

BRIGHTON & HOVE CITY COUNCIL

OVERVIEW AND SCRUTINY COMMISSION AD HOC PANEL - STAFF DISABILITIES

10.00am 22 FEBRUARY 2010

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillor Watkins (Chairman) Councillors Harmer-Strange and Marsh

Also present: Councillor Ayas Fallon Khan

PART ONE

1. PROCEDURAL BUSINESS

1a Declarations of Substitutes

Councillor Davey gave his apologies. Substitutes are not allowed on scrutiny panels

1b Declarations of Interests

There were none

1c Declaration of Party Whip

There were none.

1d Exclusion of Press and Public

In accordance with section 100A(4) of the Local Government Act 1972, it was considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in section 100I (1) of the said Act.

RESOLVED: That the press and public be not excluded from the meeting.

2. TO NOTE REMIT OF PANEL

2.1 The Panel noted the remit as agreed at Overview and Scrutiny Commission 8 September 2009 including extracts from the Diversity Peer Challenge and Organisational Health Performance BVPIs.

3. CABINET MEMBER FOR CENTRAL SERVICES COUNCILLOR AYAS FALLON-KHAN

3.1 The Chairman noted that this was the first scrutiny regarding the Council's own staff and different scrutiny methods were being used for the first time. Some 1:1 interviews had already taken place with individual staff members and personal case studies had been received. He said the recommendations would be based on the information that the Panel hears.

3.2 The Chairman welcomed Councillor Ayas Fallon-Khan, Cabinet Member for Central Services.

3.3 Councillor Fallon-Khan said staff issues were taken seriously and the Council had a generally good record. However Staff Disability and Dignity at Work matters had to be resolved quickly and consistently, especially in cases where bullying, harassment or discrimination might be involved.

3.4 It was important to act fully on policies. Councillors were working cross-party to improve the working culture and introduce preventative measures from the outset.

3.5 There was room for improvement because staff can be affected in different ways, sometimes at some depths of concern that are not always appreciated. The openness of the relationship between managers and staff was being looked at and it may be that in future patterns of behaviour and actions can be separated more distinctly.

3.6 The Council should be taking positive action if possible to help disabled staff where necessary.

3.7 The Chairman agreed that a cross-party approach was constructive in identifying areas where the council could do better. The Panel did not intend to duplicate work already under way.

3.8 Members asked a number of questions: on training programmes, the work of the Disabled Workers Forum and what generic data was available on Council staff with disabilities in comparison to non-disabled staff.

3.9 The meeting noted there are many reasons for a member of staff not to disclose a disability and asked if people could be encouraged to do so.

3.10 Where a staff member does not disclose, they might not be aware that they have a disability under the DDA, or they may feel it is a private medical matter.

4. EVIDENCE-GATHERING SESSION

4.1 The Chairman welcomed two Job Centre Plus (JCP) representatives to the meeting.

4.2 Head of Partnerships and Communications Manager for Surrey and Sussex Janet Thacker said that JCP, the Council and partners were all working towards enabling equal access for all as far as possible, to the world of work. Referring to the performance indicator BV 16 she acknowledged the considerable challenges for all employers in matching the

proportion of disabled employees with the total working population; this was a challenge also faced by JCP (also a 'Two Ticks' employer).

4.3 Disability Employment Advisor (DEA) Sarah Pumfrey works with customers to give training and support and conducts the 'Two Ticks' surveys. Alongside work directly with disabled customers DEAs are to allocate specific days each week to make sure the surveys were kept up to date and to advise organisations on recruiting new staff with disabilities wanting to use the 'Two Ticks' symbol.

4.4 The DEA receives referrals from jobcentre advisers for people with disabilities/health conditions who might be able to take advantage of work preparation programmes. For instance locally the LENS 'Learning Employment New Start' programme hosted by the South Downs NHS Trust is especially effective.

4.5 LENS gained an award last year for work rehabilitation. LENS is funded directly by the Department of Work and Pensions. The jobcentre is also able to refer customers to the Workstep programme. Workstep provision enables employees and employers to work effectively in identifying their needs, provide support in the workplace to fit their requirements and can help the employee to develop and improve their skills. This funding ends in October and will be reconstructed as 'Work Choice.' Contractors for Work Choice are shortly to be announced.

