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WEST MIDLANDS POLICE

Force Policy Document

POLICY TITLE:

DISABILITY 'Reasonable Adjustments' POLICY

POLICY REFERENCE NO:

HR/22

Executive Summary.

The purpose of this policy document is to set out the commitment by West Midlands Police in its legal obligation to comply with the Equality Act 2010 and enforce that all efforts are made to ensure 'equality' by adopting reasonable adjustment measures for all disabled members of staff associated with the organisation.

It underpins the force values by acting with integrity, fairness and humanity, and therefore strives to remove attitudinal and environmental barriers to improve working life experiences for all disabled persons within the organisation.

**Any enquiries in relation to this policy should be made directly with that of the policy contact / department shown below.

Intended Policy Audience.

This policy is primarily aimed at all West Midlands Police officers and staff, including its extended police family.

Current Version And Effective Date.	Version 2.0	30/04/2015
Business Area Owner	HR	
Department Responsible	EDHR Team	
Policy Contact	Fiona Washington – EDHR Manager	
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Documents

Policy – directly supporting documents.

- [Flexible Working](#)
- [Health and Safety](#)
- [Capability](#)
- [Stress Management](#)
- [Special Leave](#)
- [Data Protection Act 1998](#)

Supporting documents and links

- [Reasonable Adjustment Passport \(WP-RAP\)](#)
- [Disability related absence, leave and sickness](#)
- [Remploy](#)
- [Access to Work](#)
- [Personal Emergency Evacuation Plan \(PEEP\)](#)
- [Recruitment and Selection](#)

External policy documents and guidance

- [HM Government – Equality Act 2010 guidance re' disability](#)
- [Employment Statutory Code of Practice – Equality Act 2010](#)
- [Legislation.gov.uk](#)

Signposting and further information

Useful Contacts

- [Staff Associations](#)
- [Force Health & Safety](#)
- [Occupational Health & Employee Support](#)
- [First Contact Advisers](#)
- [EDHR team](#)
- [HR department](#)
- [Unions – Unite and Unison](#)
- [Police Federation](#)

Code of Ethics (http://www.college.police.uk/docs/Code_of_Ethics.pdf)

Evidence Based Research

Full supporting documentation and evidence of consultation in relation to this policy including that of any version changes for implementation and review, are held with the Force Policy Co-ordinator including that of the authorised original Command Team papers.

Please Note.

PRINTED VERSIONS SHOULD NOT BE RELIED UPON. THE MOST UP TO DATE VERSION OF ANY POLICY OR DIRECTIVE CAN BE FOUND ON THE EQUIP DATABASE ON THE INTRANET.

Force Diversity Vision Statement and Values

“Maximise the potential of people from all backgrounds through a culture of fairness and inclusion to deliver the best service for our community”.

“All members of the public and communities we serve, all police officers, special constables and police staff members shall receive equal and fair treatment regardless of, age, disability, sex, race, gender reassignment, religion/belief, sexual orientation, marriage/civil partnership and pregnancy/maternity. If you consider this policy could be improved for any of these groups please raise any issues with the author of the policy without delay.”

Code of Ethics

West Midlands Police is committed to ensuring that the Code of Ethics is not simply another piece of paper, poster or laminate, but is at the heart of every policy, procedure, decision and action in policing.

The Code of Ethics is about self-awareness, ensuring that everyone in policing feels able to always do the right thing and is confident to challenge colleagues irrespective of their rank, role or position

Every single person working in West Midlands Police is expected to adopt and adhere to the principles and standards set out in the Code.

The main purpose of the Code of Ethics is to be a guide to "good" policing, not something to punish "poor" policing.

The Code describes nine principles and ten standards of behaviour that sets and defines the exemplary standards expected of everyone who works in policing.

Please see http://www.college.police.uk/docs/Code_of_Ethics.pdf for further details.

The policy contained in this document seeks to build upon the overarching principles within the Code to further support people in the organisation to do the right thing.

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Acronyms

DCN	Disability and Carers Network
DSE	Display Screen Equipment
EDHR	Equality, Diversity & Human Rights
EQIA	Equality Impact Assessment
FOI	Freedom of Information
HIV	Human Immunodeficiency Virus
HR	Human Resources
LPU	Local Policing Unit
OSD	Organisational Service Development
PALS	People Advice and Liaison Service
PEEP	Personal Emergency Evacuation Plan
RAP	Reasonable Adjustment Passport
WMP	West Midlands Police

1. STATEMENT OF INTENT

- 1.1 West Midlands Police is committed to establishing a diverse workforce where people from different backgrounds, including people with disabilities and/or impairments, are an integral part of the workforce and will positively improve the dynamics of the police service. The vision of the organisation is that to: - 'Maximise the potential of people from all backgrounds through a culture of fairness and inclusion to deliver the best service for our community'
- 1.2 The benefits of workplace inclusion, is ensuring that all individuals are valued, and in return they are more likely to add value by boosting overall productivity and performance.
- 1.3 Reasonable adjustments ensure that applicants and employees with a disability or impairment are not placed at a disadvantage and therefore provide equality of opportunity in the workplace. Making reasonable adjustments is a simple management function. It makes good business sense that all staff are valued for the skills, knowledge and abilities that they bring to the organisation.

