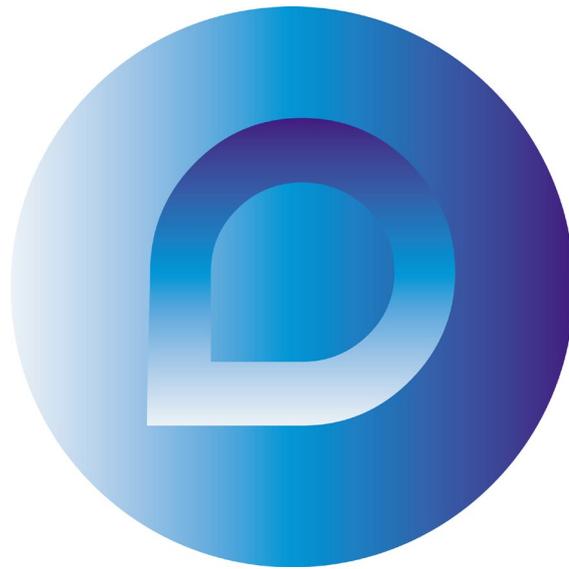


Disability Discrimination Policy



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Disability Discrimination Policy

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Disability Discrimination Policy

1.0 Aims and Objectives

The aim of this policy is:

To promote equality of opportunity between disabled and non-disabled people, clients, candidates, volunteers, and staff. By Design Group and all associated companies complies with the Equality Act (2010) and Disability Discrimination Act's (1995 & 2005).

Under the Disability Discrimination Act 2005 (Disability Discrimination (Northern Ireland) Order 2006) a person has a disability if he or she has a physical or mental impairment that has a substantial and long-term, adverse effect on his or her ability to carry out normal day-to-day activities.

Impairment resulting from or consisting of mental illness is covered by the Act: this is likely to include depression or anxiety, if long-term. In addition, the effects of progressive conditions such as cancer,

HIV infection and multiple sclerosis are regarded as substantial for the purposes of the Act immediately on diagnosis.

The objectives of this policy are:

- To implement the commitment of By Design Group and all associated companies in developing an inclusive environment, which facilitates disclosure of disability and gives all clients and candidates the opportunity to demonstrate and realise their full potential.
- To provide for the commitment of the staff in their work to develop such an environment by providing disability awareness training for all staff.
- To provide fair and equal treatment of all clients, volunteers, candidates, and staff, while also eliminating discrimination and harassment. Also, to promote positive attitudes and encourage participation.
- To comply with the legislative requirements under the Disability Discrimination Act (1995, 2005), Part III, as a provider of Goods, Facilities and Services, in particular the need to avoid discrimination and to provide reasonable adjustments for disabled candidates, clients, volunteers, and staff.

2.0 Policy Statement

The By Design Group Ltd and associated companies (BDG for future reference in this document) adopt and adhere to the following policy.

This Disability Discrimination Policy refers to all BDG activities.

The BDG will review its Disability Discrimination Policy on an annual basis and check that it and its staff and associates, where appropriate, are adhering to the policy and will undertake to act wherever possible to meet best practices.

The BDG will ensure:

- That the requirements of those staff or volunteers who disclose a disability or learning difficulty are assessed on an individual basis.
- That all discussions and information regarding a disability or specific learning difficulty are treated in a confidential manner and abide by the company's relevant policies.
- In the case of non-standard adjustments for disabled staff, clients, volunteers or candidates, the relevant members of staff will be involved in any discussions regarding adjustments to ensure that the necessary resources are available.
- All staff, clients, volunteers, and candidates at BDG are expected to be responsible for implementing this policy.

3.0 Procedure

There are four main types of disability discrimination and two further types defined as follows:

3.1 Direct discrimination

This is when someone is treated differently and not as well as other people because of disability. For example, an employer does not employ a disabled person just because it does not want disabled people in its workforce.

