

Respect Ability

Workforce Transformation

Over the past few months it's become apparent that many parts of the service are embarking on Workforce Transformation. Some have named it differently with words such as modernisation, transition and civilianisation.

Do they all mean the same thing? Who knows! What angle are they being approached from? Are we looking at people? numbers? Or money?

I have no doubt that the rumours are rife in many parts of the service – you only have to look at the NDPA forum to see the numbers of comments and concerns expressed by members.


Many of the membership speak of the word 'saturation' as they've been informed by managers that the service is at saturation point with disabled officers. What is saturation? Can such a situation exist given the DDA and the DED?

The bigger question is however, how are we treating and thinking about our disabled officers.

Are they involved from day one in discussions about their

current role? Can the job still be done by the officer regardless of disability? If not can the officer's skills be used in another role within the organisation? Or as a service are we dumping anyone with a disability into one basket and telling them the service is at 'saturation' and they will therefore be let go.

Now is the time for your network to be involved in this process alongside our colleagues from the Federation. Thoughts, ideas and examples are needed now to allow the service to transform and modernise so that it reflects the communities we serve and in doing so retains the valuable skills and experience of those officers with a disability.

To that end I would urge all of you to forward those examples of outside of the box thinking so that we can collate these fine examples of reasonable adjustment and retention, together we can help the service recognise difference for a truly better service. 

Andrew McCarthy, Chair South Wales and Dyfed Powys Police Ability Support Network

Welcome from the NDPA Officers!

This is the second edition of the NDPA newsletter Respect Ability, and it's brought to you way later than we ever anticipated.

Why? Well your NDPA officers have spent the last four months grounded, whilst filling in more paperwork than the Amazon has trees, and doing our best to get a bid together worthy of the work that the NDPA does.

This edition as Scott will explain in further detail is brought to you by an extremely generous donation from the Police Federation. It is fair to say that without their help we probably wouldn't be around now.

Again in this edition we've have tried to cover as much as we can, and we've included details of our membership scheme both Associate and individual. Please keep your articles and letters coming in, the more the merrier.

Scott, Pete, Julian, Andy, Alex, and Deborah.

Words from the chair

This edition is a little late in being produced as it was hoped to have it published by the beginning of April. The reason for the delay is down to budget or lack of it in our case.

Due to changes in the way the Home Office grant in aid funding is assessed and released we have gone from receiving the funds at the beginning of the quarter to receiving it in arrears which has resulted in the NDPA not have any funds coming in for 6 months, this means that we have had to try to survive and function on £7000 for half a year with no date set as yet from the Home Office as to if or when we will receive the grant.

These funding restrictions have come at a particularly bad time as this edition of *Respect_Ability* contains amongst other things the membership details, both individual and associate. This fund raising through membership will allow us to continue to evolve and assist the service in the field of disability from recruitment to retirement and all stages in between.

This 'catch 22' situation has caused great concern with the threat of sending the NDPA into hibernation a real possibility. Without the funds to produce the magazine we cannot promote and seek associate membership from forces and without the membership fees we cannot produce the magazine!

I have huge pleasure in being



able to thank the Police Federation of England and Wales for sponsoring this edition. I am sure that with this help and support from the Federation that we will be able to approach individual forces to sign up the NDPA as associate members and for them to make a real difference through this support to the understanding and treatment of officers and disabled staff and those carers of disabled people.

Through the various mediums open to the NDPA from conference to magazine to website/forum and dissemination through local disability support networks we can assist in the spread of best practice. There are many areas of best practice across the country that needs to be made known including the work being done in the West Midlands in partnership with the Shaw Trust, Merseyside Police and their hidden disability

programme developed by their learning support department declared the overall winner of the NPIA Queen's Award for innovation and to the approach taken to workforce modernisation by Hampshire Police by assessing every role in the force for disabled people.

There is a lot of work on the horizon for the NDPA and the Service, including the review of staff associations, not least the green paper being written on the back of Sir Ronnie Flannagan's review. In order that the views of members of the police family are taken into consideration when carrying out these pieces of work with regard to disability, it is essential that the National Disabled Police Association are effective and able to operate, and to operate efficiently it is critical to obtain support from forces and individuals.

