



## REPORT TO CABINET

22 January 2020

<b>Subject:</b>	<b>Disability Passport Policy</b>
<b>Presenting Cabinet Member:</b>	<b>Councillor Wasim Ali – Cabinet Member for Resources and Core Services</b>
<b>Director:</b>	<b>Executive Director – Resources – Darren Carter</b>
<b>Contribution towards Vision 2030:</b>	 
<b>Key Decision:</b>	Not Applicable
<b>Cabinet Member Approval and Date:</b>	Councillor Wasim Ali – 31/10/2019
<b>Director Approval:</b>	Darren Carter
<b>Reason for Urgency:</b>	Urgency provisions do not apply
<b>Exempt Information Ref:</b>	Exemption provisions do not apply
<b>Ward Councillor (s) Consulted (if applicable):</b>	This is a council policy
<b>Scrutiny Consultation:</b>	Scrutiny consultation has not been undertaken
<b>Contact Officer(s):</b>	Richard Luckman – Head of Human Resources <a href="mailto:Richard_Luckman@Sandwell.gov.uk">Richard_Luckman@Sandwell.gov.uk</a> Louise Lawrence – HR Service Manager <a href="mailto:Louise_Lawrence@Sandwell.gov.uk">Louise_Lawrence@Sandwell.gov.uk</a> Joanne Davis – Assistant HR policy Officer <a href="mailto:Joanne_Davis@sandwell.gov.uk">Joanne_Davis@sandwell.gov.uk</a>

### DECISION RECOMMENDATIONS

**That Cabinet:**

1. agree to the Council implementing a Disability Passport Policy and its accompanying guidance as set out in Appendix 1.

## **1 PURPOSE OF THE REPORT**

- 1.1 To update Cabinet on the development of a Disability Passport Policy and guidance (attached as Appendix 1, 2 & 3) and to seek its approval.

## **2 IMPLICATIONS FOR SANDWELL'S VISION**

- 2.1 Ambition 1 – Sandwell is a community where our families have high aspirations and where we pride ourselves on equality of opportunity and on our adaptability and resilience.
- 2.2 Ambition 2 – Sandwell is a place where we live healthy lives and live them for longer, and where those of us who are vulnerable feel respected and cared for.

## **3 BACKGROUND AND MAIN CONSIDERATIONS**

- 3.1 Sandwell Council is committed to ensuring that all individuals are treated fairly and with dignity and respect in their working environment.
- 3.2 The Council believes that all employees deserve the opportunity to realise their full potential, and that all reasonable steps must be taken to ensure that policies, practices and culture do not discriminate against employees with disabilities.
- 3.3 It is important that the Council understands the difficulties employees with disabilities face, whilst also assisting managers in supporting their employees who are experiencing difficulties in the workplace.
- 3.4 Disability Passports help in this regard, they are voluntary, and completed by employees with the assistance of their line manager. By providing a framework to discuss the employee's health, an employer can understand the employee's difficulties and work with them to agree what changes can be made at work to assist them.
- 3.5 In summary, a Disability Passport is a documented record of an employee's needs, and once the required adaptations and adjustments have been agreed and made, they should be upheld.
- 3.6 A number of organisations have already introduced the Disability Passport, in order to ensure employees, know their employer has a positive attitude towards employees with disabilities. In addition, requests to consider establishing a policy to support employees have been made by Sandwell's recognised trade unions, national trade unions and Sandwell's employee disability group.

3.7 4.4%, or around 190 employees currently working for the Council have declared that they have either a mental or physical disability and could therefore benefit from this scheme.

#### **4 THE CURRENT POSITION**

4.1 A Disability Passport policy (Appendix 1) and its associated guidance and form (Appendix 2 & 3) have been developed, and should be read in conjunction with this report.

4.2 The policy applies to both employees who have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on their ability to do normal daily activities, as defined under the Equality Act 2010, and those who may not yet have a formal diagnosis or assessment.

4.3 The policy and guidance aim to:

- Assist with the understanding and implementation of a disability passport. The passport is designed to provide a documented record of an individual's needs, which will allow them to function to their full potential, in a supportive and encouraging environment.
- Ensure employees with disabilities feel confident enough to ask for support and any reasonable adjustments, so they can continue to be successful in their roles.
- Foster an environment in which colleagues can openly engage in discussions regarding their disability with their manager, with a goal to making the employee feel valued and able to carry out their duties safely without fear of prejudice.
- Demonstrate the Council's commitment to changing the way we think and act around disabilities in the workplace.

4.4 Reassure employees that upon completion of the passport, any necessary and reasonable adjustments will be made and upheld. Also, if the employee's line manager changes they do not have to explain their requirements again.