Individuals who require reasonable adjustments will be supported in fulfilling their full potential.

2. LEGISLATION

- 2.1 The duty to make reasonable adjustments is a cornerstone of the **Equality Act 2010** - (section 20) and requires employers to take positive steps to ensure that disabled people can access and progress in employment. This goes beyond simply avoiding treating disabled workers, job applicants and potential job applicants unfavourably and means taking additional steps to which non-disabled workers and applicants are not entitled.

[Equality Act 2010 \(section 20\) – legislation.gov.uk](http://legislation.gov.uk)

3. AIMS

- To ensure that all disabled persons associated with WMP receive fair and lawful treatment in every aspect of employment.
- To set out the processes and associated guidance involved in applying for and completing reasonable adjustments.
- Disabled staff are afforded the opportunity to achieve their full potential by offering the same facilities, career prospects, training and promotion opportunities which are available to all staff.
- To make all line managers aware of their legal responsibilities and so prevent discrimination.
- To provide guidance and information links pertaining to generic physical and mental disability impairments.

4. OBJECTIVES

- Duty to ensure legal compliance.
- A decrease in the number of complaints and grievances/employment tribunal claims relating to failures regarding reasonable adjustments.
- Confidence for all staff to facilitate disclosure of their disability knowing that it will be accepted and treated positively and in confidence.

5. WHEN IS A PERSON DISABLED?

5.1 A person has a disability if they have 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.”

A more in depth description of these elements of the definition can be found [at Appendix 1 of the Equality Act 2010 Statutory Code of Practice – Employment](#).

6. WHAT IMPAIRMENTS ARE COVERED BY THE EQUALITY ACT?

6.1 It covers physical or mental impairments. This includes sensory impairments, such as those affecting sight or hearing.

6.2 The term ‘mental impairment’ is intended to cover a wide range of impairments relating to mental functioning, including what are often known as learning disabilities.

6.3 In establishing whether someone is disabled, it is the effects of an impairment without intervention or treatment which are relevant: the effects of medical treatment, physiotherapy, prosthesis or hearing aids are ignored.

7. CONDITIONS AUTOMATICALLY COVERED BY THE EQUALITY ACT 2010

7.1 Anyone who has HIV, cancer or multiple sclerosis is automatically treated as disabled under the Act. In some circumstances, people who have a sight impairment are automatically treated as disabled under Regulations made under the Act.

N.B. it should be noted that individuals who are registered as blind or partially sighted, or who are certified as being blind or partially sighted by a consultant ophthalmologist are automatically treated under the Act as being disabled.

8. DECLARING A DISABILITY

8.1 There is no legal requirement for anyone to declare that they have a disability. It will not place them at a disadvantage and should they decide to declare a disability, this will open up the opportunity for them to have reasonable adjustments made where further support will be addressed. However as a result of a disability, if there is a risk to the individual or others at work, then under Health and Safety law the individual will need to disclose their disability to the organisation.

8.2 It is not enough for the employer to show that they did not know that the disabled person had the disability. They must also show that they could not reasonably have been expected to know about it. Employers should consider whether a worker has a disability

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even where one has not been formally disclosed, as, for example, not all workers who meet the definition of disability may think of themselves as a 'disabled person'.

- 8.3 An employer must do all they can reasonably be expected to do to find out if a worker has a disability. What is reasonable will depend on the circumstances. This is an objective assessment. When making enquiries about disability, employers should consider issues of dignity and privacy and ensure that personal information is dealt with confidentially.
- 8.4 Should an individual wish to declare their disability this ideally should be referred and discussed with their line manager in the first instance for consideration of any support and possible impacts on their duties and responsibilities.
- 8.5 All information will be kept confidential and held between the individual, and their line manager. Should the individual request reasonable adjustments and/or be advised of an assessment, this information will be escalated to both Occupational Health and EDHR hub for appropriate file recording. Information relating to an individual's disability, including requests and assessments regarding reasonable adjustments is defined as 'sensitive personal information' and will be handled in accordance with the Data Protection Act 1998.

Reasonable Adjustment Passport (RAP).

- 8.6 The Reasonable Adjustment Passport (RAP) consists of a form which is completed in agreement with the line manager. All Reasonable Adjustments agreed with the line manager, or any previous manager, should be listed in the Passport. This information can be passed in advance when a member of staff changes role location or manager. The aim is to speed up the process and remove the need for further explanation or re-negotiation of adjustments every time. Managers (current and future) will be able to arrange and plan for the adjustments to move as smoothly as possible with the member of staff to any new role or location as appropriate. The passport will guarantee continuity of any arrangements that are required for the member of staff in the workplace.

*** Reasonable Adjustment Passport ([click here](#))*

Ownership and declaration of a disability.

8.7 Candidates for Interview and Promotion / Selection Boards

- a) All applicants having declared a disability should be afforded the required reasonable adjustments prior to and during the interview, selection, testing process.

