

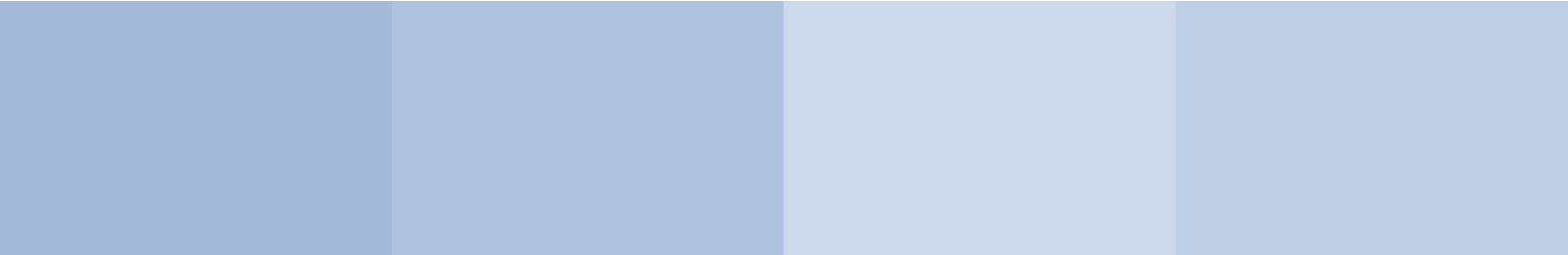


Disability and the Police – The Complete Works

PART 1

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INTRODUCTION

This document is intended as guidance to the Police Service on the implications of the extension to police officers (including applicants to join the service, special constables and cadets) of the employment provisions of the Disability Discrimination Act 1995 (“the DDA”). This extension will have effect from 1 October 2004. The guidance is aimed primarily at managers of police officers, occupational health managers and human resource managers. But all staff have a responsibility for ensuring that disabled staff are not discriminated against. A short guidance leaflet has already been produced by the Home Office and is available for all staff. Annexes to this guidance cover the legislation (Annex 1) and sources of advice (Annex 2).

2. This document outlines the main issues forces should be addressing in preparation for the change in legislation in October 2004. It is not intended to be definitive advice to cover all situations that forces will encounter. Forces should not treat the guidance contained in the

document as determinative of how they should act in a particular case. Individual forces should take their own advice – including legal advice – in individual cases. The Guidance provides examples of the type of action forces might consider when making reasonable adjustments to posts in respect of disabled officers and on what might constitute less favourable treatment. It also provides website links for the Disability Rights Commission and the Employers’ Forum on Disability where further information is available.

3. Legislation extending the employment provisions of the DDA to police officers (the Disability Discrimination Act 1995 (Amendment) Regulations 2003) will come into force on 1 October 2004. These Regulations insert a new section – section 64A- into the DDA. The relevant text of the amendment regulations is attached at Annex 1.

4. Detailed guidance will be published later in the year covering:

- Recruitment, selection and pensions
- Occupational health
- Training, promotion and appraisal

5. The production of this guidance has been overseen by a steering group comprising ACPO, the Police Federation of England and Wales, the Superintendents' Association, the Home Office, other Government Departments, HMIC, the Disability Rights Commission, the Employers' Forum on Disability, and the Association of Police Authorities.

CODES OF PRACTICE

6. The Disability Rights Commission will publish its Code of Practice on Employment and Occupation in August 2004. The Code of Practice has status in law and will be referred to by Employment Tribunals. Police managers should familiarise themselves with the Code, which will provide guidance on preventing discrimination by employers against both applicants and employees. Managers will wish to refer to the Code for more detailed guidance on



the DDA, particularly in relation to chapters on discrimination and harassment, the duty to make reasonable adjustments, discrimination in recruitment and discrimination against employees. The Code will also contain guidance on how discrimination can be avoided, including the need to avoid making assumptions, finding out about disabled people's requirements, seeking expert advice, and implementing anti-discriminatory policies and practices.

CONTACTS

7. Annex 2 provides a detailed list of organisations able to provide further advice and guidance. Enquiries of a general nature on disability issues should be made to the Police Disability Network Co-ordinator at the Employers' Forum on Disability, or through the Disability Rights Commission. Details of both are in Annex 2.

IMPACT OF THE DDA

8. Disabled people make up 15% of the population. This equates to 8.6 million adults with a disability. 5.2 million of them are of working age.



Chief Officers

9. Under the DDA, a Chief Officer will be liable for acts done by him/her to a police officer or police applicant and will be vicariously liable for acts of discrimination committed by officers under him/her. Chief Officers will therefore need to ensure that all officers in their charge are aware of the implications of the DDA and to ensure that their officers do not act in a discriminatory way.

Police Authorities

10. A police authority will be liable for acts done by it to a police officer. Authorities will therefore need to ensure that their policies and practices are not discriminatory. The requirement not to discriminate under the DDA as employers of police staff will now apply to the whole service including all constables and special constables, whatever their rank/grade. As part of their strategic oversight and monitoring role police authorities will wish to question chief officers about disability issues and the actions the force is taking to ensure compliance with the DDA.

