

# Disabled Persons Arrangement

## Contents:

- 1.0 Statement of purpose/objectives
- 2.0 Scope
- 3.0 Introduction
- 4.0 Definition of Disability
- 5.0 Information and Training
- 6.0 General Duties of Employees at Work
- 7.0 Implementation
- 8.0 Compliance
- 9.0 Review of Arrangement

## 1. Statement of purpose/objectives

This arrangement will assist in meeting Shropshire Council's core value to care for all disabled employees and also meet the legislative requirements. The main requirements are to create a safe working office environment by ensuring effective control measures are provided for all office staff.

## 2. Scope

The scope of this arrangement is to promote an active safety culture whilst working in an office environment and applies to all Shropshire Council office staff. Shropshire Council has a general duty of care to protect the health, safety and welfare of its office staff so far as is reasonably practicable by ensuring safe working conditions.

## 3. Introduction

Most disabled employees neither need nor seek safety systems beyond those in place for the workforce generally. Shropshire Council recognises however that some employees who are disabled may require extra equipment, facilities, training and assistance, both routinely and in an emergency. Shropshire Council therefore requires that all service areas make suitable and adequate arrangements for these provisions.

## 4. Definition of Disability

A person has a disability if he or she has a physical or mental impairment which has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.

## 5. Information and Training

Newly appointed disabled employees and employees who become disabled will receive specific information and training on all relevant matters of health and safety. Service areas will ensure that the information is presented in such away as to be easily accessed and understood by each individual. Special attention will need to be given to training and information for emergency procedures.

Where service areas require the services (supervisory or otherwise) of other employees to assist a disabled person in the course either of their work or to expedite health and safety

procedures, these employees will be given appropriate training and will receive specific notice of the duties required of them. The disabled employee will be advised of the arrangement.

As a matter of good practice, service areas will ensure that the workforce generally is advised of any relevant health and safety issues that affects an individual disabled employee.

## **6. General Duties of Employees at Work**

In addition to the general duties placed upon employees under The Health and Safety at Work Act 1974, every employee must inform their line manager of any work situation considered to represent a serious and immediate danger to safety.

## **7. Implementation**

Management guidance in the form of frequently asked questions will be provided and updated to support the implementation of these arrangements.

## **8. Compliance**

This arrangement will enable Shropshire Council to conform to statutory requirements and best current practice.

## **9. Review of Arrangement**

This procedure will be reviewed by Health and Safety Team, in consultation with unions, in three years unless there are legislative changes or circumstances in the workplace change.

## **Approving Body**

Consultation and Approval Health, Safety & Welfare Group  
Reviewed by the Health & Safety Team  
Reviewed by the Health & Safety Team  
Reviewed by the Health & Safety Team

November 2008  
November 2013  
February 2018  
February 2021

# Disabled Persons Arrangement Frequently Asked Questions

## Contents:

1. Roles and responsibilities/who does what?
2. What is a Safe system of work?
3. Procedures for dealing with Health and Safety Issues
4. Record keeping
5. Advice and assistance
6. What are normal day-to-day activities?
7. Summary of statutory duties
8. Further information, Resources and useful links

## **Definitions**

The following extracts (*in italics*) are taken from HM Government Guidance on the Equality Act 2010 to assist understanding:

### **Main elements of the definition of disability:**

*The Act defines a disabled person as a person with a disability. A person has a disability for the purposes of the Act if he or she has a physical or mental impairment and the impairment has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities (S6(1)).*

*This means that, in general:*

- *the person must have an impairment that is either physical or mental;*
- *the impairment must have adverse effects which are substantial;*
- *the substantial adverse effects must be long-term; and*
- *the long-term substantial adverse effects must be effects on normal day-to-day activities.*

*This definition is subject to the provisions in **Schedule 1 (Sch1)**.*

**All of the factors above must be considered when determining whether a person is disabled.**

- **Impairment**

*The definition requires that the effects which a person may experience must arise from a physical or mental impairment. The term mental or physical impairment should be given its ordinary meaning. It is not necessary for the cause of the impairment to be established, nor does the impairment have to be the result of an illness. In many cases, there will be no dispute whether a person has an impairment. Any disagreement is more likely to be about whether the effects of the impairment are sufficient to fall within the definition and in particular whether they are long-term. Even so, it may sometimes be necessary to decide whether a person has an impairment so as to be able to deal with the issues about its effects.*

*Whether a person is disabled for the purposes of the Act is generally determined by reference to the **effect** that an impairment has on that person's ability to carry out normal day-to-day activities. An exception to this is a person with severe disfigurement. It is not possible to provide an exhaustive list of conditions that qualify as impairments for the*

*purposes of the Act. Any attempt to do so would inevitably become out of date as medical knowledge advanced.*

- **"Substantial" effect**

A substantial effect is something which is more than minor or trivial. For everyday purposes, if you notice that someone is disabled, he or she almost certainly will be.