Examples of such reasonable adjustments can include:

- *Deaf / hearing impairment: - attendance of an approved BSL interpreter at the interview.*
- *Dyslexia: - yellow paper, Arial font 12, dyslexia rulers, and additional time etc. The candidate should agree the type of colour paper and font required.*
- *Physical Impairment impacting on location: - consideration should be given to disabled car parking and access routes into the building and interview room.*

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- b) Having declared a disability, this information AND any subsequent reasonable adjustments must be included within the reasonable adjustment passport (RAP).
- c) The line manager should ensure that the RAP is used and retained for a reasonable period should the candidate wish to later challenge any of the support and reasonable adjustments provided.

Please Note.

All successful applicants (officers/staff) should with their RAP, have; a) copy forwarded to Shared Services for recording on their personnel file, b) copy forwarded to their future line manager for a full Reasonable Adjustment Agreement to take place within their induction, and c) original retained with the individual for retention.

8.8 Current WMP staff and officers

- a) All declarations of an individual's disability and request for a reasonable adjustment must be made and discussed with their line manager in the first instance.
- b) The line manager, if necessary will seek the appropriate advice in support of and in discussion with the individual as to the most appropriate course of action specific to the individual's requirements; ranging from general DSE assessments to a full risk assessment.- (see Section 16.2). *Further advice can be obtained from: EDHR hub, DCN, Occupational Health, Health and Safety etc.*
- c) The line manager MUST complete the RAP form with a copy being forwarded to Occupational Health for their information and review. At this point, a referral to Occupational Health should also be made to consider the need for a medical appointment and/or reasonable adjustment. The original form should be retained with the individual with a copy being added to the individuals personnel file.

9. THE TWO TICK – DISABILITY SYMBOL

- 9.1 West Midlands Police has been accredited with the two tick disability symbol awarded by Jobcentre Plus which recognises the organisations five commitments in having achieved, and committed to continually achieving the recognised employment, retention, awareness training and career development of disabled people.



- 9.2 The two tick symbol helps to make it clear that WMP welcomes and supports applications from people with a disability and we are positive about the abilities individual's bring to our organisation to create a more diverse workforce and one that reflects the communities we serve.

10. THE 'DUTY' TO MAKE REASONABLE ADJUSTMENTS

10.1 The Equality Act 2010 imposes a legal duty on the organisation to make reasonable adjustments for a person and comprises of three requirements which employers are required to take reasonable steps to:

- i. Avoid the substantial disadvantage where a provision, criterion or practice applied by or on behalf of the employer puts a disabled person at a substantial disadvantage compared to those who are not disabled.
- ii. Remove or alter a physical feature or provide a reasonable means of avoiding such a feature where it puts a disabled person at a substantial disadvantage compared to those who are not disabled.
- iii. Provide an auxiliary aid (which includes an auxiliary service) where a disabled person would, but for the provision of that auxiliary aid, be put at a substantial disadvantage compared to those who are not disabled.

It should be noted that words 'auxiliary aid' means aids and services. An aid is a piece of equipment which helps the disabled person, such as a special chair, adapted text, or special computer equipment or software. A service is something people provide, such as personal assistance or (possibly) therapy.

Please Note. *It is the line management's responsibility to ensure that recommended reasonable adjustments are actioned – (see section 14 for further information).*

11. WHAT IS REASONABLE ADJUSTMENT IN PRACTICE

11.1 It is a good starting point for an employer to conduct a proper assessment in consultation with the disabled person concerned of what reasonable adjustments may be required. Any necessary adjustments should be implemented in a timely fashion and it may also be necessary for an employer to make more than one adjustment. It is advisable to agree any proposed adjustments with the disabled worker in question before they are made.

****See Reasonable Adjustment process flowchart – ([Appendix 1](#))**

11.2 Where Occupational Health makes recommendations for reasonable adjustments to be set in place for a member of staff returning to work after a period of absence.

11.3 When adjustments are likely to occur, the line manager should discuss the requirements with the individual and ensure that any interim adjusted working practices are considered where necessary.

Examples of steps that may be reasonable for employers to take can be found here at [Chapter 6.33 of the Equality Act – Employment Code.](#)

11.4 Examples of what **is** and **is not** a Reasonable Adjustment

a) A Reasonable Adjustment in practice **IS**:

- Provision of specialist equipment (if considered reasonable)
- Change/removal of certain duties i.e. no response driving or critical decision making
- Protected time for rest / refreshment breaks

b) What is **NOT** a Reasonable Adjustment:

- Where Occupational Health make recommendations for temporary adjustments to be set in place for a member of staff returning to work after a period of absence. This forms part of a managed return to full duty/hours and is not a reasonable adjustment unless implemented for a disability.
- A change to working hours to accompany domestic / childcare circumstances is an example of what is not a reasonable adjustment and is a considered flexible working arrangement.

12. FACTORS TO BE TAKEN INTO ACCOUNT WHEN DECIDING WHAT IS REASONABLE

12.1 In assessing what is reasonable, the Force can take into consideration:-

- The extent to which taking any particular steps would be effective in preventing substantial disadvantage.
- Is the adjustment practical?
- Financial and other costs of making the adjustment and the extent of any disruption caused.
- The extent of the employer's financial or other resources.
- The availability to the employer of financial or other assistance to help make an adjustment (such as advice through [Access to Work / Remploy](#)).

