

Disability Discrimination Order (Northern Ireland) 2006

Disability Action Plan



June 2007

This Disability Action Plan can be obtained from the Council in alternative formats, including in large print, in Braille, on audio cassette and on computer disc. It can also be downloaded from the Council's website. If you would like a copy in an alternative format, please contact:

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Foreword

This Disability Action Plan is an important document in that it is a statement of the Council's commitment to and proposals for fulfilling the statutory obligations in compliance with Section 49A of the Disability Discrimination Act 1995 (as amended by the Disability Discrimination (NI) Order 2006). This Act places new duties on public authorities, when carrying out their functions to have regard to the need:

- to promote positive attitudes towards disabled people; and
- to encourage participation by disabled people in public life.

The Plan is also important because it outlines how disability issues can be more effectively mainstreamed within the council, thus ensuring that they are central to the whole range of policy decision-making within the Council.



Councillor John Finlay
Mayor



John P Dempsey
Chief Executive

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1. Introduction

1.1 Section 49A of the Disability Discrimination Act 1995 (as amended by the Disability Discrimination (NI) Order 2006 requires the Council, in carrying out its functions, to have due regard to the need:

- to promote positive attitudes towards disabled people; and
- to encourage participation by disabled people in public life.

1.2 The Council is committed to the fulfilment of its disability duties in all parts of its organisation and has set out how it intends to do this in this Disability Action Plan (the Plan).

1.3 The Council will undertake a planned programme of communication and training on the disability duties for all staff and elected members.

2. Purpose of the disability action plan

2.1 This Plan sets out how the Council proposes to fulfil the disability duties in relation to its functions.

3. The Council – its role and functions

3.1 The Council performs five principal roles within its local area and district:

- the direct provision of a number of services and facilities,
- the promotion of the arts, tourism, community and economic development,
- the regulation and licensing of certain activities relating to environmental health, consumer protection and public safety,
- a representative role on a number of bodies and Boards including Education and Health,
- a consultative role in relation to functions conducted by other Government bodies and agencies on issues such as planning, water, roads and housing.

3.2 In the performance of the above roles the Council carries out functions in the following areas:

- the provision of facilities for recreational, social and cultural activities including leisure centres, community centres, parks, open spaces, sports grounds and places of entertainment
- street cleansing
- waste collection and disposal
- the provision of burial grounds
- the provision of grant aid to support the Arts, community development and the promotion of tourism and economic development
- the administration and regulation of certain matters relating to the environment, public health and public safety including building control, food safety, statutory nuisance, dangerous buildings, air pollution, noise pollution, dog control, consumer protection and health and safety
- the licensing and regulation of street trading, places of entertainment, amusement centres, sex establishments, societies lotteries, cinemas and petroleum stations
- the making of bye-laws and regulation of same.

3.3 To enable the Council to provide the above services and perform its other functions, the Council must levy an annual rate and has the power to:

- acquire and dispose of land
- borrow money
- employ staff
- procure goods and services.

3.4 To support and implement the above statutory functions and provision of services and facilities, the Council has adopted a wide range of policies.

4. Public life positions over which the Council has responsibility

4.1 The Council has no direct responsibility for appointment to public life positions. However through its representative role and involvement in bodies such as the District Policing Partnership, Ballymoney Twinning Association, Ballymoney Borough Sports Advisory Committee, Ballymoney Borough Arts Committee, community associations, etc. it will seek to create opportunities for involving disabled people in public life and encourage others to promote the participation of disabled people in public life.

5. The Council's commitment to the effective implementation of the disability action plan

5.1 The Council is committed to the effective implementation of all aspects of the Plan in all parts of its organisation. Overall responsibility for determining policy on how this will be achieved lies with the Elected Members. Day to day responsibility for carrying out the policy determined by the Elected Members lies with the Chief Executive and he/she will be responsible for the implementation of administrative arrangements to ensure that the disability duties are complied with by the Council in carrying out its functions.

5.2 As part of its corporate planning process, the Council will build objectives and targets relating to the disability duties into corporate and business plans. These will be reflected at all levels of strategic planning within the Council including individual staff objectives and annual plans. Progress on meeting objectives, including those relating to the disability duties will be monitored and reported upon at the most senior level within the organisation on a quarterly basis. Individual performance will be monitored and reviewed through performance review arrangements.

5.3 A formal report of progress on meeting the objectives relating to the disability duties will be included in the Council's annual report.

6. Internal arrangements

6.1 The Council consists of 16 elected representatives, elected for a four year period who meet monthly in full session and more frequently in five sub committees namely:

- Corporate and Central Services
- Consultation
- Health and Environmental Services
- Leisure and Amenities
- Audit Committee

Supporting these Committees are various Departments of the Council.

6.2 The Chief Executive oversees the work of the departments through the Corporate Management Team, which together with the councillors create the corporate body of the Council.

6.3 The Chief Executive is responsible for the strategic direction and advice to the Council, for the day to day management of services and the longer term planning and allocation of resources.

6.4 The Council has three Departments two of which are headed by a Director and the third by the Chief Executive.

- The Office of the Chief Executive is responsible for Best Value/Performance Measurement; civic and ceremonial functions; conduct of local elections; corporate planning and policy; Council/Committee administration; district policing partnership; economic development; EU initiatives; Freedom of Information; internal audit; international links development; marketing and communications, mayors office, media relations; member services; tourism development and town regeneration; and reports to the following Council committees: Corporate and Central Services, Consultation, and Audit.
- The Borough Services Directorate is responsible for access to the countryside; air quality; building control;

building and grounds maintenance; children's play areas; community safety; consumer protection; dog control; energy management; food control; health and safety; home safety; land and property management; licensing functions; litter control services; Local Agenda 21; Noise Control; Nuisance Abatement; parks, open spaces and sports grounds; road naming and postal numbering; tourism facilities; vehicle management; waste collection and recycling; waste minimisation and disposal and reports to the following Council committees: Health & Environmental Services, and Leisure & Amenities.

- The Central and Leisure Services Directorate is responsible for Annual estimates; arts and museum services; budgetary control systems; community relations/services; financial reporting; human resource management; insurances; IT support and network maintenance; Joey Dunlop Leisure Centre; Payroll function; processing suppliers' payments; recruitment and selection; registration of births, deaths, marriages and civil partnerships; sports development; tourism information and marketing; treasury management; and reports to the following Council committees: Corporate & Central Services and Leisure & Amenities.

- 6.5 While the Chief Executive has the overall responsibility to ensure that Council meets its statutory obligations under the Disability Discrimination Act, responsibility for the day to day implementation of the Disability Action Plan will rest with the Corporate Management Team and Heads of Service within their respective areas of control (see organisational chart at Appendix 1)

The Head of Human Resources, Joan Kinnaird, will act as the main point of contact for anyone seeking further information on the Action Plan – contact details are listed on page 27.

- 6.6 Ballymoney Borough Council makes all their public documents available in a range of formats on request. All Equality documents are produced in Arial Font 14, with

clear headings per section and limited numbering, as this is the preferred format following consultation.

The Council will also ensure that Signers are present at appropriate public meetings, either where the need has been identified in advance, or where a need has been anticipated.

This document will be made available in large print, easy print format and will be available on the Council's website for downloading. It will also be made available in Braille and audio tape where requested. The provision of these formats are procured from the voluntary and community sectors.

The Council has a detailed website of all Council facilities and services and this is regularly updated.

The website can be downloaded on Browsealoud for those who have sight impairments. It can also be printed off in large print to meet certain needs.

The website is regularly reviewed to install systems to improve its accessibility by anyone with a disability. The Council welcomes comments on suitable software that the Council may consider to ensure compatibility with users.

The Disability Duty is the responsibility of every employee of the Council, whether full-time, part-time, at Senior Management level or junior operative. It is also the responsibility of every Elected Member of the Council.

All employees and Elected Members will receive training in the legislation and how they have a responsibility to ensure that the Council does not fail to meet its obligations either in their action or inappropriate action.

7. Effective engagement

- 7.1 The Council is committed to engage effectively with disabled people in the drafting, implementation, monitoring

and review of this Plan. Further information on how this will be done is outlined in Section 10 on Consultation.

