

RECRUITING AND APPOINTING PEOPLE WITH DISABILITIES

Introduction

1. To provide high quality public services to the people of Northern Ireland, the Northern Ireland Civil Service (NICS) needs to recruit and develop the best available people. The NICS recognises the importance of equality, diversity and inclusion and aims to have a workforce that reflects the population that it serves. The NICS is committed to promoting equality of opportunity, providing an inclusive workplace and eliminating any unfair treatment or unlawful discrimination.
2. The aim of this policy is to ensure that the NICS' recruitment and selection procedures provide equality of opportunity to people with disabilities so that they are encouraged to apply and compete for employment opportunities. Reasonable steps must be taken to ensure people with disabilities are not disadvantaged in comparison to people who are not disabled, with practices and procedures that are sufficiently flexible to remove obstacles to participation and take appropriate account of the needs of individuals.
3. This policy does not seek to explain how every situation will be approached, but is intended as a general statement of policy and;
 - Confirms the NICS' commitment to improving accessibility to all;
 - Sets out the basic principles of the legal duty to provide reasonable adjustments for people with disabilities and;
 - Sets out the factors which will be taken into account in dealing with requests for reasonable adjustments.
4. This policy can be made available in a range of different formats on request by emailing NICSHR.Resourcing@finance-ni.gov.uk

Context

5. In May 2018 the NICS Board approved the NICS People Strategy 2018-2021 which places Diversity and Inclusion at its centre. It includes a range of actions that will help create a truly inclusive workplace, with each department having a Diversity Champion feeding into a central Diversity Champions Network. All recruitment to the NICS must be carried out in accordance with the principles set out in the Northern Ireland Civil Service Commissioners' Recruitment Code. Appointments must be made on merit, appointment processes should be fit for purpose, be fair and applied with consistency and appointments should be made in an open, accountable and transparent manner. More detail on all aspects of recruitment and selection in the NICS can be found at www.nicsrecruitment.org.uk.
6. NICS HR in the Department of Finance (DoF) has overall responsibility for recruitment and selection policy in the NICS and operational responsibility for implementing this policy. This includes ensuring that policies and procedures meet all relevant obligations under employment and equality legislation, including disability discrimination law. Management of recruitment and selection competitions is carried out by the NICS' partner organisation HRConnect, in accordance with agreed policies and procedures.
7. The Disability Discrimination Act (DDA) recognises that various barriers exist within society which may present practical difficulties for disabled people who are seeking employment, who are currently in employment and for many when accessing goods, facilities, services and premises. The latest NICS staffing figures from NISRA (published in September 2018) indicate that the NICS is underrepresented in terms of staff with a declared disability. A detailed definition of disability is provided at **Annex 1 – Definition of Disability**.

8. The DDA says that the duty to make reasonable adjustments applies where any physical feature or premises occupied by the employer, or any arrangements made by, or on behalf of the employer, cause a substantial disadvantage to a person with a disability compared to a person without a disability. An employer has to take such steps as are reasonable, in all the circumstances, to prevent that disadvantage – in other words, the employer has to make a “reasonable adjustment”.
9. This policy outlines the arrangements in place to enable people with disabilities to participate fully and fairly in recruitment and selection to the NICS.
10. Additional sources of information are provided in **Annex 2**.

What is a Reasonable Adjustment?

11. Any arrangements which are necessary to enable people with disabilities to compete ‘on a level playing field’ are known as ‘reasonable adjustments’. It involves making a change to the way things are usually done to ensure that we are fair to people with disabilities. This may involve providing extra time for selection tests, providing additional support or making sure that buildings do not present obstacles.
12. Assumptions cannot be made about whether a person with disabilities requires any adjustments or what those adjustments should be. It is recognised that there is a wide range of disabilities; physical, mental, sensory, learning and hidden and an adjustment that may be suitable for one individual may not meet the needs of another. Requirements will be discussed, when necessary, with the person concerned in order to reach agreement on what may be reasonable in the circumstances.