Please Note.

Funds for reasonable adjustments are secured through the force 'reasonable adjustment' budget via Corporate HR and the EDHR team.

13. ACCESS TO WORK

13.1 Access to Work is a specialist disability service delivered by Jobcentre Plus, which gives practical advice, professional support and a form of ¹financial contribution to the organisation (employer) for those members of staff who have declared themselves with a disability.

13.2 Access to Work is provided where someone needs support or adaptations in the workplace beyond the reasonable adjustments which an employer is legally obliged to provide under the Equality Act.

13.3 For an individual to be eligible, they must have a disability or health condition that has a long term substantial adverse effect on their ability to carry out their job. Access to Work can support customers in a number of ways, by providing specialist assessment and funding towards, for example:

- Special aids and equipment
- Adaptations to equipment

¹ Access to Work will only contribute and refund 80% of approved costs to WMP above the threshold level of £1000. In most circumstances, costs for equipment below the threshold will be met entirely by WMP. *Please refer to Access to Work guidance (supporting documents) for further information.*

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- Assistance travel costs to & from work if the individual cannot use public transport (*n.b. private arrangement between individual, Access to Work and taxi firm*).
- Communication support at a job interview or within the workplace i.e. sign-language interpreter.
- Mental Health support and development plans either in the workplace or to help the individual return to work - (*n.b. for WMP, Remploy should always be contacted in the first instance. In some cases where the individual may experience some personal difficulty / barriers e.g. stress, in placing their application with Access to Work over the phone, then Remploy will assist by processing the phone application on the individual's behalf*).

N.B. Access to Work will provide a list of suggested Reasonable Adjustments and on occasion WMP may seek alternative equipment providers for cost effectiveness and suitability to help support the individual's needs.

13.4 How to Apply?

- a) The individual must meet the criteria (see 13.3) by that following a full risk assessment with their line manager, or declaration of their disability, and/or recommendations by Occupational Health for considered equipment support.....see [Reasonable Adjustment flowchart](#)
- b) Having met the criteria, it is only the individual and no other (this includes their line manager) who can contact Access to Work to discuss their needs over the phone. The individual will be placed in contact with an assessor for the geographical area and following a number of questions relating to their disability/circumstances, a decision will be made at the time as to the qualifying level reached.
- c) Where required, the assessor supported on behalf of Access to Work will attend the workplace with a prearranged appointment in order to personally assess the individual, their needs, workstation etc. Where possible, this should ideally take place with the attendance of the line manager who may be able to offer further knowledge of the role and any support.
- d) Once the individual has received the assessment report from Access to Work, this should be read carefully and once agreed, this must be signed and dated and returned to Access to Work. Should the individual or their line manager dispute or challenge any of the information, including recommendations for supporting equipment from previous consultation, this must be taken up immediately with Access to Work prior to a signature of agreement.
- e) It is always advisable that the individual retains a full copy of the report for their information and forwards a full copy to the EDHR hub for their records and action as necessary i.e. purchase of equipment. All information being treated with the strictest confidence.

ACCESS to WORK contact telephone number – 0345 2688 489

or

Text phone on 0345 608 8753

- f) Once the Access to Work report is received, the proposed adjustments must be discussed with the individual and the RAP signed by both parties to confirm this; or alternatively, if an agreement is not reached – this should be recorded on the RAP.

14. RESPONSIBILITY FOR PUTTING IN PLACE 'REASONABLE ADJUSTMENTS'

- 14.1 It is the responsibility of WMP to meet its equality duties for all of its disabled workforce which through reasonable adjustments may involve the way in which an individual's employment is structured, removal of any physical barriers, and/or providing extra support.
- 14.2 The responsibility for ensuring Reasonable Adjustments are actioned is a shared responsibility between the individual and the organisation.
- 14.3 Specific responsibility is set out as follows:

Line Management.

- It is the organisation's responsibility to ensure that the Health, Safety and Welfare of its employees are maintained in the workplace. Failure to do this could leave the organisation culpable. The organisation is also responsible for implementing any Reasonable Adjustments that are agreed as proportionate and reasonable.
- There is no onus on the disabled worker to suggest what adjustments should be made although it is good practice for employers to ask. However, where the disabled person does so, the employer should consider whether such adjustments would help overcome the substantial disadvantage, and whether they are reasonable.
- The Line Manager has a duty of care to ensure appropriate adjustments agreed between the employee and line manager as per the "Reasonable Adjustment Passport – RAP" are in place and adhered to.
- The adjustments should be put in place within a reasonable period and are dependent on external influencing factors i.e. purchase and installation of specialist equipment. This will depend on the circumstances of each case, however all those involved should prioritise the matter as urgent. If the employer is notified at the recruitment stage then they should be in place for when the individual begins work. Any delay in making adjustments costs the organisation in lost hours and may impact on the employee being eligible for work.
- The first review between the line manager and individual should take place within 3 months of the recommended actions to ensure that all agreed reasonable adjustments are in place and the health / well-being of the individual is being supported.
- All employees having undertaken a RAP, **should also be subject to a periodic 12 monthly review or sooner** if identified as a need i.e. change in condition, role, or move of work location. They should refer to appropriate support i.e. Human Resources, Occupational Health, DCN, EDHR hub, Health and Safety, etc. as identified.
- Where required, the line Manager is advised to contact the EDHR team to help resolve any local disagreements in order to take this forward.

