

**Reasonable Adjustments Policy**

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<b>Consultation</b>	HR Policy Group	<b>Applicable to:</b>	All staff All Sites
<b>Equality, Diversity And Human Right Statement</b>	The Trust is committed to an environment that promotes equality and embraces diversity in its performance both as a service provider and employer. It will adhere to legal and performance requirements and will mainstream Equality, Diversity and Human Rights principles through its policies, procedures, service development and engagement processes. This procedure should be implemented with due regard to this commitment.		
<b>To be read In conjunction with / Associated Documents:</b>	<ul style="list-style-type: none"> <li>• Recruitment and Selection Policy</li> <li>• Equality and Diversity Policy</li> <li>• Disciplinary Policy</li> <li>• Health and Safety Policy</li> <li>• Bullying and Harassment Policy</li> <li>• Grievance Policy</li> <li>• Sickness Management Policy</li> <li>• Capability Policy</li> <li>• Special Leave Policy</li> </ul>	<b>Information Classification Label</b>	<input type="checkbox"/> <b>Unclassified</b>
<b>Access to Information</b>	To access this document in another language or format please contact the policy author.		

**Document Change History (changes from previous issues of policy (if appropriate):**

Version number	Page	Changes made with rationale and impact on practice	Date
2		<ul style="list-style-type: none"> <li>Introducing an update equal opportunities monitoring form</li> <li>The introduction of a central budget to fund reasonable adjustments</li> <li>Removal of specific examples of reasonable alternatives</li> <li>Flowchart of reasonable adjustments</li> <li>Access to work details updated</li> </ul>	January 2017

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## 1. Policy Statement

Under the Equality Act 2010 we have a duty to take positive steps to ensure that disabled people can access and progress in employment. This goes beyond simply avoiding treating disabled workers, job applicants and potential job applicants unfavourably and can mean taking additional steps to which non-disabled workers and applicants are not entitled. The Trust adopts the Social Model which is that disabled people don't have 'disabilities' but face barriers in society by which they are 'disabled'.

The duty requires the Trust to make 'reasonable adjustments' including providing an auxiliary aid if required where a provision, criterion, function, practice, or physical feature of premises occupied by the Trust, places a disabled person at a substantial disadvantage when compared with people who are not disabled.

A reasonable adjustment may be required when a disabled person applies for and is recruited to a post, when a member of staff becomes disabled, when the impact of an impairment or medical condition deteriorates for an employee, when there is a change to the workplace or employment arrangements, or when there is need for a disabled member of staff to undertake further training.

Reasonable adjustments may extend to the individual concerned only (such as providing a Support Worker, acquiring or adapting specialist equipment or organising transport to-from and within work). Or, they may be more wide-ranging to include changes to policies, procedures or corporate functions, to working arrangements or to enable access to premises that also includes car parking, signage, light/noise levels and safe evacuation.

The Trust has to take reasonable steps to avoid disadvantage faced by disabled people at all stages in the employment relationship including recruitment, retention, promotion, development, retirement and dismissal. In accordance with the Trust Equality, Diversity and Human Rights in employment policy and Expect Respect values, this policy applies such that any disabled member of staff who requires reasonable adjustments shall be afforded them as far as this is reasonably possible.

## 2. Aims and Objectives

This policy aims to:

- Raise awareness amongst all staff of the moral, social and legal obligations to make reasonable adjustments for people who are disabled or who have a long term health condition, and in particular, the requirements of the Equality Act 2010.
- To encourage disabled staff to request reasonable adjustments and to feel confident in the knowledge that they will be supported by the Trust should they require them.

- To provide staff responsible for making adjustments with information about their obligations under this policy, the procedure to follow, examples of adjustments that can be made and sources of support and guidance.
- To provide staff with the procedure to be followed if they feel that this policy is not being adhered to.
- To provide staff with the procedure to be followed if Health and Safety or Occupational Health advice conflicts with this policy statement.

### 3. Scope

All staff are required to adhere to their responsibilities under this policy. These responsibilities are outlined in the following section. It is important to note that reasonable adjustments must be implemented for people who belong to the following groups, and who have an impairment or health condition that falls within the definition of 'disabled' under the Equality Act 2010 as described in Appendix 2:

- Permanent and temporary staff.
- Volunteers or visitors undertaking work for, in partnership with or on behalf of the Trust.
- People on work placement with the Trust (though it is the responsibility of the training providers to fund any adjustments required we will support and facilitate implementation of the reasonable adjustments).
- Office holders such as board members and non-executive directors.

### 4. Policy Content

There are five procedures to be followed as applicable to ensure that this policy is carried out in practice:

- Identification of reasonable adjustments.
- Action to be taken when notified that a person has additional needs resulting from an impairment or long-term health condition.
- Making reasonable adjustments.
- Action to be taken when a grievance occurs.
- Action to be taken when health and safety advice conflicts with this policy.

#### 4.1 Identification of Reasonable Adjustments

Sometimes new and current staff may not declare that they are disabled or have long-term health condition because:

- They feel that they won't get a job, training, development or promotion if they disclose their disability.

- Their impairment is hidden and they feel embarrassed about bringing it up because it may be seen as trivial.
- Previous negative experiences in employment have left them worried about raising it.
- They may not like to ask for help or feel that they can manage and want to fit-in and not make a fuss.
- They are scared of losing their job.
- They think that they will be received unsympathetically or be told to “just get on with it”.