8. Annual report

- 8.1 The Council will prepare an annual report on the implementation of its Plan. The annual report will be included as part of the Council's annual report to the Equality Commission on the implementation of our equality scheme.
- 8.2 A copy of the annual report will be made available on the Council's website.
- 8.3 The annual review will monitor the previous 12 month period and detail all work to be undertaken for the incoming 12 month period.

9. Five year review

- 9.1 The Council will carry out a five year review of its plan, in consultation with the Equality Commission for NI.

10. Consultation

- 10.1 The Council is committed to carrying out consultation in a meaningful manner in the development of its disability duties. In doing so the Council is keen to bring about change for disabled people by proactively taking measures in response to the disability duties. The Council will ensure the involvement of disabled people in preparation of the plan.
- 10.2 The Council has sought to ensure this involvement of disabled people by consulting with representative groups at the regional level and with local groups through the organisation of a Disability Information Morning.
- 10.3 At regional level, in partnership with the Local Government Staff Commission, disability organisations were invited to a Consultation Seminar held at Lisburn Valley Island on Thursday 15th March 2007 to give their views to district

councils on the development of their action plans (list attached at Appendix 3).

- 10.4 At local level Ballymoney Borough Council, working in partnership with Moyle District Council arranged a Disability Information Morning which took place on **Tuesday 29th May 2007 from 10.00 am to 1.00 pm at Ballymoney Town Hall.** (list attached at Appendix 4)

The Council's Disability Information Morning was designed initially to give those with disabilities, their carers and service providers the opportunity to interact on common issues and to communicate with Council Members and Officers in relation to service provision and the Council's commitments, as detailed in this Disability Action Plan.

We sought to ensure that the Disability Information Morning provided all present with the opportunity to identify specific needs to ensure any barriers to accessing services or participation in public life could be identified, thus enabling action to be taken for them to be removed or altered and to ensure that Ballymoney Borough Council was inclusive for all.

The Council also sought to prioritize disability issues and hear views on how solutions could be found to remove barriers and monitor and review any service improvements, with the help of the disabled community, in an effective and meaningful way.

- 10.4 The Council also placed press advertisements in local papers to allow individuals the opportunity to attend. In addition the draft Plan was placed on our website, seeking views from individuals and organisations.
- 10.5 To ensure that we as a Council were responsive to the needs of disabled people, Councillors, Directors and senior managers of the Council attended the Disability Information Morning.
- 10.6 As part of the consultation process, barriers to proper consultation will be removed by ensuring accessibility of documents in appropriate formats. Information will be

made available in accessible formats on request and in a timely fashion and can be downloaded from the Council's website. It will also be important to establish with disabled people the basis for dialogue and engagement during the life of the Plan. Consideration will also be given to how best to communicate information to young disabled people as well as considering additional dimensions such as ethnicity, age, gender, sexual orientation and religious belief. The Council considers their Disability Action Plan to be a useful and working document for the Council, Elected Members, Officers and members of the public.

- 10.7 The Council believes it is important that disabled people are involved in the implementation, monitoring and review of the Plan. Section 11 of this document lays out the initiatives the Council wishes to implement. The Council have amended and added to the these initiatives following the consultation process.
- 10.8 The Council believes that by hosting an annual Disability Information Morning that this will allow for a two-way discussion; giving disabled people an opportunity to provide feedback in a constructive manner, as to how we are implementing the disability duties. During the lifetime of the Disability Action Plan, the Council will allow adequate time for groups and individuals to consult amongst themselves as part of the process of forming a view on the implementation of this Scheme and by providing information on specific issues that require to be addressed.

11. Action measures

- 11.1 The Council has already taken a number of measures to promote positive attitudes towards disabled people and encourage their participation in public life as a result of the duties under Section 75.

Ballymoney Borough Council has taken positive steps to ensure access is available both in terms of physical access to buildings and Council facilities, as well as having access to appropriate information in a format that is suitable to meet individual needs.

The information on the Council's website is regularly reviewed and updated to ensure that it is relevant and timely in relation to all Council events, facilities and services.

Training has been a priority for all Elected Members and employees.

Disability Awareness is now included in new employees Induction and follow-up specific training is offered to each employee, depending on their duties and responsibilities within the organisation.

All Council policies are screened to ensure they comply with Section 75 of the Northern Ireland Act, 1998. As those with a disability and those without a disability are included within the nine categories, all Council policies are scrutinised to ensure any adverse impact identified in relation to this category is removed. Screening documentation will be amended to reflect the additional statutory duties as outlined above.

This practice will continue and where adverse impact, or potential adverse impact is identified then appropriate corrective action will continue to be taken.

The Council work closely with Building Control to ensure that all Building Regulations are complied with. Assistance is provided to all applicants and enquiries are dealt with to ensure all specific needs receive the appropriate attention.

The Council has in place an Equality & Diversity Working Group to progress equality issues including those specific to disability both internal to and external to the Council.

- 11.2 It is Council policy to provide employment equality to all existing and potential employees, irrespective of disability. All employees and applicants for employment (actual or potential) are treated fairly and selection for employment and promotion is on the basis of merit. The Council is fully supportive of the duty to make reasonable adjustments in relation to a disabled person during the recruitment and selection process and whilst in employment.

- 11.3 The Council already has a strategy for the employment of persons with a disability which was adopted by Council in December 2006. A copy of this is included in Appendix 5.
- 11.4 The following are the measures which the Council intends to take in order to implement the disability duties:

BALLYMONEY BOROUGH COUNCIL – DISABILITY ACTION PLAN 2007

<u>MAINSTREAMING</u>				
ACTION MEASURE	IMPACT	RESPONSIBILITY	TIMEFRAME	PI/TARGET
An additional question will be added to the Council's S75 screening pro-forma	To ensure that the disability duties are considered at policy development stage	Head of HR	July 2007	Revised screening form in place
All policymakers to take into consideration the two new disability duties when proposing or revising policy	Will ensure that all new and revised policies comply with the new disability duties	Policy makers Head of HR Equality & Diversity Steering Group	July 2007 onwards	All proposed and revised policies are screened using the new revised screening form
Engage with Disability Forums in Ballymoney Borough	Clear lines of communication and feedback on disability issues	Head of HR	December 2007	Increased awareness of disability issues
Prepare annual report on Implementation of Plan and report to Council and the Equality Commission	To monitor and report on progress	Head of HR	June 2008 June 2009	Completion of report
Quarterly reports to Corporate Management Team	Review progress towards implementation of plan	Head of HR Heads of Service	Quarterly from July 2007 onwards	Completion of reports within timescale

Work with local business networks to raise awareness of disability equality and promote employment opportunities for disabled people	Disabled people are positively promoted as employees among the wider business community	Head of Corporate & Development Services Head of HR	October 2008	No. of disabled people employed within the business community
<u>TRAINING AND GUIDANCE</u>				
ACTION MEASURE	IMPACT	RESPONSIBILITY	TIMEFRAME	PI/TARGET
Design and Implement a corporate rolling programme of disability equality training for new and existing staff	Increased awareness of disability issues and etiquette Promote positive attitudes towards disabled people Reinforce with staff the Council's commitment to the disability duties and the implementation of the plan	Head of HR	December 2007	All new and existing staff trained in disability duties
Design and Implement a programme of disability equality training for Elected Members	Increased awareness by elected members of disability issues and the Councils role and responsibilities under the Disability Equality Duty	Head of HR Head of Corporate & Development Services	October 2007	All elected members attend training

Provide specialist training for managers, supervisors, recruitment and selection panels, HR staff, Equality & Diversity Steering Group, front-line staff	Will ensure that staff at all levels understand their duties and responsibilities under the disability duties and their role in implementing the plan	Head of HR	June 2008 June 2008	All members of E&DG trained Managers/ Supervisors/ Frontline staff trained
Involve disabled people from a range of different disability areas in design and delivery of training	Will promote positive attitudes towards disabled people and participants will have the opportunity to learn from someone with a lived experience of disability	Head of HR	from July 2007 onwards	No. of training sessions run No. of staff trained
Practical experience based training eg. try to do your job from a wheelchair for 1-2 hours	Greater appreciation of the issues facing a disabled person Promotion of positive attitudes towards disabled people	HR and Heads of Service	From July onwards	No. of employees participating in training
Review Training & Development Strategy to ensure that all courses and training are fully accessible to disabled employees	Will encourage disabled employees to take advantage of training and development opportunities	HR and Heads of Service	On-going	Higher uptake of courses by disabled employees