Individual.

- The individual is under no legal obligation to notify their employer (line manager) of their disability. However under health and safety law, it is the responsibility of the individual to notify the employer of a need for adjustments and to ensure their own Health and Safety in the workplace and that of others is not compromised.

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- Ensure they inform the employer of any change in circumstances that might be relevant.
- It is the individual's responsibility to notify the Line Manager if adjustments are not meeting their needs or a review is required.
- If the individual changes role, moves location or there is a change in their condition: a review should be carried out as well a risk assessment.
- Notify and remind their line manager of the **required 12 monthly review**.

Please Note.

Copies of the RAP form should be forwarded to:

- ***Individual (original)***
- ***Line manager***
- ***EDHR***
- ***SS General Enquiries***
- ***SS Occupational Health***

15. 'REASONABLE ADJUSTMENT' BUDGET

- 15.1 Effective and practicable adjustments for disabled workers often involve little or no cost or disruption and are therefore very likely to be reasonable for an employer to make. Even if an adjustment has a significant cost associated with it, it may still be cost-effective in overall terms – for example, compared with the costs of recruiting and training a new member of staff, and so may still be a reasonable adjustment to have to make.
- 15.2 The budget is held corporately by the EDHR Manager who will ensure that “reasonable adjustments” are paid for and delivered as quickly as possible.
- 15.3 The EDHR Manager will be the ultimate decision maker as to what is considered reasonable in order to ensure legal compliance.
- 15.4 For initial advice and guidance as to the required reasonable adjustment processes and available support, contact should be made with the EDHR lead officer for reasonable adjustments/disability:

Martin Keating: m.p.keating@west-midlands.pnn.police.uk

16. RISK ASSESSMENTS

- 16.1 The line manager should not make automatic assumptions as to what a person can or cannot do. Those individuals with a disability often recognise what is already required and can help develop their own solutions to work-based challenges. Consultation between the line manager and individual is key and must be established from the outset. Should a risk assessment be required, this must be carried out by a trained risk assessor.

In all cases a risk assessment must be completed for all individuals who have a disability regardless of the role posted to.

** [Risk Assessment Guidance](#)

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16.2 On declaration of their disability, the individual will be prompted under the direction of their line manager to pursue the following channels of assessment dependent on their disability.

****Please refer to the attached flow chart for all the processes within the DSE assessment – held on the force Health & Safety intranet site.**

- DSE lite – Complete the self-assessment and on its completion, view its history and in-turn the assessment which can be printed off to reflect any negative responses. In consultation with the line manager, should any negative responses and concerns be raised, please proceed to:
- Full DSE assessment undertaken by local DSE Assessor.

*Please Note – this assessment will help identify required **standard equipment**, for example; foot-rests, wrist-rests, mouse-rests, desk lamps, document holders, monitor stands etc. Where required, Occupational Health can also help identify the requirement for standard equipment.*

16.3 It is of importance, that the risk assessor has sight of any known/last Occupational Health reports and DSE supporting evidence in order to fully complete the risk assessment to the best of their knowledge.

16.4 Any standard or specialist equipment **MUST** remain with the individual throughout their employment with WMP. Should they leave the organisation, all equipment **MUST** be returned to the EDHR hub for future organisational use and not left for the use/ownership of local management.

16.5 Requests for equipment as a result of the recommended Reasonable Adjustments are made via:

- Standard DSE equipment as highlighted above, is to be ordered through Shared Services by e-mail on [SS General Enq](#)
- Specialist equipment as defined through the ergonomics assessment by Access to Work is to be requested with the EDHR hub through the lead officer for reasonable adjustments / disability:

Martin Keating: m.p.keating@west-midlands.pnn.police.uk

16.6 It is the responsibility of the line manager to both action and record that every time the risk assessment process is undertaken, that consideration is also given regarding whether a Personal Emergency Evacuation Plan (PEEP) is necessary and therefore it's very completion required. Reference to this consideration must also be recorded on the RAP.

N.B. The review to consider whether a PEEP should be completed follows the same guidelines for review of risk assessments i.e. change in medical condition, change of role, change of work location or following a 12 month review.

16.7 The need to consider reasonable adjustments spans the individuals entire employment, starting from their recruitment/induction, through to their promotion, change in role, location change etc.

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- 16.8 The responsibility will in the main, rest with the individual to make their current or new line manager aware of their disability, previous reasonable adjustments/recommendations and that of a PEEP.

In all cases, should the role, location, health and circumstances of the individual change, this will undoubtedly trigger a new assessment.

Declining an adjustment.

