Reasonable Adjustments – Manager Guide

Introduction

The Equality Act 2010 means the Trust has a legal obligation to put in place reasonable adjustments for employees with a disability or long-term health condition which makes them unable to carry out the full range of their duties. The purpose of this duty is to remove the barriers that prevent a disabled person doing their job and to make sure the same opportunities in the workplace are available to all colleagues.

This guide is to help any manager who needs to consider making reasonable adjustments to support an employee.

Long-term conditions are usually considered to last more than 12 months. They can include a range of conditions such as diabetes, asthma, back problems, facial disfigurements and mental health conditions such as anxiety, depression and obsessive-compulsive disorder. Cancer, multiple sclerosis and HIV are conditions that are automatically included in the requirement to consider reasonable workplace adjustments from the point of diagnosis.

Many disabilities are not obvious and a member of staff may not have declared they have a disability. As a manager you also need to consider whether someone *might* have a disability, for example when:

- performance at work is an issue
- attendance becomes poor
- behaviour at work changes for no apparent reason (e.g. tearfulness, aggression, withdrawal)
- time-keeping becomes a problem
- pain or discomfort is being experienced
- there are deteriorating relationships with colleagues
- written or oral communications are poor
- there are signs of forgetfulness and irritability.

Advice can always be sought from Working Well.

What is a reasonable adjustment?

Reasonable adjustments are changes to the working environment or practices that remove or minimise disadvantages experienced by disabled colleagues. They can be temporary or permanent.

Reasonable adjustments that may be considered include amendment to working hours, allowing additional unpaid rest breaks or a phased return to work. Other examples are included on the form Reasonable Adjustments Assessment Form, this list is not exhaustive and alternatives can be considered where relevant.

Whilst most reasonable adjustments will be for staff already working for the Trust, as a manager you also need to consider the need to make reasonable adjustments during recruitment processes.

Who should be involved?

The employee – You should explore reasonable adjustments by having a conversation with

the employee.

Working Well and/or HR – You can get advice from Working Well and /or HR manager. In some cases support from other sources such as Access to Work and specialist support organisations might also be available.

You – Whilst it is essential to discuss the situation and reasonable adjustments with the employee, ultimately the decision about the ability to make workplace adjustments lies with you. If reasonable adjustments are agreed, it is your responsibility to get the adjustment put in place.

Identifying the need for reasonable adjustments
The potential need for reasonable adjustments to be considered could come from a Working Well report, the employee, or you might suggest it on the basis of sickness absence or other indicators.

The adjustment required could be temporary to support a return to work following an accident/injury or period of sickness, or permanent to support a new starter or employee to maintain their employment with the Trust.

Considering reasonable adjustments
When considering reasonable adjustments factors you should take into account include:

- the needs of the service
- whether the working environment or job description can be amended to allow the employee to remain in their current post
- likely cost of equipment or changes to working environment
- if assistance is available / required from Access to Work or other support organisations
- whether the adjustment would be effective in preventing the disadvantage
- health and safety considerations
- the employee's current skills, previous experience and aptitudes
- whether any additional training is required
- the views of the employee

You should use the Reasonable Adjustments Assessment Form to work through the steps when considering what adjustments may support an employee and how reasonable it will be to implement them. It also forms a written record of your decision-making process.

How quickly does a reasonable adjustment have to be made?
There are no set timescales for making reasonable adjustments as they are dependent upon individual circumstances and whether the adjustment is substantial. However, the Trust is committed to putting adjustments in place as quickly as possible.

Keep in mind that when you are considering reasonable adjustments it can be an anxious time for an individual, therefore you are responsible for updating and liaising directly with the affected individual, including managing their expectations in terms of timescales and updating on any potential issues.

Adjusting the monitoring triggers as a reasonable adjustment
Consideration can be given to adjusting the absence monitoring triggers as a reasonable

adjustment. This can only be done if:

- Working Well have confirmed the employee has an underlying health condition which is likely to result in a higher than average level of sickness absence
- Working Well have recommended that adjusting the absence monitoring triggers be considered as a reasonable adjustment due to the employee's underlying health condition
- you have sought advice from your HR manager that adjusting the absence monitoring triggers is appropriate given the circumstances of the case

The absence monitoring triggers can only be adjusted once.