I should once again like to close by expressing my gratitude personally and on behalf of the NDPA to the Federation for their support and sponsorship of this edition of *Respect_Ability*. I should also like to wish Jan Berry all the best for the future and to thank her for the contribution she has brought to the Federation and to the service as the Chair and wish her successor well and hope they can deliver with the same passion and dignity shown by Jan. 🧩

Scott Westbrook
Chair, NDPA

Hello and goodbyes

This month we say hello to Paul Gormley DCC West Midlands who has taken over the ACPO lead for mental health and disability and goodbye to Ali Dizai.

Big thank you and goodbye goes to Paul O'Keeffe the Chair of the Metropolitan Police Disabled Staff Association. Paul has served for 32 years and is now retiring and in his time he has turned his hand to most things.

I was fortunate to meet Paul through the disability support network in 2003 when I first became involved with disability issues when I joined the Disabled Staff Association and became secretary. Paul was the vice-chair and I knew that we quickly shared many views as well as a healthy sense of humour, essential if you are to deal with the stresses and demands of staff association work. The National Disabled Police Association was formed through the combined efforts of Paul and I and I cannot thank him enough for this.

Dealing with the issues faced by our members can be difficult and distressing for all concerned and the faith placed in you by the person seeking support can sometimes bring enormous pressure. Combine this with the political demands and processes of working with the service and Home Office and the world can seem a very lonely and hostile place.

Having someone like Paul to call on at all hours of the day and night to bounce ideas off, discuss

approaches to DDA issues and to generally let off steam and unwind is priceless.

I know that the DSA has gone into the safe hands of the new Chair Andy Garratt, who will continue and take forward the issues of disabled members of the MPS, but I will really miss the friendship and support of Paul, and I am amazed that the MPS have let him retire at all!

There are many people that you meet when you join the police service; many are acquaintances or work colleagues, but only a few become real friends. Paul has and

will continue to be a close friend and I look forward to the next glass of wine we share and wish him and his wife Karen the very best for the future.

I would also like to pass on my thanks and gratitude to Anna Ludlow who stood down as Membership Secretary after many years of hard work for the NDPA.

Congratulations to Alex (Protts) our NDPA General Secretary on her appointment to Corporate EDHR Team Leader at the NPIA.

Scott Westbrook
Chair, NDPA

From the Treasurer

It's difficult to write an article about money when at the beginning of writing this article we had £243.00 in the bank – just enough to cover the phone bills and a few sundries.

I am also trying my best not to do an impression of Alistair Darling or Gordon Brown and paint a dark and gloomy picture of our financial viability – but it is difficult from many points of you. First we still don't have the money we need to run properly, though the grant has finally been agreed. Secondly we don't have a huge list of support staff who are experts in hoop jumping and financial form filling. And thirdly we are still struggling to be anywhere near the other support networks in terms of facilities and full time staff.

However we are here for another year, and what a year we have in front of us. A Hate Crime Conference in Liverpool, the launch of corporate and individual membership, the continued publication of this superb magazine and a website upgrade. Things dare I say it could well be looking up, but as always I say that with caution!

Andrew McCarthy Treasurer.

Letter to the Editor

In the January 2008 issue of 'Respect Ability', I was interested to see an article, 'Disabled Parking at Work – a personal view', by Peter Sinclair. I agree wholeheartedly with his view that the DDA does not adequately cover certain types of disability, and by inference, is in need of an overhaul.

Whilst those with mobility problems are rightly catered for and have a system in place which is recognised and accepted, and a blue badge and a disability bay is provided in recognition of their needs, it is not always so with disabilities of a different kind.

I am an Insulin dependent Diabetic, and as such covered by the Disability Discrimination Act. I have been diabetic since 1988, and since being diagnosed have suffered with Retinopathy, neuropathy, received substantial laser treatment to both eyes, had a vitrectomy operation to one eye, and a quadruple Heart bypass. To all intents and purposes I am no different to any body else.