- **"Long-term effect"**

A long-term effect of an impairment is one:

- which lasted at least 12 months;
- where the total period for which it can be expected to last would be likely to be at least 12 months from the time of its first onset;
- which is likely to last for the rest of the life of the person affected.

The basic benchmark is that the effect of the impairment will last for a year or more.

Effects which are not long-term would therefore include loss of mobility due to a broken limb which is likely to heal within 12 months and the effects of temporary infections, from which a person would be likely to recover within 12 months.

## **1. Roles and Responsibilities/who does what?**

- 1.1 Shropshire Council as a local authority employer, through its elected members, has ultimate responsibility for compliance with Health and Safety legislation such as The Equality Act 2010.
- 1.2 The Chief Executive and Management Team are responsible for ensuring:
  - 1) The implementation of the Disabled Persons Arrangement to ensure consistency of approach.
  - 2) The allocation of suitable and sufficient resources.
- 1.3 Directors and Heads of Service are responsible for ensuring:
  - 1) The implementation of the photocopier and laser printer arrangement and that all staff are familiar with the contents of the arrangement insofar as it is relevant to their role and responsibilities.
  - 2) Office health and safety standards and performance are monitored.
  - 3) Suitable levels of competency for managers, supervisors and staff, enabling them to undertake work activities safely.
  - 4) The allocation of sufficient resources to effectively maintain office standards.
- 1.4 Line Managers/Supervisors are responsible for:
  - 1) Identifying disabled staff working within an office environment.
  - 2) Ensuring risk assessments are undertaken for disabled persons and that control measures are communicated to the appropriate people.
  - 3) Ensuring that all staff receive appropriate information, instruction and training relating to their work place activities.
  - 4) Reporting any work place issues to The Health and Safety Team.
  - 5) Reporting any work-related accidents, in accordance with the Council Accident Reporting System (CARS).
  - 6) Ensuring, in conjunction with line managers, that risk assessments are reviewed annually or more frequently where there has been any significant change or incidents, and if new legislation requires change to best working practice.
- 1.5 The Health and Safety Team is responsible for:

- 1) Providing advice and guidance to managers about disabled persons working in the workplace.
- 2) Ensuring, in conjunction with managers, that disabled persons activities are considered on a regular basis via self-auditing and auditing processes.

1.6 All employees of Shropshire Council are responsible for:

- 1) Complying with the requirements of this procedure.
- 2) Ensuring that their activities do not put themselves or others at risk.
- 3) Making proper use of any equipment/mechanical aids provided for their use to control manual handling.
- 4) Informing their Line manager if they identify hazardous handling activities or defects of work equipment

## 2. Safe system of work

Generally disabled people in work have better safety records than other employees and, in the majority of cases, the disability is not immediately apparent. As in all health and safety matters, experience proves that anticipating hazardous situations before they actually arise is the best method of creating and maintaining a safe and healthy environment, this is where risk assessment is relevant.

Employees with physical disabilities may require specific safety measures in their workplace. These could include:

- the adaptation of machinery and equipment
- the re-locating of shelves or electrical sockets and switches
- changes in lighting types and levels
- the provision of visual as well as audible systems for communication
- the provision of visual/audible/physical assistance in emergencies.
- The preparation of Personal Emergency Evacuation Plans (PEEPS).

It is important to remember that mobility for all employees is jeopardised by blocked walkways, badly sited and/or badly designed workstations and equipment and by trailing extension leads and wires.

In the case of employees with learning disabilities consideration also needs to be given to:

- the amount of supervision (if any) required to complete tasks safely
- ensuring that basic health and safety rules are conveyed, understood and carried out
- ensuring that the actions required in the event of an emergency are understood and will be complied with.