We must take reasonable steps to find out whether reasonable adjustments are needed. These steps include:

- Asking all staff at point of invite for interview with the trust if they require any adjustments as a result of an impairment or health condition, with clear explanation of why such information is sought, who else will see the form, what will be done with the information and how it will be used to trigger follow-up support or adjustments. An example statement for use verbally or in written communications is: ‘The Trust aims to be an equal opportunities and diverse employer. Please let us know if you have any access needs regarding premises, information, communication media or with regard to participating in our processes, services and events’.
- Invite to interview letters also highlight that if disabled staff require adjustments they should apply to access to work for an assessment of their needs and funding within 6 weeks of being appointed to ensure that this is 100% funded by the government.
- Providing ongoing opportunities for disclosure since many new staff may be hesitant to disclose additional needs at the start of employment. This can be done through annual Performance Development Reviews, completing an updated equal opportunities monitoring form, updating equal opportunities monitoring information online through ESR self-service or through completion of a request for reasonable adjustments form (see Appendix 4), reminders of support available to meet additional needs at team briefings, and reminders of this policy through email bulletins and promotion of the disabled staff network.
- Ensuring all external visitors to your team are invited to disclose any additional needs through a question such as ‘Do you have any access, prayer, dietary, caring or other requirements so that we can ensure your full participation/inclusion in this process/event’ as appropriate.
- Ensuring that staff are informed of the Trust’s positive stance towards recruitment and retention of disabled staff through practices such as attaining and using the Disability Confident Employer level two accreditation, Mindful Employer and raising awareness of the he Disabled Staff Network.
- Projecting a clear welcoming message to the public and staff through any publications ensuring that they are available in alternative formats on request e.g. BSL signed, easy read or electronically as standard and showing positive photographs or illustrations of disabled people.

- In compliance with the General Equality Duty 2010 ensuring organisation-wide promotion of equal opportunities for and positive attitudes towards disabled people, as well as elimination of unlawful discrimination and harassment.

#### 4.2 Action to be taken when notified that a person has additional needs

Under this policy all staff who are notified that a person is disabled and requires reasonable adjustments to be made have a duty either:

To investigate and implement such adjustments in a timely fashion (if they are in position of event organiser / facilitator or manager for that employee) and the completion of a reasonable adjustments agreement for staff (see Appendix 5); or to advise the member of staff to talk to his/her manager about their additional needs (if a colleague has disclosed privately or in confidence). Issues of confidentiality are addressed in the next section.

It is important to remember that only a Chair of an Employment Tribunal has the authority to determine whether a person's impairment or health condition affords them protection under the law (see Appendix 2). However in order to avoid discrimination, it is recommended that instead of trying to make a judgement as to whether a person falls within the statutory definition of disability that we instead focus on meeting the needs of each worker and job applicant so if a person requests adjustments to be made, then your responsibility is to investigate and implement them as fully as possible, taking advice from the range of sources given below and in accordance with any request for confidentiality. Refusal to make an adjustment by a manager or any decision to substitute a request for a specific adjustment for an alternative one, must be explained in full and in writing to the Director of Human Resources, who has final say on the appropriate course of action.

When determining the kinds of adjustments that might be both reasonable and appropriate an assessment should be made in consultation with the disabled member of staff and taking advice where appropriate from:

- The disabled person himself/herself, who will know their own needs and, in most cases, the kinds of adjustments that will be most effective. Please note there is no onus on the disabled employee to suggest what adjustments should be made but it is good practice to ask and to give due consideration as to whether the suggestions made are reasonable and would overcome the disadvantage.
- Occupational Health, who may provide a report of recommendations regarding working environment and practices.
- Health and Safety, who may undertake a risk assessment and indicate any changes to procedures, provision of additional training or purchase of extra equipment that is required.
- OTHWB service can also support the completion of the tailored adjustment agreement for a member of staff referred to their services



- Access to Work, who will fund a 'Vocational', 'Ergonomic' and/or 'technology and equipment' assessment of need for the employee that is undertaken by an appropriate impairment or medical specialist, and that recommends solutions to any potential barriers. In most cases, Access to Work will fund whole or part of these recommendations (see Appendix C for further information on the Access to Work scheme).
- Other internal/external personnel with appropriate expertise that might include Estates, IM and T, and local/national specialist organisations of disabled people.
- There may be occasions where multi agency advice is linked together to ensure the needs and adjustments are most effective.

For hidden other impairments or long-term health conditions, specialist advice on need might be requested prior to undertaking adjustments (such as an Educational Psychologist's report in the case of Dyslexia or other learning difficulty).

### 4.3 Confidentiality

The Trust recognises that in some situations a staff member may be made aware that another member of staff has an impairment or health condition that requires reasonable adjustments to be made... In such situations, given that an impairment and health condition is classed as 'sensitive personal data' under the Data Protection Act 1998, the information must be treated as confidential and cannot be forwarded to a third party without **consent** of the person concerned even when the consequence might be that either a less satisfactory Reasonable Adjustment can be provided or that no Reasonable Adjustment can be provided.

Breach of confidentiality can only occur where the disabled person's own safety is at risk, where the safety of others is at risk, or where a failure to disclose may result in criminal activity.

Staff who are made aware of a colleague's impairment or health condition in confidence must:

- Advise the colleague to discuss their needs with their line manager, or other departmental manager, HR, Union Rep, Occ health H&S or Health and wellbeing services highlight the policy and other appropriate documents and corporate commitments.
- Advise the staff of other sources of support available (such as Staff Side, Occupational health, the OT Health and wellbeing service, Disabled Staff Network, counselling services, etc).
- Discuss options regarding confidentiality (such as if, how and on what terms any aspect of the disclosed information might be brought to the attention of management, whether information might be shared anonymously, etc).
- If he/she feels that the disclosed information may have health and safety or legal implications, inform the person of the extent to which confidentiality can/cannot be maintained, and of the obligation to inform management. The

disabled person must be included in all discussions regarding his/her impairment or health condition.

#### 4.4 Making Reasonable Adjustments

Effective and practicable adjustments for disabled workers often involve little or no cost or disruption and are therefore very likely to be reasonable for us to make. A range of adjustments can be made that don't cost anything. Any adjustments that costs less than £1k in total can be made from selecting from the catalogue of reasonable adjustments on the staff hub can be implemented by the line manager immediately. Where this requires an order to be placed this should be done using the central reasonable adjustments cost centre code available on request from the Equality and Diversity Manager or the OT Health and Wellbeing service.