- 16.9 Once the risk assessment has been completed, the line manager should review all actions and recommended reasonable adjustments, seeking advice where appropriate. It is a statutory right for an individual to have their recommended reasonable adjustments sanctioned, although if it is deemed unreasonable i.e. operational impacts, it can be declined but the burden of proof will rest with WMP as to why it is unreasonable. The potential consequences of refusal are significant and managers should not refuse any request without first seeking advice from that of: Occupational Health, EDHR hub, HR, or Force Health and Safety.
- 16.10 In such disputes, it is important that the line manager and individual seek to resolve the dispute by engaging in an open and transparent discussion where alternative possible solutions can be 'offered' and discussed with reasons for these alternative measures, even if only seen and recorded as a short term measure to the sighted 'long term' reasonable adjustments. Following these discussions, any possible alternative reasonable adjustments should be recorded appropriately in the RAP.
- 16.11 Should the line manager dispute the original recommendations which are deemed reasonable, then failing to apply may be deemed discriminatory and therefore require the involvement of senior local management participation including that of EDHR and HR representation.
- 16.12 Once the Risk Assessment has been agreed and signed by both the line manager and individual, copies are to be forwarded to:
- Individual
 - Line Manager
 - SS General Enquiries
 - SS Occupational Health

17. EQUALITY IMPACT ASSESSMENT (EQIA)

- 17.1 The Policy has been reviewed and drafted against all protected characteristics in accordance with the Public Sector Equality Duty embodied in the Equality Act 2010. The policy has therefore been Equality Impact Assessed to show how WMP has evidenced 'due regard' to the need to:
- Eliminate discrimination, harassment, and victimisation.
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Supporting documentation in the form of an EQIA has been completed and is available for viewing in conjunction with this Policy.

18. HUMAN RIGHTS

18.1 This policy has been implemented and reviewed in accordance with that set out with the European Convention and principles provided by the Human Rights Acts Act 1998. The application of this policy has no differential impact on any of the articles within the Act. However, failure as to its implementation would impact on the core duties of West Midlands Police and its partners, to uphold the law and serve/protect all members of its community (and beyond) from harm.

19. FREEDOM OF INFORMATION (FOI)

19.1 Public disclosure of this policy document is determined by Policy Co-Ordinator in agreement with its owner. Version 2.0 of this policy document is fully disclosable to members of the public and via the Force WMP internet website.

Which exemptions apply and to which section of the document?	Whole document	Section number
No issues – version 2.0	n/a	n/a.

20. DATA PROTECTION

20.1 All communication both verbal and in writing will be treated with sensitivity and in the strictest confidence, in accordance with the Data Protection Act 1998 which places a duty on organisations to ensure confidentiality and sensitive personal data is handled appropriately.

20.2 Any declaration of a disability and requirement for reasonable adjustment will be confined to the officer and/or staff member’s line manager, Occupational Health advisor and EDHR officer, and it is their responsibility to ensure that all communication is kept between them and the applicant.

20.3 Information relating to a person’s disability must not be shared with any other members of the organisation (as opposed to those shown above) without the individual’s explicit consent and should where possible, be evidenced in writing. This information will only be made available to a limited number of staff who may require it in order to consider and implement reasonable adjustments, including putting safety provisions in place. Information will be limited to the details that they will need to know in order to put the provisions in place.

20.4 It is only for the choice of the individual concerned, that should they consider that the implementation of reasonable adjustments may give the impression to colleagues/team members of ‘special’ treatment i.e. change in working hours. Then it may be in their interests to discuss the matter with their line manager and consider the possibility (or not) of disclosing any communication with colleagues to enable them to understand why reasonable adjustments have been made.

21. TRAINING

21.1 Any training required to comply with this policy will be provided under the guidance of the Learning and Development Support Centre, DCN, EDHR and Health and Safety delivery team.

22. PROMOTION / DISTRIBUTION & MARKETING

22.1 The following methods will be adopted to ensure full knowledge of the Policy:

- Policy document and associated documents on the Force Intranet (noticeboard) for the attention of all WMP officers and staff
- Recording and audit entry on the Force policy portal
- Intranet marketing via EDHR
- Promotion via the DCN executive committee.
- Video-box training

23. REVIEW

23.1 The Policy business owner HR will maintain outright ownership of the policy and any other associated documents and in-turn delegate responsibility to the department/unit responsible for its continued monitoring.

23.2 The policy should be considered a 'living document' and subject to regular review to reflect upon any Force, Home Office/ACPO, legislative changes, good practice (learning the lessons) both locally and nationally, etc.

23.3 A formal review of the Policy document, including that of any other potential impacts i.e. EQIA, will be conducted by the date shown as indicated on the first page.

23.4 Any amendments to the Policy will be conducted and evidenced through Intelligence – Organisational Learning and set out within the version control template.

23.5 Feedback is always welcomed by that of the author/owner and/or Intelligence – Organisational Learning as to the content and layout of the policy document and any potential improvements.