I have been receiving treatment to my eyes for over 9 years. My vision has been affected, and although I have sufficient visual acuity to drive in daylight, I no longer drive at night. I also find difficulty driving in poorly lit and confined areas, typical of many carparks. Whilst my inability to drive during the hours of darkness has been officially recognised and accommodated within my role as an Investigation Officer with Surrey police, this and other issues has

not passed easily or without problems.

The station at which I work has two carparks, and a station forecourt. Like most stations we park on a first come first served basis on the lower park and forecourt. The first floor carpark has natural light from both ends with good artificial lighting. The groundfloor park is poorly lit and difficult in which to manouvre.

The first floor caters for essential users and the more senior personnel at the station, who have deignated bays. Although I am not employed as an essential user, my work requires me to use my private car on a daily basis, travelling somewhere between 400 and 600 miles a month (probably a great deal further than those paid as essential users).

Having latterly had a couple of scrapes in the ground floor carpark, in which I had parked for the past 5 years, I asked initially to use the forecourt, which became full before daylight hours. No accomodation was made regarding this request. I then asked if I could be allocated a space in the first floor carpark because of the recent problems I was experiencing.

It is now six months since making my initial request, during which I have been told (by e-mail of course) by the Inspector in charge of allocating the bays, that I wasn't covered by the DDA. I was further told by the Health and safety Manager that I should apply for a blue badge (mobility is not the issue) and that the lighting was no different in either car park,

and as an alternative I could use the top floor of our local supermarket, which is 3 floors up and and one in which I find difficulty. There has been a whole raft of e-mails to-ing and fro-ing, my application has been viewed by 9 managers, having been passed from the Health and Safety manager, to the Borough Inspector (who allocates the bays), to the Finance and Admin Manager to the HR manager No one it seems was prepared to make a decision. During this time advice was sought by the organisation from force solicitors, and it was finally decided to refer me to the Force Medical Officer, as to whether my condition was one in which Surrey police could make reasonable adjustments to assist me. This was despite obtaining a letter from my Consultant Ophthalmic Surgeon stating my condition, the difficulty I would have driving in the dark and poorly lit and restricted areas.

I have had support from a variety of managers within Surrey police force, concerning this matter, and having now attended my appointment with the FMO, have been told that he supports my application, and was obviously exasperated that it came to him to make this decision.


I have been accused of seeking preferential treatment, received e-mails which have been dismissive and sarcastic, and made to feel selfish for requesting a bay. Unfortunately, the DDA advises and provides guidelines to organisations, but it appears still to leave decisions on whether

reasonable adjustments should be made, as a grey and woolley area.

If I had been a blue badge holder I have no doubt that my needs would be accommodated. As a non holder, I like many I suspect, are reliant upon others adopting a sympathetic, or commonsense approach to problems, not immediately obvious to others.

Perhaps an option to install extra lighting (at a cost) may have been the way forward. I suspect it would have taken the 'aggro' out of the situation.

Just prior to sending this letter I was told that I had been given a bay on the first floor carpark, as a result of seeing the Force Medical Officer.

I suppose the lesson here is, that if you are prepared to continually fight your corner, seek assistance from the medical profession, disregard any obstruction or intimidation, by having your request bounced from one manager to another, referred to Force solicitors, and Occupational Health, then eventually you may be lucky enough to win the day. Unfortunately I, along with other Investigators are being made redundant from my current station, to be relocated at a police station a further 16 miles away in approximately 6 weeks time. Great!! 

Ian Money – Investigation Officer
Surrey police, (formerly Met Police officer)

The views expressed are those of the correspondents and do not necessarily reflect the views of NDPA. The editor reserves the right to edit or reject any letter, or abridge letters exceeding 300 words in length. Letters not published because of space constraints will appear in the next issue. Letters must be original and addressed to the editor

Join Up! NDPA Membership

For some time now police services and organisations have been asking how they can join the National Disabled Police Association so that they can demonstrate their commitment to disability equality.

Now you can! Below are the levels of membership available:

NDPA Membership

Full membership of the NDPA is open to all police officers, police staff and police volunteers serving in the United Kingdom and to those who are now retired.