ENCOURAGING PARTICIPATION IN PUBLIC LIFE

ACTION MEASURE	IMPACT	RESPONSIBILITY	TIMEFRAME	PI/TARGET
Encourage disabled people to apply for/participate in public life positions and council positions (provide assistance to council to enable them to encourage greater participation in public life)	Better promotion of equality of opportunity for disabled people	Chief Executive	On-going	Increased representation of disabled people in public life positions
Identify barriers to disabled peoples selection/participation in public life positions and take measures to remove existing barriers	Will make public life positions more accessible to disabled people	Head of HR Equality & Diversity Steering Group	July 2008 onwards	Increased representation of disabled people in public life
Create opportunities to promote the participation of disabled people in public life	Increased participation of disabled people in public life	Office of the Chief Executive Head of HR	On-going	Increased participation of disabled people in public life
Provide measures to improve the confidence levels of disabled people in public life	Increased participation of disabled people in public life	Office of the Chief Executive Head of HR	On-going	Increased participation of disabled people in public life

Introduce an Achievement Award Scheme for Employers who demonstrate a proactive approach to the inclusion of disabled people.	Promote positive attitudes towards disabled people and encourage inclusion	Office of the Chief Executive Head of HR	August 2008	No. of nominations for award
Introduce a Sports Day for both Able-bodied and Disabled participants	Promote positive attitudes towards disabled people and encourage inclusion	Office of the Chief Executive Head of Leisure Services	August 2008	No. of participants
Elected members in their representative role will seek to use their influence to ensure that transport providers respond effectively to the needs of disabled customers, in particular those in rural areas	Improved services and facilities for disabled people	Elected Members Office of the Chief Executive	March 2008	Improved transport service for disabled customers particularly in rural areas
<u>INTERNAL MEASURES</u>				
ACTION MEASURE	IMPACT	RESPONSIBILITY	TIMEFRAME	PI/TARGET
Appoint a Disability Champion at Officer level to progress the disability duties	Increased awareness of disability duties	Corporate Management Team	July 2007	Establishment of a Disability Champion

Provide workplace support to those with a disability, including making reasonable adjustments to the physical environment, duties, working hours, terms and conditions, etc.	Retention of staff with disabilities	Head of HR in consultation with Heads of Service	Ongoing	No of disabled staff retained in employment
Implement a system for monitoring and processing requests for reasonable adjustments and the implementation and effectiveness of reasonable adjustments which are made	Able to assess the impact of reasonable adjustments made Provide data to measure progress towards fulfilling the disability duties	Head of HR in consultation with Heads of Service	October 2007	Procedure in place
Identify gaps in data available in relation to disability and put measures in place to gather data for the future.	Provide accurate statistics on which to base progress, decisions etc	Head of HR Equality & Diversity Working Group	March 2008	Accurate and up-to date data available
Conduct a confidential employee and elected member monitoring survey to determine the number of staff and elected members with a disability	Provide baseline data on which to monitor progress	Head of HR	December 2007	Data collected and analysed

Continue to review existing policies, practices and procedures in relation to their impact on disabled people	Ensure equality of opportunity for disabled people	Head of HR Equality & Diversity Working Group	June 2008	No. of policies reviewed/amended
Work with local schools/colleges and training providers to enable disabled young people to access work experience opportunities with the Council	Provide work experience opportunities for disabled people	Head of HR in consultation with Head of Service	On-going	Increased no. of work experience opportunities for young disabled people
Promote flexible working hours, job sharing, job sampling, job shadowing	Make work more accessible to disabled people	Head of HR	June 2008	Increase in no. of disabled applicants No. of applications from disabled employees
Continue working closely with the Disability Advisory Service to create opportunities for work experience/ work placement/sampling/shadowing for disabled people	Create work opportunities for disabled people	Head of HR	On-going	Increased no. of Work placements etc.

<u>COMMUNICATION</u>				
ACTION MEASURE	IMPACT	RESPONSIBILITY	TIMEFRAME	PI/TARGET
Review external and internal Communication policies, practices and procedures	Improved communication processes	Head of HR/ Head of Corporate & Development Services	June 2009	Policies reviewed, amended, consulted on and implemented
Literature produced by Council in a variety of formats upon request eg. audio, tape, Braille and large print. Leaflets also written in plain English on request and this provision publicised	Increased accessibility of information	Head of HR Equality & Diversity Working Group	June 2008	Literature available in alternative formats
Include positive images of people with disabilities in Council publications, including Ballymoney Bulletin (Council magazine for households in the borough)	Promote positive images of disabled people	All departments	Ongoing	Positive images of disabled people in council publications
Develop approved list of providers of alternative formats for circulation to departments	Will ensure that requests are dealt with promptly	Head of HR	September 2007	Information in alternative formats provided in timely way

Review the Councils website to ensure it meets current standards of accessibility for disabled people	Improved accessibility	Head of Corporate & Development Services with support of ICT staff	June 2008	No. of changes to website to improve access
Monitor developments in accessibility in both hardware and software	Changes can be planned for and implemented at an early stage	Head of Corporate & Development Services with support of ICT staff	On-going	New developments identified and assessed
Establish on-going dialogue/interaction following successful Disability Information Morning to ensure that the views of disabled people are taken into account in the development and review of services/policies which affect them	Will ensure that the Council meets its disability duties and that the views of disabled people are sought at an early stage in the development/review of policies/services	Elected Members CMT Heads of Service	On-going	Policies/services changed/amended as result of consultation process
<u>ACCESS</u>				
ACTION MEASURE	IMPACT	RESPONSIBILITY	TIMEFRAME	PI/TARGET
Continue to regularly audit all Council buildings to ensure physical improvements are budgeted for and carried out to ensure compliance with the DDA	Improved access to council services and facilities	Director of Borough Services	On-going	Audits completed

12. Timescale for the Implementation of the Action Measures

12.1 The table above outlines the timescale for the implementation of the action measures. In line with the current timescale for RPA, the current 26 council structure will be replaced with a new council structure with effect from 1 April 2009. The timetable therefore outlines the actions which the council will take up until 31st March 2009.

13. Performance Indicators or Targets

13.1 The Council is committed to monitoring and reviewing policies and practices to ensure that disability equality duties are being met. Monitoring the progress of this Plan itself is a significant element.

13.2 As part of this process, the Annual Review of the Plan will provide a part of the monitoring and review process and assist in drafting appropriate targets and Performance Indicators (PIs) for the next period, whilst reporting on the achievement, or otherwise, of those set for the period of the Annual Review.

13.3 The Council has included the following PIs and targets as an integral part of this Plan.

13.4 Some targets are very specific, whilst other are of a more general nature, thus ensuring the Plan is a realistic and proactive plan, not solely reactive. Some targets are not related to a specific time, as over the 5-year period, we want to ensure that the Council meets the practical needs of disabled persons and their carers on a timely basis.

13.5 The purpose of these PIs and targets is to provide a measure of how the Council is implementing their disability duties and to ensure we are focusing on their needs at a time when it is appropriate to have them addressed.

13.6 Some PIs will be measured against similar public authorities, whilst others are specific to an authority by addressing the needs of those receiving the service and/or its employees.

14. Proposed performance indicators/targets:

- 14.1 To monitor employees in post and prospective employees through the selection procedure to ensure the Council is aware of employees and potential employees needs by identifying the percentage of employees who have a disability. This data will be updated at least once during the five year period.
- 14.2 To ensure all employees, who require additional assistance to carry out their duties, are provided with adequate support.
- 14.3 To display positive attitudes towards disabled persons through Council publications and by using them in appropriate displays of Council activities and services, and in Council premises.
- 14.4 Identify individuals within the organisation who will assist Councillors, Members, employees and service providers in disability-related matters, including accessibility auditing, identifying training needs and sourcing advice on specific needs.
- 14.5 Monitor Council comments/complaints procedure to ensure appropriate corrective action is taken in consultation with service users and to measure improvement over a specific period of time.
- 14.6 Train all frontline staff in disability awareness within 3 months of taking up post. All staff in post who have not already received training, will be trained within 3 months of the Plan being in place.
- 14.7 To identify specific training needs for service providers and departments who interface with the public. To arrange to meet these needs through appropriate training methods.
- 14.8 Provide awareness training in the Disability Discrimination Act for all Councillors, Senior Management, Members and service providers within the organisation. This training must include the purpose and value of a Plan.