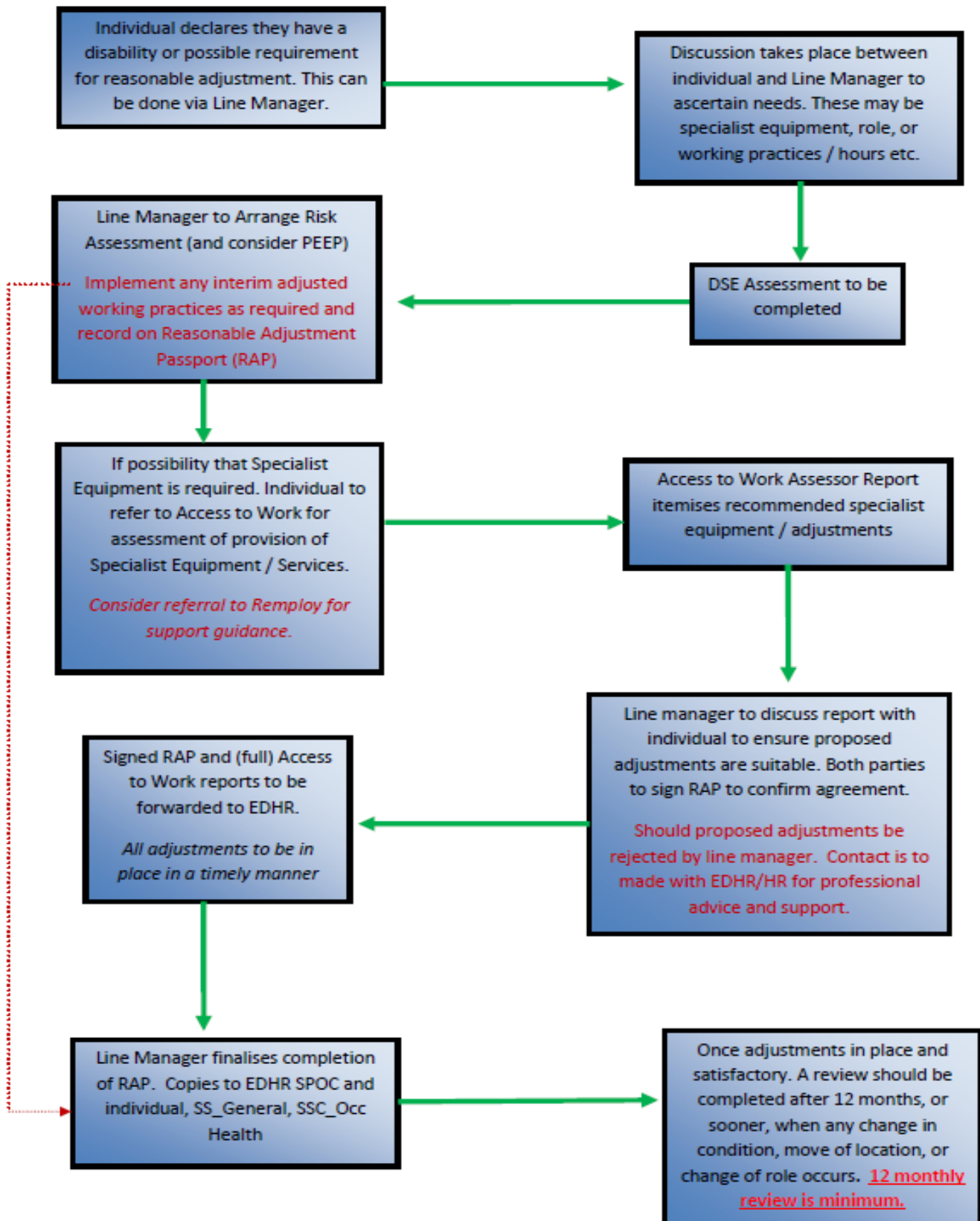
CHIEF CONSTABLE

24. VERSION HISTORY

Version	Date	Reason for Change	Amended/Agreed by.
1.0	11/11/13	New Policy	Fiona Washington – EDHR manager
2.0	30/4/15	Total revision of policy (v1.0) includes additions of: > Full revision and general overhaul & updates > Access to Work > Risk Assessments > RAP form > RAP flow chart –(appendix) > A to Z guidance – (appendix) > Impairments covered by Equality Act > Definitions – (appendix)	Sgt Bev Simmons – Disability & Carers Network (DCN) - chair
2.0	26/05/2015	Policy approved by CC – policy now live. Added signatures, ref no and published on portal	56408 Couchman

Reasonable Adjustment Process

Reasonable Adjustments Flow Chart



NOT PROTECTIVELY MARKED

A to Z GUIDANCE (links) -
associated with all generic physical and mental impairments.