Human Resource Managers/Directors

11. Equal Opportunity policies should cover disability issues, and where existing policies do not they should be amended. Employers who follow a good policy, and monitor its effectiveness, are likely to have that counted in their favour by a tribunal if a complaint is made.

12. The Service will have to ensure that all internal policies and

procedures, such as fairness at work, disciplinary and appraisal procedures do not, in themselves, discriminate against disabled officers. Reasonable adjustments may have to be made to enable disabled officers to use the procedures effectively.

Line managers

13. It will be the responsibility of line managers in the first instance to ensure that a disabled officer working for them is not the subject of discrimination. The line manager may also be the first person to become aware that an officer has a disability. It is imperative, therefore, that managers understand the DDA and how it impacts on their responsibilities to staff. Managers need to be confident that they know how to make adjustments and where to go for further information.

14. The actions and decisions of managers will help ensure that a person with a disability is not treated unfairly, less favourably, or discriminated against. Managers need to establish the specific effects of a person's impairment upon their ability to do their job before considering what, if any, adjustments

should be made, taking into account the available advice and guidance. Managers should consult the disabled officer, and if appropriate the safety representative and medical experts. They only need as much information as allows them to ensure that adjustments meet their purpose. Forces should nominate a contact within the force for such advice and guidance. Managers should also communicate to their staff any policy relating to disabled staff that is in place, either force-wide or local.

All officers

15. All police officers should be aware that it is unlawful to discriminate against disabled people. They should be aware of how to deal with disabled colleagues and job applicants. All officers must ensure that neither their actions nor their behaviour are discriminatory to disabled colleagues. Officers must be sensitive to any adjustments that may be required to allow colleagues to continue in their role even where disabilities are not immediately apparent. Police officers should consider their attitudes towards colleagues with disabilities and the way that they take account of their requirements.

DISABILITY LEGISLATION AND THE POLICE SERVICE

General

16. The DDA makes it unlawful, amongst other things, to discriminate against disabled people in employment, in the provision of goods and services and the letting of premises and educational provision.

17. The aim of the DDA is to remove barriers and give disabled people the opportunity to compete for jobs, to exercise their skills and abilities in employment and to gain access to goods and services and education on a fair and equal basis.

18. The DDA should help disabled people to gain equal access to:

- the opportunities, challenges and rewards of employment;
- the same range of goods and services as any other citizen.

19. The Part II employment provisions of the DDA have applied to police staff since December 1996.

20. The police are also service providers and are subject to the

goods, facilities and services provisions of Part III of the DDA.

Employment-specific

21. From 1 October 2004, as well as extending the DDA to cover police officers, there will be general changes to the employment provisions of the DDA as a result of the implementation of the EU Framework Directive. The basic principle of less favourable treatment for a reason related to disability is preserved. However, direct discrimination on the grounds of an individual's disability becomes a form of discrimination which is never justifiable. Harassment becomes a separate form of discrimination. Further detail will be contained in the Disability Rights Commission's Code of Practice on Employment and Occupation: "What is discrimination and harassment?"

The following briefly describes the position from 1 October 2004.

22. The employment provisions of the DDA make it unlawful for an employer to:



- treat a disabled applicant or employee less favourably for a reason related to their disability;
- directly discriminate against a disabled applicant or employee on grounds of disability;
- harass or permit the harassment of a disabled employee;
- victimise or permit the victimisation of a disabled employee.

23. The DDA allows for positive discrimination. People who are not disabled cannot claim discrimination

under the DDA (except in certain instances whereby non-disabled people may be victimised for reasons relating to their support for a disabled person). Employers also have a duty under the DDA to make reasonable adjustments where the working environment or practices place a disabled applicant or employee at a substantial disadvantage because of their disability.

24. The DDA also contains provisions on victimisation, which it makes unlawful. Unlike the other forms of discrimination defined in the DDA, victimisation may be claimed by those who are not disabled as well as by those who are. Further information on the concept of victimisation will be contained in the Disability Rights Commission's Codes of Practice.

WHAT IS A DISABILITY?

25. A disabled person is defined under the DDA as someone with a "physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities".



26. An aid to understanding is meant by normal day to day activities is given in the Disability Rights Commission's "Guidance on matters to be taken into account in determining questions relating to the definition of disability" (See Annex 2 for contact information). It may be interpreted as something that is carried out by most people on a fairly regular basis. Activities that are necessary for carrying out a particular job or a particular type of work are not normal day-to-day activities.

27. The Disability Rights Commission's Code will set out information on the definition of disability to cover the large majority of cases. The following assistance is given in interpreting expressions used:

- **Physical impairments** are impairments affecting the senses such as sight and hearing, a weakening of part of the body through illness, by accident or congenitally, such as paralysis of a leg or heart disease.
- **Mental impairments** are diagnosed, clinically well recognised mental illnesses (a clinically well recognised mental illness is one that is recognised by a respected body of medical opinion such as the International Classification of Medical Diseases).
- **Substantial adverse effect** means that the effect of the physical or mental impairment on the ability to carry out normal day-to-day activities must be more than minor or trivial. It does not have to be a severe effect. The person must be affected in at least one of the respects listed in the DDA - mobility, manual dexterity, physical co-ordination, continence, ability to lift, carry or otherwise move everyday objects, speech, hearing or eyesight, memory or ability to concentrate, learn or understand, or perception of risk or physical danger.