For more complex adjustments that cost over £1k staff are required to be referred to the Occupational therapy health and wellbeing service who will request that the staff member completes a self-assessment and will advise the staff member to make a referral to Access to Work for a work place assessment (see appendix 3). The OT service will co-ordinate the implementation of the access to work recommendations using the central reasonable adjustments budget and will administer the reclaim any government funding available to minimise the cost to the Trust. Where appropriate OT will co-ordinate case conferences with relevant key individuals e.g. HR/OH/OT/Staff support services.

A flowchart explaining the reasonable adjustment process is attached at Appendix 6.

Only a court or employment tribunal can confirm what is 'reasonable' under the Equality Act 2010. In doing so, they will consider the following factors:

- The effectiveness of the adjustment in preventing the disadvantage.
- The practicality of the steps
- The financial and other costs to the Trust.
- The extent of any disruption caused.
- The extent of the Trust's financial and other resources.
- The extent of financial assistance that might be given to the trust through, for example, the Access to Work scheme.
- The impact on other staff.
- Any prescribed standards or professional requirements for the role.
- Adjustments made for other disabled staff.
- The extent to which the disabled person is willing to co-operate.

Failure to comply with the requirements to make reasonable adjustments amounts to unlawful discrimination. The Equality Act does not provide employers with a complete list of adjustments, because adjustments may vary between members of staff, their experience of their impairment and the type of work they carry out. Subsequently there is no 'one size fits all' method to use. Some examples of reasonable adjustments that you can make include:



If an employee is absent from work due to the Trusts delay in implementing a reasonable adjustment that would enable the worker to return to the workplace, maintaining full pay would be considered a further reasonable adjustment for the employer to make. As this would be due to the Trust not putting adjustments in place it would be discounted from sickness counted towards sickness triggers for warnings under the managing sickness policy.

#### **4.4.1 Action to be taken if the employee considered the adjustment is not fit for purpose**

It is important to remember that a reasonable adjustment that has worked effectively for many years may stop being as effective as the person's impairment or health condition changes or the nature of the work itself changes. It is equally important to remember that two people with the same impairment may require different reasonable adjustments to be made.

It is recognised that in some cases an adjustment may be put in place, which the person with the responsibility to do so believes is effective, but which the disabled member of staff feels is not enough.

In this situation, the person with responsibilities to make the adjustment should take the following action:

- Personally review the reasonable adjustment agreement that has been agreed (Reference Appendix 5) adjustment to identify concerns.
- Check whether the adjustment isn't as effective as you thought, or that it is effective, but is not the adjustment that the member of staff preferred.
- Examine how it is working and try to understand why the member of staff thinks it is not good enough.
- Discuss alternatives that could address the difficulties identified.
- Seek specialist advice from internal and external sources (E.G. Occupational Health, OTHWB service, Business Disability Forum etc).
- Implement new reasonable adjustments if relevant and complete a new reasonable adjustment agreement form.
- Review the effectiveness on a regular basis.

The member of staff concerned has a responsibility to co-operate with this process.

#### **4.5 Grievance**

Where it is apparent that the only reason the employee is dissatisfied with the existing reasonable adjustment is because they would have liked something better, although this may not actually be more effective in practice, there is no reason to change the adjustment already in place. The sources of support and guidance given at Section 6.3 may be of help in this situation.

A member of staff who is still unhappy after this process has been followed should seek advice from Staff side and raise their concern via the Trust grievance procedure, which is available on the Trust intranet.

#### 4.6 Action to be taken when Health and Safety advice conflicts with this Policy

It is recognised that sometimes advice given from a health and safety perspective may conflict with this policy. Whilst the Health and Safety at Work Act 1974 and related regulations are prioritised above Disability Discrimination laws (in that employers are not expected to place disabled and other staff at inappropriate risk), The Equality Act 2010 does require consideration of any potential Reasonable Adjustments that, if implemented, might lessen the risks posed. All advice has to be reviewed carefully to ascertain the extent to which an adjustment might mitigate or reduce risk, and even apparently hazardous situations may be managed with reasonable adjustments by, for example, adapting procedures, purchasing equipment or providing additional training. The risk assessment process itself may provide opportunities to consider and, where possible, implement reasonable adjustments to remove or reduce unacceptable risk. If, after attempting all Reasonable Adjustments, it is found that unacceptable risk still remains and a risk assessment is required, it is important to ensure that it:

- Focuses upon facts and not assumptions.
- Assesses the individual and avoids blanket assumptions.
- Involves the member of staff in discussions to identify how any risks may be overcome.
- Applies best medical evidence on prognosis, and associated hazards and risks as these impact upon the individual.
- Relates to the individual and the requirements of the job.
- Considers all relevant occupational factors.
- Identifies the actual duration and frequency of hazardous situations.

In instances where a risk remains substantial in spite of any control measures and adjustments being implemented, an alternative 'reasonable adjustment' might be re-deployment to another existing vacancy where the risk does not arise. Any such decision, however, must be in consultation with the member of staff and his/her HR advisor, where the disabled person has right to representation if he/she wishes, where the disabled person has a reasonable chance of fulfilling all core duties of the new role, and where there is provision for re-training prior to assuming the new duties if this is required.

If the risk is insubstantial in that there is no adverse impact on others and only to a minimal degree on the disabled person him/herself and the member of staff states that they are happy to continue working, their wish should be respected where possible. As an employer the Trust is expected to do all it can to eliminate risk in the workplace, but the law does recognise that all risks cannot be removed absolutely. In this instance, explicit informed consent in writing by the disabled member of staff is essential, and a copy of this must be kept in his/her personnel file, with signatures of the member of staff, his/her manager and HR advisor.

## 5. Exceptions

No exceptions.