Good health and safety procedures will identify how to anticipate, and overcome, any potential problems likely to confront disabled employees in the workforce.

Disabled people constitute part of the Shropshire Council's workforce and an effective health and safety policy will fully incorporate their needs provided that:

- the actual implications of the disability in the workplace have been assessed and understood (risk assessment), and appropriate measures are taken to ensure safe working

- the workforce is encouraged and trained to recognise and respond to any health and safety implications arising from employing a disabled person

### **3. Procedures for dealing with Health and Safety Issues**

Employees will be required to report any concerns regarding disability and health and safety to a responsible person (usually a manager or supervisor) and where a disabled (or any other) employee raises a matter concerning health and safety related to his or her employment, service areas will:

- make all necessary investigations so as to identify the relevant details
- proceed with all measures necessary to resolve the matter.

Where health and safety concerns prove to be complex and/or problematic, Service areas, may jointly with the employee, make use of Access to Work scheme <https://www.gov.uk/access-to-work> Alternatively involve or consult with Shropshire Council Occupational Health & Safety Manager or the Occupational Health and Safety Team.

### **4. Record keeping**

Service area managers will ensure that confidential records are kept of disabled persons in the workforce and records of any special equipment (auxiliary aids) provided or workplace adaptations made for the benefit of disabled persons.

Any health and safety training provided to disabled persons will also be recorded.

With regard to confidentiality and accuracy of records the Shropshire Council Occupational Health Team will be consulted.

Service areas will maintain a record of all personnel, who, by reason of disability, are thought to have particular requirements relating to health and safety practices. The record will be regularly reviewed in terms of:

- the nature of the disability and any limitations it places on either an individual's physical and/or intellectual function
- the extent to which the individual requires changes (if at all) in the work environment or workplace practices
- the nature or any routine practical assistance or supervision required of other people arising from the disability
- any implications that would arise on an emergency basis, either as a consequence of the disability (such as an epileptic fit) or in the workplace (such as emergency evacuation of the premises)
- what action has been taken on the basis of the above factors.

### **5. Advice and assistance**

In the first instance Shropshire Council's Occupational Health Team\* should be consulted and where appropriate the Health and Safety Team\* should be involved (workplace/work activity safety).

\*Occupational Health Team (01743) 252833

\*Health and Safety Team (01743) 252819

## 6. What are normal day-to-day activities

Normal day-to-day activities are the activities which might be carried out by most people on a daily basis or very regular basis and would involve the broad natural capabilities listed below:

- mobility
- manual dexterity
- physical co-ordination
- continence
- ability to lift, carry otherwise move everyday objects
- speech, hearing or eyesight
- memory or ability to concentrate, learn or understand, or
- perception of the risk of physical danger.

## 7. Summary of statutory duties

The Health and Safety at Work Act 1974 requires employers to exercise a general duty of care towards all their employees (s.2).

Management of Health and Safety at Work Regulations 1999 requires employers to carry out risk assessments (reg 3) and to have procedures for serious and imminent danger and danger areas (reg 8) etc.

An employer must give special attention to the integration of a disabled employee within the overall workforce. Although health and safety standards are not generally compromised by employing disabled people, there may be a requirement to provide information or instigate training for other staff to ensure that both routine and emergency practices work effectively.

Employees who are disabled, where appropriate, are entitled to personal equipment and/or workplace adaptations which facilitate the work undertaken.

The Equality Act 2010 makes it unlawful for employers to treat disabled employees less favourably than other employees unless health and safety arrangements are seriously compromised.

Spurious health and safety reasons should not be used as an excuse to place unnecessary restrictions on disabled people.

## 8. Further information, Resources and useful links

- The Health and Safety Executive (HSE) guidance on disability and health and safety. [Health and safety for disabled people and their employers](#)
- The Equality and Human Rights Commission (EHRC) <https://www.equalityhumanrights.com/>
- The Equality Act 2010 <https://www.gov.uk/guidance/equality-act-2010-guidance>  
[https://www.gov.uk/government/uploads/Equality\\_Act\\_2010-disability\\_definition.pdf](https://www.gov.uk/government/uploads/Equality_Act_2010-disability_definition.pdf)
- Access to Work <https://www.gov.uk/access-to-work>