- **Long-term** means that the effect has to have lasted, or be likely to last, overall for at least 12 months or for the rest of the life of the person affected. A person with a life expectancy of less than 12 months would be covered if the effect is likely to last until that person dies.

WHAT IMPAIRMENTS ARE COVERED BY THE DDA?

28. There is no definitive list prescribed in the DDA and each case must be considered individually. But the definition is 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. (People with severe disfigurements do not need to demonstrate that the impairment has a substantial adverse effect on their ability to carry out normal day-to-day activities);
- learning disabilities;
- progressive conditions - these are conditions that are likely to change and develop over time. Where a person has a progressive condition, they will be covered by the DDA from the moment that the condition leads to an impairment that has some effect, however slight on the ability to carry out normal day-to-day activities. Examples given in the DDA are cancer, multiple sclerosis, muscular dystrophy and HIV infection;
- recurring conditions, for example epilepsy or bi-polar affective disorder.

CONDITIONS NOT COVERED

29. The following conditions specifically do not count as impairments:

- addiction to or dependency on alcohol, nicotine or any other substance (unless resulting from the substance being medically prescribed);
- seasonal allergic reactions (for example hayfever) unless it aggravates the effect of another condition;
- tendency to set fires, steal or physically or sexually abuse other persons, and;
- exhibitionism and voyeurism.

30. Severe disfigurements consisting of tattoos, non-medical body piercing or attachments to such piercing, or which may otherwise be regarded as self-inflicted, are not treated as having substantial adverse effects.

31. Whilst addiction to or dependency on substances are not covered, conditions relating to or stemming from these (such as clinical depression, or certain types

of liver disease) may mean that the person does meet the definition of disability.

WHAT HAPPENS IF MEDICATION OR OTHER TREATMENT REDUCES OR REMOVES THE EFFECTS?

32. In general, the effects that matter are those which would be present if there was no medication or treatment taking place (with the exception of spectacles/contact lenses). A person with insulin dependant diabetes, therefore, meets the definition of disability because without the insulin there would be a substantial adverse effect on normal day-to-day activities.

WHAT IF THE PERSON HAS RECOVERED FROM A DISABILITY?

33. People who have had a disability in the past that had a substantial adverse effect on their ability to carry out normal day-to-day activities for 12 months are protected from discrimination now even if they have since recovered. This is the case even if the period of disability was before the DDA came into force.

CONFIDENTIALITY

34. The previous Code of Practice (issued by the Secretary of State for Education and Employment under section 53 (1) (a) of the DDA) says that the DDA does not prevent a disabled person keeping a disability confidential from an employer. This is likely to mean that unless the employer could reasonably be expected to know about the person's disability anyway, the employer will not be under a duty to make a reasonable adjustment. If a person with a disability expects an employer to make a reasonable adjustment, they will need to provide the employer - or as the case may be, someone acting on the employer's behalf - with sufficient information to make the adjustment.

35. That Code of Practice also states that if an employer's agent or employee (for example an occupational health officer, a personnel officer or line manager) knows in that capacity of an employee's disability, then the employer cannot claim that he/she does not know of that person's disability, and that he/she is therefore excluded from the obligation to make a reasonable adjustment.



36. This will be the case even if the disabled person specifically asked for such information to be kept confidential. Employers will therefore need to ensure that where information about disabled people may come through different channels, there is a means - suitably confidential - for bringing the information together, so the employer's duties under the DDA are fulfilled. Forces must be particularly aware of this when, for example, using outsourced occupational health practitioners.

37. In practical terms this means that any manager or occupational health officer, including an outsourced occupational health officer, who learns about a disability or could reasonably be expected to know that an officer is disabled



needs to discuss it with that officer. It may be in some cases that certain other colleagues do need to know about the disability, its effects, symptoms, or the impact on day-to-day activities. In this case the officer's consent should be sought after explaining why it is necessary for others to be told about the disability. In other cases colleagues may only need to know that reasonable adjustments will be made but not the precise reasons why.

MUST SOMEONE SEEKING AN ADJUSTMENT PROVIDE PROOF OF THEIR DISABILITY?

38. If an officer asks for an adjustment to be made because of an impairment that is not obvious they can be asked to provide information demonstrating how the working environment or practices are

having a substantial adverse effect on them because of this. In some cases it may be good practice to make an adjustment where it is reasonable to do so if it will help an officer to do their job more effectively even if that officer may not appear to meet the definition of disability. This may prevent an officer from becoming disabled, for example if a special chair or keyboard is provided for an officer complaining of back or arm pain. Although such action is not required under the DDA, it would be good practice in such circumstances for each case to be investigated and considered on its merits.

