**WORK PLACE CHAPLAINCY SCOTLAND**

**Listening & caring - in confidence**

**CAPABILITY POLICY**

WPCS wishes to support and encourage disabled people to participate fully in the workplace. WPCS is committed to a policy and practice which recognises their obligations under the Equality Act 2010 not to discriminate unlawfully against people with disabilities at any stage of employment, and undertake:

1. to seek to employ people with disabilities in jobs suited to their aptitudes, abilities, and qualifications, making any reasonable adjustments necessary to do so;
2. to seek to ensure that employees with disabilities are considered for promotion according to their aptitudes, abilities, and qualifications, making any reasonable adjustments necessary to do so;
3. to make any reasonable accommodation to working practises required to ensure that they are accessible and safe for people with disabilities;
4. where under our control, to make reasonable changes to the workplace and to employment arrangements so that a person with a disability is not at any substantial disadvantage compared to a non-disabled person.

A disability is defined by the Equality Act 2010 as; a physical or mental impairment and this includes sensory impairments which affect vision or hearing. Such impairments must have a substantial adverse effect on a person’s ability to carry out normal day-to-day activities, and be long-term, meaning that the impairment has lasted, or will last, at least one year. Progressive conditions such as HIV and cancer are also included under the Act and people affected by such conditions are protected from the date of diagnosis (see http://www.legislation.gov.uk/ukpga/2010/15/schedule/1/paragraph/6 for further information).

WPCS is committed to a culture and environment where current and potential staff are confident about disclosing impairments, medical conditions or learning differences so that WPCS can make the reasonable adjustments to enable them to apply for roles, do their jobs or seek progression on an equal basis.

## Assisting Members of Staff who develop a Disability

If a staff member discloses a disability, WPCS will discuss with that staff member if any reasonable adjustments are required to enable that individual to continue to undertake their role effectively. WPCS will consider implementing reasonable adjustments to support that staff member in accordance with the Equality Act. WPCS will also consider sympathetically requests from staff for disability leave – periods of paid leave to enable a staff member to take time off work for a reason related to their disability.

Senior staff should be aware of the problems that may be experienced by those who develop a disability, and should deal sensitively with them. Help should be sought when considering not only the possible effects of, for example, loss of health, but also consequential disadvantages, such as loss of status, financial loss, or reduced self-esteem.

## Options for Staff who develop a Disability

There are a number of possible options to consider when members of staff develop a disability which has an impact on their ability to carry out their duties during the course of their employment:

1. continuing in the same post (with necessary adjustments being implemented where feasible);
2. redeployment to a different role;
3. premature retirement on grounds of incapacity;
4. termination of employment.

All of these possibilities will be discussed by senior staff and the individual; and a final decision will be taken by the board in line with the individual’s wishes, the requirements of the organisation and the pertinent legislation.

## Where there is a possibility that a member of staff who has developed a disability will face difficulty in continuing in the same post, the following steps should be taken:

1. Wherever feasible and appropriate, a trial period of up to twelve weeks should be given to assess whether the member of staff can cope with the old job or a new one. Information and assistance may be available from the Disability Employment Adviser at the Employment Service Job Centre.
2. Consideration should be given to a gradual return to full-time work or a permanent reduction in hours where this is possible. It may be advisable to make a gradual increase in the hours worked until confidence and ability are fully restored. In such circumstances, advice will be sought from an occupational health specialist.

## Previous disability

Where staff experience a re-emergence or worsening of a previous disability which was declared at the point of employment by WPCS, they will receive the full support of WPCS as described in this policy. WPCS can only offer support where it is aware of the employee’s disability.

## Termination of Employment

Termination of employment of a person with a disability for a reason relating to that disability must be justified under the terms of the Disability Discrimination Act, and the reason for it would have to be one which could not be removed by a reasonable adjustment (see paragraph 7.5 above).

Thus, if all other options have been explored and found to be impracticable, termination of employment on grounds of incapacity should be considered.

If this proves to be necessary, employment will be terminated in accordance with the requirements of the Disability Discrimination Act in relation to discrimination and in accordance with unfair dismissal legislation, and there will be a right of appeal.

Anyone whose employment is terminated in this way will be referred to the Disability Employment Adviser at the Job Centre, who is able to offer assistance and support in seeking future employment.