

Guide - Reasonable adjustments v1.0

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Introduction

Under the Equality Act 2010 the Council has a duty to make reasonable adjustments in order to prevent an employee with a disability or long term condition from being placed at a substantial disadvantage by our premises, policies or practices. This duty applies to all aspects of employment including training, transfer, career development and retention and redundancy.

The Equality Act defines a disability as a physical or a mental condition which has a substantial and long-term impact on your ability to do normal day to day activities.

This document is designed to:-

1. Provide guidance on what disability means and what is meant by the term “reasonable adjustments”.
2. Provide guidance on the process to be used when considering Reasonable Adjustments
3. Provide guidance on how to access support and to give help to those involved in the discussion process.
4. Provide support to line managers in considering what a “reasonable adjustment” is and assist them with decision making.
5. Set down the adjustments in a recorded format so everyone knows what is expected from them.

Many adjustments cost little or nothing, are quite straightforward to arrange and are often a matter of flexibility and developing a creative approach to working practice. There is an expectation that managers and employees will work together to develop workable solutions.

A non-exhaustive list of what could be considered reasonable adjustments can be found in the section [Examples of Reasonable Adjustments](#).

Where managers are unsure of what adjustments are appropriate given the individuals medical condition, Occupational Health can provide advice.

There are also a number of schemes and government programmes, which will be able help. Information about these are available from Job Centre Plus Disability Employment Advisers. Some disabled employees may already have a Disability Employment Adviser assisting them.

Access to Work is a scheme that can help employees if their health or disability affects the way they do their job. It provides advice and support with extra costs that may arise because of their needs. Access to Work might pay towards the equipment needed at work or adapting premises to meet an employee’s needs. Contact details can be found in [Resources and Sources of Support](#).

Employee obligations

As an Employee of the Council we would expect you to:-

- Inform the council if you have a disability and require reasonable adjustments.
- Cooperate fully with the reasonable adjustments assessment process
- Inform your employer as soon as possible if one or more Reasonable Adjustments is not working for you
- Make suggestions about what may assist you
- Be open and honest throughout the process

Employer obligations

As you Employer you can expect that:-

- We will discuss with you in detail any reasonable adjustments
- Will give due consideration to all adjustments which are put forward
- We will give reasons for our decisions in relation to reasonable adjustments which are put forward
- We will, wherever possible, provide assistance to allow you to access additional help and support

Procedure for making reasonable adjustments

1. Difficulties identified/disability established
2. Sources of support identified and requests for advice (if required)
3. Reasonable adjustments assessment completed in all cases
4. Tailored adjustments agreement completed, filed and diarised for review

Reasonable Adjustments Assessment Form

The [Reasonable Adjustments Assessment Form](#) should be completed by the manager in consultation with the Employee. It has been designed to assist managers who may be unsure whether adjustments being requested are reasonable.

The questions are formulated to assist the manager in coming to a decision on whether or not an adjustment is reasonable. If the adjustment is deemed to be reasonable after completion of this form a Tailored Adjustment Agreement should be completed and recorded.

There may be situations where you, as the manager may need to consult other employees with regards to reasonable adjustments. If the employee does not agree to your involving other employees, you must not breach their confidentiality by telling the other employees about the disabled person's situation.

If an employee is reluctant for other staff to know, and you believe that a reasonable adjustment requires the co-operation of the employee's colleagues, explain that you

cannot make the adjustment unless they are prepared for some information to be shared. It does not have to be detailed information about their condition, just enough to explain to other staff what they need to do.

There may be occasions when a manager feels it is not reasonable to make the adjustments identified, particularly if this impacts on contractual, equality or health and safety issues. On these occasions the Manager should seek advice from Human Resources.

Tailored Adjustments Agreement

The attached [Tailored Adjustment Agreement Form](#) should be completed when agreeing any adjustments with an employee.

It is designed to allow discussions to take place between an employee and their manager to identify appropriate adjustments that will provide support for the employee to carry out their role effectively, and without barriers.

Adjustments may be required at any time during the employment process; an employee does not have to have had a period of sickness in order for adjustments to be considered.

If a manager is unsure what adjustment may be appropriate they should contact Human Resources or the Occupational Health department for advice and support.

Tailored Adjustment Agreement – individually tailored reasonable adjustments

This 'Tailored adjustment agreement' is a living record of reasonable adjustments agreed between a disabled employee and their line manager.