TYPES OF DISCRIMINATION

39. From October 2004 it will be unlawful for an employer to:

- treat a disabled person less favourably;
- harass a disabled person (definitions will be provided in Disability Rights Commission's Code of Practice);
- victimise any person for making or supporting a claim of discrimination;

- fail to make reasonable adjustments;
- publish discriminatory advertisements;
- instruct or pressure to discriminate.

It remains unlawful to discriminate even when the employment relationship has ended.

Less favourable treatment

40. Treating a disabled person less favourably than others can result in two forms of unlawful discrimination

- i. direct discrimination on the grounds of disability.

This cannot be justified.

- ii. less favourable treatment for a reason related to the disability

This can be justified.

41. Direct discrimination occurs where a disabled person is:

- treated less favourably than others without their disability;
- on the ground of their disability, and;
- the relevant circumstances, including the abilities of the disabled person and the

comparator (real or hypothetical), are not materially different.

42. An example of direct discrimination would be a blanket ban on certain disabilities with no assessment of an individual's capabilities.

43. An example of less favourable treatment for a reason relating to disability would be the exclusion from a selection process of a disabled person with a higher than usual level of sick leave, all or most of which stemmed directly from their disability, if their exclusion could not be justified.

REASONABLE ADJUSTMENTS

What are reasonable adjustments?

44. Reasonable adjustments are a practical way to remove certain disadvantages faced by disabled people and help them to contribute fully to the workforce. The DDA says that the duty to make reasonable adjustments applies where any physical feature of the employer's premises, or any practices, policies or criteria made by or on behalf of the employer, place a disabled person at a substantial disadvantage compared to a person without disabilities.

45. Employers will have discriminated if, in those circumstances, they fail to provide reasonable adjustment(s). 'Reasonable adjustment' covers the whole range of employment, including:

- recruitment and selection;
- training;
- appraisals and promotion;
- career development;
- transfer;
- retention, and;
- what the DDA calls 'any other benefit'.

Some examples of what might constitute a reasonable adjustment

46. The DDA gives some examples of "steps" which employers might take given the circumstances. A combination of these steps or other steps may have to sometimes be taken.

47. The steps in the DDA, together with some suggestions as to how these might apply in the particular

context of the police service, are:

- Making adjustments to the work environment.

For example altering the height of a computer workstation so that an officer with a neck injury can work without aggravating the injury.

- Swapping some of the disabled officer's duties with other people.
- Transferring the officer to fulfil a different policing role.

For example, a constable who is unable to undertake patrol duties could be reallocated to an intelligence-gathering role or any other role where he or she is not required to undertake patrol but which nevertheless requires policing skills. However, redeployment should only take place when there are no more reasonable adjustments that can be made to an officer's existing role. Every effort should be made to retain the officer in that role.

- Altering the officer's working hours.

For example, an officer who has arthritis, the effects of which are worse in the mornings, may be

allocated shifts that start later in the day.

- Assigning the officer to a different place of work.

This may include transfer to an existing policing vacancy, depending on where the vacancy is based. It could also include moving the officer to a ground floor office, or a different building depending on the nature of their disability. It could also mean moving to a location closer to home. For example, an officer with Crohn's disease may find travelling for long periods difficult as they may need ready access to toilets.

- Allowing the officer to be absent during working hours for rehabilitation, assessment or treatment.

For example, an officer who is undertaking a course of treatment for cancer should be allowed to attend the hospital in duty time. It may also be appropriate to adjust hours of duty so that they do not always coincide with appointments.



- Giving the officer, or arranging for them to be given, training.

This may well be linked to one of the other reasonable adjustments listed here. For example, the officer who has been allocated to an existing vacancy may require training to help him or her fulfil that role. Alternatively an officer who has been provided with a piece of equipment, for example voice recognition software, may also need to be trained in how to use it to the best of their ability. Refresher training may be necessary if the officer returns to work after a long absence.

- Acquiring or modifying equipment.

For example, a patrol officer who has dyslexia may benefit from a personal laptop with voice-activated software or a Dictaphone to help him or her record incidents and complete his or her notes

- Modifying instructions or reference manuals.

For example, an officer with dyslexia may require his/her daily taskings to be repeated slowly in order that he or she can write them out, or may require them to be provided in a written format by the supervisor.

- Providing supervision.

For example, an officer who returns to work following a period of absence due to a disability such as clinical depression may need additional guidance and supervision especially in the short term to help them recover their skills and confidence.

48. This list is not intended to be comprehensive or determinative of how a force should act in any of the situations outlined above. There will be situations where adjustments can be made which do not fall under any of the above headings. The important point is to consider the requirements of the individual (which are best identified by consulting the officer) with the needs of the service. There is a need for police forces to be creative and flexible in order to maximise the abilities of staff to continue delivering a quality service.



WHEN IS IT "REASONABLE" FOR A FORCE TO MAKE AN ADJUSTMENT?

49. The DDA lists several factors that may have a particular bearing on whether it would be reasonable for the employer to make a particular adjustment. The factors in the DDA are:

- the effectiveness of the step in preventing the disadvantage;
- the practicability of the step;
- the financial and other costs of 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.

