS’;

These documents must, however, be read in conjunction with this Section of the Handbook.

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1.1 AIMS OF THE SERVICE

1.1.1 Equality of opportunity in employment is not only a legal obligation, but also a clear policy priority for the Service. In order to serve the people of Northern Ireland effectively and secure the confidence of the whole community, the NICS seeks to provide equality of opportunity and fair participation in employment for all sections of the community.

1.1.2 The Service's aim to be a good equal opportunities employer is further underscored by the need to provide a high quality, value for money service to Ministers and the community. To achieve this aim requires that the Service make the fullest possible use of all available and potential talent.

1.1.3 The NICS will continue to promote an organisational ethos and environment that contribute positively to the achievement of equality of opportunity and fair participation. In so doing, the NICS core values of integrity, objectivity, accountability, political impartiality, service to the public, recruitment, selection and promotion on merit and the development and appreciation of staff shall continue to drive the organisation.

1.2 NICS POLICY STATEMENT

1.2.1 The NICS policy statement on equality of opportunity is as follows:

'The NICS is committed to providing equality of opportunity. It is our policy that all eligible persons shall have equal opportunity for employment and advancement in the NICS on the basis of their ability, qualifications and aptitude for the work. Everyone has a right to equality of opportunity and to a good and harmonious working environment and atmosphere in which all workers are encouraged to apply their diverse talents and in which no worker feels under threat or intimidated. This right is protected in many instances by legislation.

In order to provide a high quality service to the people of Northern Ireland the NICS needs to recruit, retain and promote the best available people. Our equal opportunities policy is central to this strategy. We aim to foster a culture that encourages every member of staff to develop their full potential and which rewards achievement. Creating a working environment where individual differences are valued and respected enables all staff to give of

their best and helps us to respond more effectively to the needs of the people we serve.

The NICS seeks to maintain the confidence of the whole community. It will continue to promote equality of opportunity and fair participation within the framework of the law and will strive to achieve a workforce that is broadly representative of the society which it serves.

It is the responsibility of all staff to be aware of and to apply this policy. Both Management and Trade Union Side are fully committed to the policy and will endeavour to ensure its full implementation.'

1.3 RESPONSIBILITY FOR THE IMPLEMENTATION OF EQUAL OPPORTUNITIES

1.3.1 The Equal Opportunities Unit (EOU) in the Department of Finance and Personnel acts, in consultation with Departments, on behalf of the NICS to formulate, review and monitor equal opportunities policy and the promotion of best practice.

1.3.2 Departments have operational responsibility for the provision of equality of opportunity and for the issue of advice and guidance to their staff. Where appropriate, Departments work collectively in pursuit of corporate equal opportunity objectives and to meet legal requirements.

1.3.3 All Departments and some Agencies have appointed Equal Opportunities Officers (DEOOs) with responsibility for promoting equal opportunities issues at Departmental/Agency level. DEOOs are the primary point of contact for those with a concern about any equal opportunities issue. In addition, Departments have trained Contact Officers and Investigation Officers for dealing with complaints of harassment of whatever kind.

1.3.4 For equality of opportunity to be an integral part of everyday working practice in the NICS, all staff must be aware of their own responsibilities and accountable for their own actions in helping to achieve this. Staff should, therefore, be aware of the role they must play in promoting a good and harmonious working environment in which no-one feels under threat or intimidated and in which all staff are equally valued and protected. Any behaviour, intentional or otherwise, on the part of any individual or group of staff which may give offence to another employee or group of employees because of their religion, political opinion, sex, marital or family status, sexual orientation, age, race or disability is not acceptable.

1.3.5 Staff should be aware of both central and Departmental equal opportunities policy and best practice and should adhere to this at all times.

1.4 STAFF GUIDE

1.4.1 An illustrative guide 'Equal Opportunities - A Guide for all Staff' now exists which includes the NICS Policy Statement, sets it in its legal context and gives advice on what can be done to avoid direct and indirect discrimination in the areas of victimisation, harassment, stereotyping, selection and promotion, terms and conditions of employment, and training and development. It explains the roles and responsibilities of Departments, managers and the contribution that can be made by individual members of staff.

1.4.2 The guide highlights good equal opportunities practice and how everyone has a part to play. It also reminds everyone of an important point; that individuals can be held personally liable for acts of discrimination, harassment or victimisation. This Section of the Handbook must, therefore, be read in conjunction with the Staff Guide, a personal copy of which is available from Establishment/Personnel Branches.

1.5 DIGNITY AT WORK

1.5.1 The Dignity at Work policy is set out in Chapter 2 of this Handbook section. It aims to make staff aware of the types of behaviour that might cause offence, to highlight the sources of information and assistance which are available and the procedures for dealing with inappropriate behaviour.

1.6 MONITORING

1.6.1 Equal opportunities monitoring for the NICS is carried out centrally by DFP's Equal Opportunities Unit. A primary purpose of monitoring is to provide the Service with a tool by which to measure the success of its equal opportunities policies and practices. The NICS currently monitors its workforce in terms of community background, sex, disability and race.

1.6.2 In addition, as required under the terms of the Fair Employment and Treatment (Northern Ireland) Order 1998, an annual monitoring return is submitted to the Equality Commission.

1.6.3 For the purposes of monitoring community background the Service has adopted the 'Direct Question' principal method. This asks applicants and employees to state whether they have a Protestant or Roman Catholic community background or neither.

1.6.4 The Equal Opportunities Unit regularly produces reports, which provide a range of information on the compositional profile of the NICS and the dynamics of the organisation in terms of recruitment and promotion.

1.6.5 The NICS **Equality Monitoring Information Code of Practice** relates to the confidentiality of individual equality monitoring information.

This embraces information held on an individual's gender, racial or ethnic background and community background. It also covers information provided by individuals on disabilities under the terms of the Disability Discrimination Act. As well as setting out general principles in respect of all monitoring information, the Code describes the circumstances under which equality monitoring information may be directly associated with an individual and identifies those posts which may have access to such information.

1.6.6 The NICS has been monitoring equality of opportunity information since 1985. Monitoring involves the use of statistical summaries in which the identities of individuals do not appear; examples include analyses of recruitment, promotion and wastage by age, grade, occupation, gender, community background, etc. The categories of statistical summaries to be published or openly circulated within the NICS will be determined in consultation with the Trade Union Side of the Central Whitley Equal Opportunities Committee.

1.6.7 In addition, monitoring information in respect of individuals may be required in connection with prospective proceedings under equality legislation, for example, requests for information relevant to the investigation of a complaint by an individual of alleged discrimination.

1.6.8 The following general principles will be applied to all individual monitoring information:

- a. individual monitoring information, as with all personal information held on an individual's personnel record, will be afforded a high degree of confidentiality;
- b. misuse of monitoring information will be viewed as a disciplinary offence; and
- c. individual monitoring information will only be disclosed to members of staff or officials of a Trade Union if it is necessary to do so for the appropriate discharge of their duties and responsibilities.

1.6.9 In addition to the above internal safeguards on the protection of equality monitoring information generally, the confidentiality of community background monitoring information is protected through regulations made under the Fair Employment and Treatment (Northern Ireland) Order 1998. These make it a criminal offence, subject to specific exceptions, for an employer or employee to disclose information on the community background of an individual which has been obtained or is used for the purpose of monitoring under the Fair Employment and Treatment (Northern Ireland) Order 1998. On summary conviction, this offence carries a fine not exceeding level 5 on the standard scale (currently £5,000). The exceptions permitted include the disclosure of individual community background monitoring information to members of staff or to Trade Union officials, if the nature of their duties renders it reasonable for the disclosure

to be made to them. They also permit the disclosure of individual monitoring information in connection with any actual or prospective proceedings before a Tribunal.

1.6.10 Within the NICS, individual monitoring data on community background is held on computer together with other equality monitoring information such as age, sex, disability, race, etc. Specific computer procedures, employing stringent levels of security, are used to restrict and control access to the community background part of the computer record. Other equality monitoring information held as computer records will also be afforded a high degree of confidentiality with access restricted to those whose duties make it necessary for them to have it.

1.6.11 Subject to the exceptions set out below, the computer will not print out the community background information held on an individual set alongside his or her name, payroll number, national insurance number or other unique identifier.

1.6.12 Exceptions

- a. To inform individuals by means of a sealed transcript of the record of their community background or other equality monitoring information (this has already been done for the majority of staff-in-post, the exception being new entrants). Transcripts are issued to new entrants at about 4-monthly intervals.
- b. To test and maintain computer programmes in order to safeguard their integrity, ie from time-to-time it is necessary for computer systems support staff to produce lists containing personal identification and community background.
- c. To input and check the input of community background information to the computer system.
- d. To provide information in connection with actual or prospective proceedings under equality/fair employment legislation, for example, requests for information relevant to the investigation of a complaint of alleged discrimination by an individual. (The NICS policy on disclosure of information in Tribunal cases is set out in paragraph 1.8.)

1.6.13 In the majority of circumstances monitoring information will be displayed or printed out in the form of tables, showing numbers and/or percentages so that it is not possible to identify an individual. Where the numbers in statistical summaries are such that it would be easy to identify the community background of individuals, the tabular output will be restricted to those whose duties render it reasonable for such disclosure to be made.

1.6.14 Subject to the overriding principles set out in paragraph 1.6.8 above, access to individual community background information is restricted to those in the posts named below.

- a. Senior Civil Service - all posts with responsibility for Equal Opportunities.
- b. Equal Opportunities Unit, DFP - all posts in the Unit.
- c. Human Resource Consultancy Services (HRCS) of the Northern Ireland Statistics and Research Agency (NISRA) - all posts in HRCS.
- d. HRMS support and development staff - all posts.
- e. Personnel Management staff and Officials of Trade Union Side - all posts where the nature of the duties renders it reasonable for such access to be provided.

1.7 AFFIRMATIVE ACTION

1.7.1 Where monitoring of staff and/or job application rates indicates that there may be under-representation of one or more of the equal opportunity groups, the Service may take affirmative action to address this. Affirmative action may be defined as a mechanism for change and is essentially any lawful action designed to secure fair participation and its continuation.

1.7.2 Affirmative action is permitted under Articles 48 and 49 of the Sex Discrimination (Northern Ireland) Order 1976, Section 72 to 76 (inclusive) of the Fair Employment and Treatment (Northern Ireland) Order 1998 and Part VI of the Race Relations (NI) Order 1997. Such affirmative action can include Positive Action Advertising.

1.7.3 Positive action advertising seeks only to encourage members of the under-represented sections of the community to apply for posts in which they are currently under-represented; it does not mean the establishment of quotas, which are unlawful, or the abolition of the merit principle at the point of selection.

1.7.4 Other affirmative action measures include affirmative action training, eg women only training and agreeing redundancy schemes on a

basis other than 'last in - first out' to protect equal opportunity gains. Affirmative action allows targeted training on the basis of sex and it is lawful, under very specific conditions for an employer to offer religion specific training to persons not already in their employment. However, other than the latter it is illegal to select for training on the basis of religion. Both the equal opportunities legislation and the Equality Commission's Codes of Practice provide further details on the type of affirmative actions that might be considered and the circumstances under which they might be applied.

1.7.5 Where it appears that there is not fair participation in employment in a particular area, Departments should consider and develop affirmative action practices in consultation with their Departmental Trade Union Side where these are deemed to be appropriate.

1.7.6 Affirmative action is not positive discrimination. Positive discrimination is illegal. The principal of selection and promotion on merit is the underlying basis for recruitment to, and advancement within, the NICS.

1.8 DISCLOSURE OF INFORMATION IN CONNECTION WITH ACTUAL OR PROSPECTIVE PROCEEDINGS BEFORE THE FAIR EMPLOYMENT/ INDUSTRIAL TRIBUNAL

1.8.1 Subject to certain exceptions relating to disclosure of home addresses and security-related information Departments will, where justified, provide full disclosure of all relevant and necessary information to complainants or prospective complainants under anti-discrimination legislation. Staff concerned will be informed when personalised information about them is to be released as a result of an allegation of unlawful discrimination.

1.8.2 Under anti-discrimination legislation a person who believes that they have been unlawfully discriminated against in employment can complain to the Fair Employment Tribunal (FET) or an Industrial Tribunal (IT). That person can then seek information pertinent to the complaint from the person or the organisation against whom the complaint is made. This is usually done by way of a questionnaire. The complainant can either act independently or with the assistance of the Equality Commission, a legal advisor, or some other advisor or friend including a Trade Union representative. Tribunals can draw adverse inferences from a refusal to reply to a questionnaire, or from evasive or late replies; and can compel employers to furnish particulars, or discovery of documents, which they hold to be necessary for the fair disposal of a case.

1.8.3 As a committed equal opportunity employer, the NICS will comply with anti-discrimination legislation and will co-operate within the law with

complainants and the Equality Commission, with a view to the fair resolution of complaints.

1.8.4 Among the information that may be required to be released to complainants is equal opportunities monitoring information on the candidate field and those involved in selection, together with other information and documentation considered relevant. Typically, but not exclusively, the latter can include information and papers available to members of selection panels such as application forms, annual reports and related board documentation.