Individual membership is available at a cost of £12 per year or £30 for three years.

Associate membership is available to any organisation wishing to demonstrate that it supports the aims and objectives of the NDPA.

Associate membership is £350 per year.

Benefits of Membership

- Opportunities to attend seminars and workshops
- Links with other police professionals in the country
- Links with disability specialists in the country
- Sharing experiences and specialist knowledge with others
- Engagement at a national level of your issues
- Regular copies of Respect Ability
- Full access to the NDPA forum
- Notification of issues affecting disabled people in the police service

**Complete the enclosed form,
and send it in today!**

Forum Discussions...

Q. As a Special do I count?

As the title of this questions suggest, I am a Special and have served for a number of years in my local area. As a volunteer I get seriously riled that I get asked to do extra hours that I can't work due to work commitments but also deteriorating health. I suffer a number of impairments and have repeatedly asked the police service I volunteer for to make some adjustments to allow me to continue as a Special Sergeant. I keep getting told however that as a Special I am not covered by reasonable adjustments and that I should buck up my ideas and get on with the job! Two years on from the above events the police service has told me that my offer of voluntary service is no longer required and I am to return all of my equipment.

A. Alex Prottis General Secretary NDPA

This post was first put on the forum in 2006 and this officer's story is a sad one. I have used some artistic licence to keep it anonymous and to shorten it for the purpose of the magazine. To see the full post, log onto the



Alex Prottis
General Secretary NDPA

NDPA forum (www.ndpa.info). In a nutshell, as a Special you are covered by the DDA and therefore afforded the protection it offers. This is due to the strict requirements of a person who holds the Office of Special Constable. For all intents and purposes you are an employee.

Below is a reply posted after this person had been told she was no longer required, that I think says it all...


"Are you still a Special Sergeant? Have you responded to their request that you hand

back your equipment? Have you made any decisions about your future with the police service?

Just how important is it for you to be a volunteer police officer? There are plenty of far less stressful ways of volunteering your free time to support your community.

Being a member of St Johns Ambulance Brigade, a school governor or a scout leader are three off the top of my head? What about neighbourhood watch? I'm not trying to bait you, honestly, I'm just saying that if any one of these, or the numerous other voluntary occupations now available, appeals to you in any way, you should seriously consider putting your skills and experience to use, in a role in which you will be truly appreciated.

However, if the things I have written have made your blood boil and you find yourself reaching for your keyboard, itching to type a scathing and not undeserved response, to my cheek, then you are still, in your heart, a police officer and in that case you simply cannot bow out and resign, just so that your Special Constabulary do not have to deal with, what is after all, their problem, not yours!!

Don't let them squeeze you out and don't let them push you into giving them grounds to dismiss you. You have a lot to give and the Special Constabulary have no right to take that away from you, just because you are disabled." 



Operational Conflict

The police service has a common national syllabus for all officers covering the use of handcuffs, incapacitant sprays, batons and unarmed defensive and restraint techniques. Many forces also require officers to pass the national recruit fitness test before being allowed to train. If officers are unable to complete any part of this syllabus they can find themselves restricted to back office roles.

Many disabled officers are barred from operational policing because they are unable to complete the full personal safety training syllabus. This often leads to officers being posted to jobs where they have no interaction with the public severely limiting their career opportunities. People have been removed from jobs they enjoy and are good at.

One officer affected by this policy was DC Ian Williams from Bedfordshire's economic crime unit. After being injured on duty he was unable to complete all of the training. "I came into work one day and was told that I could not go out and make enquiries or even interview people at the police station. It was clear that the force did not understand the DDA and I felt that I had been put into the wilderness," said the Detective.

Bedfordshire is one of a small number of forces currently developing a more flexible approach to use of force training. PC Andrew Lambert is one of Bedfordshire's two force physical training instructors (PTIs) and is at the forefront of this work. Working with DC Williams and the force medical officer, PC Lambert was able to develop a training package that enabled the detective to demonstrate his competence in both national tactics and the use of all his appointments. PC Lambert said "Its not rocket science, its just a common sense approach to the real world."