50. It may be useful for the force to first consider the practicability and effectiveness of the adjustment(s) being considered and then look at the financial considerations and resources available.

51. The overall decision about reasonable adjustments to allow an officer to continue to do a job or to recruit an applicant with a disability is a management decision not a medical one, even if managers are informed by medical information. Managers should bear in mind the potential availability of funding through Access to Work (see Annex 2).

PLAN AHEAD

52. Although the DDA does not require an employer to make changes in anticipation of ever having a disabled applicant or employee, when planning for change (for example when refurbishing offices), it could be cost effective to consider the needs of a range of possible disabilities that employees, visitors or applicants may have, or may acquire in the future.

EFFECTS OF OTHER LEGISLATION ON THE NEED TO MAKE REASONABLE ADJUSTMENTS

53. An employer is not required to make an adjustment under the DDA that would result in a breach of statutory obligations. For example, if a particular adjustment would breach health and safety or fire legislation, then an employer is not required to make it. But this decision must be clearly based on an individual risk assessment and other legislation (such as the Health and Safety at Work Act) should not simply be used as a reason not to make the adjustment. The employer would still have to consider whether they were required to make any other adjustment that would not breach any legislation.

CAN AN EMPLOYER JUSTIFY NOT MAKING AN ADJUSTMENT?

54. From October 2004 the defence of justification for a failure to make reasonable adjustments will be removed. If an adjustment is reasonable and an employer fails to make the adjustment that is discrimination. If the adjustment is not reasonable then the employer would not be acting in a

discriminatory way if the adjustment were not made.

HOW THE DDA WILL DIRECTLY AFFECT THE POLICE SERVICE

55. There are a number of areas within the police service that will be directly affected by the change in the DDA including recruitment criteria, assessment procedures, training, promotion, and pensions for new recruits.

56. Guidance will be issued on topics relating to occupational health and safety. The guidance will include: advice on the issues to be considered when conducting risk assessments; what should reasonably be expected of an officer classed as disabled under the terms of the DDA, and; what might constitute a reasonable adjustment to assist a disabled colleague. The guidance will also seek to assist managers to find a balance between the possibility of officers being retired on medical grounds where necessary and the need to facilitate the return to work of all staff wherever practicable.

57. The guidance will include advice on health and safety issues such as the use of CS spray and personal protective equipment, environmental issues, and issues connected with custody suites.

58. Guidance will also be issued on the application of the DDA in relation to recruitment and selection. The guidance will include advice on:

- advertising practices;
- handling applications from people with disabilities;
- the assessment of disabled candidates, and;
- application of the revised medical standards for regular officers.

59. The guidance will also explain the new health check procedure for applicants and pension rights for new recruits to the regular service.

60. A recent ACPO survey of forces indicates that while some work has been undertaken in individual forces to respond to the DDA, there needs to be a clearer understanding of the needs of the service at all levels and a national training and development

strategy to meet those needs. This strategy must also have regard to the wider diversity issues and disability will be integrated in the national Race and Diversity Training Strategy currently under development. This strategy will embrace both 'employment' and 'service delivery' issues. The desired goal is for the service to become a 'disability-confident' organisation.

62. A useful publication 'Promoting Change' published by The Employers' Forum on Disability is available on www.employers-forum.co.uk.

ANNEX 1 DISABILITY DISCRIMINATION ACT 1995 (AMENDMENT) REGULATIONS 2003

Regulation 25 - Section 64A of the Disability Discrimination Act 1995 Part II states:

(1) For the purposes of Part 2, the holding of the office of constable shall be treated as employment -

(a) by the chief officer of police as respects any act done by him in relation to a constable or that office;

(b) by the police authority as respects any act done by them in relation to a constable or that office.

(2) For the purposes of section 58 -

(a) the holding of the office of constable shall be treated as employment by the chief officer of police (and as not being employment by any other person); and

(b) anything done by a person holding such an office in the performance, or purported performance, of his functions shall be treated as done in the course of that employment.

(3) There shall be paid out of the police fund -

(a) any compensation, costs or expenses awarded against a chief officer of police in any proceedings brought against him under Part 2, and any costs or expenses incurred by him in any such proceedings so far as not recovered by him in the proceedings; and

(b) any sum required by a chief officer of police for the settlement of any claim made against him under Part 2 if the settlement is approved by the police authority.

(4) Any proceedings under Part 2 which, by virtue of subsection (1), would lie against a chief officer of police shall be brought against -

(a) the chief officer of police for the time being, or

(b) in the case of a vacancy in that office, against the person for the time being performing the functions of that office;

and references in subsection (3) to the chief officer of police shall be construed accordingly.

(5) A police authority may, in such cases and to such extent as appear to it to be appropriate, pay out of the police fund -

(a) any compensation, costs or expenses awarded in proceedings under Part 2 of this Act against a person under the direction and control of the chief officer of police;

(b) any costs or expenses incurred and not recovered by such a person in such proceedings; and

(c) any sum required in connection with the settlement of a claim that has or might have given rise to such proceedings.

