



## Disability

ITV recognises it has a clear obligation to the community at large to ensure that people with disabilities are afforded equal opportunities to enter and progress their careers with the Company. ITV has therefore adopted the Code of Good Practice on the Employment of Individuals with disabilities as classified by the DDA, which provides for fair consideration and selection of applicants with a disability, in addition to committing to satisfying their training and career development needs.

ITV is wholly committed to supporting employees who have a disability, and wherever possible will endeavour to continue the employment of and/or arrange training or development for any employee who develops a form of disability during their employment.

### Understanding the Policy

The following questions and answers have been structured to enable employees to understand the Company's disability policy and our approach to handling disability in the workplace.

#### What is the definition of disabled?

Under the disability discrimination act 1995, it is unlawful for an employer to treat any person with a disability, less favourably than others, or to fail to make reasonable adjustments for that person (this applies to job applicants as well as employees) unless the reasons can be justified.

The DDA defines a person with a disability as someone who has, or had, "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. (The effect is **long-term** if it has lasted for 12-months or can reasonably be expected to last 12-months.) It also covers recurring and progressive conditions, past impairments, and conditions that would have a substantial adverse effect on the person's normal day-to-day activities, if it were not for controlling treatment or medication (i.e. people with the HIV virus or AIDS).

An impairment is considered to have an adverse effect on normal day to day activities if it directly affects one or more of the following:

- Mobility;
- Manual dexterity;
- Physical co-ordination ;
- Continence;
- Ability to lift, carry or otherwise move everyday objects;
- Speech, hearing or eyesight;
- Memory or ability to learn or understand (learning difficulties);
- Mental illness (including depression but excluding addictions and psychopathic or anti-social disorders such as pyromania, paedophilia);
- Perception of the risk of physical danger.

Additionally it includes:

- Conditions which recur such as epilepsy and asthma
- Chronic Conditions such as epilepsy, diabetes which are correctable through medication;
- Severe disfigurements (other than those self-inflicted such as tattoos/body-piercing);
- Conditions including hearing which are correctable by the use of some kind of equipment; e.g. hearing problems

- Conditions likely to lead to death in less than 12 months.

In addition a person who has both a physical and mental impairment, which individually are not substantial but combined substantially affects their ability to do one of the defined day to day activities is also protected under the act.

Conditions that are not included: -

- Self inflicted conditions e.g. tattoos, alcohol dependency
- Eyesight problems, which are correctable through the use of spectacles/contact lens.

### **How does ITV ensure a fair recruitment and selection process is followed?**

The HR department, in consultation with relevant line managers, will ensure that:

- All job descriptions/HR specifications and recruitment advertisements are drafted in such a way as to make clear which are the essential requirements of the position;
- The Company's Equal Opportunities Policy is a feature of recruitment advertising;
- Steps are taken to encourage applications from those with disabilities (i.e. displaying the disability two tick symbol and advertising vacancies to attract a diverse range of applicants);
- The recruitment and selection process is carried out with support for those with disabilities, including reasonable adjustments where appropriate.

The HR department is responsible for maintaining close liaison with the Regional Disability Service (or another appropriate organisation) with a view to facilitating the recruitment of people with a disability or disabilities. Invitations to interview should ask applicants if any special needs or assistance is required. If so, the line manager responsible for the recruitment must inform the HR department, reception/security and other relevant employees when a person with a disability is due to arrive, and instruct them on any needs or assistance which may be required accordingly.

Where doubt exists over an applicant's ability to perform the full duties of the job concerned, a trial period may be offered, after consultation with the HR department.

Where adaptation of premises is required to enable someone with a disability to take up employment, the matter should be discussed with the HR department who will liaise with the Regional Disability Service (or another appropriate organisation).

In cases where advice is needed on a medical condition or on the safety of recruiting an employee with a disability, advice will be sought from the Occupational Health Advisor/Company nominated doctor, who may liaise with the Employment Medical Advisory Service for guidance.

### **What happens if I develop a form of disability during my employment?**

Your line manager may become aware that you have a disability through:

- Discussion with you e.g. during P&DR;
- Observed or reported performance problems;
- Sickness absence and a GP's sick note;
- Disclosure of information by the Occupational Health Advisor if they have a legal responsibility to do so.

It is recognised that a long-term illness or disability can affect performance at work or put the employee at a disadvantage. So if you should develop a form of disability during your employment, wherever possible steps will be taken, through retraining or redeployment if necessary, to enable you to remain employed by the Company. The work place will be adapted to suit your requirements as far as is reasonably practical.