## 6. Training

The Trust acknowledges the importance of awareness and skills training for managers to ensure the effective implementation of this Policy. Business Human Resources will provide appropriate support through a variety of means including coaching and support, informal Policy Briefings or Guidance Toolkits and training for managers on how to implement reasonable adjustments

## 7. Monitoring and Audit

The Business Human Resources Team will be responsible for the management of this policy, on behalf of the Joint Negotiating Group - HR Policy. The formal review of all HR Policies will be undertaken on two year basis in accordance with the Trusts HR Policy Review Programme. In addition, the effectiveness of this policy will be monitored by Business HR and the policy may be reviewed and amended at any time if is deemed necessary. Notification of any changes to policies will be communicated to all staff.

Staff should be aware that the Trust intranet site version of this document is the only version that is maintained and controlled. Any printed copies should be viewed as 'uncontrolled' and as such may not necessarily contain the latest updates and amendments.

## 8. Relevant regulations, standards and references

### Relevant Legislation

- The Equality Act 2010
- The Equality and Human Rights Equality Act 2010 Statutory code of practice on employment

### Associated Policies and Guidance

To support effective implementation and understanding the following policies are signposted for additional guidance.

- Recruitment and Selection Policy
- Equality and Diversity and Human Rights in Employment Policy
- Single Equality and Human Rights Scheme

- Equality and Diversity toolkit for Managers
- Expect Respect Campaign
- Induction Policy
- Disciplinary Policy
- Health and Safety Policy
- Bullying and Harassment Policy
- Grievance Policy
- Capability policy
- Managing Sickness policy Business Disability Forum guidance toolkit on the staff hub including the line managers guide to making reasonable adjustments and impairment briefings <http://rl-faq.nhs.sitekit.net/Equality%20and%20Diversity/disability-toolkit-guidance.htm>
- Special leave policy

## 9. Equality, diversity and human right statement

The Trust is committed to an environment that promotes equality and embraces diversity in its performance both as a service provider and employer. It will adhere to legal and performance requirements and will mainstream Equality, Diversity and Human Rights principles through its policies, procedures, service development and engagement processes. This SOP should be implemented with due regard to this commitment.

## 10. Legal requirements

This document meets legal and statutory requirements of the EU General Data Protection Regulation (EU 2016/679) and all subsequent and prevailing legislation. It is consistent with the requirements of the NHS Executive set out in Information Security Management: NHS Code of Practice (2007) and builds upon the general requirements published by NHS Digital/Connecting for Health (CfH).

## 11. Appendix

### Appendix 1: Equality Impact Assessment

Title	
Strategy/Policy/Standard Operating Procedure	
Service change (Inc. organisational change/QEP/ Business case/project)	
Completed by	
Date Completed	

**Description** *(provide a short overview of the principle aims/objectives of what is being proposed/changed/introduced and the impact of this to the organisation)*

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**Who will be affected** *(Staff, patients, visitors, wider community including numbers?)*

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The Equality Analysis template should be completed in the following circumstances:

- **Considering developing a new policy, strategy, function/service or project(Inc. organisational change/Business case/ QEP Scheme);**
- **Reviewing or changing an existing policy, strategy, function/service or project (Inc. organisational change/Business case/ QEP Scheme):**
  - If no or minor changes are made to any of the above and an EIA has already been completed then a further EIA is not required and the EIA review date should be set at the date for the next policy review;
  - If no or minor changes are made to any of the above and an EIA has NOT previously been completed then a new EIA is required;
  - Where significant changes have been made that do affect the implementation or process then a new EIA is required.

Please note the results of this Equality Analysis will be published on the Trust website in accordance with the Equality Act 2010 duties for public sector organisations.

Section 1 should be completed to analyse whether any aspect of your paper/policy has any impact (positive, negative or neutral) on groups from any of the protected characteristics listed below.

*When considering any potential impact you should use available data to inform your analysis such as PALS/Complaints data, Patient or Staff satisfaction surveys, staff*

numbers and demographics, local consultations or direct engagement activity. You should also consult available published research to support your analysis.

**Section 1 – Initial analysis**

<b>Equality Group</b>	<b>Any potential impact? Positive, negative or neutral</b>	<b>Evidence</b> <i>(For any positive or negative impact please provide a short commentary on how you have reached this conclusion)</i>
<b>Age</b> <i>(Consider any benefits or opportunities to advance equality as well as barriers across age ranges. This can include safeguarding consent, care of the elderly and child welfare)</i>		
<b>Disability</b> <i>(Consider any benefits or opportunities to advance equality as well as impact on attitudinal, physical and social barriers)</i>		
<b>Gender Reassignment</b> <i>(Consider any benefits or opportunities to advance equality as well as any impact on transgender or transsexual people. This can include issues relating to privacy of data)</i>		
<b>Marriage &amp; Civil Partnership</b> <i>(Consider any benefits or opportunities to advance equality as well as any barriers impacting on same sex couples)</i>		
<b>Pregnancy &amp; Maternity</b> <i>(Consider any benefits or opportunities to advance equality as well as impact on working arrangements, part time or flexible working)</i>		
<b>Race</b> <i>(Consider any benefits or opportunities to advance equality as well as any barriers impacting on ethnic groups including language)</i>		
<b>Religion or belief</b> <i>(Consider any benefits or opportunities to advance equality as well as any barriers effecting people of different religions, belief or no belief)</i>		



<p><b>Sex</b> <i>(Consider any benefits or opportunities to advance equality as well as any barriers relating to men and women eg: same sex accommodation)</i></p>		
<p><b>Sexual Orientation</b> <i>(Consider any benefits or opportunities to advance equality as well as barriers affecting heterosexual people as well as Lesbian, Gay or Bisexual)</i></p>		

If you have identified any **positive** or **neutral** impact then no further action is required, you should submit this document with your paper/policy in accordance with the governance structure.

You should also send a copy of this document to the equality impact assessment email address.

If you have identified any **negative** impact you should consider whether you can make any changes immediately to minimise any risk. This should be clearly documented on your paper cover sheet/Project Initiation Documents/Business case/policy document detailing what the negative impact is and what changes have been or can be made.