Julian Frost

Whilst most training in the force is delivered by divisional trainers; bespoke training is developed by one of the two HQ based nationally trained PTIs in collaboration with the force medical officer, occupational health and, most importantly, the officer themselves.

The chair of Bedfordshire's disability awareness network (DAWN), PS Simon Daize, welcomed this work saying that it would help officers to fulfill their potential at work. He also made the point that police officers with physical impairments may well come across incidents when off duty which as constables they may have to deal with. If the force has some kind of training in place it may be less liable for injuries to the public, officers or offenders than if a blanket ban on training, without an evidence base for it, was in place.

Louise Frayne, Bedfordshire's Assistant Director People Services said, "As part of our commitment to equality and diversity it is critical that we consider all aspects of an individual's working life here at Bedfordshire Police. An essential part of this is Learning and Development, and I am delighted that People Services

has adopted a very pro-active approach to inclusivity and ensuring that everyone can participate where it is reasonably practicable for them to do so."

This work in Bedfordshire is a good example of the importance of treating people as individuals to ensure they are allowed to make best use their skills and experience to serve the public. PC Williams said, "I am out all the time and have made a lot of arrests. Any one else in my position should be assisted to do what they want, if someone has potential they don't lose it just because they are injured." 

For further information please contact Julian Frost at VCS@ndpa.info

In Wales they don't ju

Congratulations to David Morgan who has been honoured by the Queen following her birthday.

Dave receives the Queens Police Medal for distinguished police service.

He has served 25 years in the Police Service having joined in 1983 with the Leicestershire Constabulary serving at Coalville, Ashby de la Zouch and Narborough. He served in Leicestershire for 6 years as a beat officer, tutor constable and motorway control room operator before transferring in 1989 to Heddlu Dyfed Powys Police.

With Heddlu Dyfed Powys Police he has served in the Ceredigion Command Unit as a Beat Officer, Tutor Constable, Community & Partnerships Officer, a School and Drugs Education Officer and as a Roads Policing Officer.

After a 6 month attachment to the Community & Partnerships Department in Aberystwyth in late 1995 David became the first officer from the organisation to be seconded to Prince's Trust Cymru as a Team Leader working with young people on a personal development programme and in the same year was awarded Heddlu Dyfed Powys Police's Community Officer of the Year and became a nominee for the UK award.

In 1999 David transferred to the Learning & Development Unit at Headquarters in Carmarthen and in 2001 he had



“This award isn't just for me; I have a smashing family who have supported me throughout my career so it's only right I share it with them.”

the unique opportunity of being the first constable nationally to be seconded to Her Majesty's Inspectorate of Constabulary (HMIC) where he formed part of a team that undertook an inspection of Police Probationer Training in England & Wales. Again in 2003 HMIC sought his skills and he was seconded for a

second time to assist in undertaking a scoping inspection of Centrex (Central Police Training & Development Authority, this has now migrated into the National Policing Improvement Agency – NPIA). He has also assisted Centrex (prior to migration into NPIA) on the development of a new trainer's programme and in the delivery of a Family Liaison Officer's Course (FLO Road Traffic) for Fife Constabulary in Scotland.

Dave who is vice chair of the South Wales and Dyfed Powys Ability Support Network – 'I'm completely overwhelmed by this award, and more so by the many letters of congratulations I've had from all over the world. This award isn't just for me; I have a smashing family who have supported me throughout my career so it's only right I share it with them.' 🧩

Just win Grandslams....

The prestigious South Wales Police Annual Awards Ceremony 2008 was held at City Hall on Thursday June 12 and recognised officers, staff and partner agencies for outstanding achievement.

A total of 16 awards were given out, ranging from Police Officer of the Year, Operational Team of the Year, Bravery Award, Leadership Award, Diversity in Action Award, and the Lifetime Achievement Award.

Cardiff was the clear divisional winner scooping six of the awards on the evening in front of 300 guests, fellow nominees, sponsors, and chief officers.