The purpose of this agreement is to

- Ensure that both parties, the individual and the manager acting on behalf of the employer, have an accurate record of what has been agreed
- Minimise the need to re-negotiate reasonable adjustments every time the employee changes jobs, is re-located or assigned a new manager within the council
- Provide employees and their line managers with the basis for discussions about reasonable adjustments at future meetings

This is a live document and should be reviewed regularly by both the employee and manager and amended as appropriate. Remember, however, that expert advice from third parties, such as occupational health, Access to Work or I.T. specialists may be needed before changes can be agreed and implemented.

Managers who need help in deciding whether or not an adjustment is reasonable will find it helpful to use the Reasonable Adjustments Assessment Form.

Where management responsibility for an employee with a 'Tailored adjustment agreement' changes then the new manager should accept the adjustments outlined in the agreement as reasonable and ensure that they continue to be implemented. The agreement may need to be reviewed and amended at a later date but this should not happen until both parties have worked together for a reasonable period of time.

The agreement allows the employee to:

- Explain the impact of your disability on you at work
- Suggest adjustments that will make it easier for you to do your job

- Offer further information from your doctor, specialist or other expert
- Request an assessment by occupational health, Access to Work or another expert (there may be a cost with Access to Work or another expert)
- Review the effectiveness of the adjustments agreed
- Explain any change in your circumstances
- Be reassured that your manager knows what to do if you become unwell at work and who to contact if necessary
- Know how and when your manager will keep in touch with you if you are absent from work because of illness or a disability related reason

The agreement allows the line manager to:

- Understand how a particular employee's disability affects them at work
- Explain the needs of the business or organisation
- Explain the organisation's attendance and reasonable adjustment policy
- Recognise signs that an employee might be unwell and know what the employee wants you to do in these circumstances including who to contact for help
- Know how and when to stay in touch if the employee is off sick
- Consider whether or not the employee needs to be referred for an assessment by an occupational health or another adviser to help both parties understand what adjustments are needed
- Review the effectiveness of the adjustments already agreed
- Explain any change in the employer's circumstances

Record Keeping

Details of the Reasonable Adjustments requested and decision and Tailored Adjustment Agreement will be retained on the employee's personal file and in iTrent. The Employee should also be provided with a hard copy.

Resources and sources of support

Organisation	Website	Contact details
Job Centre Plus	https://www.gov.uk/contact-jobcentre-plus	Telephone: 0800 121 7479 Textphone: 0800 121 7579
Disability Employment Advisors	https://www.gov.uk/contact-jobcentre-plus	Telephone: 0800 121 7479 Textphone: 0800 121 7579
Access to Work	https://www.gov.uk/access-to-work	Telephone: 0800 121 7479 Textphone: 0800 121 7579
Equality and Human Rights Commission	https://www.equalityhumanrights.com/en/commission-wales	Phone: 0808 800 0082 Textphone: 0808 800 0084
Citizens Advice	https://www.citizensadvice.org.uk/	Adviceline: 03444 77 20 20 Text relay: 03444 111 445
Scope	https://www.scope.org.uk/	Freephone: 0808 800 3333 Textphone: Use Type Talk by dialling 18001 from a textphone followed by 0808 800 3333.
GOV.UK	https://www.gov.uk/	

Examples of Reasonable Adjustments

Please refer to the Equalities and Human Rights Commission website for further details on reasonable adjustments which can be found at the following website:

<https://www.equalityhumanrights.com/en/commission-wales>

Making adjustments to premises:

For example:

An employer makes structural or other physical changes such as widening a doorway, providing a ramp or moving furniture for a wheelchair user; relocates light switches, door handles, or shelves for someone who has difficulty in reaching; or provides appropriate contrast in decor to help the safe mobility of a visually impaired person.

Allocating some of the disabled employee's duties to another employee:

For example:

An employer reallocates minor or subsidiary duties to another employee as a disabled employee has difficulty doing them because of their disability. For example, the job involves occasionally going onto the open roof of a building but the employer transfers this work away from an employee whose disability involves severe vertigo.

Transferring the employee to fill an existing vacancy:

For example:

An employer should consider whether a suitable alternative post is available for an employee who becomes disabled (or whose disability worsens), where no reasonable adjustment would enable the employee to continue doing the current job. This might also involve retraining or other reasonable adjustments such as equipment for the new post or a transfer to a position on a higher grade.

Altering the employee's hours of working or training:

For example:

An employer allows a disabled person to work flexible hours to enable them to have additional breaks to overcome fatigue arising from their disability. It could also include permitting part-time working, or different working hours to avoid the need to travel in the rush hour if this is a problem related to an impairment. A phased return to work with a gradual build-up of hours might also be appropriate in some circumstances.

