

Frequently asked questions – Disability

1. How do you qualify to be classed as disabled under the Equality Act?

This applies to people who have a physical or mental impairment that has a substantial and long term adverse impact on a person's ability to carry out normal day to day activities which has lasted or is likely to last for 12 months or more.

2. How do I get myself registered at work as falling under the Equality Act for Disability?

You will need to liaise with your HR Manager of your particular cluster, who makes the decision as to whether your condition falls under the Equality Act. Usually you will be assessed by Occupation Health who will advise the HR Manager so that they can make their decision. Their decision will be based on the information from the officer, healthcare professionals (both within and outside the force) and other appropriate sources. Some conditions are automatically classified under this legislation but these are normally very serious conditions

3. If you have a disability under the Equality Act and are sick in relation to your disability, does this sick period count towards the attendance standard?

Not if you are applying for another role or promotion etc. However it does count for the purposes of the Unsatisfactory Attendance Procedures.

4. What reasonable adjustments does the force have to make if I fall under the legislation?

The force should look at the role you perform and see if they can make some adjustment so that you can continue to perform that role and not be disadvantaged. E.g. different chair or computer, refraining from night working, no confrontational duties etc. In some cases it may even be a change in role. A risk assessment should be carried out which will help to decide where reasonable adjustments should be made. The approach should be to fit the job around the officer, not the officer around the job. Each case should be dealt with on an individual basis and emphasis should be placed on what the officer can do rather than what the officer cannot do. Redeployment should only be considered as an option when no further reasonable adjustments to policies, practices, procedures or physical features can be made in the officer's existing role or unit.

5. What is meant by day to day activities?

Day to day activities is just that. Can you do the things that you would normally expect to be able to do e.g., carry groceries, mow the lawn, vacuum up etc?

6. Can I still be action planned if I am covered by the Equality Act?

Yes, this would be under the Unsatisfactory Attendance Procedures. The equality legislation is there to assist people to come to work and perform a role. It is not there to allow people

extra time off although in some cases this may be classed as a reasonable adjustment.

7. What can I do if the force will not make reasonable adjustments?

You need to speak with your Federation Representative as the force has a duty to make reasonable adjustments. If you feel a reasonable adjustment could be made but has not been, the force would have to be able to justify this. An example of this could be the fact that to make the reasonable adjustment would be too costly.

If your Federation Representative believed that the force was not being reasonable then they might obtain some legal advice on your behalf.

8. What is Disability Related Leave?

This is where an officer as part of their treatment for a disability, is allowed time off during working hours for things such as therapy, hospital appointments, rehabilitation, assessment, or treatment. It is reasonable that an officer be allowed this type of leave as it is part of managing their disability and plays an important part in keeping them fit for their role. Disability related leave might be considered as a 'reasonable adjustment'.