- 14.9 Screen all policies and practices in line with the Equality Scheme commitments and review all policies and practices, where adverse or potential adverse impact is identified.
- 14.10 Provide resources to ensure signage and additional aids to ensure services are fully accessible to all.
- 14.11 Introduce systems to encourage work placements and return to work appointments for those with a disability.

15. How the disability action plan will be published

- 15.1 Following submission to the Equality Commission for Northern Ireland, this Plan will be available by contacting:

Joan Kinnaird
Head of Human Resources
Ballymoney Borough Council
Riada House
14 Charles Street
BALLYMONEY
Co Antrim
BT53 6NG
E-mail: joan.kinnaird@ballymoney.gov.uk
Tel: 028 2766 0202
Fax: 028 2766 0222
Type Talk: 18001 028 2766 0202

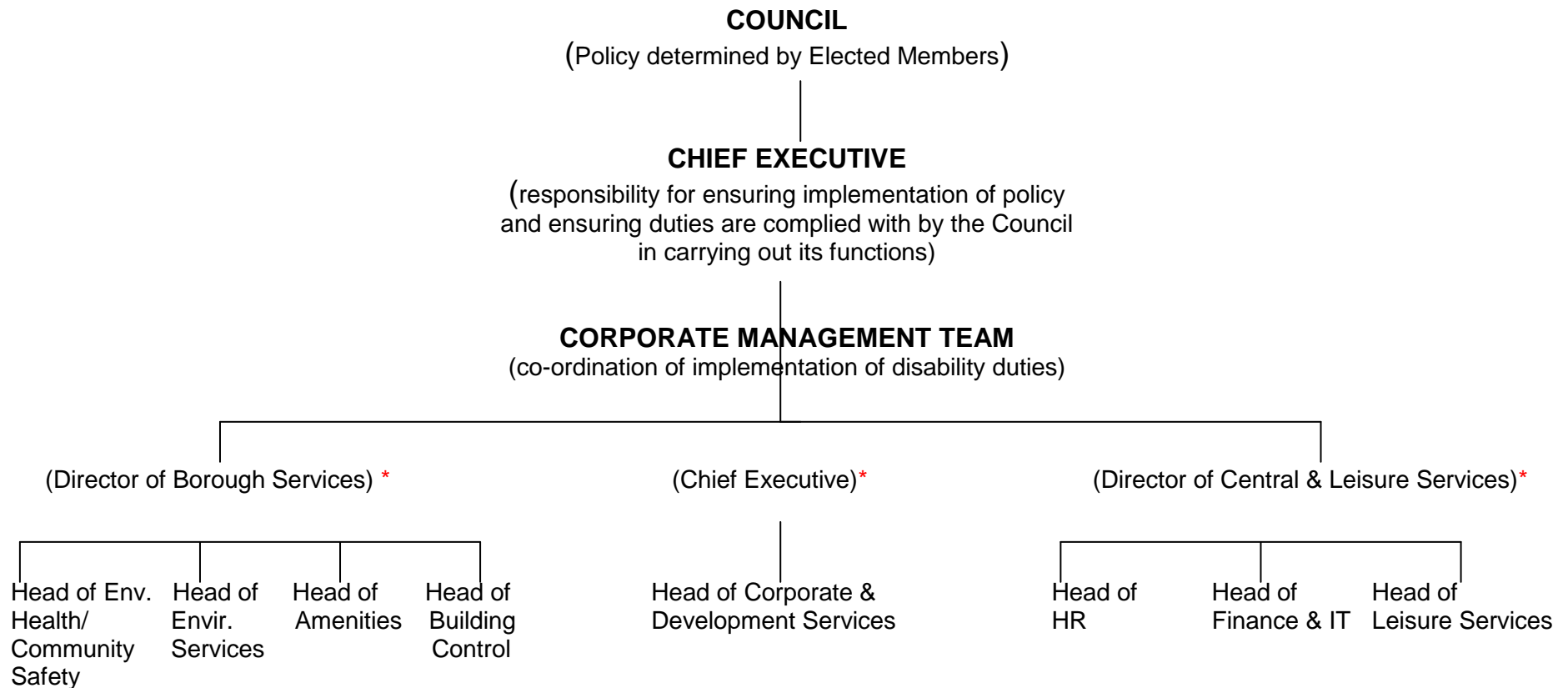
- 15.2 The availability of the Disability Action Plan will be advertised in the press and local publications and can be accessed on the Council's website at:

www.ballymoney.gov.uk

- 15.3 The Council will, through our ongoing work with people with disabilities and people with learning disabilities, find appropriate ways of communicating the Plan. The Plan will be produced in clear print and plain language, will be available in alternative formats on request, including large print, Braille, audio cassette and computer disc.
- 15.4 In addition, all employees will receive a summary Plan and be provided with a full Plan on request.

APPENDIX 1

Organisational Chart showing how Disability Duties will be delivered



*corporate management team

APPENDIX 2

**Format of Disability Information Morning
held in the Town Hall, Ballymoney
on Tuesday 29th May 2007**

Disability Action Plan: Disability Information Morning

Date: Tuesday 29th May 2007
Venue: Ballymoney Town Hall
Time: 10am to 1pm – followed by lunch
Participants: People with disabilities, disability organisations, carers, council members, DPP members and the general public.
Organisers: Ballymoney Borough Council, Moyle District Council, Moyle and Ballymoney District Policing Partnerships (DPPs).

Aim:

To consult on and discuss disability issues in the Ballymoney and Moyle areas and to get feedback on the respective disability action plans.

Objectives of the session:

By the end of the session participants will have:

1. Greater knowledge and awareness of the disability duties to be undertaken by public bodies;
2. Discussed and provided feedback on the following key discussion topics:
 - i. What actions do you think councils should include in their disability action plans?
 - ii. How could councils promote positive attitudes towards disabled people?
 - iii. How could councils encourage participation by disabled people in public life?
 - iv. How should councils prioritise the actions in their plans?
 - v. What actions do you think that DPPs should include in their disability action plans to encourage participation by and positive attitudes towards disabled people in public life situations?
3. Provided feedback on the draft disability action plans, and
4. Contributed to the development of actions/activities to promote the inclusion of disabled people in public life.

Workshop session outline

Time	Area of Focus	Activities
10am	Welcome by CEO Ballymoney Borough Council – John Dempsey	<ul style="list-style-type: none"> establishing the context and setting the scene for the event
10.15am	Part One – Introduction and overview of the information morning – Dr John Kremer	<ul style="list-style-type: none"> explanation of the programme and the objectives of the information morning
10.30am	Part Two – Discussion session – facilitated by Dr John Kremer	<ul style="list-style-type: none"> Group discussions and feedback on the core discussion topics outlined on page one.
12.30pm	Part Three – Summary and way forward – Dr John Kremer Closing remarks – Cllr Oliver McMullan, Moyle District Council, Disability Champion	<ul style="list-style-type: none"> Summary of the feedback on the main discussion points Concluding remarks and brief account of how the public bodies concerned will take their disability duties and action plans forward.
1pm	Lunch	

APPENDIX 3

List of disability organisations invited to attend a Consultation even at Lagan Valley Island, Lisburn on 15th March 2007:

Action Mental Health
Age Concern NI
Alzheimer's Society NI
Arts and Disability Forum
Association for Spina Bifida and Hydrocephalus
Autism NI (PAPA)
Blind Centre
British Deaf Association
British Dyslexia Association
Carers NI
Cedar Foundation
Centre for Independent Living
Circles Network
Crossroads
Disability Action
Down's Syndrome Association
Employers' Forum on Disability
Equality Commission for NI
Help the Aged
Mencap
MS Society NI
Newry & Mourne Senior Citizens' Consortium
Newtownabbey Senior Citizens' Forum
NI Association for Mental Health
NI Union of Supported Employment
North West Forum for People with Disabilities
Now Project
Orchardville Society
PHAB (NI)
Praxis
RETHINK
RNIB
RNID
Sense NI
Sign Community
Steer Mental Health
U3A