**If you have identified any negative impact that has a high risk of adversely affecting any groups defined as having a protected characteristic then please continue to section 2.**

### Section 2 – Full analysis

If you have identified that there are potentially detrimental effects on certain protected groups, you need to consult with staff, representative bodies, local interest groups and customers that belong to these groups to analyse the effect of this impact and how it can be negated or minimised. There may also be published information available which will help with your analysis.

<p><b><u>Is what you are proposing subject to the requirements of the Code of Practice on Consultation?</u></b></p>	<p>Y/N</p>
<p><b>Is what you are proposing subject to the requirements of the Trust’s Workforce Change Policy?</b></p>	<p>Y/N</p>
<p><b>Who and how have you engaged to gather evidence to complete your full analysis? (List)</b></p>	
<p><b>What are the main outcomes of your engagement activity?</b></p>	

**What is your overall analysis based on your engagement activity?**

### Section 3 – Action Plan

You should detail any actions arising from your full analysis in the following table; all actions should be added to the Risk Register for monitoring.

Action required	Lead name	Target date for completion	How will you measure outcomes

Following completion of the full analysis you should submit this document with your paper/policy in accordance with the governance structure.

You should also send a copy of this document to the equality impact assessment email address

### Section 4 – Organisation Sign Off

Name and Designation	Signature	Date
Individual who reviewed the Analysis		
Chair of Board/Group approving/rejecting proposal		
Individual recording EA on central record		

## Appendix 2: Roles and responsibilities

Role	Responsibility
<p><b>All Staff</b></p>	<p>All staff have a responsibility to understand that people with an impairment or long-term health condition that impacts upon their daily activities, may require ‘reasonable’ adjustments from the employer. Such adjustments are intended to tackle discrimination and create equality in opportunity for disabled employees, and are carefully designed so that they do not impact negatively on the work of other staff or the organisation.</p> <p>Although it is the responsibility of the Trust to take steps to find out about any need for Reasonable Adjustments, disabled employees have an obligation under this policy to bring to the attention of their Line Manager the fact that they have additional needs, and to assist with the investigation and implementation of reasonable adjustments as required, this can be done through completion of a request for reasonable adjustments form (see Appendix 4).</p> <p>Staff responsible for organising functions, events, courses and meetings must ensure that all participants and visitors are asked if they require reasonable adjustments in advance and ensure that these are investigated and implemented as appropriate. Guest speakers must also be notified in advance of adjustments required and assisted with implementing them. Any adjustments relating to secondment or work placement participants must be clarified with external organisations and internal teams, who must co-operate to implement them as applicable.</p> <p>Specific ‘high-relevance’ teams that include Human Resources, Occupational Health, Health and Safety, Estates and Communications Department Staff are required to consider this policy when providing reports, advice, assessments and guidance to the Trust. This includes paying due regard to any need for Reasonable Adjustments, adopting an inclusive approach to the employment and retention of disabled staff, promoting equality and diversity and assessing any policy and strategic developments for barriers and potential adverse impact.</p> <p>Staff support services (such as Department of Spiritual Care, staff network representatives, staff counsellors, staff carrying out Trade Union or Staff Association roles, Occupational therapy, and Occupational health) have obligations and a duty of care under this policy once notified that a member of staff is disabled. These are described in the following section.</p>

<p><b>Line Manager</b></p>	<p>When notified that a member of their staff has an impairment or long-term health condition, Managers in turn have a duty to inform/involve HR. The Manager should then investigate and implement any recommended reasonable adjustments and put in place a reasonable adjustment agreement in conjunction with HR consultation and advice should also be sought from Occupational Health, Health and Safety advisors, Estates, IT advisor, the Equality and Diversity Manager, the Health and wellbeing service, Jobcentre plus and/or other impairment specialist as well as the employee concerned.</p> <p>Where appropriate Managers may need to brief other members of the team, particularly in situations where the reasonable adjustments requires a re-distribution of work tasks, hours or a change in work location. This must be undertaken in a sensitive manner in consultation with the employee.</p> <p>Any requests from the individual for confidentiality that could potentially impact upon the support or extent of Reasonable Adjustments that might be made should be discussed with the employee.</p>
<p><b>Employee</b></p>	<p>The individual has a responsibility to fully co-operate with Line Management, HR, other employees or supporting services in order to maintain a satisfactory level of performance and attendance. The individual should commit and follow agreed adjustments. Should any issues or concerns arise then they should raise this with their line manager at the earliest opportunity in order for it to be addressed as quickly as possible.</p>
<p><b>Human Resources</b></p>	<p>HR have a duty to take proactive measures to encourage disclosure of additional needs through adopting positive publicity, environment and workplace culture, promotion of this policy, and via the recruitment, interview, appointment or other registration processes.</p> <p>Business HR Services will also take action to support the implementation of Reasonable Adjustments and a Reasonable adjustment agreement following Access to Work, Occupational Health, Occupational therapy or other Health and Safety recommendations and in conjunction with the disabled member of staff, his/her manager and other relevant teams across the Trust.</p> <p>In accordance with the Disability Confident Employer level 2 criteria, Business HR Services will ensure that the effectiveness of all Reasonable Adjustments are reviewed annually through the PDR process.</p>

<p><b>Trust</b></p>	<p>The Trust has a responsibility to ensure that it complies with the Equality Act 2010 to effect that people who have an impairment or long-term health condition are not discriminated against, and have reasonable adjustments made for them as required. The Trust has further responsibilities to ensure that managers are made aware of their obligations towards disabled staff and are supported in fulfilling them.</p> <p>The Trust is liable for the actions of its contractors and as well as staff, regardless of whether such actions are with the express or implied authority of the Trust.</p> <p>Where an adjustment is reasonable, the Trust falls under a duty to make that adjustment, except where it did not know, and could not reasonably have known, that an adjustment is required.</p> <p>The Trust has an anticipatory duty to make adjustments. For example, processes must be in place to enable provision of information in Braille, even if this is not been requested to date, it is not acceptable to not make provisions just because a specific need has not yet been identified.</p> <p>The Trust must also be able to show that it took such steps as are reasonable to find out or encourage disclosure, as outlined below.</p>
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## Appendix 3 The Meaning of Disability

In order to avoid discrimination, it is recommended that instead of trying to make a judgement as to whether a person falls within the statutory definition of disability that we instead focus on meeting the needs of each worker and job applicant.