1.8.5 Under the Fair Employment (Monitoring) Regulations (Northern Ireland) 1999 it is an offence for an employer or an employee to disclose monitoring information on the perceived religious affiliation of individuals, except where statutorily authorised to do so. However, the Regulations specifically provide that it is not an offence to release monitoring information for the purpose of, or in connection with, any actual or prospective proceedings before the FET. Within the NICS, the Code of Practice: 'Equality Monitoring Information' agreed with TUS sets out the general principles on the collection and management of monitoring information. There is specific provision in the Code of Practice authorising the disclosure of monitoring information in connection with proceedings before the FET. The NICS has, therefore, sought to develop a policy approach that will observe the interests of confidentiality while at the same time meeting the obligations of the fair employment and other anti-discrimination legislation.

1.8.6 NICS policy is to provide full disclosure of relevant information and documentation, subject to the protection of:

- a. home addresses, the release of which is not regarded as essential to the effective pursuit of most cases; and
- b. information which the employing Department concludes might prejudice an individual's safety or security.

Where disclosure is limited by these considerations it remains the intention that the documentation, which is made available, will still permit the complaint to be dealt with fairly.

1.8.7 Officers dealing with requests for particulars and discovery of documents in connection with actual or prospective proceedings will be acting under advice from the Department's legal advisor. The latter will be able to clarify issues (such as the relevance of any unusual questions or requests) and otherwise help ensure a proper balance between duties of confidentiality and disclosure.

1.8.8 Information will be provided to complainants solely to assist in the resolution of the complaint and for no other purpose. Misuse of information

so provided can have serious consequences and if the complainant is an existing Civil Servant, will be regarded as a disciplinary offence.

1.8.9 Where information on named or readily identifiable individuals is to be released, the individuals will be informed. The aim will be to give as much advance notice as practicable and normally not less than one week. On request, individuals will be given a copy of the information about themselves which is to be released. They will also be informed of the context of the complaint, for example, the particular promotion board, recruitment competition, etc involved. The name of the complainant will only be released to those whose responsibilities require such knowledge, eg those concerned with responding to the complaint.

1.8.10 This policy is operated in a positive and responsible manner and with sufficient flexibility to accommodate case-by-case judgements, including judgements on the range of information released (subject to the overall limits set out in paragraph 1.8.6 above). Departments are the normal channel of communication with the Equality Commission or a complainant in dealing with complaints.

1.8.11 It is in everyone's interest that complainants receive sufficient information to enable them to pursue their complaint properly and to ensure that justice is done.

1.8.12 This policy on disclosure is also applied by the Civil Service Recruitment Service in recruitment cases for which it is responsible and in these circumstances references to Department(s) will be construed as references to the Recruitment Service.

1.9 FAMILY FRIENDLY POLICIES

1.9.1 The NICS seeks to develop working arrangements and an environment conducive to the effective pursuit of business needs while taking due account of the interests and circumstances of staff.

1.9.2 It is recognised that many staff have domestic commitments and there are a number of specific policies that directly reflect this. Those referred to in other sections of this Handbook, which have a clear equal opportunities dimension are flexible working, part-time working, job-sharing, career breaks, maternity/paternity leave and categories of special leave.

1.9.3 In relation to **Childcare**, it is Government policy that Departments may contribute to the childcare costs of staff where this offers value for money and can be contained within existing resources.

1.9.4 Departments can support the establishment and operation of childcare facilities where a value for money case can be proved. If a Value for Money case is demonstrated subsidy may also be provided for the purchase of places in private, registered nurseries. This policy allows

individual Departments the freedom to develop their own Value for Money cases with due regard to their own particular circumstances.

1.9.5 Holiday Play Schemes are designed to look after the school age children of Civil Servants during all or part of the school holidays. Schemes cover the whole of the working day, generally commencing at 9.00 am and finishing at 5.00 pm, although these hours may be extended to meet local needs.

1.9.6 The Equal Opportunities Unit (EOU) of DFP facilitates the establishment of schemes and provides financial assistance. The operation and management is carried out by a Management Committee made up of parents, Trade Union Representative(s) and Management Representative(s) from the local area.

1.9.7 Official time off will be granted to Committee Members to establish and organise schemes although members may have to undertake some of the work in their own time. Financial assistance will be provided to enable schemes to operate at a reasonable cost to parents. These arrangements are subject to regular review. Details of the assistance available to Committees to help set up a play scheme are available from the Equal Opportunities Unit.

1.10 DISABILITY

1.10.1 The NICS has produced a Code of Practice on the Employment of People with Disabilities in the NICS. See Annex 3 to this Chapter.

1.10.2 The Code sets out the policy on the employment of people with disabilities in the NICS and provides a framework to help Departments to achieve equality of opportunity for people with disabilities. It is designed to make full use of the skills and abilities that people with disabilities possess through career development, training, opportunities for flexible working and, where necessary, make reasonable adjustments such as adaptation to premises, equipment or support.

1.10.3 The Code also sets out the legal responsibilities placed on Departments by the Disability Discrimination Act 1995. This Act defines disability as a physical, sensory or mental impairment, which has a substantial and long-term adverse effect on an individual's ability to carry out normal day-to-day activities. It also places an obligation on employers and organisations that provide goods and services, to ensure that they are not discriminating against people with disabilities.

1.10.4 This means that Departments, in their role as employers and providers of services to staff and the public, must look critically at the premises they occupy, the way they deliver their services and all employment policies and practices, and where necessary, make 'reasonable adjustments' to ensure that people with disabilities are not disadvantaged. Examples of 'reasonable adjustments' include:

- Making physical adjustments to premises and workspaces.
- Acquiring or modifying equipment.
- Allowing staff to be absent during working hours for rehabilitation, assessment or treatment.
- Assigning the person to a different work location.
- Providing instructions or reference manuals in alternative formats, eg Braille, larger print, etc.

1.10.5 The Code provides more information on making ‘reasonable adjustments’. Departments’ Equal Opportunities Officers can also provide advice and guidance on all disability related issues.

1.10.6 As an employer, the NICS welcomes applications for employment from people with disabilities. Successful candidates are employed on the basis that they can, with some help if necessary, carry out their duties as satisfactorily and effectively as other staff. There are, however, people whose working speed or output level is limited by the effects of a severe disability which prevents them from satisfactorily meeting the performance requirements of employers, even with reasonable adjustments and the provision of specialist equipment and training.

1.10.7 The Department of Employment and Learning operates the **Employment Support** scheme, to provide people with severe disabilities an opportunity to undertake a useful and productive job of work within their own performance capacity. The NICS has participated in the Employment Support scheme and its forerunner, the Sheltered Placement scheme, since 1988.

1.10.8 Under the Employment Support scheme, a host organisation (in this case the NICS) provides suitable work placements and pays the sponsor organisation for the amount of work carried out. The sponsor organisation, as the employer, is responsible for paying salary/wages, etc and meeting the requirements of employment legislation. There are currently 3 recognised Employment Support sponsor organisations in Northern Ireland:

- Ulster Sheltered Employment Limited (USEL);
- Disability Action; and
- Action Mental Health.

1.10.9 Employment Support is normally only open to unemployed disabled people who, because of limitations to their output performance, cannot compete for jobs in open competition. They should be able to do not

less than 30% and not more than 80% of that expected from an able-bodied person.

1.10.10 It is also possible, under certain circumstances, to use the Employment Support Scheme to retain staff whose performance has fallen significantly because of a disability. Departments will, however, need to consider carefully the circumstances in which Employment Support is to be used to retain staff. Departments should always first explore all other possibilities of helping a member of staff to improve performance and remain in the Department. This could include seeking specialist advice, the purchase of equipment, job restructuring or special training.

1.10.11 There are agreed procedures to be followed when processing an application for Employment Support and the details of these procedures are available from Central Personnel Group, within the Department of Finance and Personnel, and Departmental Equal Opportunities Unit.

1.10.12 All staff, and specifically line managers, need to be aware of and support, the purpose of Employment Support and be prepared to identify suitable areas of work and accept and support Employment Support workers working alongside them.

EQUAL OPPORTUNITIES LEGISLATION AND USEFUL PUBLICATIONS

Legislation

- Equal Pay (Northern Ireland) Act 1970 (amended 1984).
- Sex Discrimination (Northern Ireland) Order 1976 (amended 1988).
- Disability Discrimination Act 1995.
- Race Relations (Northern Ireland) Order 1997.
- Fair Employment and Treatment (Northern Ireland) Order 1998.
- Fair Employment (Monitoring) Regulations (Northern Ireland) 1999.
- Northern Ireland Act 1998.
- Human Rights Act 1998.
- Equality (Disability, etc) (Northern Ireland) Order 2000.
- Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003.

NICS Publications

- Equal Opportunities - A Guide For All Staff.
- NICS Code of Practice on the Employment of People with Disabilities.
- Equal Opportunities Complaints Procedures: Guidance on Good Practice for Departments.

Departmental publications on equal opportunities issues can be obtained from Departmental Equal Opportunities Officers.

Other Publications

- A Code of Practice - Removing Sex Bias from Recruitment and Selection.
- Code of Practice - Fair Employment in Northern Ireland.
- Code of Practice for the elimination of discrimination in the field of employment against disabled persons or persons who have had a disability (ISBN 0337094357).
- Code of Practice for the Elimination of Racial Discrimination and the Promotion of Equality of Opportunity in Employment - For Employers, Part 2.
- Code of Practice on Equal Pay (ISBN 0906646847).

Publications on a wide range of equality issues are available from the Equality Commission for Northern Ireland and many of these can be downloaded from the Equality Commission's website. The Equality Commission can be contacted at:

Equality Commission for Northern Ireland
Equality House
7-9 Shaftesbury Square
BELFAST
BT2 7DP

Telephone: (028) 9050 0600
E-mail: information@equalityni.org
Website: www.equalityni.org

Equal Opportunities

A guide for all staff

NORTHERN IRELAND CIVIL SERVICE

Policy Statement

Northern Ireland Civil Service Equal Opportunities Policy Statement

The Northern Ireland Civil Service (NICS) is committed to providing equality of opportunity. It is our policy that all eligible persons shall have equal opportunity for employment and advancement in the NICS on the basis of their ability, qualifications and aptitude for the work. Everyone has a right to equality of opportunity and to a good and harmonious working environment and atmosphere in which all workers are encouraged to apply their diverse talents and in which no worker feels under threat or intimidated. This right is protected in many instances by legislation.

In order to provide a high quality service to the people of Northern Ireland the NICS needs to recruit, retain and promote the best available people. Our equal opportunities policy is central to this strategy. We aim to foster a culture which encourages every member of staff to develop his or her full potential and which rewards achievement. Creating a working environment where individual differences are valued and respected enables all staff to give of their best and helps us to respond more effectively to the needs of the people we serve.

The NICS seeks to maintain the confidence of the whole community. It will continue to promote equality of opportunity and fair participation within the framework of the law and will strive to achieve a workforce that is broadly representative of the society which it serves.

It is the responsibility of all staff to be aware of and to apply this policy. Both Management and Trade Union Side are fully committed to the policy and will endeavour to ensure its full implementation.

Equal opportunities is not something we can take or leave. Equality is in the interest of everybody and is not just something of concern to those who feel disadvantaged in relation to some of their colleagues.

There is, unfortunately, the potential for anyone to be subject to some form of discrimination at some time during his or her career and indeed for people to practise discrimination either intentionally or unintentionally.

It is important, therefore, that everyone is aware of what equal opportunities is all about and also of the good practice required to ensure that no unfair discrimination takes place.



Introduction

Who is this guide for?

As our Equal Opportunities Policy applies to each and every one of us the guide is for everyone who is employed in the Northern Ireland Civil Service (NICS). Each of us, irrespective of our particular job or grade, has a part to play.

The aims of the guide

This guide covers the main issues surrounding equality of opportunity and how these affect you. It is intended to support the NICS Equal Opportunities Policy Statement by providing guidance on the following areas:-

- the importance of equal opportunities;
- the laws governing equality of opportunity;
- different types of discrimination;
- how the NICS Equal Opportunities Policy works;
- roles and responsibilities; and
- what you can do.

Equal Opportunities Policy

Our Equal Opportunities Policy applies to all aspects of working life in the NICS. It has implications for our day-to-day behaviour and for how we treat our colleagues and customers. As the policy says:

"In order to provide a high quality service to the people of Northern Ireland, the NICS needs to recruit, retain and promote the best available people. We aim to foster a culture which encourages every member of staff to develop his or her full potential and which rewards achievement. Creating a working environment where individual differences are valued and respected enables all staff to give of their best and helps us to respond more effectively to the needs of the people we serve."



To make sure that the policy works, we need to understand what equal opportunities actually means – and what it does not mean!

Equal Opportunities is about

- **adopting good management practice**
- **treating everyone fairly, without bias or prejudice**
- **recognising, accepting and valuing people's differences**
- **promoting a harmonious working atmosphere in which no worker feels under threat or intimidated**
- **encouraging and developing all available talent**
- **ensuring that all staff are valued and encouraged to give of their best**
- **complying with our legal obligations**

Equal Opportunities is not about

- **disadvantaging anyone**
- **giving certain groups of people an unfair advantage**
- **lowering of standards in any way**
- **pretending that there are not differences between certain people or groups of people**

Equality of opportunity is of fundamental importance to the NICS. In some instances it is also a legal requirement.