APPENDIX 4

List of disability organisations invited to attend a Disability Information Morning hosted jointly by Ballymoney & Moyle District Councils and the District Policing Partnerships from both council areas

Abbeyfield Home (Ballycastle)
Active Futures (Cedar Foundation, Ballymoney)
Age Concern Aid Call (Coleraine)
Area Youth Officer (Ballymena Youth Office)
Arthritis Care (Ballymoney Branch)
Association of Spina Bifida & Hydrocephalys (Ballymoney)
Ballycastle High School
Ballymoney & District Friends of the Disabled
Ballymoney Beacon House Club
Ballymoney Borough Council (16 elected members)
Ballymoney Borough Council Officers (12)
Ballymoney Disability Forum (15 members)
Ballymoney Disability Programme (Resource Centre)
Blind Centre for Northern Ireland (Coleraine)
Brookgreen Resource Centre (Coleraine)
Business & Equality (Equality & Human Rights Officer)
Causeway ADHD Support Group (Portrush)
Causeway Area Hospital - Head of Mental Health
Causeway Dementia Services Team (Ballymoney)
Causeway HSST – Asst. Dir. Community Care
Causeway HSST - Equality & Human Rights Officer
Causeway HSST - Operational Support Worker Community Care
Causeway HSST Asst. Principal Social Worker Child & Community Care
Causeway HSST Health Promotion Manager
Causeway Institute of Further & Higher Education
Causeway Volunteer Bureau (Coleraine)
Cedar Foundation (Ballymoney)
Childrens Disability Team (Coleraine)
Citizen's Advice Bureau (Ballymoney)
Compass Advocacy Network (Ballymoney)
Contact a Family (Ballymoney)
Cross & Passion College
Crossroads Caring for Carers (Ahoghill)
Disability Action (Londonderry)
Disablement Advisory Service (Ballymoney)
District Policing Partnership (Ballymoney) - 19 members
District Policing Partnership (Moyle) (xx members)
Dunluce School
EGSA (Ballymoney)

Equality Commission for NI
Friends Group (Moyle)
Garryduff House (Ballymoney)
Gateway (Moyle)
Gateway Club (Ballymoney & District)
Glendun Nursing & Residential Home (Moyle)
Glenmona Resource Centre (Moyle)
Glens Residential Home (Moyle)
Hillview Residential Home (Moyle)
Kinney Respite Home (Moyle)
Knocklayde House (Moyle)
Knockmoy Fold (Moyle)
Leabank Private Nursing Home (Moyle)
Learning Disability Team (Mountfern House, Coleraine)
Local Government Staff Commission for NI
Mencap Northern Area Office
Moyle District Council (15 elected members)
Moyle District Council Officers (6)
Moyle Gateway Youth
NHSSB Patient & Information Service (Ballymena)
NI Association for Mental Health (Ballymoney)
NI Multiple Sclerosis Society (Ballymoney)
NI Union of Supported Employment (Londonderry)
North Antrim Community Transport (Ballycastle)
North Eastern Education & Library Board (Equality Officer)
Northern Ireland Housing Executive
Nutrition & Dietetics Service – Robinson Hospital (Ballymoney)
PSNI (Community Safety) – Ballymoney
Rathmoyle Residential Home
REMAP - Causeway Hospital (Coleraine)
Social Security Agency - Customer Enquiry Team (Ballymoney)
Spread Group
St Aloysius School
Tools for Living (Ballymena)
Triangle Housing Association (Ballymoney)
Triangle Housing Association Volunteer Support (Ballymoney)
Wave Trauma Centre (Ballymoney)

APPENDIX 5



DISABILITY IN EMPLOYMENT

POLICY AND PROCEDURE FOR PREVENTING DISABILITY DISCRIMINATION IN EMPLOYMENT

SEPTEMBER 2006

This information can be made available, on request, in alternative formats including in large print, on computer disc, by email, in Braille on audio cassette and in minority languages to meet the needs of people who are not fluent in English

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1. POLICY STATEMENT

Ballymoney Borough Council undertakes to develop a working environment and provide conditions of employment which, as far as practicable, will offer people with disabilities the opportunity to seek, obtain and maintain employment with the Council.

2. RATIONALE

For the purpose of this policy, disability is defined as ‘a physical or mental impairment that has a substantial and long-term adverse effect on a person’s ability to carry out normal day to day activities’.

Annex 1 provides full descriptions of the terms covered in this definition.

The Disability Discrimination Act 1995 (DDA) makes it unlawful for an employer to discriminate against disabled job applicants and employees.

Annex 2 provides a definition of disability discrimination.

3. SCOPE

This policy applies to all employees and workers irrespective of the nature of their employment contract and job applicants (actual or potential).

4. IMPLEMENTATION

Implementing this policy is a continuing process that needs to be kept under constant review. The process involves developing detailed guidance, establishing standards, identifying positive action measures, and highlighting good practice both within the Council and the wider community.

The Council seeks to ensure that, so far as reasonably practicable, employees and prospective employees are all informed of the Disability in Employment Policy and, as appropriate, any guidance or associated procedures.

The necessary training and support will be provided to Heads of Departments, senior managers and supervisors who have particular responsibility for implementing the policy.

The Council will ensure that there is consultation with disabled employees and job applicants (actual and potential) to determine their needs and assess the effectiveness of any reasonable adjustment.

The Council will review regularly its progress in implementing this policy.

5. ROLES AND RESPONSIBILITIES

The Chief Executive has ultimate responsibility for the development and implementation of equal opportunities policies, including those relating to disability.

All employees and workers are expected to act in accordance with this Policy.

6. TREATMENT OF PROSPECTIVE EMPLOYEES

The Council is committed to ensuring that prospective employees with disabilities are not discriminated against during the recruitment and selection procedure. This means that careful consideration has to be given to the following areas to ensure that discrimination does not occur:

6.1 Interview Guarantee Scheme

It is the policy of the Council to guarantee an interview to all people with disabilities who demonstrate that they meet the essential (i.e. minimum) criteria for a post.

6.2 Job Descriptions

It is important that the requirements of the job are carefully examined to ensure that they do not discourage people with a disability from applying.

6.3 Person Specifications

The person specification describes the qualifications, knowledge, skills, experience and abilities necessary to carry out a job. It should be based upon the job description and should be a clear outline of what is required.

It is important that those criteria identified as essential are fundamental to the job i.e. the job cannot be performed without them. Including certain personal criteria, as essential could be deemed discriminatory if any particular criteria are not necessary to perform the job.

For example, stating that physical fitness is essential could lead to an allegation of discrimination, unless it can be proved that it was essential and the job could not be carried out even with reasonable adjustments made.

If a person with a disability is not shortlisted for a job because they do not possess the essential criteria, this may be deemed as discrimination if the essential criteria cannot be justified.

For example, in rejecting a person with a disability for a job because they lack a specified qualification the Council would need to be satisfied that the lack of qualification is not as a result of their disability. The Council would also have to justify the rejection if it is connected with their disability. It would be appropriate to consider, as a reasonable adjustment, waiving or adjusting the criteria.

The person specification can establish that a selection decision was made on the basis of lawful, fair and job relevant criteria.

For example, using the criteria 'good communication skills, both orally and in writing' could be seen as discriminatory if it could not be proved to be essential for the job. Something more specific like 'the ability to prepare reports' is less discriminatory as it does not necessarily involve writing or speaking, which may cause problems for people who are sight impaired, who are dyslexic, or who have a serious speech impediment.

6.4 Job Advertisements

It is important that people with disabilities do not feel excluded by the wording of the Council's advertisements.

The Council may include a welcoming statement in all advertisements stating that it is committed to a policy of equal opportunities in employment and welcomes applications from people with disabilities.

If the advertisement is being circulated through an internal trawl then care will be taken to ensure that existing employees with disabilities are notified through an appropriate means of communication.

All Job vacancies will be circulated to the Department of Employment and Learning's Disablement Advisory Service.

For all advertised posts a 'job application assistance sheet' will be included in the job documentation to assist applicants who may have a disability by highlighting the Council's approach to flexible working, providing alternative formats, making reasonable adjustments.

6.5 Application Forms

The Council will ensure that application forms and all job documentation are available in alternative formats such as on tape, large print, disk or Braille versions, upon request. Completed application forms will also be accepted in alternative formats.