(6) Subsections (1) and (2) apply to a police cadet and appointment as a police cadet as they apply to a constable and the office of constable.

(7) Subject to subsection (8), in this section -

"chief officer of police" -

(a) in relation to a person appointed, or an appointment falling to be made, under a specified Act, has the same meaning as in the Police Act 1996 [19]

(b) in relation to a person appointed, or an appointment falling to be made, under section 9(1)(b) or 55(1)(b) of the Police Act 1997[20] (police members of the National Criminal Intelligence Service and the National Crime Squad) means the Director General of the National Criminal Intelligence Service or, as the case may be, the Director General of the National Crime Squad,

(c) in relation to a person appointed, or an appointment falling to be made, under the Police (Scotland) Act 1967[21] means the chief constable of the relevant police force,

(d) in relation to any other person or appointment means the officer or other person who has the direction and control of the body of constables or cadets in question;

"police authority" -

(a) in relation to a person appointed, or an appointment falling to be made, under a specified Act, has the same meaning as in the Police Act 1996,

(b) in relation to a person appointed, or an appointment falling to be made, under section 9(1)(b) or 55(1)(b) of the Police Act 1997,

means the Service Authority for the National Criminal Intelligence Service or, as the case may be, the Service Authority for the National Crime Squad,

(c) in relation to a person appointed, or an appointment falling to be made, under the Police (Scotland) Act 1967, has the meaning given in that Act,

(d) in relation to any other person or appointment, means the authority by whom the person in question is or on appointment would be paid;

"police cadet" means any person appointed to undergo training with a view to becoming a constable;

"police fund" -

(a) in relation to a chief officer of police within paragraph (a) of the above definition of that term, has the same meaning as in the Police Act 1996,

(b) in relation to a chief officer of police within paragraph (b) of that definition, means the service fund established under section 16 or (as the case may be) section 61 of the Police Act 1997, and

(c) in any other case means money provided by the police authority;

"specified Act" means the Metropolitan Police Act 1829[22], the City of London Police Act 1839[23] or the Police Act 1996.

(8) In relation to a constable of a force who is not under the direction and control of the chief officer of police for that force, references in this section to the chief officer of police are references to the chief officer of the force under whose direction and control he is, and references in this section to the police authority are references to the relevant police authority

ANNEX 2 ACCESS TO WORK AND SOURCES OF ADVICE

Financial help through "Access to Work"

Access to Work provides advice and practical support to disabled people and their employers to help overcome work related obstacles resulting from their disability. As well as giving advice and information to

disabled people and employers, Access to Work pays a grant, through Jobcentre Plus, towards any costs which result from disability.

Eligibility for help through Access to Work

A person could be eligible for help, if the disability or health condition is going to affect the type of work that the person does, and is going to last for 12 months or longer, if the person is currently employed, it applies to any paid job, part-time or full-time, permanent or temporary.

Unemployed or employed disabled people needing help with a communicator at a job interview can also get help through Access to Work.

For the purposes of Access to Work, disabled people are considered to be 'unemployed' if they:

- Are not in paid employment when they apply;
- Have been working for their employer for less than 6 weeks when they apply.

Disabled people changing from one employer to another will be treated

as unemployed even if there is no break between jobs.

Types of help that can be provided through Access to Work

Access to work can help in a number of ways, for example it can help pay for:

- **Special or additional equipment:** to suit work needs arising from disability, such as software/hardware to make a computer accessible, specialised seating or desk etc.
- **Support workers:** where practical help is needed because of disability, either at work or getting to work. A support worker may help with such things as taking notes at meetings and filing. The support worker is there to help the disabled person only and should never be seen as just an additional member of staff for the employer.
- **Travel to work:** help towards the cost of getting to work where a person with a disability incurs extra travel costs in travelling to and from work because of their disability. Access to Work may even pay for vehicle adaptations

so a disabled person can use their own car for work if that is the most cost-effective solution.

- **Communication support at interview:** help with the cost of an interpreter/communicator, where there might be communication difficulties.
- **A reader:** at work for someone who has a visual impairment.
- **Adaptation to premises or to existing equipment:** such as installing a small passenger lift or widening a doorway, but this does not cover structural changes to a building.
- **Miscellaneous items:** 'one-off' items not covered above.

Access to Work can only help with extra costs that happen because of a person's impairment, it cannot help with equipment that should be provided by the employer anyway i.e. a word processor for someone who works in an office.

How to apply for Access to Work

Every job centre will have a disability employment advisor (DEA) and they

can advise you about many aspects of employing a disabled person, including getting access to work funding.

You can contact them by either looking in the telephone book under 'Jobcentre' or Jobcentre Plus, or under the JobCentre plus website, or contact the Access to Work Business Centre who will tell you more about Access to Work and how it could help your place of work.

Assessing particular needs

If it is decided to apply for help through Access to Work, you need to contact the Disability Employment Advisor at your local Jobcentre or your local Disability Services Team, you will then be allocated to an Access to Work Advisor.