The Law

It is important that everybody is aware of the main laws which govern equal opportunities in Northern Ireland.

The Fair Employment and Treatment (Northern Ireland) Order 1998 outlaws discrimination on the basis of religious belief or political opinion. This applies to employment matters such as recruitment, promotion, training etc and extends to the provision of goods, facilities and services. The 1998 Order places a duty on employers to consider the appropriateness and practicability of affirmative action including goals and timetables to secure fair participation by both sections of the community.

The Sex Discrimination (NI) Order 1976 (amended 1988) outlaws discrimination on the grounds of sex or marital status.

The Equal Pay Act (NI) 1970 requires employers to give equal treatment to men and women in respect of pay and other terms of their contracts of employment.

The Disability Discrimination Act 1995 makes it unlawful for an employer to treat a disabled person less favourably than someone else because of their disability, unless there is a good reason. This applies to all employment matters (including recruitment, training, promotion and dismissal). In order to help a disabled person to do the job, employers are required to consider what changes they could make to the workplace or to the way the work is done, and make any changes which are reasonable.

The Race Relations (NI) Order 1997 outlaws discrimination on grounds of colour, race, nationality or ethnic or national origin.

The Northern Ireland Act 1998 inter alia this established the Equality Commission for Northern Ireland and the statutory duty on public authorities to promote equality of opportunity.

Equality of opportunity is also protected by European Community law.



Equality Commission for Northern Ireland.

Established under the Northern Ireland Act 1998 the Commission assumed the functions of the Fair Employment Commission (FEC), the Commission for Racial Equality for Northern Ireland (CRENI), the Equal Opportunities Commission for Northern Ireland (EOC), and the Northern Ireland Disability Council. It therefore has a legal duty to promote equality of opportunity in Northern Ireland, working for the elimination of unlawful discrimination and to promote affirmative action.

The Commission is also responsible for enforcing a new statutory duty on public authorities to have due regard to the need to promote equality of opportunity between persons of different religious belief, political opinion, racial group, age, marital status, sexual orientation, between men and women generally; between persons with a disability and persons without; and between persons with dependants and persons without.

The Commission works within the aforementioned framework of legislation, provides advice and guidance to employers and individuals on their rights and obligations under the law, and assists people with complaints of discrimination as well as other activities, for example, undertaking formal investigations.

Advice and guidance on the law and best practice for employers is contained in Codes of Practice issued by the former FEC, CRENI, EOC. There is also a Code of Practice for the elimination of discrimination in the field of employment against disabled persons or persons who have had a disability.

All staff should ensure that they take account of relevant legislation and the guidance contained in these codes when developing personnel and other policies and procedures.



Discrimination

What is discrimination?

In the context of equal opportunities discrimination means being treated less favourably for a reason related to sex, marital status, religious belief, political opinion, disability, colour, race, ethnic or national origin.

It is unlawful for an employer to discriminate against any employee:
in terms of employment;
in affording access to benefits or by refusing or deliberately omitting to afford access to benefits; or
by subjecting him or her to dismissal or any other detriment on the grounds of religious belief or political opinion;
sex or marital status; disability or race.

Different kinds of discrimination

Discrimination may be direct or indirect or take the form of victimisation.

Direct discrimination occurs when people are treated less favourably in their employment because of their sex or marital status, their religious belief or political opinion, their colour, race, ethnic or national origin, or that they are disabled.

Examples

- Refusing to offer a job to a person because of their religion.
- Refusing to offer employment or a particular post to a woman because she is pregnant.
- Not considering wheelchair users for a posting which requires regular travel.
- Not offering overtime work on a Sunday to an employee with strong religious views on the assumption that they would be unwilling to work on a Sunday.



Indirect discrimination occurs when a requirement or condition is applied, which cannot be justified, which is harder for one group to meet than another and the people in that group consequently are placed at a disadvantage.

Examples

- Advertising a job vacancy in such a way that it is unlikely to be seen by both sections of the community.
- Applying eligibility criteria for a job, which can not be justified, which are harder for one group to meet than another. For example, applying an upper age limit criterion for recruits to a job may discriminate against women because many of them seek to return to the labour market following a period out for childbearing and childrearing purposes.
- Refusing, without justification, to allow a person to work part-time or job-share for family reasons.

Indirect discrimination is sometimes more difficult to identify than direct discrimination and people can practice it without any intent or appreciation that they have done anything wrong. However, absence of intent is not a valid defence if a case is taken to a tribunal. Nor does it provide much comfort to people who have suffered as a result of the discriminatory practice.

Victimisation means treating a person less favourably than others because that person has brought proceedings alleging discrimination; given evidence or information in a discrimination case; or taken any action in respect of a complaint under the relevant legislation.

Examples

- Removing access to overtime to a person who has made a complaint on the grounds that he or she is perceived to be a troublemaker.
- Transferring a person who is supporting a complainant to another location against his or her wishes on the grounds that other staff may refuse to work with him or her.



- The failure to protect an employee from retaliation or unpleasantness following a complaint may give rise to a further act of discrimination.

Harassment

Harassment can take many forms and may not always be easy to identify. Any unwanted behaviour which causes offence or makes a person feel uncomfortable may constitute harassment and may be unlawful.

Examples

- Displaying or circulating overtly sectarian, racially or sexually offensive material in the workplace;
- Making offensive remarks or so-called jokes about people because of their gender, disability, colour, racial origin, religious beliefs or political opinions;
- Verbal or physical threats;
- Sectarian abuse;
- touching, grabbing or brushing up against others;
- Innuendo, mockery, lewd jokes or lewd remarks;
- Intrusive questioning about someone's religious beliefs, political opinions, ethnic origins, marital status or sexuality.

Stereotyping

Unfair discrimination may result from attributing certain characteristics to people based on general assumptions about the capabilities and characteristics of particular groups.

Examples

- Believing that women with young children are less committed to work than other people.
- Believing that older people are less interested in promotion than younger people.
- Believing that people with disabilities have more time off with illness than other staff.



Making the Policy Work

The most important thing about having an equal opportunities policy is to make sure that it actually works in practice.

To do this it is vital that:

- everyone is aware of the policy, understands what it means and puts it into practice;
- equal opportunities is recognised as something that applies to everybody and that all can benefit from it;
- our employment policies and practices avoid any kind of unfair discrimination;
- individual differences are valued and respected;

Our Equal Opportunities Policy must be at the heart of all Personnel policies and procedures. The next section looks at some of the principles which underpin our procedures in the key areas of; selection and promotion, terms and conditions of employment, and, training and development.

Selection and Promotion

As stated in our Equal Opportunities Policy Statement "all eligible persons shall have equal opportunity for employment and advancement in the NICS on the basis of their ability, qualifications and aptitude for the work" – in other words on the basis of merit.

Therefore in order to fulfil this objective we must be sure that all methods used to attract and select candidates are justifiable and free from bias or prejudice.

Job Advertisements should:

- encourage applications from all suitably qualified people
- not be biased or stereotype people in any way
- indicate that the NICS offers opportunity to all people at all levels



ANNEX 2 (Cont'd)

- be widely publicised where practicable
- aim to attract under-represented groups

Selection should:

- be clear about the key tasks of the job in question
- look objectively at what is required in terms of qualifications, ability, potential ability and aptitude to carry out the key tasks and at their relative importance
- ensure that all the requirements are job related and are not so narrowly drawn as to exclude people unjustifiably from the field of consideration
- apply the requirements, which should be agreed before the post is advertised, fairly and consistently when shortlisting, at interview and throughout the selection process
- make certain that all candidates are given the same chance to demonstrate their abilities or potential abilities and that differential standards are not applied
- take account that e.g. with younger people or those without experience, potential ability which can be developed through training may be just as relevant an attribute as experience
- only include questions which are relevant to the requirements of the job
- ensure that questioning is on the same broad areas for each candidate
- ensure that decisions are objective avoiding assumptions and stereotyping

All those involved in recruitment or promotion should ensure that they seek appropriate training and adhere to the procedures established in their Department/Agency which reflect guidance contained in relevant codes of practice.

Terms and Conditions of Employment

Terms and conditions of employment must be applied fairly to all staff and should be reviewed from time to time to ensure that they do not unfairly discriminate against individuals or groups of staff. Discrimination and inequality of opportunity can occur in the absence of regular critical scrutiny.



Training and Development

The commitment given by the NICS to achieving Investors in People status, underpins our commitment to developing the potential of all our staff. Our policy is to "aim to foster a culture which encourages every member of staff to develop his or her potential and which rewards achievement."

This can be achieved by;

- assessing the ability and potential of each individual
- encouraging individuals to develop their full potential by offering appropriate training and development opportunities to all
- the development of performance management, allied with a planned development programme for staff

Roles and Responsibilities

Equal Opportunities Unit, Department of Finance and Personnel

The Equal Opportunities Unit, located in the Department of Finance and Personnel, is responsible for developing, formulating, coordinating, promoting and monitoring the policy for the Service as a whole.

Departments and Agencies

Operational responsibility for implementing the policy lies with Departments and Agencies. Departments and Agencies have policies and procedures in place aimed at advancing equality of opportunity for all their staff. These include action plans, training and awareness programmes and procedures for dealing with complaints of discrimination or harassment.



Managers

The NICS aims to deliver a high quality service to its customers. It makes sense therefore to recruit, train, develop and utilise the best available people. This is essentially what equal opportunities is all about. Equality of opportunity is not a side issue of concern only to certain staff in Personnel Divisions but rather is vitally important to, and linked with, core business objectives.

Put simply, equal opportunities is part and parcel of good management practice.

Key areas for managers include:

- taking responsibility for ensuring that discrimination or harassment do not occur, particularly in work areas for which you are responsible
- treating seriously any equal opportunity issues which are raised
- being fully familiar with procedures for dealing with complaints and ensuring that appropriate action is taken in accordance with these procedures
- treating staff fairly and objectively in all areas including; allocation of duties, annual reports, temporary promotion, training and development, and the handling of grievances and complaints
- promoting a harmonious working environment in which all workers are encouraged to apply their diverse talents and in which no worker feels under threat or intimidated
- compliance with NICS equal opportunities policy
- compliance with equality legislation

What can you do?

There are equal opportunity aspects to many of the things we do or say, so don't think that you don't have a role to play in equal opportunities.



YOU NEED TO

- Recognise your own prejudices and be conscious of work situations where they may be inadvertently expressed. If you think that you don't have any prejudices ask your friends if you are right.
- Encourage others to recognise their own prejudices and how those prejudices affect their judgement and behaviour.
- Be sure not to make comments or behave in ways that others could find offensive.
- Discourage other people from making comments or acting in ways that could cause offence.
- Treat people as individuals, much the same way as you yourself would like to be treated, and judge them on their merits.
- Enlist the help of your colleagues to identify steps that could be taken to improve equality of opportunity.
- Be aware of the procedures available to you to make an equal opportunities complaint and of the assistance available from your trade union.
- Tell your line manager or Departmental Equal Opportunities Officer about any working practice or procedure which may lead to unfair treatment.

REMEMBER you can be held personally liable for an act of discrimination, harassment or victimisation. This can result in;

- disciplinary proceedings which may in serious cases lead to dismissal
- individual legal liability under equality legislation
- defending your actions before an Industrial Tribunal or Fair Employment Tribunal



**Employment of
People with Disabilities in the
Northern Ireland Civil Service
CODE OF PRACTICE**

**Equal Opportunities Unit
Department of Finance and Personnel
Rosepark
July 1997**

Principal Abbreviations used in the Code of Practice

The following abbreviations are used throughout this Code of Practice:

DDA: Disability Discrimination Act 1995

EOU: Equal Opportunities Unit, Department of Finance and Personnel, Rosepark House, Upper Newtownards Road, Belfast

DEOO: Departmental Equal Opportunities Officer

OHS: Occupational Health Service

DAS: Disablement Advisory Service

DEA: Disablement Employment Adviser

T&EA: Training and Employment Agency

ES: Employment Support

RNIB: Royal National Institute for the Blind

RNID: Royal National Institute for Deaf People

MA: Mobility Allowance

AFW: Assisted Fares to Work Scheme

SAE: Special Aids to Employment Scheme

APE: Adaptations to Premises and Equipment Scheme

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1. INTRODUCTION

1.1 The Northern Ireland Civil Service (NICS) aims to offer equality of opportunity to all staff and seeks to recruit, retain and promote the best available people. The Service's equal opportunities policy is central to this strategy. The Equal Opportunities Unit, located in the Department of Finance and Personnel, takes the lead in developing, monitoring and reviewing the equal opportunities policy for the service as a whole. Operational responsibility for implementing the policy lies with Departments and Agencies.

1.2 The main aim of this code of practice is to provide a framework to help Departments and Agencies to achieve equality of opportunity for people with disabilities and to make full use of the skills and abilities that people with disabilities possess, through career development, training, opportunities for flexible working and the provision, where necessary, of adaptations to premises, equipment or support. In this way, Departments and Agencies will be able to provide disabled staff with an environment in which they can fully develop their abilities and careers. Failure to implement these management practices can carry an economic cost as a result of lowered morale, reduced productivity and quality of service, grievances and problems in attracting and retaining the best available staff.