To accommodate a reasonable adjustment applicants with disabilities should not be disadvantaged by the late arrival or completion of application forms and the closing date may need to be extended in some circumstances.

For example, if an applicant requests an application form in Braille it may take a few days to make this available. It would be reasonable to allow the applicant a few days extension, if necessary, to afford them the same opportunity to complete their application.

Application forms and job documentation will be reviewed to ensure that they do not contain questions that may suggest discrimination.

For example, questions regarding possession of a driving licence could be discriminatory. If driving is part of the duties of the post the question asked of applicants should be whether they have access to a vehicle and/or transport.

6.6 Equal Opportunities Monitoring Form

The Council's Monitoring Form monitors gender marital status, family status, disability, religion and racial group. It has been agreed with, and has the support of, the trade unions and the Equality Commission NI.

The information is used to measure the effectiveness of the Council's Equal Opportunities Policy and will assist in the development and review of positive/affirmative action policies.

The monitoring information forms no part of the selection process and is concerned only with statistical analysis and does not identify individuals.

6.7 Shortlisting Arrangements

Disabled applicants will be considered in the same way as other applicants, subject to any reasonable adjustment.

Panel members should be aware of policies that may directly affect the selection process, for example the Interview Guarantee Scheme (see paragraph 6.1).

If an applicant states that they have a disability and are likely to be at a substantial disadvantage because of the Council's arrangements or premises, the panel members should consider whether there is any reasonable adjustment that could be made.

6.8 Testing/Assessment Arrangements

If the selection process includes a test or assessment arrangement the Council will:

- Ensure that the tests/measure the skills required for the job, that they are applied fairly and equally to all applicants, including those with disabilities, taking into account any reasonable adjustments that may be necessary. Disabled applicants will be invited to suggest reasonable adjustments that they may need.
- Ensure that all candidates are informed, in advance, of the format and reasons for the tests/assessments.
- Ensure that when a candidate notifies the Council of the need for adjustments or special arrangements, alternatives are considered, again including any reasonable adjustments that may be necessary.

6.9 Interview Arrangements

Invitation to interview letters will ask the candidate to inform the Council if they require any special arrangements.

*For example, suggested wording for the letter could be:
The Council is committed to providing people with disabilities the opportunity to compete fairly for jobs. If you have any special needs or requirements with regard to the arrangements for this interview, please mention it when you confirm your attendance.*

If any special arrangements are requested, the Council must take all reasonable steps to accommodate them.

For example, reasonable adjustments may include:

- *avoiding direct sunlight for a candidate with a visual impairment*
- *reserving parking spaces and someone to accompany the candidate to the interview*
- *providing support and assistance with communication by another person for candidates with learning and hearing disabilities*
- *allowing extra time for candidates for whom communication may be difficult*

If the candidate does not indicate that they need any special arrangements, but then arrives for interview and is placed at a substantial disadvantage because of the arrangements, there is still a duty to make any reasonable adjustment that is possible in the circumstances.

For example, it may be appropriate to consider re-scheduling the interview to another date as a reasonable adjustment.

6.10 Interview Process

Wherever possible interviews for candidates with disabilities should be conducted in the same way as those for non-disabled candidates, subject to any reasonable adjustments.

Interviews should be conducted by panel members who are fully informed about, and have received training on, the requirements of the DDA.

Questions may only be asked about a candidate's disability if it is, or may be, relevant to that person's ability to perform the job, if necessary after a reasonable adjustment.

For example, it would be more positive to ask a candidate "What kind of adjustments could be made to the job in order to make it easier for you?" rather than saying "Would your disability make it difficult for you to carry out X, Y and Z duties?"

The Council will keep records that show the basis on which decisions have been taken at each stage of the process. These records should include (where appropriate) information such as:

- the reasonable adjustments (to premises, equipment or working arrangements, etc) considered by the panel
- the reasons why these adjustments were not offered/provided; or
- the adjustments offered to the candidate and their response to that offer.

The panel should discuss and agree the feedback to be given to applicants who are unsuccessful at the shortlisting stage and to all candidates at the interview stage. Care should be taken when providing feedback to people with a disability to ensure any necessary adjustment is made.

6.11 The Offer of Employment

If the successful candidate has a disability, the offer of employment will be made in the usual way, subject to any reasonable adjustments.

It is the Council's policy to submit all successful candidates for a pre-employment medical check when making a conditional offer of employment in order to establish the candidate's fitness for the job. This practice should also be followed for a disabled candidate to assess what adjustments may be needed to the workplace or the work environment.

Advice on making reasonable adjustments can be sought from the Human Resources Department.

The Department of Employment and Learning Disablement Advisory Service can provide advice on, and in some cases funding for, a range of reasonable adjustments.

6.12 Induction

A structured Induction Programme will be followed for all new employees. If necessary it will be tailored to the individual needs of the disabled employee.

In order to be properly integrated into the workforce, members of staff with a disability must be accepted by their colleagues. Individuals should be asked whether they wish their colleagues to be informed of their disability and management should follow their wishes in this respect as far as possible.

A disabled employee will be supported in their working environment to ensure that any reasonable adjustments, which have been made, are working effectively and that the employee is not at a substantial disadvantage.

6.13 Evidence of a Disability

If a candidate states that a reasonable adjustment is required because of an impairment whose effects are not obvious the Council may ask for evidence that the impairment is one that gives rise to a disability as defined in the DDA.

7. TREATMENT OF EXISTING EMPLOYEES

7.1 Terms and Conditions of Employment

Wherever possible, adjustment will be made to terms and conditions of employment in order to accommodate the needs of a disabled employee.

For example, a disabled employee has problems travelling to work in the rush hour. A reasonable adjustment would be to allow the employee to start work at either an earlier or later time.

Council organisational development or change processes that are undertaken will be systematically planned, consulted upon, approved and implemented. If changes are proposed to the terms and conditions of the workforce, consideration will be given to the possible effect of those changes on disabled employees.

7.2 Health and Safety

The Council accepts its obligations under health and safety legislation to make every effort, insofar as is reasonably practicable, to provide a safe and healthy working environment for its entire staff. Where employees are disabled through reduced mobility, hearing or sight, it is important that they are able to make a rapid and safe exit in case of fire or other emergency.

Special arrangements may be necessary to ensure that an employee's disability does not create a hazard either for the person concerned or for others.

For example, specific First Aid training may be necessary where a member of staff suffers from epilepsy.

7.3 Retention of Disabled Employees

It is the policy of the Council not to discriminate against employees who become disabled, who have a disability that worsens during their career or who has had a disability in the past. The issue of retention can also arise when an employee has a stable and long standing impairment but the nature of their employment changes.

There are a number of ways in which the Council may establish that an employee has become disabled, or has a disability that has worsened.

For example:

- *As a result of the Management of Attendance Policy, either via 'Return to Work' interviews, after a referral to the Council's Occupational Health Advisor or by the issue of medical certificates by a GP or consultant.*
- *The Council's disability audit which asks employees if they consider themselves to be disabled, and to explain the nature of their disability.*
- *An individual may inform their manager if their disability is beginning to affect their work.*

The priority of the Council must be to keep a disabled employee in their existing job. If, as a result of their disability, the Council's arrangements or a physical feature of the Council's premises places the employee at a substantial disadvantage in carrying out their job, reasonable adjustments that would resolve the difficulty must be considered.

An existing employee, newly disabled or facing disability, may have no idea what their future needs will be with regard to possible adjustments to premises, equipment or working arrangements etc. The employee and (if requested) their nominated representative should be involved (including if they are on sick leave) in any decisions that directly affect their working life. The employee's line manager should ensure that they:

- Keep in regular touch with the employee
- Provide reassurance to the employee that they can expect the necessary support on their return to work
- Monitor progress and at the appropriate time begin discussions on specific needs
- With the employee's permission, keep colleagues and their trade union representative informed of progress and build support for the individual.

For example, it may be possible to modify a job to accommodate an employee's changed needs. This might be rearranging working methods, giving another employee certain minor tasks that the disabled employee can no longer do, or providing practical aids or adaptations to premises or equipment. It could also include allowing the disabled person to work at different times or places from those with equivalent jobs.