### **When is a person disabled?**

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

### **What about people who have recovered from a disability?**

In most circumstances people who have had a disability within the definition in the past are protected from discrimination even if they have since recovered.

### **What does 'impairment' cover?**

It covers physical or mental impairments; this includes sensory impairments, such as those affecting sight or hearing.

### **Are all mental impairments covered?**

The term 'mental impairment' is intended to cover a wide range of impairments relating to mental functioning, including what are often known as learning disabilities and hidden impairments such as mental illness, mental health conditions, diabetes and epilepsy may count as disabilities where they meet the definition in the Act.

### **What is a 'substantial' adverse effect?**

A substantial adverse effect is something which is more than a minor or trivial effect. The requirement that an effect must be substantial reflects the general understanding of disability as a limitation going beyond the normal differences in ability which might exist among people.

Account should also be taken of where a person avoids doing things which, for example, cause pain, fatigue or substantial social embarrassment; or because of a loss of energy and motivation.

An impairment may not directly prevent someone from carrying out one or more normal day-to-day activities, but it may still have a substantial adverse long-term effect on how they carry out those activities. For example, where an impairment causes pain or fatigue in performing normal day-to-day activities, the person may have the capacity to do something but suffer pain in doing so; or the impairment might make the activity more than usually fatiguing so that the person might not be able to repeat the task over a sustained period of time.

### **What is a 'long-term' effect?**



A long-term effect of an impairment is one:

- which has lasted at least 12 months, or
- where the total period for which it lasts is likely to be at least 12 months, or
- which is likely to last for the rest of the life of the person affected.

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.

### **What if a person has no medical diagnosis?**

There is no need for a person to establish a medically diagnosed cause for their impairment. What it is important to consider is the **effect** of the impairment, not the cause.

### **What if the effects come and go over a period of time?**

If an impairment has had a substantial adverse effect on normal day-to-day activities but that effect ceases, the substantial effect is treated as continuing if it is likely to recur; that is if it is more probable than not that the effect will recur.

### **What are 'normal day-to-day activities'?**

They are activities which are carried out by most people on a fairly regular and frequent basis. The term is not intended to include activities which are normal only for a particular person or group of people, such as playing a musical instrument, or a sport, to a professional standard or performing a skilled or specialised task at work. However, someone who is affected in such a specialised way but is also affected in normal day-to-day activities would be covered by this part of the definition. Day-to-day activities thus include – but are not limited to – activities such as walking, driving, using public transport, cooking, eating, lifting and carrying everyday objects, typing, writing (and taking exams), going to the toilet, talking, listening to conversations or music, reading, taking part in normal social interaction or forming social relationships, nourishing and caring for one's self. Normal day-to-day activities also encompass the activities which are relevant to working life.

### **What about treatment?**

Someone with an impairment may be receiving medical or other treatment which alleviates or removes the effects (though not the impairment). In such cases, the treatment is ignored and the impairment is taken to have the effect it would have had without such treatment. This does not apply if substantial adverse effects are not likely to recur even if the treatment stops (i.e. the impairment has been cured).

Members of staff requiring treatment for an impairment must be allowed time off work to attend. This must be recorded as disability related absence and not counted as

sickness absence. Please cross-reference the absence management policy for more information

### **Does this include people who wear spectacles?**

No. The sole exception to the rule about ignoring the effects of treatment is the wearing of spectacles or contact lenses. In this case, the effect while the person is wearing spectacles or contact lenses should be considered.

### **Are people who have disfigurements covered?**

People with severe disfigurements are covered by the Act and are automatically treated as this having a substantial adverse effect on their ability to carry out normal day-to-day activities. However they do need to meet the long term requirement.

### **Are there any other people who are automatically treated as disabled under the Act?**

Anyone who has HIV infection, Cancer or Multiple Sclerosis is automatically treated as disabled under the Act. In addition, people who are registered as blind or partially sighted, or who are certified as being blind or partially sighted by a consultant ophthalmologist are automatically treated under the Act as being disabled. People who are not registered or certified as blind or partially sighted will be covered by the Act if they can establish that they meet the Act's definition of disability.

### **What about people who know their condition is going to get worse over time?**

Progressive conditions are conditions which are likely to change and develop over time. Where a person has a progressive condition he/she will be covered by the Act from the moment the condition leads to an impairment which has some effect on ability to carry out normal day-to-day activities, even though not a substantial effect, if that impairment is likely eventually to have a substantial adverse effect on such ability in the future. This applies provided that the effect meets the long-term requirement of the definition

### **Are people with genetic conditions covered?**

If a genetic condition has no effect on ability to carry out normal day-to-day activities, the person is not covered. Diagnosis does not in itself bring someone within the definition. If the condition is progressive, then the rule about progressive conditions applies.

### **Are any conditions specifically excluded from the coverage of the Act?**

Yes. Certain conditions are to be regarded as not amounting to impairments for the purposes of the Act. These are:

- addiction to or dependency on alcohol, nicotine, or any other substance (other than as a result of the substance being medically prescribed)

- seasonal allergic rhinitis (e.g. hayfever), except where it aggravates the effect of another condition
- tendency to set fires
- tendency to steal
- tendency to physical or sexual abuse of other persons
- exhibitionism
- voyeurism.

Also, disfigurements which consist of a tattoo (which has not been removed), non-medical body piercing, or something attached through such piercing, are to be treated as not having a substantial adverse effect on the person's ability to carry out normal day-to-day activities.