1.3 The Code sets out NICS policy on the employment of people with disabilities. It sets out the legal responsibilities placed on Departments and their Agencies by the Disability Discrimination Act 1995 (DDA) and provides practical guidance on how staff at all levels can meet these responsibilities and enable their disabled colleagues to participate fully in the work of the Civil Service.

1.4 The Code is primarily concerned with those people with disabilities who can, with reasonable adjustments if necessary to premises, working arrangements etc, perform satisfactorily in open employment. For some people with severe disabilities however such employment is not suitable. The details of particular ways in which Departments and Agencies can provide for the employment of such severely disabled people through the Employment Support programme are outlined in Section 7.

Nature of disability

1.5 Disability can take many forms. Some disabilities are immediately apparent, but most are not (about two thirds of disabilities are not immediately obvious – such as epilepsy, heart conditions or mental illness) and the same disability can vary in its severity and affect different people in different ways. The causes of disability also vary – congenital, accident, disease and conditions

which are age-related. This means that policies need to take account not only of the employment of people who have been disabled since birth or childhood, but also of the management and support of people who may become disabled during their working lives.

1.6 Whatever the nature, extent or cause of disability, it is important to remember that:

- people with disabilities possess as wide a range of skills and abilities as non-disabled people
- many people with disabilities are fully effective employees without special help; many others have as much to offer as non-disabled people, when provided with appropriate facilities and assistance to enable them to overcome the effects of their disability

Publicising Policies

1.7 The policy and advice on good employment practice set out in this code are of importance to all staff. Departments and Agencies are asked to publicise the code to all staff and to ensure that copies are made available to all heads of division and those responsible for recruitment, personnel management, training, accommodation and welfare of staff.

1.8 In addition Departments and Agencies are asked to ensure that the policies and good practice are communicated in appropriate staff training courses.

2. POLICY STATEMENT

2.1 The Northern Ireland Civil Service is committed to providing equality of opportunity as stated in the Service's Equal Opportunities Policy Statement. The policy is that ***all eligible persons shall have equal opportunity for employment and advancement in the Northern Ireland Civil Service on the basis of their ability, qualifications and aptitude for the work.***

2.2 This policy applies to the employment in the NICS of people with a disability. Disability is defined in the DDA as *a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities*. This definition covers those people with a physical (including sensory disabilities) or mental (including learning disabilities and mental illness) impairment which:

- is considered to be more than minor
- has lasted or is likely to last more than 12 months; and
- affects their ability to perform the normal activities carried out by most people on a regular basis.

2.3 Anyone registered as disabled under the Disabled Persons (Employment) Act (Northern Ireland) 1945 both on 12 January 1995 and 2 December 1996 will be treated as being disabled under the DDA for three years from the latter date.

2.4 The Service aims to provide access to the full range of recruitment and career opportunities for all people with disabilities, to establish working conditions which encourage the full participation of disabled people and seek to ensure the retention of existing staff who are affected by disability through rehabilitation, training and reassignment.

2.5 As part of this overall policy the Civil Service is committed to ensuring that its policies and practice comply with the requirements of the DDA.

2.6 In practical terms this means making reasonable adjustments to all employment arrangements (including recruitment, setting of pay and conditions, training and dismissal etc), adapting the workplace and providing special equipment and other forms of assistance to ensure that disabled people are not at a substantial disadvantage compared to non-disabled people and that they can work with the maximum convenience and effectiveness.

3. IMPLEMENTING THE POLICY

3.1 The purpose of this section is to:

- set out the formal arrangements which have been put in place in the Northern Ireland Civil Service to help achieve the successful implementation and application of its policies on the employment of people with disabilities
- address how individual members of staff can help put these policies into practice.

Equal Opportunities Unit, Department of Finance and Personnel

3.2 The Equal Opportunities Unit (EOU), Department of Finance and Personnel, is the central policy unit responsible for promoting equality of opportunity in the NICS. In the context of disability, the Unit co-ordinates Service-wide policy, monitors the implementation and effect of policy and offers information and advice to Departments and Agencies on disability issues.

Departmental Equal Opportunities Officers (DEOOs)

3.3 Responsibility for the practical day-to-day implementation of policy rests with Departments and their Agencies. Within Departments and Agencies DEOOs are responsible for promoting the implementation of equal opportunities policy.

3.4 A key responsibility of the DEOO is to liaise with employees who have a disability and to promote a working environment which welcomes diversity and actively challenges prejudice in relation to disability. This responsibility requires action in conjunction with training officers, personnel staff, line managers, Premises Officers etc in relation to:

- raising awareness of disability issues by publicising policies and good employment practice
- arranging the provision of training specific to disability
- ensuring that jobs are adapted to the needs of disabled people
- liaising with line managers and disabled jobholders, to achieve a suitable working environment for people with disabilities
- maintaining up to date information in respect of disability issues and developments

- seeking regular feedback from all employees in order to assess organisational progress on disability issues
- consulting staff with disabilities to identify concerns in relation to equality of opportunity
- monitoring the appraisal system for any inconsistencies in relation to disability
- ensuring that adaptations to buildings and equipment are carried out as appropriate
- assisting any employee who becomes disabled and wishes to remain in employment
- ensuring that the employment of a disabled person is not terminated on the grounds of inadequate performance without every effort having been made to provide appropriate means of support

Welfare

3.5 Welfare Officers are trained to address the needs of all staff. Should a disabled person require it, the Welfare Officer will be able to help the individual make contact with specialised bodies, or seek the appropriate kind of professional help.

Occupational Health Service (OHS)

3.6 Advice concerning the effect of impairment and disability on the effectiveness of civil servants is available from the OHS who can assess the individual in respect of their working environment. OHS can make suggestions as to suitable modifications to work or the provision of special aids to assist performance. This is of particular relevance in the case of serving officers who become disabled after a period of illness.

The Roles of Individuals

3.7 All staff have an important role to play in ensuring that disabled people are treated fairly.

3.8 **Senior managers** have a key role to play in displaying their commitment to the practical application of disability policy.

3.9 **Establishment/Personnel Officers** need to be aware of all staff who have a disability, in order to ensure that their needs are met and that staff with disabilities have access to the full range of work opportunities.

ANNEX 3 (Cont'd)

3.10 **Members of recruitment and promotion boards** must demonstrate impartiality in relation to disability. All questions must relate strictly to selection criteria. There should be no general questions about disability or medical issues. The same scoring/assessment system should be used for all candidates. Panel members should ensure that they are clear on their responsibilities prior to interviewing.

3.11 **Training and Development Staff** have an obligation to make training equally available to all staff. The needs of disabled staff should be considered prior to all training related events and feedback sought in relation to the effectiveness of arrangements specifically tailored to special needs.

Training has a key role to play in ensuring that the underlying principles regarding disability are translated effectively into working practice. All staff should have awareness training in relation to disability in the workplace. The training needs of Personnel staff and line managers in relation to disability issues should be regularly reviewed and met in order to ensure that those directly responsible for the management of disability in the workplace are up to date in their knowledge of legislation and best practice.

3.12 **Premises Officers** have a responsibility to ensure that accommodation fully meets the needs of people with disabilities, both staff and visitors, and the requirements of the DDA. Consideration should be given to those with special needs, in relation to access to facilities, fire safety and other emergency procedures.

3.13 **Line Managers** are responsible for ensuring that staff with disabilities are treated fairly, liaising with the disabled person on the effects of his/her disability and ensuring that “reasonable adjustments” are made to the job content, working practices, and/or the working environment to meet the special needs of the disabled person. As appropriate they should liaise with the DEOO, Personnel Division etc.

3.14 **Individual members of staff** should make every effort to assist colleagues with disabilities and ensure their full integration in the workplace and related workplace activities.

3.15 **Individuals with disabilities** should, where appropriate, make their line managers and colleagues aware of their disability so that any special needs can be fairly met.

3.16 **All staff** need to be aware that harassment of a disabled person is a disciplinary offence and may amount to unlawful discrimination.

4. THE LAW

Disability Discrimination Act 1995

4.1 The Disability Discrimination Act 1995 (DDA) protects people with disabilities, and people who have been disabled, from discrimination in the field of employment. This applies to all employment matters including recruitment, training, promotion and dismissal.

Definition of Disability

4.2 The Act defines a disabled person as “someone with 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”.

4.3 The test of whether an impairment affects normal day-to-day activities is whether it affects one of the following broad categories of capacity as listed in the Act:

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

Discrimination

4.4 The Act states that “*discrimination*” occurs in two ways.

- *When a disabled person is treated less favourably than someone else for a reason relating to the person’s disability and this treatment cannot be justified.*

- *When an employer fails to comply with the duty to make a reasonable adjustment to premises or employment arrangements, if these substantially disadvantage a disabled employee, or prospective employee, compared to a non-disabled person, and he cannot show that this failure is justified.*

4.5 *Less favourable treatment of a disabled person will be justified only if the reason for it is both material to the circumstances of the particular case and substantial. This means that the reason has to relate to the individual circumstances in question and not just be trivial or minor.*

The Duty to Make a “Reasonable Adjustment”

4.6 Under the Act employers may have to make “reasonable adjustments” if their employment arrangements or premises place disabled people at a substantial disadvantage compared with non-disabled people.

4.7 The Act provides a number of examples of steps which employers may have to take, if it is reasonable for them to have to do so in all the circumstances of the case.

These steps are:

- making adjustments to premises
- allocating some of the disabled person’s duties to another person
- transferring the person to fill an existing vacancy
- altering the person’s working hours
- assigning the person to a different place of work
- allowing the person to be absent during working hours for rehabilitation, assessment or treatment
- giving the person, or arranging for him/her to be given, training
- acquiring or modifying equipment
- modifying instructions or reference manuals
- modifying procedures for testing or assessment
- providing a reader or interpreter
- providing supervision

Examples of discrimination

4.8 A disabled person who requires use of a wheelchair is refused a job because it is considered that the wheelchair will cause an obstruction in the office. If the employer could not justify this treatment of the disabled person then it would amount to discrimination.

Someone who is blind is not shortlisted for a job involving computers because the employer thinks blind people cannot use them. A general assumption that blind people cannot use computers would not in itself be a material reason – it is not related to the particular circumstances.

A person with a mental illness is sometimes away from work due to a disability and is dismissed because of this. The amount of time off, however, is very little more than the employer accepts as sick leave for other employees and so is very unlikely to be a substantial reason.

A clerical worker cannot sort papers quite as quickly as some colleagues as a result of a disability. There is very little difference in productivity but the disabled person is dismissed. That is very unlikely to be a substantial reason.

Someone who uses a wheelchair is not promoted, solely because the work station for the higher post is inaccessible to wheelchairs - though it could readily be made so by rearrangement of furniture. The employer would not have complied with the duty to make a reasonable adjustment.

The Right to Make a Complaint

4.9 A disabled person who feels they have been discriminated against may present a complaint to an industrial tribunal within three months of the time when the incident complained of occurs.

Victimisation

4.10 It is unlawful to victimise people with disabilities who make use of, or try to make use of, their rights under the Act. People who help disabled people complain are also protected from being victimised or treated less favourably.

Code of Practice

4.11 Guidance on the employment provisions of the DDA is contained in the “Code of Practice for the elimination of discrimination in the field of employment against disabled persons or persons who have had a disability” (obtainable from The Stationery Office, 16 Arthur Street, Belfast). The Code, which complements the DDA, is not an authoritative statement of the law. It can, however, be taken into account by a tribunal or court. All staff should ensure that they comply with the requirements of the DDA and the guidance contained in the Code of Practice.

Access to Goods, Facilities and Services

4.12 This Code of Practice is concerned with the policies and practice of the Northern Ireland Civil Service as an employer and the employment provisions of the Disability Discrimination Act 1995. The Act, however, also makes it unlawful for people who provide goods, facilities or services to the public to discriminate against disabled people. Staff should ensure that they are aware of their responsibilities as service providers under this section of the Act. A Code of Practice – Rights of Access – Goods, Facilities, Services and Premises is available from The Stationery Office.

5. GOOD EMPLOYMENT PRACTICE

5.1 This section provides guidance on good employment practice and practical action that can be taken to help achieve success in implementing the equal opportunity principles set out in earlier sections to this Code. Examples of action that can be taken are provided for the following areas:

- Recruitment and selection
- Assignment/probation
- Training/career development/promotion
- Retention
- Accommodation
- Equipment
- Safety/evacuation procedures
- Monitoring
- Specific disabilities

5.2 When employing someone with a disability, managers will need to think about the day-to-day measures that can be taken to ensure the successful integration of people with disabilities. Guidance on points to consider in relation to specific disabilities is provided in the final segment of this section.

5.3 Through regular contact with voluntary and statutory agencies the NICS can promote awareness of its commitment to equality of opportunity.

Recruitment and Selection

5.4 Recruitment Service of the Department of Finance and Personnel has responsibility for recruitment on the basis of fair and open competition and selection on merit. It has a continuing commitment to the Northern Ireland Civil Service policy on equality of opportunity. In this respect, so far as people with disabilities are concerned, the aim is to encourage them to compete for vacancies and to help them present themselves to best advantage. The following actions will help to ensure that disabled people can compete on equal terms in recruitment.