It breaks down into three different sorts of treating someone 'less favourably' because of:

- their own disability (ordinary direct discrimination)
- a perceived disability (direct discrimination by perception)
- their association with someone who is disabled (direct discrimination by association).

3.2 Indirect discrimination

Can occur where a workplace rule, practice or procedure is applied to all employees, but disadvantages those who are disabled. A disabled employee or job applicant claiming indirect discrimination must show how they have been personally disadvantaged, as well as how the discrimination has or would disadvantage other disabled employees or job candidates.

In some limited circumstances, indirect discrimination may be justified if it is necessary for the business to work. For example, an employer may reject an applicant with a severe back problem where heavy manual lifting is an essential part of the job.

4.0 Harassment

When unwanted conduct related to a person's disability causes a distressing, humiliating or offensive environment for that person.

5.0 Victimisation

Treating someone unfairly because they have made or supported a complaint about disability discrimination.

Also, there are two other types of discrimination regarding disability.

a) Discrimination arising from disability

Where someone is treated 'unfavourably' because of something linked to their disability, but not because of the disability itself. The disabled person claiming this type of discrimination does not have to compare their treatment to how someone else is treated.

b) Failure to make 'reasonable adjustments'

An employer failing to make 'reasonable adjustments' for a disabled job applicant or employee is one of the most common types of disability discrimination. If adjustments are 'reasonable', an employer must make them to ensure its workplace or practices do not disadvantage a disabled job applicant or employee already with the organisation.

Employers should ensure they have rules in place to prevent disability discrimination in:

- recruitment and selection
- determining pay, terms, and conditions
- sickness absence
- training and development
- promotion
- dismissal
- redundancy.

If a workplace feature or practice puts an employee with a disability at a disadvantage, an employer should look to see what 'reasonable adjustments' it can make and meet with them to discuss what can be done to help them. For example, this could be as simple as supplying a special chair or power-assisted piece of equipment. Reasonable adjustments might also include changing some of the employee's duties, but an employer does not have to change functions essential to the role.

For disabled clients or candidates:

- A disabled client or candidate is encouraged to disclose their disability at an early stage, such as application, enrolment or on arrival at a work or office environment.
- The relevant member of staff will be notified when a client or candidate discloses and will make contact with them, giving them the opportunity to discuss any specific support needs. A disabled client or candidate is usually required to provide written evidence of their disability if they are requesting any reasonable adjustments.
- As required and appropriate, any specific adjustments for the accommodation of the relevant person will be implemented accordingly.

For disabled staff:

- The Act places specific responsibilities on employers relating to the recruitment and appointment process. BDG will ensure that a disability should not bar an individual from employment unless it would genuinely prevent them from doing the job and there is nothing that our organization(s) centre can reasonably do to overcome difficulties resulting from any disability.
- The company will consider making reasonable adjustments to working arrangements and premises to prevent or reduce any substantial disadvantage, thus enabling a disabled staff member to perform their job effectively. Disabled individuals are therefore encouraged to
- disclose any disability, either verbally or in writing to either the Office Manager or relevant line Manager, in order for their needs to be assessed. The disabled staff member may be asked to provide supporting documentation regarding their disability from a doctor or specialist if appropriate.

6.0 Reporting of Discrimination

If anyone has any concerns over discrimination, then please report these to your line manager in the first instance. If this isn't possible then please report to the and Designated Safeguarding Officer (Richard Shaw – Director of NCS) or the Managing Director of the By Design Group (Paul Jones).

7.0 Monitoring of the Policy

The BDG Office Manager will collate any feedback received from disabled clients, candidates, volunteers, and staff, in order to monitor the effectiveness of the policy, and will report findings to the Managing Director of BDG.

8.0 Equal Opportunities

The BDG will ensure that its Disability Discrimination Policy operates within the spirit and remit of the By Design Group Equal Opportunities Policy.

9.0 Disability Confident Employer

By Design Group and Learn by Design are also a Disability Confident accredited employer.