Any newly disabled employee is likely to need time to re-adjust. The Council may consider the following:

- A trial period to assess whether the employee is able to cope with their present job
- A phased return to work, if they have been absent from work as a result of their disability, starting with part time hours and building up to full time hours (in consultation with the HR Department)
- Offering leave, on a discretionary basis, during which time expert help will be sought on equipment, adaptations and/or training
- Additional training or coaching appropriate for the employee
- Requests from newly disabled employees for reduced or part-time hours / duties, whether on a temporary or permanent basis. The Council will also consider the superannuation implications of moving to part-time working in conjunction with the employee.

In some cases it may not be possible for the disabled employee to continue in their existing job. It may be necessary to consider a

number of possible options, in consultation with the employee and their representative:

- redeployment to another post or service
- premature retirement on grounds of incapacity
- termination of employment

The Council will continuously monitor a disabled employee's situation, for example, if the disability is one of a progressive condition, further reasonable adjustments may need to be considered.

7.4 Redeployment

The need for redeployment for a disabled employee may be identified in a number of ways.

For example;

- *consideration under the Management of Attendance procedure identifies the need for redeployment*
- *a disabled employee requests redeployment as a reasonable adjustment*
- *an employee's impairment becomes more severe and their performance steadily worsens as a result*
- *an employee becomes disabled as a result of accident or illness.*

If, even with adjustment and/or restructuring, retention in the same job is not practicable, redeployment to suitable alternative employment may be appropriate. The Human Resources Department will need to be made aware that the employee has been identified as awaiting redeployment.

Redeployment to suitable alternative employment requires:

- Defining the ability range of the employee
- Identifying any training or adjustments that could expand that range
- Looking for transferable skills
- Considering all suitable options for redeployment

For example this may include:

- *Holding suitable vacancies and offering preferential consideration (ie assessment against the essential criteria for a vacancy without competition, except from other redeployment candidates)*
- *Ensuring every effort to make reasonable adjustments, in consultation with the employee, to ensure the employee is redeployed successfully*

- *Allowing the employee to have a trial period in the new job. The length of the trial period must be mutually agreed in advance and be in writing.*
- *Making a requirement for written reasons to be provided if reasonable adjustments cannot be made*

7.5 Premature Retirement on Grounds of Incapacity

A disabled employee may be considered for premature retirement on grounds of incapacity where, in consultation with the Human Resources Department, it has been decided that reasonable adjustments cannot be made and that redeployment is not possible.

7.6 Termination of Employment

If, having considered all alternative options (outlined in 7.4 and 7.5) it is apparent that the employee cannot realistically continue in employment, a decision to dismiss may be taken by the Council only after consultation with the employee and their nominated representative.

7.7 Internal Appointments and Transfers

The Council will not discriminate in assessing a disabled person's suitability for internal appointments and transfers. As in the recruitment process, it is important to ensure that the criteria required do not exclude disabled people who may be unable to meet the criteria because of their disability, but would be capable of performing well in the job. The Council may have to make reasonable adjustments to assist in this process.

For example, someone who is disabled by a back injury is applying for a supervisor's post. A minor duty involves moving heavy objects, which the person's back injury would prevent. In assessing suitability for appointment, the Manager should consider whether reallocating this duty to another person would be a reasonable adjustment.

7.8 Provision of Training

The Council will not discriminate on the grounds of disability when providing opportunities for training, and will make any reasonable adjustments necessary to facilitate the training of disabled employees.

It is important that disabled employees are given equal access to training opportunities as allegations of discrimination can be made when these opportunities are restricted by the accessibility of the

venue chosen or the format, presentation or delivery methods of the training itself.

The Human Resources Department will ensure that the needs of disabled employees are considered when organising training events and will endeavour to make sure that courses provided are accessible to both disabled and non-disabled employees. Line managers must ensure that employees who are nominated for training events are selected on a basis that does not discriminate against disabled people.

8. HARASSMENT

Harassing a person with a disability on account of that disability is unacceptable behaviour.

The Council has a specific policy and procedure for dealing with harassment on the grounds of disability as well as gender, marital status, family status, religious beliefs, political opinion, race, age, sexual orientation, trade union membership/non membership and criminal record.

The policy makes it clear that harassment is unacceptable behaviour for all employees. Breaches of this policy will result in disciplinary action which may, where appropriate, warrant dismissal.

9. DISCIPLINE

The Council's Disciplinary Policy and Procedure will be applied to disabled employees in the same way that it is to other employees.

When proposing the use of the Disciplinary Policy and Procedure in relation to a disabled employee, managers must first consider the following points:

- Is the reason for misconduct related to the person's disability?
- Could the misconduct be due to harassment/provocation/victimisation connected with their disability?
- Were the disciplinary rules communicated to the employee in a format that they understand?
- Any interviews/hearings that are conducted should be carried out in a way that does not disadvantage the employee in terms of access to the venue, submission of statements, questioning or representation.

- In such cases, advice and guidance may be sought from the HR Department.

10. COMPLAINTS

Employees who believe that they have not been treated equitably in accordance with the Council's Policy and Procedures for preventing Disability Discrimination in Employment are encouraged to take appropriate remedial action. Action may be wholly informal or by pursuing a formal complaint in accordance with the Council's Grievance Procedure.

If a prospective employee wishes to complain about a disability issue in relation to the Council's recruitment and selection procedures in general, or their application for a specific post, they should write to the Head of Human Resources.

Any action taken under the Council's complaints procedure(s) is without prejudice to any statutory right to make a complaint to an Industrial Tribunal.

So far as reasonably practicable, the Council will protect from victimisation employees or prospective employees who make a complaint under these procedures

11. MONITORING AND REVIEW

This procedure will be reviewed by the Council to assess its effectiveness. The outcomes will be monitored through Staff Surveys, which will ascertain employees' views on the Council's provision of equality of opportunity in employment for people with disabilities.

Positive action measures will be considered to remedy the under representation of people with disabilities in the Council's employment. Such action will include:

- Positively encouraging people with a disability to apply for jobs
- Offering work experience placements to people with disabilities

12. FURTHER HELP AND ADVICE

Information concerning help or practical guidance available to the Council for individual members of staff may be obtained, in the first instance, from the Human Resources Department.

Advice may also be sought from the organisations listed at **Annex 4**.

ANNEX 1

DEFINITION OF DISABILITY

1. What the Disability Discrimination Act 1995 Means by Disability

This Annex outlines what Part One of the Disability Discrimination Act (DDA) and related regulations mean by the term disability. The DDA covers disabled people and people who have had a disability in the past.

Disability is defined 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.

1.1 Explanation of Impairment

The definition covers physical and mental impairments. These include:

- Physical impairments affecting the senses such as sight and hearing, heart disease, diabetes, epilepsy
- Mental impairments including learning disabilities and mental ill health (if it is recognised by a respected body of medical opinion)

1.2 Explanation of Substantial

For an effect to be substantial, it must be more than minor. The following are examples that are likely to be considered substantial:

- 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.

1.3 Explanation of Long-term

These are effects 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.

Long-term effects include those, which are likely to recur. For example, an effect will be considered to be long-term if it is likely both to recur, and to do so at least once beyond the 12-month period following the first occurrence.

1.4 Explanation of Day-to-day Activities

Day-to-day activities are normal activities carried out by most people on a regular basis, and must involve one of the following broad categories:

- Mobility - moving from place to place
- Manual dexterity - eg, use of hands, wrists or fingers
- Physical co-ordination
- Continence
- The ability to lift, carry or move ordinary objects
- Speech, hearing or eyesight
- Memory, or ability to concentrate, learn or understand
- Being able to recognise physical danger

ANNEX 2

DEFINITION OF DISABILITY DISCRIMINATION

Under the Disability Discrimination Act 1995 (as amended) ('DDA') discrimination can occur in one of the following four ways-

1. Direct disability discrimination

An employer's treatment of a disabled person amounts to direct discrimination and is unlawful if-

- it is done on the ground of the disabled person's disability, and
- the treatment is less favourable than the way in which a person not having that particular disability is (or would be) treated, and
- the relevant circumstances, including the abilities, of the person with whom the comparison is made are the same as, or not materially different from, those of the disabled person.

2. Disability-related discrimination

An employer's treatment of a disabled person amounts to disability-related discrimination and is unlawful if-

- it is done for a reason related to the disabled person's disability, and
- the treatment is less favourable than the way in which the employer treats (or would treat) others to whom that reason does not (or would not) apply, and
- the employer cannot show that his treatment is justified.