Actions:

- ensure that recruitment literature promotes the positive nature of NICS policy and practice on the employment of people with disabilities
- liaise with schools/educational organisations to increase awareness of the job opportunities available within the Northern Ireland Civil Service and their potential suitability for disabled people
- ensure that those involved in defining job requirements and assessing applicants have an awareness of the concept of “reasonable adjustment” as contained in the Disability Discrimination Act
- ensure that job descriptions or specifications do not require or imply unnecessary physical requirements
- waive the requirement for academic qualifications for disabled applicants where eligibility can be determined through an aptitude/practical test
- ensure that advertisements for all vacancies make it clear that the Service welcomes applications from disabled people
- ensure that details of recruitment competitions are circulated widely
- invite applicants to identify any special requirements they might need at interview or test, including access to the building or the use of interpreters for people with severe speech or hearing difficulties
- ensure that necessary practical arrangements are made for the tests and interview of candidates with disabilities and that staff and selection board members are aware of the arrangements made
- ensure that selection board members have been provided with appropriate training on equal opportunities policies and the avoidance of discriminatory questioning
- counsel members of selection boards to be aware of the potential of disabled candidates and remind them that they must not make assumptions about the limitations of disabled candidates

5.5 Candidates accepted for pensionable employment in the Northern Ireland Civil Service must satisfy Recruitment Service that their health will enable them to give regular and effective service for a reasonable period. Disability is not a cause for rejection provided that it does not prevent the candidate from carrying out the duties of the post satisfactorily. Candidates who do not satisfy the health standard may be offered conditional appointments with a review of medical fitness for establishment after a specified period.

Assignment/probation

5.6 The Civil Service aims to ensure that disabled people have access to the full range of posts available. There are few areas in which staff with disabilities cannot operate effectively. In some cases posts may need to be restructured to enable staff with disabilities to work effectively although it may require the provision of specialist equipment and/or adaptations to premises. Every effort should be made to ensure there is no undue delay in assigning staff with disabilities.

Action by Personnel Department

- on each occasion where a disabled person is assigned to a Department or one of its Agencies ensure that the individual is assigned to a suitable post taking advice as necessary from the DEOO
- seek expert advice on necessary equipment etc in consultation with the individual staff member, DEOO, DAS, T&EA, OHS and other voluntary organisations (see Section 8 for who can help)
- consider providing assistance with the relocation expenses incurred by people with disabilities on first appointment
- in conjunction with local management pay particular attention to the siting of the individual's place of work. Where staff have mobility problems, for example, it would be helpful if their office was sited close to specially adapted toilets, staff restaurants, and entrances with ramps. Good lighting would be particularly important to staff with a visual impairment
- ensure that line managers responsible for liaising with colleagues and trade union representatives understand the practical consequences of the individual's disability and any implications it may have for the working routine
- in consultation with the DEOO as necessary, provide line managers with the support they need to manage effectively a member of staff with a disability ensuring they are aware of departmental equal opportunity policies and procedures and provide access to training as appropriate
- ensure that staff with disabilities know who their DEOO is and are given a copy of this Code

5.7 The probationary period provides an opportunity for line managers to assess all new entrants' suitability and identify particular training needs. Unnecessary anxiety will be avoided if performance is reviewed regularly during this period, and, if problems are identified, action is taken quickly to resolve them.

5.8 When the performance of a member of staff with disabilities is falling below an acceptable standard, in consultation with the individual concerned, establish the reasons for it. The provision of appropriate equipment, training or restructuring of posts could make a difference and should be considered. Care should be taken, however, to ensure that people with disabilities are not distanced from their colleagues or placed under extra pressure by overstringent monitoring.

Training/career development/promotion

5.9 People with disabilities should enjoy the same opportunities as other staff to develop full and rewarding careers in the NICS. Like all other staff they are entitled to be considered for more demanding work or greater responsibility based on clear and objective assessments of their aptitudes and abilities. Some disabled staff may not be able to undertake the full range of posts of the grade above. This should not be a bar to promotion where there are jobs at the higher grade which are suitable or where jobs could be restructured to make them suitable.

5.10 Those responsible for training, career development and promotion, including line managers, should ensure that staff with disabilities are provided with equal opportunities, while paying special attention to the problems they may experience in taking advantage of such opportunities. Anyone concerned with promotion procedures must, of course, work within the general principles set out in the Promotion Section of the Northern Ireland Civil Service Pay and Conditions of Service Code (this is being revised and may become an NICS Staff Handbook). Those serving on promotion boards must work within any Notes for Guidance for Promotion Board Members noting especially what they say about ways of avoiding discrimination. Reporting and countersigning officers should apply the guidance on staff appraisal so that disabled people are assessed solely on the basis of their performance.

Actions:

- ensure that invitations to meetings, seminars, conferences or other work related activities ask those attending to identify any specific needs they have and ensure these are met
- ensure that staff with disabilities are offered as wide a choice of training opportunities as their non-disabled colleagues; that training material is available in an appropriate medium (eg audio tape); and that there is appropriate access to the training centre
- make a realistic assessment of the best career development opportunities and the suitability of alternative postings for staff with disabilities in consultation with them and consider all possibilities

ANNEX 3 (Cont'd)

- provide suitable training to all staff involved in the management, career development or promotion of disabled people
- monitor annual staff reports of disabled people to ensure that unfair or unfounded assumptions are not influencing assessments of performance or potential

Retention

5.11 Wherever possible, Departments and Agencies should try to retain all staff who, while in their employment, are increasingly affected by an existing disability or acquire a disability.

Actions:

- consider, in consultation with the individual concerned, the possibility of restructuring their post, acquiring appropriate equipment, or adapting equipment or premises
- where necessary, in consultation with the DEOO, line manager and individual concerned seek expert advice on other jobs that might be suitable and any specialist assistance or support that might be required. The OHS, DAS and independent voluntary organisations can all provide help
- consider the possibilities for home-working, part-time working and other flexible working patterns
- where a suitable post cannot be found within the Department or its Agencies, request assistance from Conditions of Service and Employee Relations Division, Department of Finance and Personnel, to find a post elsewhere in the Service, or contact other Departments direct through the DEOO network where medical retirement appears inevitable, consider the possibilities for retention on Employment Support (information on this scheme is contained in Section 7)

Accommodation

5.12 Buildings in the NICS office estate are the direct responsibility of Construction Service, Department of the Environment. Other buildings, for example, Agricultural Colleges, are the direct responsibility of the occupying Department/Agency. All NICS Departments/Agencies must appoint a Premises Officer for each building with responsibilities for its accommodation standards.

5.13 The majority of staff with disabilities can operate effectively without requiring modifications to the working environment. Some, however, may need particular arrangements to increase their comfort and efficiency. The provision of simple aids and the adaptation of premises and equipment, can create conditions in which disabled people can overcome some of the problems that the workplace can present. Departments/Agencies should provide facilities which meet the needs of disabled people working in their buildings.

5.14 Premises Officers, in the NICS office estate, who identify a need to adapt premises, for example, widen doors for wheelchair access, should approach their Establishment/Personnel Officer or the officer responsible for accommodation matters who, in turn, should contact Construction Service to ascertain whether:

- the work can be funded out of the Construction Service budget; or
- the work can be incorporated into any other work planned for the building.

5.15 For other buildings, Departments/Agencies should ensure that those responsible for accommodation matters are aware of the procedures for carrying out and funding any necessary work. Work of this nature is usually carried out by Construction Service for Departments/Agencies.

5.16 Relatively inexpensive adaptations to premises can often be of considerable help to disabled staff and other people who use the buildings.

Equipment

5.17 A wide range of equipment is available which can enable a disabled person to work more effectively. An individual's disability may necessitate the provision of standard equipment, such as a tape recorder or an orthopaedic chair, or it may require a purpose built or specially adapted piece of equipment. Where a disabled person needs equipment that is readily available through normal channels of supply, Departments/Agencies should aim to meet the individual's needs from their own resources. If this is not possible DEOs may apply to the T&EA through the DEA for assistance.

5.18 Assistance may be available from the following schemes:

- Under the Special Aids to Employment (SAE) Scheme it is possible for the T & E A to lend equipment – for as long as it is needed – to a disabled person, provided the equipment would not be needed by a non-disabled person doing the same job

Under the Adaptations to Premises and Equipment (APE) Scheme, the expectation is that Departments and Agencies will be asked to show that they have no access to funds. Applications must be supported by written confirmation of lack of funds from the DEOO before T & E A will consider funding.

5.19 These regulations are subject to change and the T&EA Disablement Advisory Service HQ should be contacted for advice on the current position.

Adaptations and Aids:

Machinery adaptations

5.20 These range from lowering switches on machinery to make them more easily accessible; converting foot-operated machinery to hand operated and vice versa; and converting machines from manual and automatic feed systems.

Equipment adaptations (including micro-based equipment)

5.21 These include providing 'add-on' Braille terminals to standard computers; providing speech output facilities to standard computer terminals; and providing speech adaptations for switchboards.

Telephone aids

5.22 These vary from amplifiers for use by those with hearing difficulties to enlarged numeral dials for those who are partially sighted and light-weight headsets or handsets for those who are not able to hold a standard handset. Minicom systems are available in a number of buildings. These are special portable telephones which link into the telephone network and send and receive displayed text messages. DEOOs should liaise with the relevant Premises Officers about the feasibility of installation.

Writing aids

5.23 These include pen grips, Braille shorthand writing machines, the microwriter (a small, hand-held device designed to help people with writing difficulties as a result of physical or visual impairment) and voice operated computers.

Visual aids

5.24 These range from magnifying lenses and page-turning devices to closed circuit television and Optacons which produce a tactile image of printed text as it is scanned by a hand-held camera. An assessment by the RNIB of the equipment needed to assist a visually impaired employee can be arranged through the DEOO.

Mobility aids

5.25 These include manually and electrically powered wheelchairs, electrically powered chairs which give the user a vertical rise and stand-up wheelchairs which will allow the user to work from an upright position.

Paperfile handling

5.26 These may be ordinary personal computer systems which can help to reduce or remove the need for manual filing or paper handling. Versabrailles which provide an information storage and retrieval system for blind people; and special filing systems to ease file handling.

Safety/Evacuation Procedures

5.27 Management has responsibility for ensuring the safety of all staff in Government buildings. Some disabled staff may not be able to make unaided use of emergency escape routes. Staff with hearing impairments may need special warning mechanisms to have their attention drawn to the need to evacuate premises. Departments/Agencies and Premises Officers should ensure that the evacuation procedures meet the needs of disabled people using their buildings.

Action by Personnel:

- inform Premises Officers of the posting of staff with mobility problems, hearing or visual impairments or other disabilities, where special attention may be needed in the event of an emergency

Actions by Premises Officers

- regularly publicise the arrangements for evacuation of disabled staff and consult those affected about the best method of evacuation
- ensure that evacuation procedures are tested regularly and are effective in meeting the needs of people with disabilities
- ensure that disabled staff participate in fire drills etc
- ensure that appropriate equipment and staff trained in its use are readily available
- install visual warning signs for people with hearing difficulties
- advise a disabled member of staff when assigned to a new location of evacuation procedures, routes to emergency exits etc.

Actions by individuals with disabilities

- alert line-management of any assistance needed
- co-operate fully in agreed safety/evacuation procedures

Monitoring

5.28 To enable equal opportunity monitoring of staff with disabilities a database has been established which records the nature of the disabilities of all disabled staff in the Northern Ireland Civil Service.

Action by Personnel:

- Ensure that the database on staff with disabilities is regularly updated

Specific Disabilities

5.29 It can be helpful and in some cases essential to know the nature of a disability and how this can affect the individual in the workplace. As each individual will have different needs, the best way to find out how you can assist your disabled colleague is to ask them.