(from *the* Equality Act 201, Employment statutory code of practice).

This information is not definitive further guidance on matters to be taken into account in determining questions relating to the definition of disability is also available from the Office for Disability Issues:

<http://www.officefordisability.gov.uk/docs/wor/new/ea-guide.pdf>

### Appendix 3: Access to Work Scheme

Access to Work is a government scheme funded through the Department of Work and Pensions. It provides support to disabled people to help them overcome barriers in seeking, securing or retaining employment, or in making progress in their career. It is for people who have an impairment or long-term health condition, if this is likely to last for 12 months or longer, or has already lasted for 12 months. The programme is available to those who are self-employed or in work, whether the job is part-time or full-time, permanent or temporary.

Although cases are assessed on an individual basis, Access to Work will make grants or provide funds to meet:

- 100% of approved costs for applicants or new employees who claim within the first six weeks on joining the organisation. 80% of any costs over £1000 up to £10,000 for employees who claim after six weeks of joining an organisation; For these employees, the employer is required to pay costs up to a £1k plus 20% of costs for any adjustments up to £10k, but Access to Work will fund any cost above £10,000.
- Access to Work will fund up to 100% of costs of anyone who is seeking employment and attends for interview (for example, in the case of travel expenses, Support Worker or BSL communicator for a deaf person).

The scheme cannot be used to fund general adjustments for the employer, only those in respect of a specific named individual. The kinds of adjustments that can be funded under the Access to Work scheme include:

- A communicator for someone who is deaf or hard-of-hearing;
- A reader or assistant for someone who is blind or visually-impaired;
- A support worker to provide practical assistance in work or getting to work for someone who has physical impairments;
- A mentor for someone who requires support to adjust to new environments or routine;
- Software or hardware to enable access to communication media;
- Auxiliary aids (such as magnifiers or portable loop systems) to enable access to the working environment;
- Alteration to existing equipment (such as chairs, desks, telephones or cabinets) in response to an individual's needs;
- Adaptations to the working environment, such as alarms, security features, way-finding or lifts;
- Transport costs to and from the place of work, and travel within work.

Steps towards the application for and implementation of support include:

**Initial contact:** If your employee thinks they can get help from Access to Work, they should apply online or call or email the Access to Work team:

**Access to Work:** [atwosu.london@dwp.gsi.gov.uk](mailto:atwosu.london@dwp.gsi.gov.uk)

Telephone: **0345 268 8489**

Textphone: **0345 608 8753**

<https://www.gov.uk/access-to-work/overview>

Access to Work is a self-referral scheme, and requires that applicants (application packs will be sent out via a third-party if the applicant is unable to use a telephone or minicom).

Calls to 0345 numbers cost no more than a standard geographic call, and count towards any free or inclusive minutes in your landline or mobile phone contract.

An adviser will then call you and your employee back. Your employee needs to tell them about the help and support they need.

When your employee contacts Access to Work, they may need:

- their National Insurance number
- the workplace address, including your postcode
- the name, email address and work phone number of a workplace contact, for example their manager or yourself
- a unique tax reference number (if self-employed)
- the name of their New Enterprise Allowance mentor (if they have one).

- **The application:** This process involves completing a form (available in varied formats), which asks for information regarding impairment or health condition, and the nature of support that may be needed. Applicants are able to have assistance to complete the forms, either from the Access to Work advisor or from a Disability Employment Advisor based at a local Job Centre. An Access to Work Advisor will contact the applicant within 14 days from receipt of a completed application pack, and make the referral for an 'assessment of need' if required.
- **Assessment of need:** Funding or grants are available only to meet the costs of 'approved' adjustments. These are the ones that have been agreed by an Access to Work advisor, usually following an 'assessment of need' for any adjustments to working environment or arrangements, and for any aids or equipment to enable the applicant to carry out work duties. These 'vocational', 'ergonomical' or 'technical' assessments are carried out by independent advisors who have expertise both in the impact of a specific impairment or health condition as well as in employment issues. They will normally occur at the place of work, and in conjunction with the line manager, Health and Safety staff and staff from the Information Technology department. The assessors will draw up action-points and recommendations that will form the basis of adjustments that are required for the employee, as well as estimated costs and list of suppliers. Copies of this report will be sent to both the applicant and Access to Work within 28 days from point of referral.
- **Consideration of report:** An Access to Work advisor will consider the recommendations in the assessment report, and make a decision as to which adjustments they are prepared to fund, and the extent to which the employer will be required to make contributions. Details of their decision and a copy of the assessment report will be forwarded to both the applicant and his/her line manager, normally within 28 days from receipt of report.
- **Implementation:** On receipt of the report and agreement of grant/funds to be made available, the employer is requested to begin implementation within 7-14 days. It is expected that all recommendations (regarding appointment of Support Workers, adaptations to the workplace and purchase of equipment) will be undertaken within a period of 1 to 2 months, but this may not always be the

case, depending upon the nature of adjustments that are recommended. The onus remains, however, on the employer to identify funds (at least 80% of which would be claimed back), and purchase the equipment. This will be managed by the Occupational therapy service who will administer this. Any delay in the implementation of support may impact upon the effectiveness with which the disabled employee is able to carry out his/her duties to full potential, and managers will need to compensate for this through any alternative possible 'reasonable' adjustments.