How do we decide what is reasonable?

13. The Disability Code of Practice states:

“Whether it is reasonable for an employer to make any particular adjustment will depend on a number of things, such as its cost and effectiveness. However, if an adjustment is one which it is reasonable to make, then the employer must do so. Where a disabled person is placed at a disadvantage by a provision, criterion or practice of the employer, or by a physical feature of the premises it occupies, the employer must consider whether any reasonable adjustments can be made to overcome that disadvantage. There is no onus on the disabled person to suggest what adjustments should be made (although it is good practice for employers to ask) but, where the disabled person does so, the employer must consider whether such adjustments would help overcome the disadvantage, and whether they are reasonable.”

14. Key factors to consider:

- Will the adjustment help in overcoming the difficulty that the person with a disability may have? (The adjustment should be designed to fully address the disadvantage it is meant to overcome).
- How practical is it to provide the adjustment?
- What are the resource implications of making the adjustment?
- Would the adjustment cause disruption to others?

15. In short, an adjustment is reasonable if it is effective for the candidate and does not adversely impact on service delivery, other candidates, resources or is impractical to provide.

Policy Application

Training

16. All participants involved in the recruitment and selection process – defining job and person specifications, making eligibility/shortlisting decisions and interviewing candidates must be appropriately trained in equality of opportunity and understand the requirement for reasonable adjustment.

Advertising and Applying

17. All recruitment adverts state that the NICS is an equal opportunities employer and provide detail on how to obtain further information. Applicants may apply for NICS recruitment competitions on-line at www.nicsrecruitment.org.uk. Contained within this site is a Candidate Information Booklet for each vacancy directing applicants to sources of help in making their application.
18. All recruitment and selection literature, including application forms may also be made available in alternative formats on request, such as large print, Braille or audio. When contacting HRConnect, applicants can discuss any additional support or adjustments they may require.
19. Candidate information developed for each recruitment exercise sets out openly for applicants the requirements of the job and all aspects of the recruitment and selection process. The information includes a job description and person specification, derived from job analysis, which relate only to the requirements of the post(s) to be filled. Care is taken to ensure that person specifications do not require, or imply unnecessary or marginal physical requirements, which could discourage or preclude a person with a disability from applying. Job and person specifications must be genuinely related to the ability to effectively perform the duties of the job.

20. Criteria used to assess applicants' eligibility to participate in a recruitment competition must be justified and consistent with the principle of equality of opportunity. There is an emphasis at the outset on ensuring that any potential for adverse impact is considered and addressed. Candidates who are unable, with reasonable adjustment as appropriate, to satisfy the essential eligibility criteria cannot proceed in the competition. If a candidate requests a reasonable adjustment in relation to meeting the eligibility criteria, the selection panel will consider the appropriateness of the adjustment. Reasonable adjustments may, for example, include waiving the requirement to meet all or some of the non-essential criteria used to shortlist candidates in the competition.

Assessment Tools

21. Assessment tools and techniques which are relevant, appropriate and used effectively in recruitment competitions help to ensure the identification, assessment and selection of applicants who best meet the requirements of the job. Decisions on the selection and use of tests are made by professional experts who provide assurance that the tests meet the professional standards and are fit for purpose.

The stages in requesting a reasonable adjustment are as follows:

Stage 1: Notification

22. Applicants are invited to identify on the application form to HRConnect if they require any reasonable adjustments, due to disability, to enable them to participate in any part of the assessment process. Where an adjustment is required but the assessment does not include a test, suitably trained HRConnect staff will manage the request, liaise with the applicant and seek advice from professional experts as appropriate to determine the reasonable adjustment.

Stage 2: Disability Report/obtaining evidence to support the request for a reasonable adjustment?