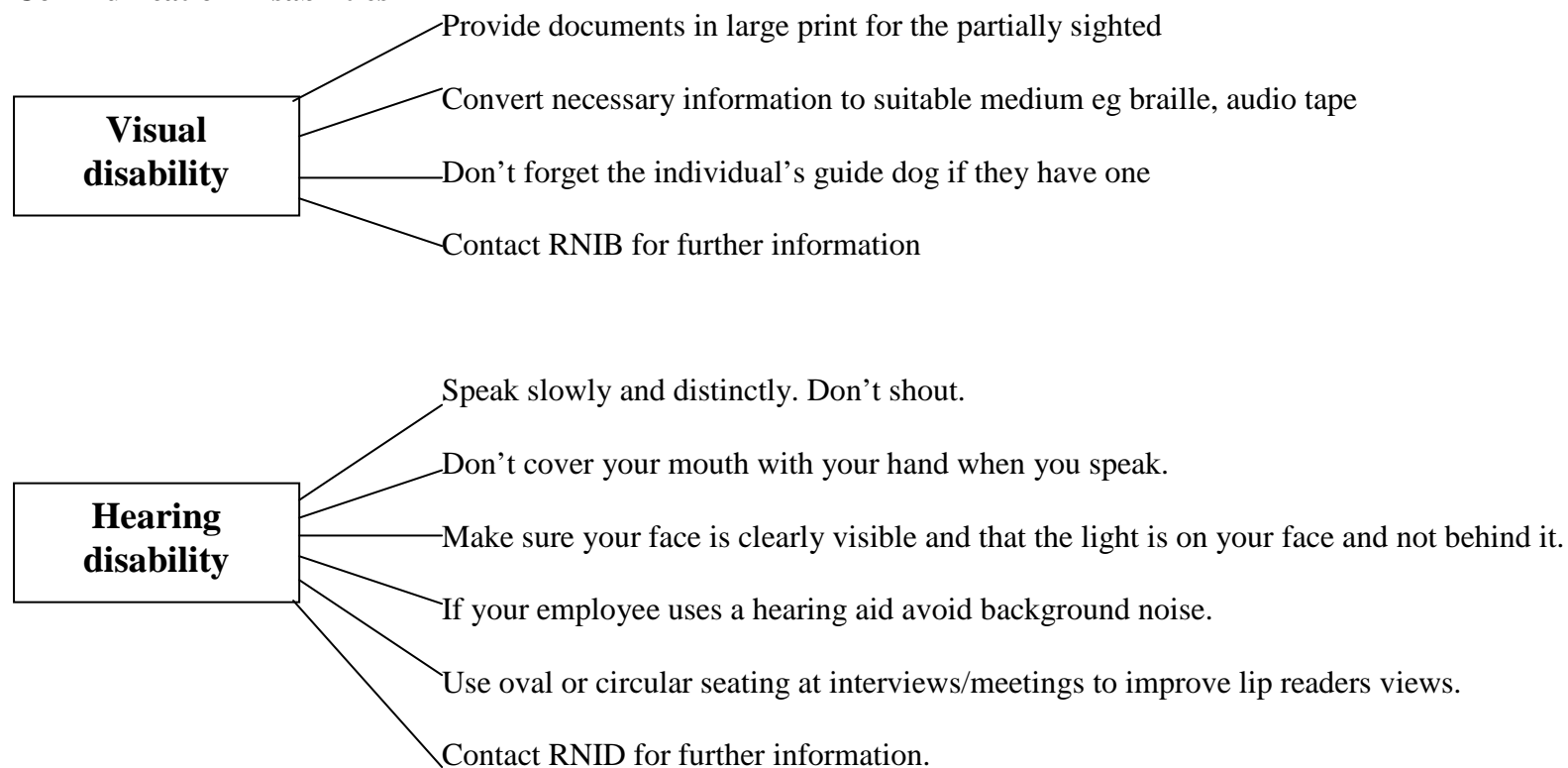
5.30 You may find that a disabled person adjusts much more quickly to a new working environment if an existing member of staff is nominated to provide help and support. A tour of the workplace and a record of useful names (in a format appropriate to the individual) may also help the disabled person to settle in. Any necessary technical equipment should also be considered.

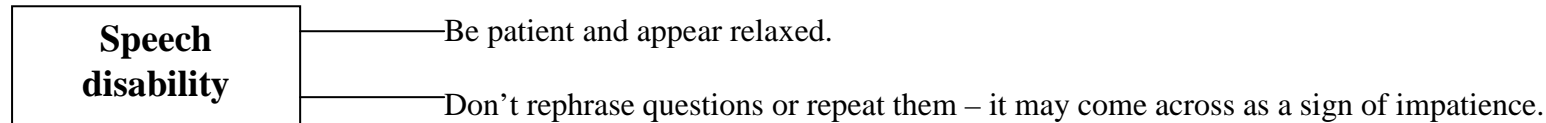
5.31 The Premises Officer of each building should be made aware of staff with disabilities and if necessary escorts assigned for evacuation purposes.

Communication Disabilities

5.32 These types of disability can affect a person's hearing, speech or sight. Individuals may be partially affected, substantially affected or experience complete loss of the sense in question. It is important to determine to what degree the individual is affected – do not make assumptions. Also consider the provision of appropriate technical aids.

Communication Disabilities

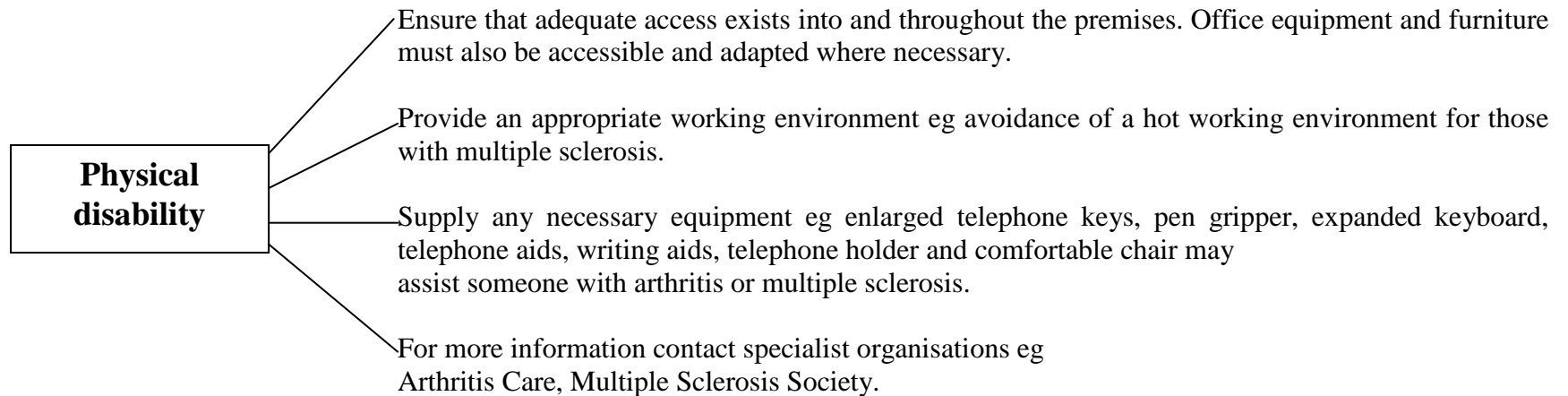




5.33 When delivering training/induction packages to a member of staff with a communication disability, it is particularly important to ensure appropriate methods of conveying the information are used eg video material should be subtitled or a transcript provided for those with a hearing impairment. Additional time may also be required eg for someone with a hearing impairment using a sign language interpreter to communicate.

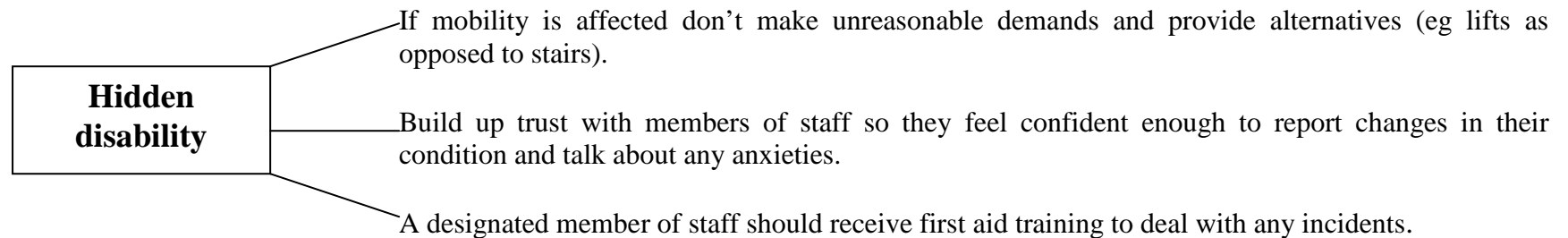
Physical Disability

5.34 This can include individuals with conditions such as spina bifida, multiple sclerosis or those with spinal cord injuries following an accident. Arthritis and rheumatism may also result in a physical disability though this will depend on the individual and the extent of their condition.



Hidden Disability

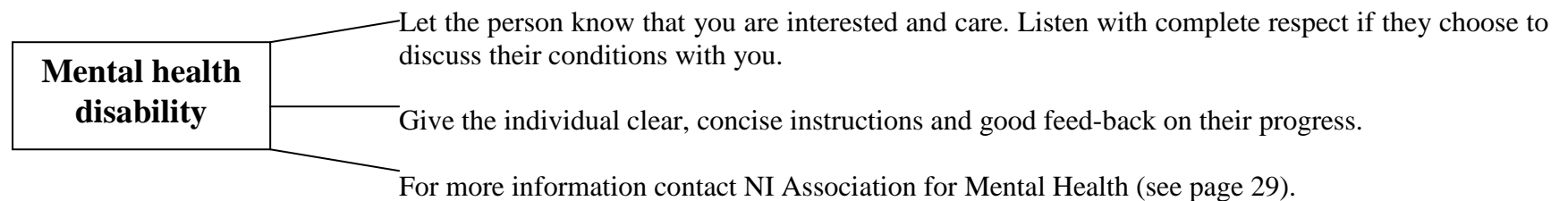
5.35 Not all disabilities are apparent. Many people are affected by conditions which may limit the activities they can engage in and yet their colleagues may be unaware of this. Attention, therefore, needs to be paid to the requirements of those with conditions such as epilepsy, respiratory or heart problems, and diabetes.



Mental Health Disability

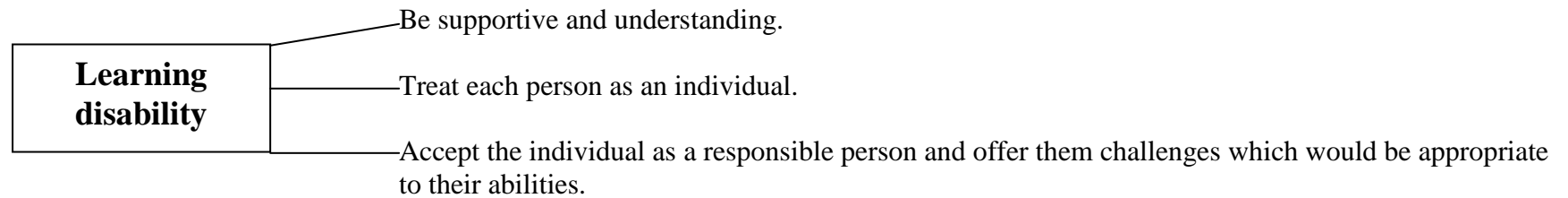
5.36 This type of condition results in behaviour disorder and like many physical illnesses can be temporary or even disappear completely. It is quite separate from learning disabilities.

5.37 Mental health disability often manifests itself in exaggerated versions of ordinary feelings and behaviour. Severe symptoms of a condition like schizophrenia may include delusions, hallucinations and disordered thinking. Other examples of conditions are manic depression, eating disorders and anxiety disorders.



Learning Disabilities

5.38 This term is used to refer to an impairment of intellectual abilities. This may occur due to damage at birth or a severe head injury. It can also apply to those with specific learning difficulties such as dyslexia.



Progressive or Recurring Conditions

5.39 Many of the disabilities already discussed may be of a recurring nature – this should be taken into consideration when dealing with each individual. Issues relating to progressive conditions should also be addressed. These conditions are likely to change and develop over time - examples include cancer, multiple sclerosis, muscular dystrophy and HIV infection. Managing a disability of this variety in the workplace requires a good partnership between employer and employee. Reasonable adjustments should be made to working arrangements to enable the staff member to continue fulfilling their role within the organisation for as long as they desire and is practicable. Considerable support and understanding will be necessary from both colleagues and relevant managers.

6. ASSISTANCE AVAILABLE

Personal Reader Service

6.1 The Personal Reader Service may help with the cost of using a sighted reader at work (the applicant needs to provide the reader) for blind or partially sighted people who are having difficulties in obtaining or keeping employment because of their disability. Applications should be made to the local DEA through the DEOO. Addresses and telephone numbers are available at the back of this booklet or by contacting the local T&EA office.

6.2 The Service (subject to assessment by the DEA) is available to those visually impaired people who:

- are entering a new job and need support during an initial induction period; or
- are, following the onset of disability, either in danger of losing their job or are returning to new or adapted duties with their original employer; or
- are restricted in their individual career development and who need to prove their potential.

6.3 Help is available for a maximum of 15 hours per week and is provided for an initial period of 2 years regardless of salary. Beyond this period help may be given to people whose career progression is restricted by their disability or to those not receiving adequate reading support from any other service such as Special Aids to Employment Scheme.

6.4 The Personal Reader Service is not designed to replace adequate reading help already provided, or able to be provided, by other sources, for example, the employer, voluntary helpers, etc. Personnel Branches should therefore consider whether the needs of their visually impaired employees can be met from within their own resources, before application for assistance under the Personal Reader Service is made.

Braille Service

6.5 A short document braille service is operated through the Royal National Institute for the Blind for those visually impaired civil servants who find it convenient to have official documents in Braille for ready reference. Normally the service is

limited to braille reasonably short documents to maintain a fast turn around but other work is considered when there is capacity. The cost of this service is met by individual Departments. Further details may be obtained from the Departmental Welfare Officer.

Staff with Hearing Difficulties

6.6 When an employee with impaired hearing needs to attend a training course, an interpreter may be provided or the course may be geared to meet his/her special requirements. Specialist help is available to assess what suits best in individual cases. Supervisors or managers of staff with hearing difficulties may seek advice from specialists through the DEOO.