- **Co-ordination:** Implementation of support will often involve a range of departments and staff, including from Finance (who will need to identify funds and collate invoices so as to re-claim costs), IT (who will purchase and install software and hardware and organise any training), Estates (who will carry out any adaptations to the environment), Health and Safety (who may need to implement measures to counter inappropriate risk) to HR (Who may need to appoint a Support Worker). So as to ensure that all support recommendations are carried through smoothly and effectively, line managers will need to liaise with staff across relevant departments, ensure unnecessary delays are minimised, and keep the employee informed as to progress.
- **Review:** Access to Work will normally carry out a review of support needs after a period of three years, particularly in the case where costs are ongoing (for example, regarding Support Worker hours). Any change in circumstances (E.G. the impact of an impairment or health condition improves or deteriorates, the employee's working arrangements or environment change, or the employee acquires a new role) will trigger either a review of support or a new claim.
- **Equipment maintenance and disposal:** Any equipment that is purchased wholly or partly by Access to Work moneys becomes the responsibility of the employer. This means that the employer is responsible for meeting any insurance or maintenance costs. If the employee leaves to undertake new employment elsewhere, he/she may arrange with Access to Work to continue the equipment to the new post. If the equipment is no longer required by the employee, then the employer must liaise with Access To Work to either retain the equipment for other disabled employees (for which there is no charge), retain the equipment for general use (in which case the equipment will have to be purchased from Access to Work minus any employer contributions) or offer Access to Work to buy back the equipment (for which a payment will be made based on market value and period of use).



## Appendix 4: Reasonable adjustment request form

(To be completed by the employee in conjunction with the Line Manager)

**Completed by:**

**Position:**

**Department:**

**Date:**

**Re:**

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**Date adjustment requested**

**Description of disadvantage experienced by the employee and nature of adjustment requested**

**Has advice been sought from anyone else, e.g. occupational health adviser, GP/specialist, Jobcentre Plus adviser? If so, please attach a copy of the advice/assessment or provide a date by when this is expected.**

**How effective will the adjustment be in preventing the disadvantage?**

**How practical is it to make this adjustment? For example, how long will it take to implement the adjustment; will additional training be needed for the disabled person or anyone else?**

**Are the financial and other costs, if any, of the adjustment reasonable?**

**What, if any, disruption will be caused by making the adjustment?**

**What effect, if any, will the adjustment have on other employees?**

**Is financial or other assistance available to help make an adjustment, e.g. Access to Work?**

**What adjustments have been made or are required for other employees in your team?**

**Has the employee been consulted on the adjustment and agreed that it is needed?**

**Would making the particular adjustment result in unacceptable risks to the health and safety of any person (including the disabled person)?**

**Would making the adjustment reduce a health and safety risk for anyone including the disabled person?**

A decorative graphic in the top-left corner consisting of several overlapping, curved, semi-transparent bands in shades of purple, pink, green, and orange.

**Any other relevant factors:**

**Line manager's recommendation:**

**Signed:**

## Appendix 5: 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 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 organisation.
- 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 advisers, Access to Work or IT 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 Adjustment Request Form available at: <http://www.efd.org.uk/publications/line-manager-guide> or from the Disability Directions team at Employers' Forum on Disability.

New managers of employees with such 'Tailored adjustment agreements' 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.

- 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.

## Tailored adjustment agreement

This is a record of the reasonable adjustments agreed between [*employee's name*] and [*line manager name*]

This agreement may be reviewed and amended as necessary with the agreement of both parties:

- At any regular one-to-one meeting.
- At a return to work meeting following a period of sickness disability related sickness.
- At six monthly and/or annual appraisals.
- Before a change of job or duties or introduction of new technology or ways of working.
- Before or after any change in circumstances for either party.

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## Employee

### My disability in the workplace



My disability has the following impact on me at work		
I need the following agreed reasonable adjustments (refer to Access to Work agreement if relevant)	Date budget holder contacted if relevant	Date implemented:
		..... ..... ..... ..... .....

**Wellness at work – employees who have fluctuating mental or physical disabilities**

On a 'good day' my disability has the following impact on me at work

When things are breaking down. The following symptoms are indications that I am not well enough to be at work

## Emergency contacts

If I am not well enough to be at work I am happy for my line manager to contact any of the following emergency contacts in the order of preference indicated below

**Please add, amend or delete types of contacts as appropriate**

<b>GP (preference X)</b>	<b>Care co-ordinator (preference X)</b>
Name: Surgery: Telephone: Address:	Name: Telephone: Mobile: Address:
<b>Relative (preference X)</b>	<b>Specialist (preference X)</b>
Name: Relation to me: Telephone: Mobile: Address:	Name: Telephone: Mobile: Address:
<b>Friend (preference X)</b>	<b>Carer (preference X)</b>
Name: Telephone: Mobile: Address:	Name: Telephone: Mobile: Address:

I will let you know if there are changes to my condition which have an effect on my work and/or if the agreed adjustments are not working. We will then meet privately to discuss any further reasonable adjustments or changes that should be made.

If you notice a change in my performance at work or feel these reasonable adjustments are not working I would be happy to meet you privately to discuss what needs to be done.

## Line manager

## Keeping in touch

If you are absent from work on sick leave or for a reason relating to your disability for more than [x] days and have followed the usual procedures for notifying the organisation of your absence I will keep in contact with you in the following way:

Who will contact whom?
How will contact be made? (email, telephone, text, letter, minicom)
How often? (daily, weekly, monthly)
When? (preferred day, preferred time)

## Conversations while you are on sick leave

These are the topics we have agreed we will discuss while you are absent, for example;

- How you are feeling,
- What I can do to help,
- Current work,
- Planned phased return to work,
- Return to work date etc, etc.

## Return to work

When you are ready to return to work after a period of sickness or disability related absence of more than [x] days we will meet to review this agreement and make any necessary amendments.

At this return to work meeting we will also discuss:

For example:

- Current work issues.
- A phased return/back to work plan.
- What to tell the team.
- Assessments to review existing reasonable adjustments (Access to Work, GP, occupational health) and identify new adjustments that might be needed etc

**Unauthorised absences from work**

If you are absent from work and have not followed usual procedures for notifying us that you are sick or absent for a reason relating to your disability we have agreed that I will do the following:

For example;

- Try to contact you on your mobile and/or notify your emergency contact whose up to date details are as follows:

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An up to date copy of this form will be retained by employee/line manager/HR.

A copy of this form may also be given to a new or prospective line manager with the prior consent of the employee.

Employee signature:

Date:

Employer signature:

Date:

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