The Access to Work Advisor will speak to both the employee and employer to decide the best way of supporting the employee and what help or equipment he/she may need. This can be done over the telephone, but sometimes a Specialist Technical Advisor will need to visit and make an assessment of exactly what is needed.

Each individual Access to Work application is looked at separately and the help given is tailored specifically to the applicant and their job. No two cases are ever exactly the same.

Once the right solution has been identified, the Access to Work Advisor liaises with the disabled person and the place of work on its provision.

It is usually the responsibility of the employer to buy the equipment and then to claim the agreed amounts back from Access to Work. Equipment provided in this way becomes the property of the employer.

How long does it take to get the help needed?

Access to Work aim to get the help needed to you in the shortest possible time. If it is likely to take some time, the Access to Work Advisor will explore temporary alternatives with you, while the permanent solution is worked out.

How much financial help does the Access to Work grant provide?

Access to Work pays a percentage of the total cost of approved support depending on how long the disabled person has been in employment and what support is needed.

Access to Work pays up to 100% if the approved costs for:-

- Unemployed people starting a job;
- All self-employed people;
- People working for an employer who have been in the job for less than 6 weeks

Whatever the employment status of the applicant, Access to Work pays up to 100% of the approved costs of help with:

- Support workers;
- Fares to work; and
- Communicator support at interview

For people working for an employer who have been in the job for 6 weeks or more and need special equipment or adaptations to

premises, Access to Work pays a proportion of the costs of support, as follows:

Approved Cost	Maximum Access to Work Contribution
Less than £300	Nil
Between £300 and £10,000	80% of cost over £300
Over £10,000	80% of the cost between £300 and £10,000 and 100% of cost over £10,000

All help is for a maximum period of 3 years after which the Access to Work Business Centre will review the support and the circumstances. Access to Work may provide help for a further period if eligibility for help continues under the rules that then apply.

If you are unhappy with the support received or turned down?

If you are turned down or unhappy with the support you receive, you can ask the Access to Work Advisor for that decision to be reviewed.

Some examples of adjustments that have already been made in various police forces are:

- Unemployed Accessible toilets and ramps for wheelchair users.
- Unemployed Contrast colours for door handles and automatic doors to make it easier for people with poor sight to get in and out of rooms.

SOURCES OF ADVICE AND INFORMATION

Sources of general advice and support on disabilities

This is by no means a comprehensive list of organisations, but may be a helpful starting point when trying to find information and help regarding a disability or reasonable adjustment.

Employers' Forum on Disability

The Employers' Forum on Disability is the employers' organisation focused on the issue of disability in the workplace. It works closely with the Government and other stakeholders, sharing best practice to make it easier to employ disabled

staff and serve disabled customers. The Forum can advise on a range of disability issues from employment and law to goods and services.

Tel: 020 7403 3020

Mini-com 020 7403 0040

Fax: 020 7403 0404

Website:

www.employers-forum.co.uk

AbilityNet

Provides free information and advice on an aspect of the use of a computer by anyone with a disability - training and technical support.

Tel: 01926 312 847

Website: www.abilitynet.co.uk

Department of Work and Pensions Disability Unit

**Department for Work and Pensions
Level 6, Adelphi Building**

John Adams Street

London WC2N 6HE

Tel: 0800 88 22 00

Text Phone: 0800 243 355

Website: www.disability.gov.uk

Disability Discrimination Helpline

The Disability Discrimination help line provides a range of information and advice about the Act. A range of leaflets is also available.

DDA Helpline

Freepost MID02164

Stratford Upon Avon CV37 3BR

Tel: 08457 622 633

Website: www.disability.gov.uk

The Disability Rights Commission (DRC)

The DRC is an independent body, established by Act of Parliament to eliminate discrimination against disabled people and promote equality of opportunity.

It provides an advice and information service for disabled people, employers and service providers.

You can contact the DRC Helpline by voice, text, fax, post or e-mail. You can speak to an operator at any time between 08:00 and 20:00, Monday to Friday.

Tel: 08457 622 633

Textphone: 08457 622 644

Fax: 08457 778 878

E-mail: enquiry@drc-gb.org

Website: www.drc-gb.org

DRC publications are available in a range of formats; please contact the Helpline for further information.

The DRC website provides up-to-date information, advice and links to other organisations: www.drc-gb.org

The DRC welcomes feedback. If you have any comments please write, free of charge, to DRC, Freepost, MID 02164, Stratford upon Avon CV37 9BR.

Alternatively the helpline would be happy to take your comments verbally, by fax, textphone or e-mail.

RADAR - Royal Association for Disability and Rehabilitation

12 City Forum
250 City Road
London EC1V 8AF
Tel: 020 7250 3222
E-mail: radar@radar.org.uk

Organisations offering help on building access

Employers Forum on Disability - they will provide you with an up to date list of organisations in your area.