- Back pain
 - [Musculoskeletal Disorders – information AND prevention.](#)
- [Cancer](#)
- Carer
- [Diabetes](#)
- [Dyslexia](#)
- [Eyesight testing](#)
- [General Health and Wellbeing](#)
- [HIV](#)
- Mental Health ([Autism](#))
- People Advice & Liaison Service ([PALS](#))
- [Positive Action](#)
- Stress / Depression ([guide](#)) AND ([policy](#))
- [SOMEONE TO TALK TO.....](#)
 - Alcohol Dependency
 - Bereavement
 - Gambling
 - Money Advice
 - Drug Abuse
 - Counselling

IMPAIRMENTS COVERED BY THE EQUALITY ACT 2010

The Act defines a disabled person as a person with a disability. A person has a disability for the purposes of the Act if he or she has a physical or mental impairment and the impairment has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities

With the exception of cancer, HIV and multiple sclerosis, there is no definitive list of conditions / impairments covered by the Act. Each case must be covered individually based on the definition as to what is a disability taking into consideration the effects of the impairment on the individual. The definition is, however, very wide and, depending on their nature and severity, and the effect on normal day-to-day activities, might include, for example people with: -

- ❖ Sensory impairments (vision and hearing)
- ❖ Heart conditions
- ❖ Musculoskeletal conditions, affecting the limbs, hands, back or neck
- ❖ Recurring or fluctuating conditions such as arthritis
- ❖ Mental health problems such as diagnosed depression
- ❖ Epilepsy
- ❖ Asthma
- ❖ Dyslexia
- ❖ Diabetes
- ❖ Severe disfigurements
- ❖ Learning disabilities
- ❖ Progressive conditions e.g. cancer or multiple sclerosis.

Conditions specifically excluded.

- ❖ A tendency to set fires
- ❖ A tendency to steal
- ❖ A tendency to physically or sexually abuse others
- ❖ Exhibitionism
- ❖ Voyeurism
- ❖ Seasonal allergic rhinitis, and
- ❖ Addiction to alcohol, nicotine or another substance (unless the addiction was originally the result of administration or medically prescribed drugs or other treatment).

DEFINITION OF SUBSTANTIAL and LONG TERM EFFECTS

What is a 'substantial' adverse effect?

A substantial adverse effect is something which is more than a minor or trivial effect. The requirement that an effect must be substantial reflects the general understanding of disability as a limitation going beyond the normal differences in ability which might exist among people.

Account should also be taken of where a person avoids doing things which, for example, cause pain, fatigue or substantial social embarrassment; or because of a loss of energy and motivation.

An impairment may not directly prevent someone from carrying out one or more normal day-to-day activities, but it may still have a substantial adverse long-term effect on how they carry out those activities. For example, where an impairment causes pain or fatigue in performing normal day-to-day activities, the person may have the capacity to do something but suffer pain in doing so; or the impairment might make the activity more than usually fatiguing so that the person might not be able to repeat the task over a sustained period of time.

What is a 'long-term' effect?

A long-term effect of an impairment is one:

- Which has lasted at least 12 months; or
- Where the total period for which it lasts is likely to be at least 12 months; or
- Which is likely to last for the rest of the life of the person affected?

Effects which are not long-term would therefore include loss of mobility due to a broken limb which is likely to heal within 12 months, and the effects of temporary infections, from which a person would be likely to recover within 12 months.

General information relating to key points of the policy

Physical impairment: this includes, for instance, a weakening of part of the body (eyes, ears, limbs, internal organs, etc.) caused through illness, by accident or congenitally. Examples such as blindness, deafness, paralysis of a leg and heart disease.

Mental impairment: this includes a clinically well-recognised mental illness and what is commonly known as a learning disability.

Substantial: put simply, this means the effect of the physical or mental impairment on a person's ability to carry out normal day-to-day activities is more than minor or trivial. It does not have to be a severe effect.

Long-term adverse effect: the effect has to have lasted, or be likely to last; overall for at least 12 months and the effect must be a detrimental one. A person with a life expectancy of less than 12 months is, of course, covered if the effect is likely to last for the whole of that time.

A normal day-to-day activity: this is something that is carried out by most people on a fairly regular and frequent basis, such as washing, eating, catching a bus or turning on a television. The list of capacities formerly listed under the DDA 1995 / 2005 has been removed in the Equality Act 2010 as it was misunderstood as a definition of "normal day-to-day activities"

NOT PROTECTIVELY MARKED

Fluctuating conditions.

People with fluctuating or recurring conditions are covered by the Equality Act 2010, even if an individual episode might not last as long as twelve months. If the substantial adverse effects are likely to recur, as for example, with arthritis, they are regarded as continuing.

Medical and special aids.

Control by medication or special aids will be ignored when assessing the adverse effects of impairment. Examples are the control of epilepsy by medication and the wearing of prosthetic limbs. People whose sight impairment is corrected by spectacles or contact lenses are excluded, unless a substantial adverse effect still continues.

Severe disfigurement.

People with severe disfigurements are protected by the Equality Act 2010, providing that the disfigurement is long-term or likely to recur, - for example, eczema. The disfigurement does not have to be facial.

Progressive conditions.

People with a progressive condition will be considered disabled when they begin to experience symptoms, which have an effect however slight, on one of the normal day-to-day activities. This remains the case even if the symptoms disappear completely or for a period of remission, or if they are controlled by medication.

People with progressive conditions are not considered disabled simply as a consequence of diagnosis. They are only protected under the Equality Act 2010 if they have or have had symptoms causing the effect, however slight, on a normal activity.

The Equality Act 2010 does not define the term 'progressive condition', although examples of cancer, HIV, multiple sclerosis and muscular dystrophy are cited.