4.6 The Brighton and Hove City Council review of the Two Ticks was 'very very impressive;' said the DEA; the documentation on what the organisation says it is doing is very good; on a par with other large organisations such as Brighton and Sussex University Hospital NHS Trust whose reviews were also good, she said.

4.7 The Head of Partnership and Communications Manager said the City Employment Initiatives Team was pro-actively facilitating the movement of disabled people and other disadvantaged groups into work via the Local Employment Partnership (LEP). The Future Jobs Fund (FJF) focused on young people who might also be disabled. Both LEP and FJF sets challenging targets to the Council and JCP in achieving its aims and volumes. The Team went to great lengths with regular engagement with JCP and others to fill vacancies actively from as wide a range of representative groups as possible, she said.

4.8 Asked what could be done as regards the low levels of declarations of disability within the Council, compared with the numbers who are thought in fact to have a declarable disability or health condition within the meaning of the DDA, the Head of Partnership and Communications Manager said the Council could benefit by ensuring they 'set a positive climate' by encouraging people who might consider disclosing a disability, by making it clear that without the declaration, the Council would be unlikely to be able to help them if their work were to be adversely affected by an impairment.

4.9 The Regional Partnership and Communications Manager made other suggestions:

- Anonymous staff surveys could be designed to test the numbers of disabled staff by asking 'Are you getting all the help and support that you need?'
- A survey conducted before and after significant intervention would demonstrate progress in this area.

- Improved leadership could be provided via management training programmes to help people who present with, or develop, disabilities so that staff feel that they can disclose and get significant support. There are many reasons why people may hesitate to disclose.

4.10 The Head of Partnership and Communications Manager said the Council's opportunity to increase numbers of disabled people employed could benefit from closer engagement with Pathways to Work providers (A4E and RBLI) whose remit was to work directly with sick and disabled customers to improve their employability. Pathways deploy Employer Engagement Managers who work directly with Employers to match suitable candidates.

(Pathways to Work is a JCP programme which helps people to get work if they are receiving Employment and Support Allowance or an incapacity benefit because of a health condition or disability. The help is tailored specifically for each person taking part in the programme).

4.11 JCP offered to facilitate a meeting if this would support the Council's endeavours. The Partnership Meetings organised by the council are not well supported so there is room for improvement. Organisations involved in these meetings need to be encouraged to show more commitment to the process.

4.12 JCP is in a good position to facilitate closer working, for example involving the Council's new Disability Employment Officer.

4.13 Information concerning the Disability Discrimination Act is widely available on the Internet and through the Direct.gov website. Employees and employers have the opportunity to understand their responsibilities under the Disability Discrimination Act. Employers should ensure that they consider making every reasonable adjustment available for the employee if they are disabled or become disabled whilst in the workplace. The employer has a responsibility to review on a regular basis the reasonable adjustments made and the employee should be encouraged to talk about any health conditions or disabilities that have an impact on their daily duties. Disabled people have the same civil rights to promotion and training and the employer has a duty to promote this opportunity.

4.14 The Chairman asked if disabled people feel themselves to belong to a minority group. The DEA said she received many phone calls asking 'should I declare my disability or not?' JCP has useful guidance on this. Her advice is to say; "Yes." This encourages honesty by the employee with the employer and if reasonable adjustments are needed later. If someone does not declare a disability and the work effects worsen, there could be a risk of losing their job.

4.15 An important part of a Disability Employment Adviser's role can be to help retain a disabled staff member. An employee might think they could lose their job because of disability discrimination. A DEA can facilitate a joint meeting between the employer and employee; 9 times out of 10 issues can be dealt with by provision of timely reasonable adjustments. The JCP representatives pointed out that there were no recent examples of this regarding BHCC employees. The JCP can act as a support to the council's own DEA in an advisory capacity if required e.g. case conferences.

4.16 Specialised equipment provided via Access to Work funding such as computers generally stayed with the employee, even if the person moved to different employer.