6.7 All individuals involved (interpreters etc.) who are not civil servants should be made aware of their obligations under the Official Secrets Act 1989 at the outset. Thereafter there should be no problem since in most cases access to classified information is unlikely to be involved. However if such access is a possibility, the Department's Personnel Branch should be consulted before any decision is taken. If necessary they should, in turn, seek advice from Security Branch, Department of Finance & Personnel, Rosepark House.

Assisted Fares to Work

6.8 Certain disabled people who incur extra costs in getting to work, over and above those of a non-disabled person travelling the same route, may be able to get financial assistance through the DEA under the Assisted Fares to Work Scheme (AFW) if they:

- meet the definition of disability provided by the Disability Discrimination Act 1995;
- are unable to use public transport for all or part of the journey to work because of their disability.

6.9 People with disabilities who have their own vehicle and are learning to drive will normally receive assistance, however, this assistance will normally cease when they pass their driving test.

6.10 Applications must be made by the individual requiring help, but DEOOs wishing to advise potential applicants should be aware of the following provisions:

- Training and Employment Agency help is always provided towards the cheapest reliable alternative to public transport which may include taxis or a lift from family or friends;
- any applicant wishing to use taxis will need to obtain 3 written quotations/ estimates;

- the amount of assistance made available is determined on an individual basis and based on individual circumstances.

6.11 People with disabilities wishing to apply for help should be advised to contact the D E A at the T & E A office nearest to their place of work. The DEA will advise on eligibility as well as any changes to the details above and will arrange for an application to be completed as appropriate. The application will be forwarded (with any tax estimates) to the Disablement Advisory Service Headquarters, Training and Employment Agency, to calculate the amount of assistance the applicant is entitled to and inform the applicant in writing.

Job Introduction Scheme

6.12 Where there are doubts about the suitability of a disabled person for a particular post, an employer may engage the services of that person for a trial period of six weeks. This can be extended to a maximum of 13 weeks with DEA approval. During this period the Department may recoup from the T&EA £45 per week against the salary costs of that person.

6.13 Further information about any of the services listed above may be obtained from your local DEA.

7. EMPLOYMENT SUPPORT

What is it?

7.1 Employment Support (formerly known as the Sheltered Placement Scheme) gives individuals with severe disabilities the opportunity to work alongside non-disabled colleagues in a wide variety of jobs.

7.2 The scheme is designed for people with severe disabilities who need some support in order to compete for and retain jobs in the open labour market. Participants in the scheme therefore benefit from a unique opportunity to undertake a useful and productive job of work within their own performance capacity. Employers also benefit from the scheme because it gives them access to the skills and abilities of a group of people who would otherwise be excluded from the labour market.

How does it work?

- The T & E A's Disablement Advisory Service (DAS) operates the scheme in conjunction with a number of sponsor organisations
- The sponsor organisations (Ulster Sheltered Employment Ltd., Disability Action, and Industrial Therapy Organisation) employ the disabled person and a host firm provides the work - in our case Departments and Agencies
- The DAS is responsible for conducting initial interviews with individuals who are potentially eligible for the scheme. Following this the DAS will provide the Equal Opportunities Unit in the Department of Finance and Personnel with penpictures of these individuals which will be circulated to DEOOs. DEOOs, liaising with Personnel, will be responsible for identifying appropriate vacancies and matching these with the pen-pictures, in conjunction with line managers. Once a suitable vacancy has been identified, the DEOO will arrange the necessary follow-up action, including notification to the EOU that an individual is being considered. EOU will in turn advise other Departments/Agencies. The pen-pictures of those under current consideration by one Department/Agency will not be further examined by other Departments/Agencies while selection takes place. Those successfully placed will be removed from the lists of applicants held by Departments; unsuccessful applicants will be considered for future vacancies.

ANNEX 3 (Cont'd)

- Details of the successful applicant will be forwarded to the relevant sponsor organisation and to the T & E A's Occupational Psychology Team who will arrange for a visit to be made to the employer.
- An assessment of the applicant's performance output will be undertaken by an occupational psychologist to confirm that the individual is suited to the requirements of the post and gauge the percentage of work output they are capable of.
- The occupational psychologist will then liaise with the employer to confirm the job requirements and agree a suitable output level, which must be between 30%- 80% of that normally expected from a non-disabled worker.
- Once the individual has been accepted they are entitled to similar terms and conditions as their colleagues employed in the NICS doing similar work. However, the host firm only pays for the percentage of work agreed (i.e 30%- 80%) with the remainder being paid by the sponsor.
- Regular contact is maintained between the sponsor, the host organisation and the employee. The sponsor, as the legal employer of the ES worker, is responsible for carrying out regular reviews of performance and progress.
- Annual performance appraisals are completed and individuals may receive performance pay where appropriate. They are not eligible to compete for promotion.
- Although ES is primarily aimed at providing job opportunities for people with severe disabilities who are unemployed, in some instances Departments or Agencies may be able to use the scheme to retain staff whose performance has fallen significantly because of a disability. The scheme can be considered as an alternative to medical retirement but only when all other options such as reduced working hours, job restructuring, and the provision of equipment have been explored. In these circumstances the individual concerned may remain an employee of the Department or Agency retaining their existing employment rights or become an employee of a sponsoring organisation. Where ES is used to retain a disabled person in employment appropriate support is provided by the sponsoring organisation.
- Where these options are being considered it will be necessary to take account of the implications for the pay and pension of the ES worker.
- Further information on all aspects of Employment Support can be obtained from your DEOO.

8. SOURCES OF HELP AND ADVICE

Departmental Equal Opportunity Officers

Departmental Equal Opportunities Officers (DEOOs) provide advice and guidance on disability issues to disabled staff and line managers. Information on the role of the DEOO is provided on page 4.

The Equal Opportunities Unit, Department of Finance and Personnel

The central policy unit within the NICS for promoting equality of opportunity across the Civil Service - a source of information and advice for Departments.

Contact: Equal Opportunities Unit
Department of Finance and Personnel
Royston House
Upper Queen Street
Belfast BT1 6FD
Tel: 02890 572372

Occupational Health Service

Advice concerning the effect of impairment and disability on the effectiveness of civil servants is available from the OHS who can assess the individual in the working environment.

Contact: Occupational Health Service
Lincoln Buildings
27-45 Gt Victoria Street
Belfast BT2 7SL
Tel: 02890 251888

Training and Employment Agency

Advice on all aspects of the employment of people with disabilities and particularly on adaptations to premises and equipment.

Contact: Disablement Advisory Service
 T&EA HQ
 Room 304
 39-49 Adelaide Street
 Belfast BT2 8FD
 Tel: 02890 257474

Trade Unions

Your trade union representative may be able to provide you with advice and assistance

DISABILITY ORGANISATIONS

In addition to the services provided for disabled people by the T&EA, there are numerous voluntary organisations concerned with groups with disabilities. Organisations concerned with specific conditions-

Royal National Institute for the Blind NI Mr Mike McIlwrath Resource Centre 40 Linenhall Street Belfast BT2 8GB Tel: 02890 329373	The Blind Centre for Northern Ireland Mr Deane Houston 70 North Road Belfast BT5 5NJ Tel: 02890 654366
National League of the Blind and Disabled Mr Alan Owens 26 Twaddle Avenue Belfast BT13 3LE Tel: 02890 322881	SENSE (National Deaf-Blind Rubella Association) Mrs Meta McMullin Resource Centre Graham House Knockbracken Healthcare Park Saintfield Road Belfast BT8 8BH Tel: 02890 705858
Royal National Institute for Deaf People Wilton House 5 College Square North Belfast BT1 6AR Tel: 02890 239619	Ulster Institute for the Deaf Wilton House 5 College Square North Belfast BT1 6AR Tel: 02890 321733
Council for the Advancement of Communication with Deaf People Mrs Cilla Mullin Wilton House 5 College Square North Belfast BT1 6AR Tel: 012890 438161	Northern Ireland Association for Mental Health Mr A C Ferguson Chief Executive 80 University Street Belfast BT7 1HE Tel: 02890 328474

ANNEX 3 (Cont'd)

<p>Royal Society of Mentally Handicapped Children and Adults (MENCAP NI) Mrs Maureen Piggot Segal House 4 Annadale Avenue Belfast BT7 3JH Tel: 02890 691351</p>	<p>National Schizophrenia Fellowship Mr M Woodhall Director “Wyndhurst” Knockbracken Healthcare Park Saintfield Road Belfast BT8 8BH Tel: 02890 402323</p>
<p>PRAXIS Mr N Ringland Director 29/31 Lisburn Road Belfast BT9 7AA Tel: 02890 234555 A charity which aims to promote mental health in NI through the provision of accommodation, support services and research.</p>	<p>Industrial Therapy Organisation Mourne Villa Knockbracken Healthcare Park Saintfield Road Belfast BT8 8 BH Tel: 02890 403726 Provides rehabilitation, training and work programmes for people with mental health problems.</p>
<p>CAUSE Professor Monica McWilliams Glendinning House 6 Murray Street Belfast BT1 6DN Tel: 02890 238284 (HELPLINE 0845 6030291 is open daily from 9.00 am - 9.00 pm) Charity which mainly provides support for carers, or former carers, of people with severe mental illness, notably schizophrenia and manic depression.</p>	<p>Parents and Professionals and Autism (PAPA) Mrs ACassidy PAPAResource Centre Knockbracken Healthcare Park Saintfield Road Belfast BT8 8BH Tel: 02890 401729</p>

ANNEX 3 (Cont'd)

<p>United Response (NI) Miss Agnes Lunny 94 Hamilton Road Bangor BT20 4LG Tel 02891 272927 Charity providing support for young adults with learning disabilities.</p>	<p>Downs Syndrome Association Miss Lisette Kroes 2nd Floor Bryson House 28 Bedford Street Belfast BT2 7FE Tel: 02890 243266</p>
<p>British Epilepsy Association Mrs Helen Hood Regional Director Graham House Knockbracken Healthcare Park Saintfield Road Belfast BT8 8BH Tel: 02890 799355</p>	<p>Association for Spina Bifida and Hydrocephalus Mrs Margaret Young Graham House Knockbracken Healthcare Park Saintfield Road Belfast BT8 8BH Tel: 028 9079 8878 Fax: 028 9079 7071</p>
<p>Action MS Group Mrs Ann Walker Actionville Knockbracken Healthcare Park Saintfield Road Belfast BT8 8BH Tel: 02890 790707</p>	<p>Multiple Sclerosis Society Mrs Ann Hayes Director 34 Annadale Avenue Belfast BT7 3JJ Tel: 02890 644914</p>
<p>Spinal Injuries Association 76 St James' Lane London N10 3DF Tel: 0181 444 2121</p>	<p>British Limbless Ex-Servicemen's Association Mr Danny Gavin 109 Ballycrochan Road Bangor BT19 2NS Tel: 02891 458352</p>

ANNEX 3 (Cont'd)

<p>Arthritis Care Mrs R Douglas 31 Newforge Lane Belfast BT9 5NW Tel: 02890 669882</p>	<p>The Chest, Heart and Stroke Association Bryson House 21 Dublin Road Belfast BT2 7HD Tel: 02890 320184 Publishes journal, books and leaflets</p>
<p>The Haemophilia Society Northern Ireland Group 67 Woodvale Road Belfast BT13 3BH Tel: 02890729559</p>	<p>British Diabetic Association 10 Queen Anne Street London W1M OBD Tel: 0171 323 1531</p>
<p>Action for Dysphasic Adults Mrs Eleanor Gildea Graham House Knockbracken Healthcare Park Saintfield Road Belfast BT8 8BH Tel: 02890 401389 Information and support for people with speech and language impairment following stroke or head injury</p>	<p>The Society for Mucopolysaccharide (MPS) Diseases 55 Hill Avenue Amersham Buckinghamshire HP6 5BX Tel: 01494 434156 Mr K Houston NI Committee 21 Cavanalee Road Strabane Tel: 01504 884168 Provide information, support groups, conferences on MPS - enzyme deficiency genetic disorders including hurlers, hunters, sanfilippo, maroteaux-lamy, morquio, scheie and hurler/scheie.</p>
<p>British Dyslexia Association 98 Lond Road Reading Berkshire RG1 5AU Tel: 01734 668271</p>	

DISABILITY ORGANISATIONS - GENERAL

<p>Disability Action 2 Annadale Avenue Belfast BT7 3JH Tel: 02890 297880; Textphone 02890 297882 Disability Action has over 170 member groups covering all aspects of disability – physical, mental, sensory and hidden. Its aim is to ensure that people with disabilities have equal opportunities and equal rights in all aspects of their lives. Employment Support sponsor organisation.</p>	<p>Royal Association for Disability and Rehabilitation (RADAR) 12 City Forum 250 City Road London EC1V 8AF Tel: 0171 250 3222 Rehabilitation/employment is particular interest, but has broad information on disability organisations in GB.</p>
<p>Ulster Sheltered Employment Ltd 136 Lawnbrook Avenue Belfast BT13 2QD Tel: 012890 322881 Provides paid employment under sheltered conditions for people with disabilities. Employment Support sponsor organisation.</p>	<p>Disabled Drivers' Association Graham Clinic Knockbracken Healthcare Park Saintfield Road Belfast BT8 8BH or 2 Waverly Park Newtownabbey BT36 6RT</p>
<p>SHARE Ms Dawn Latimer Director Smith's Strand Lisnaskea Co Fermanagh BT92 OEQ Tel: 028 6772 2122 Residential activity centre purpose built to be accessible to disabled people.</p>	

LINE MANAGER GUIDANCE

A GUIDANCE DOCUMENT FOR MANAGING ATTENDANCE FOR PEOPLE WITH DISABILITIES

1. Introduction

This note provides a brief summary of the action that line managers should take **as a minimum** to assist staff in remaining in work, as well as staff on sickness absence, who have a disability. The guidance takes account of NI disability legislation and seeks to apply best practice in accordance with its provisions. It is not intended as definitive guidance.