Nutmeg House
60 Gainsford Street
London SE1 2NY
Tel: 020 7403 3020
Mini-com: 020 7403 0040
Fax: 020 7403 0404
Website:
www.employers-forum.co.uk

Centre of Accessible Environments

Nutmeg House
60 Gainsford Street
London SE1 2NY
Tel: 020 7357 8182

Disability training organisations

Employers Forum on Disability - they will provide you with an up to date list of organisations in your area.

Nutmeg House
60 Gainsford Street
London SE1 2NY
Tel: 020 7403 3020
Mini-com: 020 7403 0040
Fax: 020 7403 0404
Website:
www.employers-forum.co.uk

Organisations offering advice on specific disabilities

Arthritis Care

18 Stephenson Way
London NW1 2HD
Tel: 020 7380 6500
Helpline: 020 7380 6555
Website: www.arthritiscare.org.uk

Arthritis Research Campaign

Copeman House

St Mary's Court

St Mary's Gate

Chesterfield

Derbyshire

S41 7TD

Tel: 0870 850 5000

E-mail: Info@arc.org.uk

Asthma - National Asthma Campaign

Providence House

Providence Place

London N1 0NT

Tel: 0845 701 0203

Website: www.asthma.org.uk

National Autistic Society

Head Office

The National Autistic Society

393 City Road

London EC1V 1NG

Tel: 020 7833 2299

E-mail: nas@nas.org.uk

Backcare

16 Elmtree Road

Teddington

Middlesex TW11 8ST

Tel: 020 8977 5474

Website: www.backpain.org.uk

British Heart Foundation

14 Fitzgerald Street

London W1H 6DH

Tel: 020 7935 0185

E-mail: internet@bhf.org.uk

British Lung Foundation

78 Hatton Garden

London EC1N 8LD

Tel: 020 7831 5831

E-mail:

info@britishlungfoundation.com

Imperial Cancer

Cancer Research UK

National Office

P.O. Box 123

Lincoln's Inn Fields

London WC2A 3PX

Tel: 020 7242 0200

Website: www.imperialcancer.co.uk

SCOPE - Cerebral Palsy Organisation

Scope

6 Market Road

London N7 9PW

Tel: 0808 800 3333

E-mail: cphelpline@scope.org.uk

RNID - Royal National Institute for Deaf People
19-23 Featherstone Street
London EC1Y 8SL
Tel: 0808 808 0123
Textphone: 0808 808 9000
E-mail: informationline@rnid.org.uk

SENSE - Organisation for Deafblindness
Sense
Head Office
11-13 Clifton Terrace
Finsbury Park
London N4 35R
Tel: 020 7272 7774
Textphone: 020 7272 9648
E-mail: enquiries@sense.org.uk

Diabetes UK
Central Office
10 Parkway
London NW1 7AA
Tel: 020 7424 1000
E-mail: info@diabetes.org.uk

DISS - Disability Information Service
Harrowlands Centre
Harrowlands Park
Dorking
Surrey RH4 2RA
Tel: 01306 875 156
E-mail: info@diss.org.uk

DI - Dyslexia Institute
Head Office
Park House
Wick Road
Egham
Surrey TW20 0HH
Tel: 01784 222 300
E-mail: Info@dyslexia-inst.org.uk

Speakability - Action for Dysphasic Adults
Speakability
Royal Street
London SE1 7LL
Tel: 0808 808 9572
Website: www.speakability.org.uk

EPILEPSY - NSE - The National Society for Epilepsy
Chesham Lane
Chalfont St. Peter
Bucks SL9 0RN
Tel: 01494 601 300
Website: www.epilepsynse.org.uk

ME - Action for ME
PO Box 1302
Wells
Somerset BA5 1YE
Tel: 01749 670 799
Website: www.afme.org.uk

**MENCAP - Royal Society for
Mentally Handicapped Children
and Adults**

Learning Disability Helpline
123 Golden Lane
London EC1Y
Tel: 0808 808 1111
E-mail: help@mencap.org.uk

**RETHINK - Severe Mental Illness
Association**

Rethink Head Office
30 Tabernacle Street
London EC2A 4DD
Tel: 0845 456 0455
E-mail: info@rethink.org

**Muscular Dystrophy Group
Muscular Dystrophy Campaign**

7-11 Prescott Place
London SW4 6BS
Tel: 020 7720 8055
E-mail:
info@muscular-dystrophy.org

**RSIA - Repetitive Strain Injury
Association**

380 - 384 Harrow Road
London W9 2HU
Tel: 020 7266 2000
Website: www.rsi.org.uk

**RADAR - Royal Association for
Disability and Rehabilitation**

12 City Forum
250 City Road
London EC1V 8AF
Tel: 020 7250 3222
E-mail: radar@radar.org.uk

Sickle Cell Society

Tel: 020 8961 7795
E-mail:
sicklecellsoc@btinternet.com

**Association for Spina Bifida &
Hydrocephalus**

42 Park Road
Peterborough PE1 2UQ
Tel; 01733 555 988
Website: www.asbah.org

Spinal Injuries Association

76 St.. James's Lane
Muswell Hill
London N10 3DF
Tel: 0800 980 0501
E-mail: sia@spinal.co.uk