Equipment often has to be maintained and kept up to date – such as new versions of software. In some cases, such as wheelchair, funding could be divided proportionately between work and private use and the costs attributed accordingly. This was arranged on an individual basis.

(Access to Work can help you if your health or disability affects the way you do your job. It gives you and your employer advice and support with extra costs which may arise because of your needs.)

4.17 At the invitation of the Chairman the Recruitment Strategy Manager Lance Richard presented information in the briefing enclosed with the agenda. He told the meeting of the Council's challenges in keeping the 'Two Ticks' symbol. He said the Local Employment Partnership (LEP) scheme had been successful overall.

4.18 However because disabled people may not declare a disability - for a range of reasons - monitoring the effectiveness of initiatives had been a problem. Around 10% of those recruited via the LEP do have a disability; though they had tended not to disclose this to the Council on the white monitoring slip accompanying the application form, even though this is separated and remains anonymous. Because this group of people who have not disclosed, cannot be included in the BVPI statistics (BV16) this leads to apparently poor performance in terms of employment of disabled people. If they were included performance would be denoted 'green' instead of 'red.'

4.19 DiverseCity publicity campaigns have also been widely successful at getting the Council known as an open employer which encourages all to apply for jobs. These need to be continued in order to be effective, he said.

4.20 The trend of interviewing and appointing disabled people had risen consistently over four years, but more could be done to attract disabled workers to apply.

4.21 There is a store of office and computer accessory equipment and software for use on a trial basis – users are not asked to prove that the equipment is suitable. Managers need support in this area.

4.22 There is an ongoing issue of accessibility of council buildings for staff. Where possible all interviews are held in accessible buildings. An interviewee with access needs would need to identify this prior to starting work. The Panel commented that the likely location of a job, if this were included in the job advert, could help an applicant at an early stage.

4.22 Answering the question - How much do managers know about what support is available? the Recruitment Strategy manager said a Manager's guidance pack was available where an employee had ticked the disability box. Similarly, pre-employment training programmes were available regarding health and safety matters that may arise from a disability declaration.

4.23 The Council employed only on merit and it is understandable that some staff think it is their own business only, if they are disabled or member of LGBT or BME minority. A person might belong to more than one minority group and would not necessarily identify him/herself in ways that another person would see him or her.

4.24 The Recruitment Strategy Manager said it would be helpful to encourage identifying of a disability. He told the meeting that no senior manager attended the Disabled Workers Forum. This would be a positive move but it was for a senior manager to disclose a disability, as for everyone else, and this could not be imposed upon anyone.

4.25 The Head of Human Resources had started internal training for all HR staff on the DDA, to enable advice or signposting on specific issues.

4.26 The Chairman said the Panel did not wish to duplicate work already being done.

4.27 Asked if disabled people are regarded as a minority group the Recruitment Strategy Manager said yes and also a priority group, as the Council makes a special effort, to encourage everyone to work effectively and, to get more applications from those with a disability, to allocate more funds to disabled employment than to general employment. An entry was made annually in the RADAR directory.

4.28 Members asked if there was enough information about the meaning of a disability and the large number of possible categories, with well over 100 main groupings. At the application and first employment stages and at regular stages the question 'have you thought about staff disability?' could be asked.

4.29 This was a process that could be done with managers though it could be a difficult balance in identifying an issue in the first instance. Typically a record of poor attendance could trigger a conversation with a manager but a disabled person needed to know that help could be available including additional leave for instance to attend medical appointments.

4.30 The Panel then turned to information from the Supported Employment Team (SET). This helps disabled people into work and supports them and their employers in that work. The SET Service Manager Maureen Pasmore told the Panel it was a tribute to the Council that it funds projects for more than 200 severely disabled people in the City; many with learning disabilities or mental health needs and increasing numbers on the autistic spectrum, with multiple sclerosis, ME and Aids. She handed around her main comments. (below)

4.31 She said her team was well placed to comment on how disabled staff are supported as they work with 75 employers; some good, some not so good. Although the Council uses the Two Ticks symbol, recruitment practices could be improved to help make the Council more of an employer of choice. In her view managers did need more support from HR to enable more leadership on DDA for both new and existing staff.