2. Aims

Our overriding aims are to prevent discrimination on grounds of disability and to assist rehabilitation of staff with sickness absence, so that they can continue working. Line managers should consider all options that are available to help staff to remain in work and where appropriate, return to work. They should consider making all reasonable adjustments to the work, working environment, and work practices and procedures, to facilitate the earliest possible return on a sustained basis.

3. Factors to be Considered

The Disability Discrimination Act (DDA) 1995 places a duty on employers to make reasonable adjustments to any physical features or employment arrangements which cause a substantial disadvantage to a person with disabilities.

The disability legislation sets out a number of factors which should be taken into account in determining whether it is reasonable for an adjustment to have to be made by an employer, as follows:

- a. the extent to which making the adjustment will improve the situation for the employee with the disability

ANNEX 4 (Cont'd)

- b. the extent to which it is practical for the Department to make the adjustment
- c. the financial and other costs which would be incurred by the Department in making the adjustment and the extent of any disruption caused
- d. the extent of the Department's financial and other resources
- e. the availability to the Department of financial or other assistance with respect to making the adjustment

A further consideration which may be taken into account would be the nature of the business and the impact which making an adjustment would have on others.

Every effort must be made to apply a reasonable adjustment to meet the needs of the individual officer while maintaining services.

4. Definition of Disability

Disability legislation defines disability as:

“A physical or mental impairment which has a substantial and long-term adverse effect on a person's ability to carry out normal day to day activities”.

This must involve one of the following broad categories:

- a. mobility – moving from place to place
- b. physical co-ordination
- c. manual dexterity
- d. the ability to lift, carry or move ordinary objects

ANNEX 4 (Cont'd)

- e. speech, hearing or eyesight
- f. memory, or ability to concentrate, learn or understand
- g. being able to recognise physical danger
- h. continence

4.1 Physical and mental impairments include:

- physical impairments affecting the senses, such as sight and hearing
- mental impairments including learning disabilities and mental illness

Where appropriate the advice of the OHS should be sought to determine whether there is a disability.

4.2 For an effect to be substantial it must be more than minor for example:

- **inability to see moving traffic clearly enough to cross a road safely;**
- inability to turn taps or knobs;
- inability to remember and relay a simple message correctly.

4.3 Long term effects are those that:

- have lasted at least 12 months; or
- are likely to last at least 12 months; or
- are likely to last for the rest of the life of the person affected; or
- are likely to recur.

Day to day activities are normal activities carried out by most people on a regular basis.

4.4 Planned Changes to the Definition of Disability

New legislation to be introduced in Autumn 2006 (ie the Disability Discrimination (NI) Order 2006) will, among other things, extend the definition of disability to include people who have cancer, HIV infection or multiple sclerosis, from the point at which the condition is diagnosed. This new legislation will also remove from the disability legislation's definition of disability, the requirement that mental illnesses must be "clinically well recognised".

5. Confirmation of Disability

Managers should be alert to signs that a member of staff might have a disability and where they have reason to suspect that this might be the case, this should be explored. For example the sickness absence pattern, or the reasons for the absence, could lead the manager to consider arranging the completion of a Disability Evaluation Assessment form, even if the officer does not suggest this, but it must be handled sensitively.

If an officer asks for adjustments to be made, believing that he/she has a disability, the Department should consider first whether the adjustments are possible. Adjustments can be considered and may be reasonably accommodated even if the officer's condition does not fall entirely within the legal definition of disability. With the introduction of the disability legislation, formal registration no longer exists. Many cases are so obvious that unless adjustments are more substantial and difficult, it is entirely unnecessary to seek legal or OHS guidance on whether the condition amounts to a disability as defined by legislation.

Where appropriate one or more of the following steps should be taken:

- a. an officer completes a Disability Evaluation Assessment (attached at Annex A);
- b. the case can be referred to Occupational Health Service for medical report;
- c. consideration of reasonable adjustments;

d. the case can be referred to the Departmental Solicitor's Office for advice.

6. Reasonable Adjustment

The concept of "reasonable adjustment" is central to the working of NI disability legislation. Employers are required to consider making reasonable adjustments to both working practices and the working environment, in order to ensure fair treatment and to prevent discrimination. This applies to the recruitment of people with disabilities and the facilities necessary for the officer to be able to undertake the responsibilities of their post.

6.1 Consideration of Reasonable Adjustment

It is not possible to give an absolute definition of what a reasonable adjustment will be, as each situation must be evaluated, based on its own merits. All potential reasonable adjustments must be considered and evaluated, in consultation with the employee. The requirement to make a reasonable adjustment is not a general duty, but one which applies to a particular person with a disability, or who may develop a disability. There is no legal duty on Departments to make reasonable adjustments if they do not know, or could not be expected to know, that an individual has a disability. However the Department and indeed the Line Manager are expected to be alert to signs that a member of staff might have a disability and to the legal requirement to consider making reasonable adjustments. It is not enough to wait for the individual to raise the issue of disability and adjustments. If a manager suspects that the individual may have a disability, he/she must establish the facts, including as appropriate, arranging for completion of the DEA form which is explained at paragraph 5 above. For example the sickness absence pattern or the reasons for absence might already have alerted a manager to the possibility of the existence of a disability. In such cases Personnel will arrange referral to the OHS.

7. Types of Adjustments

In some cases it may not prove practical to make certain adjustments. In most cases it will be necessary for the officer to meet with the line manager to discuss any adjustments and the officer may wish to be accompanied by their trade union representative. The following is not a definitive list, but is intended as a guide to the kinds of things to be considered.

ANNEX 4 (Cont'd)

- a. remove a minor element of the job if it is causing a problem (this could be replaced by alternative work that the person can do);
- b. consider alternative duties as a permanent measure, or as an interim measure if appropriate;
- c. adjust core time to meet medication requirements;
- d. review work patterns to allow for more flexible working;
- e. offer opportunity to apply for shorter working days (e.g. part-time working);
- f. agree time off for rehabilitation, assessment, treatment or procedure – all staff are entitled to **up to 1** day's special leave with pay for this, with any additional time beyond this for recovery, being treated as sickness absence. Hospital/Doctors/Dental Appointments: reasonable time off will be allowed for attendance at medical/dental appointments. In exceptional circumstances, a maximum of 1 day's special leave with pay may be granted to enable officers to attend appointments;
- g. seek advice from the Occupational Health Service (through Personnel Division) on whether an absence is likely to continue for a further period of time or exhibit a recurrent pattern in the future;
- h. consult Personnel about a transfer to another location/work area within the parent Department and extend an offer **if this can be facilitated**;
- i. supply specialist equipment, workstations or furniture as required;
- j. risk assessment to workstation;
- k. offer work at a different grade as an alternative to dismissal if you can demonstrate that all other avenues have been exhausted in providing reasonable adjustments in respect of the work at their current grade.

8. Disability related Short-Term Sickness Absence.

- a. keep an audit trail – make a note of everything that you do, all conversations that you have and all options considered;
- b. talk to the person about their illness/disability and what can be done to assist them;
- c. don't make assumptions;
- d. carry out a proper assessment of their capabilities - using the Occupational Health Service (through Personnel) as required;
- e. consider whether reasonable adjustments can be made to their own job (see above);
- f. carry out a return to work interview on their return;
- g. monitor the situation.

9. Disability related Long-Term Absence

- a. as for 8. above, but also:
- b. keep in touch with the officer;
- c. try to establish whether/when they are able to return to work;
- d. refer to the Occupational Health Service (through Personnel);
- e. consider case conference (Action Occupational Health Service/ Personnel/Departmental Solicitor's Office).

10. What if the person is still unable to return to work?

- If the person is still unable to return to work after reasonable adjustments have been made to their job, or another job offered to them, a legal opinion may need to be sought from the Departmental Solicitor's Officer (DSO) on whether everything reasonable under the legislation has been done. (Action DSO/Personnel).
- Where an individual is pursuing a complaint or a Civil Service Injury Benefit Scheme claim against the Department, Personnel will always seek advice from DSO.
- If everything reasonable has been done, and the person still remains absent from work, the procedures should be followed on dealing with Long-Term Sickness Absence as set out in the NICS Staff Handbook, Inefficiency chapter. Alternatively, if in accordance with the advice given by the OHS, the Department decides to retire the officer on medical grounds, then the procedures set out in the Early Retirement on Medical Grounds chapter should be followed.

11. Further advice is available as follows:

- Departmental Equal Opportunity Units.
- Welfare Service.
- Trade Union Side.
- Disability Employment Advisor/Disability Service at local Jobcentre.
- The Equality Commission's Code of Practice.
- NI Equality Commission (028 90 500 600)

You may find the following web sites a helpful source of information on issues relating to disability:

www.direct.gov.uk/en/DisabledPeople/index.htm - the Government's official disability website

www.civilservice.gov.uk/iam/diversity - a website giving general information on diversity and disability

www.employers-forum.co.uk - a web site that has been developed following research in a number of large organisations, which indicated that problems with DDA complaints arise most often when company policy on disability issues has been inadequately understood

www.abilitynet.org.uk - this site advises visitors about a range of reasonable adjustments relating to IT

www.delni.gov.uk/index/publications/pubs-das/das-employment-information.htm - the Disablement Advisory Service web site

www.disabilityaction.org - the Disability Action website

Other Local and National Disability Websites

www.rnib.org.uk - information, advice and support for employers about employing people with serious sight problems

www.becta.org.uk - information on the education area of special needs

www.scope.org.uk - the main UK charity for people with Cerebral Palsy.

**ANY QUERIES ON THIS DOCUMENT SHOULD BE DIRECTED TO YOUR
DEPARTMENTAL PERSONNEL BRANCH**

ANNEX A

RESTRICTED – STAFF

DISABILITY EVALUATION ASSESSMENT FORM

Name _____ **Date of Birth** _____

Department/Agency _____

Grade/Job Title _____

PART A - To be completed by the Officer

The purpose of completing this form is to allow your Department to take account of any relevant disability you may have which may impact on your day-to-day activity and your ability to perform effectively in your current post. Any information which you give will assist your Department in assessing what reasonable adjustments are necessary to your duties or working environment. Personnel will only release this information on a need to know basis with your prior consent. It is important to give as much information as possible so that Personnel has the necessary details to determine what reasonable adjustments can be made.

ANNEX 4 (Cont'd)

Please complete Sections A1 and A2 (if appropriate)

SECTION A1

Do you have any disability or long-term health condition which may affect your ability to undertake the tasks set out in your job description; or requires special arrangements; or affects your attendance at work?	Yes/No (If yes – please give details and complete Section 2A)
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RESTRICTED – STAFF

Is your disability or long-term health condition likely to last at least 12 months	Yes/No
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ANNEX 4 (Cont'd)

SECTION A2: PLEASE COMPLETE THE FOLLOWING WHERE APPLICABLE

Day-to-day Activity	Tick if affected adversely	Specify how your impairment adversely impacts on your day-to-day activity (for each item ticked)	Specify how your impairment impacts on your ability to perform your current job effectively (for each item ticked)
1. Mobility - specify the distance/length of journey and degree of discomfort			
2. Physical co-ordination (eg dexterity, balance, continence etc)			
3. Ability to lift/carry or move everyday objects			
4. Speech, hearing, eyesight			
5. Mental health			
6. Memory, concentration, learning, understanding			
7. Perception of the risk of physical danger			

ANNEX 4 (Cont'd)

SECTION A2: PLEASE COMPLETE THE FOLLOWING WHERE APPLICABLE (Cont'd)

Day-to-day Activity	Tick if affected adversely	Specify how your impairment adversely impacts on your day-to-day activity (for each item ticked)	Specify how your impairment impacts on your ability to perform your current job effectively (for each item ticked)
8. If you ticked any of Q1-7, what facilities, adjustment or equipment(if any) would enable you to perform the duties of the post most effectively (use a separate sheet if necessary)			

RESTRICTED – STAFF

Declaration: I agree to the Occupational Health Service of the NICS informing my employer of details of any disability in order to assess its impact on my job content and/or working environment.

Signed _____

Date _____

PART B - For completion by OHS

1. Comments on Part A

2.

Activity	Tick if affected	Specify impact
Work demands: Physical, Intellectual and Perceptual		
Work environment		
Organisation/social requirements		
Ergonomic considerations		
Travel		

RESTRICTED STAFF

3. Comment on adjustments to be considered by management in relation to employment, if applicable. These can only be suggestions. Management have to determine what is reasonable or indeed possible in each case.

Signed: (OHS) _____ **Date:** _____