Chief Constable Barbara Wilding said, "I personally would like to congratulate not

only the winners of our Awards Ceremony but all those that were successfully short listed in the relevant award category.

"I am also extremely grateful to all our sponsors for their generous support, without which, the night simply would not have been possible.

"It is extremely encouraging to see so many organisations recognising the effort made by the dedicated people of South Wales Police, who continually go above and beyond the normal call of duty to ensure the safety of the members of the public."


South Wales and Dyfed Powys Police Ability Support Network Chair Andrew McCarthy won the Police Staff Member of the Year Award which was proudly sponsored by Sun Microsystems.

Andrew has played a key role

in the delivery of the South Wales Police Neighbourhood Policing website – Ourbobby.com. He is Chair of the Force Ability Support

Network and an inspiration to his colleagues, who describe him as first-class.

Front Line Support Officer, Andrew McCarthy said, "I am immensely proud to receive this award and pleasantly surprised. Something like this doesn't come around that often. I work with great people and couldn't do it on my own. I accepted this award as an individual but really it belongs to a fleet of people."

"Some people join the police force because they want to change the world. I'm not quite at world-changing status yet but I know the little things I am doing are making a difference." 



From left to right: Angela Jay (Real Radio), Peter Bradley (Sun Microsystems), Andrew McCarthy, ACC Nick Croft and Tony Wright (Real Radio)

Mother takes her fight for carers to Europe

A landmark case, which could herald new rights for Britain's six million carers, was taken to the European Court of Justice today (Tuesday 9th October) by the mother of a disabled son, who claims she was discriminated against at work because of her child.

Sharon Coleman, whose son Oliver was born with a rare condition affecting his breathing and was also deaf, says she was forced to resign from her job as a legal secretary after being harassed by her employers and refused adjustments, such as flexible working, granted to colleagues without disabled children.

The case, which is being supported by the new Equality and Human Rights Commission jointly acting with Bates Wells and Braithwaite London LLP, was originally referred to the ECJ by an Employment Tribunal in order to decide the extent to which a European Directive regarding equal treatment in employment prohibits "discrimination by association" and should be applied to British law.

The Court is expected to give its decision in January and if the ruling goes in Ms Coleman's favour, it will give significant new protection to people looking after sick relatives.

The Commission's legal group director, John Wadham, said: "This is truly a landmark case and I hope it will have a real impact on the lives of millions of carers, sixty per cent of whom are women. People will no longer have to live in fear of losing their jobs whilst looking after their loved ones, and employers will have to become more flexible. I hope that employers will recognise the importance of this case, which should inform best practice and the best employers anyway."

Robin Allen QC told the ECJ that during Ms Coleman's employment at Attridge Law Solicitors, his client alleges she was subjected to a range of discriminatory experiences. These included:

- Criticism for seeking to take parental leave at the end of her maternity leave, in the circumstances

where the parent of a non-disabled child would not have been so criticised

- On returning from maternity leave she was not allowed to return to her existing job, where the parent of a non-disabled child would be able to return
- she was criticised and described as 'lazy' when she sought to take time off to care for her child, whereas others were allowed time off for the purposes of childcare for their non-disabled children
- She was late on occasion, because of problems with care for her child. She was told she would be sacked if she came to work late. No such threat was made in the case of other employees with non-disabled children who were late because of childcare problems
- Comment was made that her "f***ing child" was "always f***ng sick" and that she was using her child to manipulate her work conditions.
- She was not allowed to work from home, whereas others were allowed to do so when they had difficulties with care for non-disabled children
- She lodged a grievance against her ill treatment, but that grievance was not dealt with properly or at all. Instead she was told to withdraw her grievance because "money talks and shit walks." In those circumstances, she felt constrained to withdraw her grievance. The parent of a non-disabled child would not have been dealt with in this manner.
- She was placed in a pool selected for redundancy, after she had indicated she wished to make a formal request for flexible working to care for her child. Though she chose to take redundancy (because she could not bear to work any longer with the respondents), the process of redundancy was a sham.

Mr Allen argued that the European Directive, known as the Framework Directive, which came into force in 2000, gives protection against harassment and discrimination not only to those

who are disabled, but also to people who are discriminated against because of their association with disabled people.