Assigning the employee to a different place of work or training:

For example:

An employer relocates the work station of a newly disabled employee (who now uses a wheelchair) from an inaccessible third floor office to an accessible one on the ground floor. If the employer operates from more than one workplace, it may be reasonable to move the employee's place of work to other premises of the same employer if the first building is inaccessible and the other premises are not.

Allowing the employee to be absent during working or training hours for rehabilitation, assessment or treatment.

For example:

An employer allows a disabled person who has recently developed a condition to have more time off work than would be allowed to non-disabled employees to enable them to have rehabilitation. A similar adjustment would be appropriate if a disability worsens or if a disabled employee needs occasional treatment anyway.

Giving, or arranging for, training or mentoring (whether for the disabled employee or any other employee). This could be training in particular pieces of equipment which the disabled employee uses, or an alteration to the standard workplace training to make sure it is accessible for the disabled employee.

For example:

All employees are trained in the use of a particular machine but an employer provides slightly different or longer training for an employee with restricted hand or arm movements, or training in additional software for a visually impaired person so that they can use a computer with speech output.

For example:

An employer provides training for employees on conducting meetings in a way that enables a Deaf staff member to participate effectively.

For example:

A disabled person returns to work after a six-month period of absence due to a stroke. Their employer pays for them to see a work mentor, and allows time off to see the mentor, to help with their loss of confidence following the onset of their disability.

Acquiring or modifying equipment:

For example:

An employer might have to provide special equipment (such as an adapted keyboard for someone with arthritis or a large screen for a visually impaired employees), an adapted telephone for someone with a hearing impairment, or other modified equipment for disabled employees (such as longer handles on a machine).

You do not have to provide or modify equipment for personal purposes unconnected with an employee's job, such as providing a wheelchair if a person needs one in any event but does not have one. This is because the disadvantages do not flow from things you have control over.

Modifying instructions or reference manuals:

For example:

The format of instructions and manuals might need to be modified for some disabled employees (such as being produced in Braille or on audio CD) and instructions for people with learning disabilities might need to be conveyed orally with individual demonstration or in Easy Read.

Modifying procedures for testing or assessment:

For example:

An employee with restricted manual dexterity who was applying for promotion would be disadvantaged by a written test, so the employer gives that person an oral test instead.

Providing a reader or interpreter:

For example:

An employer arranges for a colleague to read hard copy post to an employee with a visual impairment at particular times during the working day. Alternatively, the employer might hire a reader.

Providing supervision or other support:

For example:

An employer provides a support worker or arranges help from a colleague, in appropriate circumstances, for someone whose disability leads to uncertainty or lack of confidence.

Allowing a disabled employee to take a period of disability leave:

For example:

An employee who has cancer needs to undergo treatment and rehabilitation. Their employer allows a period of disability leave and permits them to return to their job at the end of this period.

Participating in supported employment schemes, such as WORKSTEP.

For example:

A person applies for a job as an office assistant after several years of not working because of depression. They have been participating in a supported employment scheme where they saw the job advertised. As a reasonable adjustment the person asks the employer to let them make private phone calls during the working day to a support worker at the scheme.

Modifying disciplinary or grievance procedures:

For example:

An employee with a learning disability is allowed to take a friend (who does not work with them) to act as an advocate at a meeting with the person's employer about a grievance. Normally the employer allows employees to be accompanied only by work colleagues. The employer also makes sure that the meeting is conducted in a way that does not disadvantage or patronise the disabled employee.

Adjusting redundancy selection criteria:

For example:

An employee with an autoimmune disease has taken several short periods of absence during the year because of the condition. When their employer is taking the absences into account as a criterion for selecting people for redundancy, they discount these periods of disability-related absence.

It may sometimes be necessary for an employer to take a combination of steps.

For example:

A woman who is blind is given a new job with her employer in an unfamiliar part of the building. The employer:

- Arranges facilities for her assistance dog in the new area
- Arranges for her new instructions to be in Braille, and
- Provides disability equality training to all staff.

In some situations, a reasonable adjustment will not work without the co-operation of other employees. Your other staff may therefore have an important role in helping make sure that a reasonable adjustment is carried out in practice. You must make Sure that this happens. It is unlikely to be a valid 'defence' to a claim under equality law for a failure to make reasonable adjustments to argue that an adjustment was unreasonable because your other staff were obstructive or unhelpful when you tried to make an adjustment happen. You would at least need to be able to show that you took all reasonable steps to try and resolve the problem of the attitude of your other staff.

For example:

An employer makes sure that an employee with autism has a structured working day as a reasonable adjustment. As part of the reasonable adjustment, it is the responsibility of the employer to make sure that other employees co-operate with this arrangement.