23. The purpose of this stage is to obtain a report/statement which has been conducted by an appropriate specialist. Where possible, this report/statement should contain initial recommendations about the reasonable adjustment the candidate requires for the assessment they will be undertaking. All documentation should be forwarded to HRConnect. In the event that providing a report or statement from a professional/specialist is likely to incur a charge to the applicant, this should be advised to HRConnect, before any cost is incurred. (Costs incurred in providing specialist reports, purely for the purposes of participating in the recruitment exercise may be reimbursed by NICS).

Stage 3: Determining Reasonable Adjustment

24. For tests, professional experts will consider the information and recommendations within the report and discuss these with the candidate; if necessary. They will also discuss with, as appropriate, the test developer/provider and specialist disability organisation in determining the appropriate reasonable adjustment to be made.

Stage 4: Offering and Agreeing Reasonable Adjustment

25. The candidate will be invited to the test/assessment detailing the reasonable adjustment offered. Candidates are advised to contact HRConnect immediately if this is not suitable. The reasonable adjustment is then arranged and facilitated by HRConnect. In very exceptional circumstances, if it is not possible to make an appropriate reasonable adjustment, consideration may be given to the appropriateness of waiving the test and allowing the candidate to proceed to the next stage of the process. Only appropriately qualified individuals carry out the selection, administration, scoring and interpretation of tests and determine reasonable adjustments for people with disabilities.

Interviews

26. HRConnect is responsible for ensuring that candidates invited to interview, who have identified requirements because of a disability, are facilitated as far as it is reasonable to do so. Reasonable adjustments for

interviews will be decided by suitably trained HRConnect staff in consultation with selection panels and professional experts, where necessary. Reasonable adjustments may include a range of actions such as ensuring access to the interview venue, use of interpreters for interviewees with speech or hearing difficulties, adjusting the timing or extending the duration of an interview. HRConnect is responsible for ensuring that interview panels are made aware, as appropriate, of the reasonable adjustment to be made for interviewees.

Appointments

27. Candidates who meet the required standards for the post are placed in order of merit for appointment. Candidates found suitable and accepted for employment are subject to a number of pre-employment checks. Health checks are not routinely carried out on candidates. The Occupational Health Service will be asked to conduct a fitness for post assessment only if it is a specific and essential requirement for the post i.e. a Divers Medical for a Marine Biologist. The offer of appointment letter will invite all candidates to advise HRConnect if they require a reasonable adjustment in the workplace. This is because adjustments needed in the workplace may differ from those which were required to facilitate participation in the recruitment exercise.

28. HRConnect will inform the line manager of the reasonable adjustments the candidate has requested and ensure appropriate arrangements are made. Records of all consultation and agreements reached should be retained.

Disability Monitoring

29. Section 75 of the Northern Ireland Act 1998 requires Public Authorities, in carrying out their functions in NI, to have due regard to the need to promote equality of opportunity between persons with a disability and persons without. Under Section 75 of the Northern Ireland Act 1998 the NICS monitors the workforce and applicants for jobs in terms of:-

- disability;
- race;
- age;
- men and women generally;
- sexual orientation;
- marital status; and
- dependant status.

30. The purpose of collecting this information is to look for differences between groups, identify trends over periods of time, to investigate the reasons for these differences and to put appropriate actions in place. This information is used for equality monitoring purposes only and is not seen by anyone involved in the recruitment and selection process. Nor is it used to determine reasonable adjustments for an individual engaged in a recruitment or selection exercise. Further detail on the confidentiality of monitoring information can be found at **Annex 3**.

Evaluation

31. HRConnect will record and monitor the reasonable adjustments that have been requested and made. This will allow us to monitor the service we provide and help us to continually improve our policies and practices.

32. The NICS undertakes an evaluation of all its large volume recruitment exercises. This involves NISRA in conducting analyses of the progress of applicant groups, by gender, community background and disability, through all key stages in a recruitment exercise ranging from applications, shortlisting, testing, interviews and appointments. These analyses are used to assess the outcomes of recruitment and selection activities and to review policies and procedures to identify opportunities for further improvement and development.

Review

33. This policy will be reviewed annually and revised when necessary in response to customer and stakeholder feedback, changes in practices or legislation.