Ms Coleman Fighting this case has taken a lot of courage, and I really hope that we get a positive result from the European Court. It is so important for people who care for disabled children not be forced to choose between their job or being a mother."

Lucy McLynn, a partner at Bates Wells &

Braithwaite, said: "The ECJ's ruling will provide much needed clarity about the scope of protection from disability discrimination, and also, by implication, other forms of discrimination "by association". A ruling in Sharon's favour will, for example, confirm that the carers of elderly relatives are protected under age discrimination legislation."

For further information please contact Nicola Pazdzierska at the Press Office on 0203 117 0249 or 07791 015009.

The Court Result

In those circumstances, the Employment Tribunal referred the matter to the Court of Justice, asking whether the directive on equal treatment in employment and occupation must be interpreted as prohibiting direct discrimination on grounds of disability and harassment related to disability only in respect of an employee who is himself disabled, or whether the directive applies equally to an employee who is treated less favourably by reason of the disability of his child, for whom he is the primary provider of the care required by virtue of the child's condition.

The Court observes that the directive defines the principle of equal treatment as meaning that there is to be no direct or indirect discrimination whatsoever on the grounds, inter alia, of disability, and that it applies to all persons in relation to employment and working conditions, including dismissals and pay.

The Court notes that, whilst the directive includes certain provisions designed to accommodate specifically the needs of disabled people, that does not lead to the conclusion that the principle of equal treatment enshrined in that directive must be interpreted strictly, that is, as prohibiting only direct discrimination on grounds of disability and relating exclusively to disabled people. According to the Court, the directive, the purpose of which is to combat all forms of discrimination, applies not to a particular category of person but by reference to the nature of the discrimination. An interpretation limiting its application only to people who are themselves disabled is liable to deprive the directive

of an important element of its effectiveness and to reduce the protection which it is intended to guarantee.

As regards the burden of proof, the Court observes that, in the event that Ms Coleman establishes facts from which it may be presumed that there has been direct discrimination, the effective application of the principle of equal treatment then requires that the burden of proof should fall on her employer, who must prove that there has been no breach of that principle.

The Court concludes that the directive must be interpreted as meaning that the prohibition of direct discrimination laid down therein is not limited only to people who are disabled. Consequently, where an employer treats an employee who is not himself disabled less favourably than another employee in a comparable situation, and it is established that the less favourable treatment of that employee is based on the disability of his child, whose care is provided primarily by that employee, such treatment is contrary to the prohibition of direct discrimination laid down by the directive.

With regard to harassment, the Court adopts identical reasoning and concludes that the relevant provisions of the directive are not limited only to people who are themselves disabled. Where it is established that unwanted conduct amounting to harassment is suffered by an employee in the same situation as that of Ms Coleman, such conduct is contrary to the prohibition of harassment laid down by the directive.

Unofficial document for media use, not binding on the Court of Justice.

Guidance for Trade Union Reps (and other workplace advisers) on mental health at work

The Trades Union Congress recently contracted our organisation to rewrite this guidance document. The original document had been a joint production by the Disability Rights Commission, the TUC, the Sainsbury Centre for Mental Health, and **MINDFUL EMPLOYER**.

The republished guidance, available free from the TUC's website (for Unions only) or at a cost of £5 for non-unions, uses case studies to give examples of how Unions can support members with mental health problems in the workplace. The guidance will be very useful for disabled staff group members in the Police Service too.

Peter Purton, the TUC's LGBT and Disability Policy Officer said, "We were very pleased with the quality of the mental health guide written by Disability Forward. It was launched at our 2008 disability conference, and was very well received by disabled members"

Disability Forward can now offer training on mental health in the workplace. If you would like to know more, please visit our website www.disabilityfwd.co.uk or email michelle@disabilityfwd.co.uk.

To get a copy of the guidance, go to www.tuc.org.uk or email smills@tuc.org.uk.

Editorial

If you wish to contribute to **Respect Ability** please send your articles to: ndpanewsletter@hotmail.co.uk

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