4.32 The mind-set of the organisation needed changing in her view. Better use could be made of the knowledge and expertise that the Council already has; for example the SET includes 7 ½ officers who can help support managers and employees.

4.33 The SET Service Manager said that although changes within the staff team are rare during recent recruitment activity around one third of applicants had declared a disability. They may have felt comfortable to do so because of the nature of the work. Things such as describing the work environment and size of team in job adverts may support disabled people to be more confident in applying for wider council positions

4.34 Answering questions the SET Service Manager pointed out the importance of extra support that could in some cases help people maintain or improve on their role whilst at work. At present the support provided is not standard and depends on the approach of the line manager and HR.

4.35 Regarding the introduction of the Autism Act, SET had much expertise to offer. This knowledge and skill could be put to good use in providing information and support for managers.

4.36 SET and City Employment Team support clients to get work experience in the Council. This is a winning situation all round as it provides skills for managers by helping them to become more familiar with different disabilities/conditions they would not normally work with, and to take out a fear of disabilities.

4.37 The panel heard that SET receives referrals from the Disability Employment Advisors at JCP, from LENS (who had achieved a particularly successful work programme, see attached), Occupational Therapy, social workers, mental health workers, parents, carers and colleges in addition to individual applications.

4.38 Castleham Hove, the city council's supported business, is currently being reviewed to identify ways to support employees to 'progress' from a sheltered work environment to a wider range of jobs in the council. A project is being developed which hopes to use this work as good practice for other disabled employees in the organisation. Castleham Hove is partly funded by Department of Work and Pensions Workstep scheme. From 25 October 2010 Work Choice will replace the existing Workstep and Work Preparation programmes and Job Introduction Scheme.

(The Workstep employment programme provides support to disabled people facing complex barriers to getting and keeping a job. It also offers practical assistance to employers.

Work Preparation is a flexible, individually-tailored programme that can help you prepare for the return to work. It can help you if you have a disability that may affect the kind of work you can do.)

4.39 Much good work was being done via the DEAs including via Access to Work programme.

4.40 The City Employment Initiatives Manager Joe Davenport said the Team started in 2008 to help develop employment opportunities for lone parents and those on benefits. Within a 6-month period, 40 work places were found and the department had expanded.

4.41 The team goes to NHS Trusts working alongside DEAs to help clients fill in abridged application forms.

4.42 The Team also worked with recruiting managers to respond to queries and help with signposting. A trial 'drop-in' day on Fridays had been introduced for people wanting to work for the Council.

4.43 The recently-appointed Disability Recruitment Officer, managed jointly by SET Service Manager (Lead Manager) and City Employment Initiatives Manager is a single point of contact in the council. This role would be clarified for the Panel in due course.

4.44 Other sources of knowledge were the Supported Employment Team, Equalities and Inclusion Team, Access Officer (Technical) in addition to JobCentre Plus.

4.45 Working with JCP to encourage recruitment into the council a colourful easy to read poster and brochure has been produced. Pre-employment training was being done – such as tours of the Council.

4.46 Asked about citywide employment of people with disabilities the City Employment Initiatives Manger felt that recording of the type of information could be improved. The Council tries to influence other employers; monitoring is a challenge.

4.47 To his knowledge since the Local Employment Partnership started in July 2008 more than 130 people – not all with disabilities- had been helped into work. Citywide there were around 450 disabled workers who had disclosed their disability.

4.48 The City Employment Initiatives Manager said it was understandable that if one's work was not being affected by an impairment, and a reasonable adjustment was not needed, then that a person would not necessarily want to tick the 'disability' box.

4.49 The Panel discussed the merits of asking staff 'has anything changed' to prompt early disclosures of conditions to avoid possible unfair action against them. It was suggested that more declarations of disability would enable individuals to feel less isolated and more supported, leading to greater empowerment as a group.

5. DATE OF NEXT MEETING

5.1 The next meeting would be held on Friday 12 March at 10am in Hove Town Hall

6. ANY OTHER BUSINESS

6.1 There was none

The meeting concluded at noon

Signed

Chair

Dated this

day of