3. Failure to comply with a duty to make reasonable adjustments

Failing to comply with the duty is in itself an act of discrimination and is unlawful. Furthermore, the duty must be taken into account when considering whether an act of disability-related less favourable treatment is justifiable (see section 2 above).

The duty to make reasonable adjustments arises where:

- a provision, criterion or practice applied by, or on behalf, of the employer, or
- any physical feature of premises occupied by the employer,

places a disabled person at a substantial disadvantage compared with people who are not disabled.

Where the duty arises, the employer must take such steps as it is reasonable for him to take in all the circumstances to prevent that disadvantage. The only consideration is whether it is reasonable to make the adjustment. Where it is reasonable to do so, the employer must do it and cannot justify failing to do it.

4. Victimisation

An employer's treatment of a person ('the victim') (who need not be disabled) is discrimination and is unlawful if;

- the victim is treated less favourably than the way in which other persons (whose circumstances are the same as the victim's) are (or would be treated); and
- the treatment is for one of the following reasons;
 - (a) the victim has brought, or given evidence or information in connection with proceedings under the DDA; or
 - (b) done anything else under or by reference to the DDA; or
 - (c) alleged that someone has contravened the DDA;
 - (d) or because the employer believes or suspects that the victim has done or intends to do any of the things listed in (a), (b) or (c).

ANNEX 3

Job Application Assistance Sheet

POSITIVE ACTION ON DISABILITY

Ballymoney Borough Council aims to ensure that no prospective employee will be treated unfavourably on the grounds of gender, marital status or family status, religious belief or political opinion, disability, age, race or ethnic origin, nationality, sexual orientation, transexuality, trade union membership or non membership, criminal record.

In particular we are committed to the following when recruiting and employing disabled people:

- To interview all applicants with a disability who meet the minimum (ie the essential) criteria for a job vacancy. The minimum criteria are listed in the Person Specification.
- To ensure there is a mechanism in place to discuss, at any time, but at least once a year, with disabled employees what we and they can do to make sure they can develop and use their abilities.
- To make every effort when employees become disabled to make sure they stay in employment.
- To take action to ensure that all employees develop the appropriate level of disability awareness to make our commitments work.
- To continuously review what has been achieved, to plan ways to improve and to communicate to employees and the wider public about progress and future plans.

What is Ballymoney Borough Council doing to assist disabled people applying for jobs and disabled employees?

- We provide job details and accept job applications in alternative formats, Braille, audio and large print.
- We make arrangements for the use of signers/interpreters if required to assist in the recruitment and selection process for jobs, and discuss workplace adaptations for people with a disability.
- We provide funding for workplace adaptations and aids in order for people with disabilities to secure or remain in employment with us.
- We have a work placement scheme for disabled people interested in working for the Council.

- We have flexible working arrangements to assist people who have a disability which prevents them working full time.
- We have a dedicated officer who can provide guidance on our application process, and support disabled employees.

Please contact the Head of Human Resources in confidence, if:

1. You are disabled and are interested in applying to work for the Council or taking part in a work placement scheme
2. You are currently an employee and consider yourself disabled or a manager with a disabled member of staff and need some advice
3. You would like to find out more about the work being done
4. Telephone (028 2766 0202), email (joan.kinnaird@ballymoney.gov.uk),
5. Fax (028 2766 0222).

ANNEX 4

NORTHERN IRELAND BASED DISABILITY & ADVISORY ORGANISATIONS

<p>Action MS Knockbracken Healthcare Park Saintfield Road Belfast BT8 8BH Tel: 028 9079 0707 Fax: 028 9040 2010 Email: info@actionms.co.uk</p>	<p>Carers Northern Ireland 58 Howard Street Belfast BT1 6PJ Tel: 028 9043 9843 Fax: 028 9032 9299 Email: helen@carersni.demon.co.uk</p>
<p>British Deaf Association (NI) 3rd Floor, Wilton House 5-6 College Square North Belfast BT1 6AR Tel: 028 9038 7700 Fax: 028 9038 7707 Textphone: 028 9038 7706 Email: nireland@bda.org.uk</p>	<p>Disability Action Portside Business Park 189 Airport Road West Belfast BT3 9ED Tel: 028 9029 7880 Fax: 028 9029 7881 Textphone: 028 9029 7882 Email: hq@disabilityaction.org Website: www.disabilityaction.org</p>
<p>Arthritis Care Northern Ireland 115 Enkalon Business Park 25 Randalstown Road Antrim BT41 4LT Tel: 028 9448 1380 Fax: 028 9446 9761 Email: nirelandoffice@arthritiscare.org.uk</p>	<p>Dyslexia Assessment & Advice Centre 59 Drum Road Cookstown BT80 8QS Tel: 028 8676 6996</p>
<p>British Epilepsy Association Knockbracken Healthcare Park Saintfield Road Belfast BT8 8BH Tel: 028 9063 4942 Fax: 028 9031 5914 Email: mclarke@elipepsy.org.uk</p>	<p>MENCAP Northern Ireland Segal House 4 Annadale Avenue Belfast BT7 3JH Tel: 028 9069 1351 Fax: 028 9064 0121 Email: mencap-ni@dnet.co.uk</p>
<p>Parents and Professionals and Autism Knockbracken Healthcare Park Saintfield Road Belfast BT8 8BH Tel: 028 9040 1729 Fax: 028 9040 3467 Email: infor@autismni.org</p>	<p>Northern Ireland Association for Mental Health 60 University Street Belfast BT9 6AF Tel: 028 9032 8474 Fax: 028 9023 4940 Email: a.ferguson@niamh.co.uk</p>

<p>Royal National Institute for the Blind (NI) 40 Linenhall Street Belfast BT2 8BA Tel: 028 9032 9373 Fax: 028 9027 8119 Email: smalcolm@rnib.org.uk</p>	<p>Disablement Advisory Service (DAS) Department for Employment and Learning 5th Floor Gloucester House 57-63 Chichester Street Belfast BT1 4RA Tel: 028 9025 2206 Textphone: 080 9025 2363 Website: www.delni.gov.uk/das</p>
<p>Sense Northern Ireland The Manor House 51 Mallusk House Newtownabbey BT36 4RU Tel: 028 9083 3430 Fax: 028 9084 4232 Email: senseni@senswest.org.uk</p>	<p>Down's Syndrome Association Graham House Knockbracken Healthcare Park Saintfield Road Belfast BT8 8BH Tel: 028 9070 4606 Fax: 028 9070 4075 Email: downs.syndrome@cinni.org</p>
<p>The Guide Dogs for the Blind Association Lanesborough House 15 Sandown Park South – Knock Belfast BT6 6HE Tel: 028 9047 1453 Fax: 028 9065 5097 Email: belfast@gdba.org.uk</p>	<p>Employers' Forum on Disability Northern Ireland Banbridge Enterprise Centre Scarva Road Industrial Estate Banbridge BT32 3QD Tel: 028 40 624526 Fax: 028 40 669665 Textphone: 028 40 624526 Email: info@efdni.org.uk</p>
<p>PHAB Northern Ireland Mourne Villa Knockbracken Healthcare Park Saintfield Road Belfast BT8 8BH Tel: 028 9050 4800 Fax: 028 9073 4321 Email: info@phabni.org</p>	<p>Muscular Dystrophy Campaign Forster Green Hospital 110 Saintfield Road Belfast BT8 6AA Tel: 028 9079 0708 Fax: 028 9079 0708 Email: oonaghm@muscular-dystrophy.org</p>
<p>Royal National Institute for Deaf People Wilton House 5 College Square North Belfast BT1 6AR Tel: 028 9023 9619 (Voice/Test) Video Phone: 028 9043 8354 Fax: 028 9031 2032 Email: helpline@rnid.org.uk</p>	<p>North West Forum of People with Disabilities 58 Strand Road Derry BT48 7AL Tel: 028 7130 9191 Fax: 028 7130 9191 Email: northwestforum@utvinternet.com</p>
<p>The Cedar Foundation Malcolm Sinclair House 31 Ulsterville Avenue Belfast BT9 7AS Tel: 028 9066 6188 Fax: 028 9068 2400 Email: info@cedar-foundation.org</p>	