Complaints

34. We are committed to providing a high standard of service. If someone is dissatisfied with the arrangements for providing reasonable adjustments, we will respond in accordance with the complaints procedure for externally advertised competitions. Further information about our complaints policy can be found on our website

www.nicsrecruitment.org.uk at

<https://irecruit->

ext.hrconnect.nigov.net/resources/documents/c/o/m/complaints-process-for-externally-advertised-competitions-v2--.pdf

or can be requested in an alternative format by emailing NICSHR.Resourcing@finance-ni.gov.uk

Annex 1

Definition of Disability

The DDA defines disability as 'a physical or mental impairment which has a substantial and long term adverse effect on a person's ability to carry out normal day-to-day activities'.

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 from birth. Examples would be blindness, deafness, paralysis of a leg or heart disease.

Mental impairment: this includes mental ill health and what is commonly known as learning disability and social functioning.

Substantial: put simply, this means the effect of the physical or mental impairment on 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 expected to last, 12 months or more, and the effect must be a detrimental one.

A normal day-to-day activity: this is something which 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 person must be affected in at least one of the respects listed in the DDA:

- mobility;
- manual dexterity;
- physical coordination;
- continence;
- ability to lift, carry or otherwise move everyday objects;

- speech, hearing or eyesight;
- memory or ability to concentrate, learn or understand;
- perception of risk or physical danger; or
- ability to take part in normal social interaction or in forming social relationships e.g. autism spectrum conditions.

The Disability Discrimination (NI) Order 2006 made some changes to the definition of disability and ensured that people with HIV, cancer and multiple sclerosis are deemed to be covered by DDA as soon as they are diagnosed.

Annex 2

Additional Sources of Information

Workable NI - www.nidirect.gov.uk/articles/workable-ni

Action Mental Health - www.amh.org.uk

Action on Hearing Loss - www.actiononhearingloss.org.uk

Access to Work & Disablement Employment Service -
www.nidirect.gov.uk/articles/access-work-practical-help-work

Disability Action - www.disabilityaction.org

Employers for Disability NI (EFDNI) – www.efdni.org

Information and services for people with disabilities can also be accessed via NI Direct - www.nidirect.gov.uk/index/information-and-services/people-with-disabilities/employment-support.htm

RNIB - www.rnib.org.uk

Ulster Supported Employment Ltd - www.usel.co.uk

Annex 3

Confidentiality of Monitoring Information

The following general principles will be applied to all individual monitoring information:-

- individual monitoring information will be afforded a high degree of confidentiality;
- misuse of monitoring information will be viewed as a disciplinary offence; and
- individual monitoring information will only be disclosed to members of staff or officials of a trade union, members of which are employed in the NICS, if it is necessary to do so for the appropriate discharge of their duties and responsibilities.

In addition to the above internal safeguards on the protection of equality monitoring information generally, the confidentiality of community background monitoring information is protected through Regulations made under the Fair Employment and Treatment (Northern Ireland) Order 1998. These make it a criminal offence, subject to specific exceptions, for an employer or employee to disclose information on the community background of an individual which has been obtained, or is used, for the purpose of monitoring under the Fair Employment and Treatment (Northern Ireland) Order 1998. The exceptions permitted include the disclosure of individual community background monitoring information to members of staff or to Trade Union officials if it is necessary to do so for the appropriate discharge of their duties and responsibilities; the Equality Commission for NI and the Labour Relations Agency. They also permit the disclosure of individual monitoring information in connection with any actual or prospective proceedings before a Tribunal.

The Data Protection Act 1998 is concerned with the fair and lawful processing of personal data. Information about an individual's ethnic origin, religion, disability or sexual orientation is classified as sensitive personal data and conditions for processing such data are listed in the Act. Equal Opportunities monitoring information is held on HRConnect along with other personal data.

The security of the HR and payroll information held on HRConnect is taken very seriously and included in the contract for the service.