If you develop a disability during your employment, in order to support you, the Company may wish to understand your medical condition in more detail, so your consent may be sought for a medical report to be obtained from your doctor. A Company occupational health advisor, or Company nominated doctor who will consult directly with your GP, consultant or any other specialists as required, normally handles this process. If you do not consent to a medical report then employment decisions may be made on the basis of whatever facts are known, regarding your disability. Throughout any consultation process, you will of course, be given the right to be accompanied by a colleague or recognised trade union representative at any meetings which relate to discussions about your employment.

The Company occupational health advisor or nominated doctor will advise your line manager (with specialist assistance where necessary) on the following:

- How the medical condition affects your ability to do the work you were employed to do and the timescale for recovery, if known;
- Any reasonable adjustments which might be made to assist you at work (e.g. equipment, access, working hours);
- Whether or not you are ever likely to be able to do the kind of work you were employed to do;
- If redeployment is possible, make recommendations as to the type of work which is suitable/unsuitable.

If reasonable adjustments can be made the HR department and your line manager will liaise with the relevant department or external provider as quickly as possible (e.g. Building Services for access requirements, PACT for special equipment).

If redeployment is an option the HR department will provide details of all known vacancies and will contact line managers for potential future opportunities. A trial period in the new job may be agreed between you and your new line manager.

If the medical report reveals that it is unlikely you will ever be able to do the kind of work you were employed to do and no suitable alternative employment is available, depending on your eligibility then ill-health retirement may be an option. With your consent, the HR department will obtain a quote from Pensions and will apply to the Trustees for early retirement on the grounds of ill health.

If redeployment or ill health early retirement is not possible/available there may be no alternative but to terminate your employment. You will be consulted at an early stage about this and given the opportunity to offer any alternative suggestions. Contractual/statutory notice periods or pay in lieu of notice plus outstanding accrued holidays will be honoured.

### **Will my medical details be kept confidential?**

Confidentiality is obviously vital. Any medical information gained will only be discussed (in confidence) with the HR Department and/or an appropriate line manager in the following circumstances:

- You have already informed your line manager of your medical condition;
- Your written consent has been obtained using the standard medical consent form. This explains your rights, including the right to see the medical report before it is passed to the Company and to withdraw your consent at that stage. It also explains who will have access to the information and that confidentiality is guaranteed within that circulation. Without medical information the Company can only make employment decisions based on the known facts and it is often in your interest to ensure that these facts are correct by supplying a medical report.

Even if you have given consent for a medical report to be passed to the Company, the line manager to whom it is given must ensure that the contents are not disclosed to other people unless it is essential for the purposes of making employment decisions.

For example, if:

- Your medical condition puts the health and safety of others at risk (e.g. if a driver is found to have epilepsy). In such a case the Occupational Health Advisor/Company nominated doctor will normally try to encourage you to give your consent before revealing such information to your line manager or the HR department, however as employee's/consultants of the Company they have the same duty as other employees to alert the Company to a health and safety risk;
- Your medical condition is classified as a disability under the DDA 1995 and the Company has a duty to make reasonable adjustments to prevent you being disadvantaged. This duty applies even if you have requested that such information remain confidential, although again the Occupational Health Advisor/Company nominated doctor will normally try to encourage you to give their consent before revealing such information to the HR department or your line manager.

Medical professionals will not be pressured to breach their ethical standards by revealing an employee's clinical records. They must however provide sufficient information on how your ability to do your work is affected in order for your line manager to make employment decisions.

### **What reasonable adjustments can I expect the Company to make if have a disability / develop a form of disability?**

- Making reasonable adjustments to premises (such as lowering the light switches to place them within reach);
- Reallocating part of your job to another employee;
- Allowing absences during working hours for rehabilitation, assessment and treatment;
- Supplying additional training;
- Acquiring special equipment or modifying existing equipment;
- Modifying instruction or reference manuals;
- Providing a reader or interpreter;

- Providing additional supervision;
- Assigning you to a different place of work;
- Altering your working hours.

**Can the Company terminate my employment if I develop a form of disability?**

Wherever possible steps will be taken to ensure you remain employed by the Company. However there are circumstances where a termination of employment may be unavoidable.

**Capability:** if your performance falls to an unacceptably low standard through a deterioration in your disability, the site HR Manager, together with your line manager and yourself will:

- Explore the possibility of restructuring your job to allow continuation;
- Consider alternative employment for you;
- If, having considered the above options, it is apparent that you cannot realistically continue in employment, a decision to dismiss may be taken only by a Director of the Company following consultation with you, your representative, the Occupational Health Advisor/Company nominated doctor and/or the Regional Disability Officer (or another appropriate organisation).

**Misconduct:** If your conduct (for reasons unconnected with your disability) is unacceptable, the Company's normal disciplinary procedure will be followed.

**Redundancy:** In a redundancy situation, the criteria used for selection will be in line with the Company's Equal Opportunities Policy.

**For more information regarding this policy, please contact HR Direct on 0161 835 6565 or your site HR Manager.**