There are 3 options for the level of adjustment as follows:

Triggers as set in policy (standard triggers)	• 3 episodes or 5 working days in 6 months • 5 episodes or 10 working days in 12 months
Adjustment option 1	• 3 episodes or 7 working days in 6 months • 5 episodes or 14 working days in 12 months
Adjustment option 2	• 4 episodes or 8 working days in 6 months • 6 episodes or 16 working days in 12 months
Adjustment option 3	• 5 episodes or 10 working days in 6 months • 7 episodes or 20 working days in 12 months

Completing the Reasonable Adjustments Assessment Form

The Reasonable Adjustments Assessment Form is there to support managers when considering and deciding upon reasonable adjustments.

Part 1	• This is for you to use to record the conversation with the employee about what work activities they are able to do despite their illness or injury. • You should complete this section when you meet with the employee to discuss reasonable adjustments. • You can use it as a guide of what to cover during that conversation.
Part 2	• This is to help you consider the impact of a possible adjustment on the service, on colleagues and where relevant on patients / service users. It should help you reach an objective decision about whether the proposed reasonable adjustments can be accommodated. • When you consider financial implications, remember that the adjustment is in relation to the Trust as a whole, not only the department budget. • Other implications can be considered on the basis of the team or service.
Part 3	• Use this section to help you summarise the options, your consideration and draw your conclusions.

Completed forms should be kept on the employee's personal file along with the letter informing the employee of the outcome. When completing the form keep in mind it and may be seen by the employee as part of the sickness management process.

Next steps

Agreeing to make the proposed reasonable	• If the adjustments can be accommodated, you need to establish a likely timeframe for implementing them, inform

adjustments	the employee and keep them updated about any progress or delays. You are responsible for arranging for the adjustment to be put in place as promptly as possible. • If the adjustment is for a temporary period, or the employee's circumstances might change, agree a date to review the arrangement with the employee. Consider if it would be useful to get updated advice from Working Well prior to the reviews date so you have the most up-to-date medical information to hand. • Where an employee reduces their working hours there will be no protection of salary or other conditions. This must be fully discussed with the employee. • Confirm your decision in writing to the employee, including details of any planned review dates. A template letter is available you can use to do this. • Place a copy of the outcome letter on the personal file.
Declining the proposed reasonable adjustments	• You must write to the employee outlining the reasons why the proposed adjustments cannot be accommodated. A template letter is available you can use to do this. • Place a copy of the outcome letter on the personal file. • If the employee is unable to continue working in their current role without the adjustments being made, the next step may be to consider redeployment to another role on medical grounds or the other potential options to progress the matter in line with the Supporting Attendance Policy. **If this is the case you must seek advice from your HR manager before you inform the employee of the outcome**.

General advice

- Try not to make assumptions. Discuss with the employee, HR, Working Well and other sources of advice as you need to.
- Focus on the positive and avoid dwelling on definitions or diagnosis. Talk about what the individual can do rather than what they cannot do.
- Look out for early signs of distress or changes as staff may not declare they have a disability. Talk to the employee at an early stage. Some of the key things to look out for are changes in a person's usual behaviour, poor performance, tiredness and increased sickness absence.
- Encourage reluctant employees to speak up. Find out what might be concerning them and try to reassure them so they are comfortable to discuss the issues.
- Managing the rest of the team. Agree with the employee what they are comfortable with the rest of their team being told Be aware of the impact one employee's disability could have on the rest of the team and manage any behaviour that is not in line with Trust values.
- Be proactive in discussing a potential disability with staff, before initiating a referral to Occupational Health. It is important to make staff aware of why they are being referred to help prevent anxiety.

- Working Well are there to provide support and advice to both staff and management, but ultimately they do not replace the employee's GP or the practitioners supporting them.
- Refer to other sources of support. There are a range of agencies that specialise in supporting different client groups that may be able to help.

Access to Work
Access to Work can provide support for:

- adaptations to equipment used
- special equipment
- disability awareness training for colleagues
- the cost of moving equipment if there is a change of location or job.

There is no set amount for an Access to Work grant; the amount agreed depends on the individual's circumstances. Access to Work may pay up to 100% of the approved costs for adaptations and equipment for employees who have been in the job for less than six weeks.

In order to access the Access to Work funding the employee needs to contact them directly to make an application either online or via telephone. If the application is successful Access to Work will arrange for a workplace assessment, after which the employee will receive a full report including any recommendations. More detailed information on Access to Work can be found on the GOV.UK website.