#### **5 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)**

5.1 Sandwell Council is committed to working with its recognised Trade Union colleagues to ensure support is available to employees with disabilities.

- 5.2 The policy and guidance have been developed in accordance with the Equality Act 2010, Health and Safety at Work Act 1974, UK Employment Legislation and ACAS Guidelines.
- 5.3 The proposal to implement a Disability Passport policy was endorsed by members of the Joint Consultative Panel (JCP) on 11 November 2019.
- 5.4 This proposal was also shared with the school-based unions at a Joint Union Panel (JUP) on 3 December 2019.
- 5.5 The Council will continue to review this policy and guidance in consultation with the Trade Unions to ensure it is in line with current best practice and any future legislation.

## **6 ALTERNATIVE OPTIONS**

- 6.1 The Council is not obligated to implement a Disability Passport Scheme. However, as part of its corporate and social responsibility, the Council has a commitment to carry out its practices in an ethical way which supports the development of employee relations.

## **7 STRATEGIC RESOURCE IMPLICATIONS**

- 7.1 The corporate risk management strategy has been complied with to identify and assess the risks arising from the decisions being sought. This has concluded that there are no red risks that require reporting. All risks identified have suitable measures in place to mitigate risks to an acceptable level within the council's appetite for risk.
- 7.2 There are no specific financial implications arising from the contents of this report.

## **8 LEGAL AND GOVERNANCE CONSIDERATIONS**

- 8.1 The Equality Act 2010 prohibits discrimination. The Council could be at risk of potential claims for disability discrimination. Such claims can arise out of direct or indirect discrimination, failure to make reasonable adjustments, discrimination arising from a disability including claims of unlawful harassment and victimisation in how it reacts to employees with a disability. The support to individuals provided and detailed in this policy should limit such claims.

## **9 EQUALITY IMPACT ASSESSMENT**

- 9.1 An initial screening was undertaken in October 2019, it was agreed at this time that the subject of the statement did not meet the criteria for undertaking a full EIA.
- 9.2 The information assessed had a positive impact on three of the nine protected characteristics or groups – Disability, Pregnancy and Maternity, and Age. The remaining characteristics were not adversely affected.
- 9.3 Although this policy and its accompanying guidance applies equally to all employees, managers should have due regard to the personal circumstances of individuals.

## **10 DATA PROTECTION IMPACT ASSESSMENT**

- 10.1 Any medical records or information received or generated as a result of line managers applying this policy and guidance will be handled respectfully, sensitively and confidentially, and in accordance with General Data Protection Regulations (GDPR) and the requirements of the Access to Medical Reports Act, as appropriate.
- 10.2 The recording and storing of Disability Passport information has been considered by the Information Management Unit. It was agreed at this time that the data did not meet the criteria for undertaking a data protection impact assessment.

## **11 CRIME AND DISORDER AND RISK ASSESSMENT**

- 11.1 There are no specific crime and disorder implications arising from the contents of this report.

## **12 SUSTAINABILITY OF PROPOSALS.**

- 12.1 There are no sustainability issues arising from the contents of this report.

## **13 HEALTH AND WELLBEING IMPLICATIONS**

- 13.1 By taking a proactive approach to supporting employees with disabilities, the Council can ensure that employees are able to ask for help and adjustments. This in turn, can reduce absenteeism by providing the appropriate support.

13.2 As with any longstanding health-related condition, sympathetic and appropriate support from employers and managers is crucial to provide employees with the support that they need. This should ensure employees feel confident to discuss their health concerns, enabling them to continue to be successful in their roles.

#### **14 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND**

14.1 There is no specific impact on any council managed property or land arising from the contents of this report.

#### **15 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

15.1 The Council, like all employers, has a duty of care to its employees, by providing workers with dignity and respect in their working environment

15.2 Sandwell Metropolitan Borough Council is fully committed to providing an inclusive working environment for every employee.

15.3 It is important to make it clear through workplace policy and guidance, that employees with disabilities will be supported, and to outline and communicate what support is available.

15.4 Once agreed by Cabinet, the Council will communicate to employees that this policy and guidance has been developed.

15.5 Senior Managers, Line Managers, the Occupation Health team and Human Resources will also be informed of their responsibilities under this policy and guidance.

#### **16 BACKGROUND PAPERS**

16.1 None

#### **17 APPENDICES:**

17.1 Appendix 1 – HR32 – Disability Passport Policy

17.2 Appendix 2 – HR32.1 – Disability Passport – Guidance for Managers & Employees.

## 17.3 Appendix 3 – HR32.2 – Disability Passport

**Darren Carter**  
**Executive Director – Resources**