



UNIVERSITY OF
LEICESTER

For Staff and Managers

Reasonable Adjustments Guide



time to change
let's end mental health discrimination



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This Guide has been created by the Staff Disability Forum with support from the Equality, Diversity and Inclusion (EDI) Team.

Reasonable Adjustments Guide for Staff and Managers

Who is the guide for?

This guide is intended for use by all staff.

What does the guide set out to achieve?

This guide aims to provide guidance and identified processes by which an employee can request and have reasonable adjustments put in place to support a disability.

1 Introduction

The University of Leicester is committed to ensuring that it pro-actively advances equalities by ensuring an inclusive and supportive workplace, where disabled people are able to be open about their disabilities and are valued as an individual for their skills and contribution to the organisation. This commitment is defined within our Equality, Diversity and Inclusion Strategy.

2 Definitions

Unlike other protected characteristics, the Equality Act 2010 places a legal obligation on organisations to provide reasonable adjustments to ensure that disabled people are not disadvantaged in service provision or employment. The aim is for all staff to be treated in an equitable way. Ensuring equality requires treating people according to their different needs. Therefore it is not about treating everyone in the same way.

It is best practice for those involved in discussing the reasonable adjustments to discuss with the staff member the best possible resolution.

2.1 What constitutes a disability under the Equality Act?

Under the Equality Act 2010, a person is considered to have a disability if they have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on their ability to do normal daily activities.

2.2 What is 'substantial' and 'long term'?

- 'Substantial' is more than minor or trivial - e.g. it takes much longer than it usually would to complete a daily task like getting dressed.
- 'Long-term' means 12 months or more - e.g. a breathing condition that develops as a result of a lung infection.

There are special rules about recurring, fluctuating or progressive conditions, such as arthritis, cancer or certain visual impairments or mental health conditions, which protects people who have had a disability within the definition from discrimination even if they have since recovered.

2.3 What is impairment?

Impairments can be physical or mental. It is not possible to give an exhaustive list of conditions that qualify as impairments for the purposes of the Act but examples include:

- Chronic pain;
- Mobility related impairments caused by accident or illness;
- Sensory impairments, such as those affecting sight or hearing;
- Impairments with fluctuating or recurring effects such as rheumatoid arthritis, myalgic encephalitis (ME)/chronic fatigue syndrome (CFS), fibromyalgia, depression and epilepsy;
- Progressive, such as motor neurone disease, muscular dystrophy, forms of dementia and lupus (SLE);
- Diabetes;
- Organ specific, including respiratory conditions, such as asthma and cardiovascular diseases, including thrombosis, stroke and heart disease;
- Developmental, such as autistic spectrum conditions (ASC), dyslexia and dyspraxia;
- Learning difficulties;
- Mental health conditions and mental illnesses such as depression, schizophrenia, anxiety, eating disorders, bipolar affective disorders, obsessive compulsive disorders as well as personality disorders and some self-harming behaviour;
- Injury to the body or brain.

Whether a person is disabled for the purposes of the Act is generally determined by reference to the **effect** that the impairment has on that person's ability to carry out normal day-to-day activities rather than a clinical diagnosis.

A person, who was considered to be disabled or is in remission, continues to be considered disabled even when the effects of the disability have subsided.

It is important to remember that there are both visible and invisible disabilities.

A comprehensive guide to disability and what is considered as a disability under the Equality Act 2010, can be found on the [Equalities Webpage](#)

2.4 Disability Rights

The Equality Act 2010 protects individuals with a disability and covers areas including:

- Application forms
- Interview arrangements
- Aptitude or proficiency tests
- Job offers
- Terms of employment, including pay
- Promotion, transfer and training opportunities
- Dismissal or redundancy
- Discipline and grievance

3 Reasonable Adjustments

3.1 What is a Reasonable Adjustment?

A reasonable adjustment is a change or adaptation to the physical or working environment that has the effect of removing or minimising the impact of the individual's impairment in the workplace so that they are able to undertake their job duties. As a result, a disabled worker will have the same access to everything that is involved in doing and keeping a job as a non-disabled person. Employers are accountable for deciding what (if any) reasonable adjustments will be made.

It is good practice for employers to seek advice in coming to this decision through a number of ways. The focus is very much on the employee's ability to function on a day-to-day basis rather than on medical diagnosis.

Where adjustments can be readily anticipated (e.g. in the provision of hearing loops) then it makes both good business sense and is good equalities practice to make such provision in advance of any specific request.

Where the employer or another person acting for the employer knows, or could reasonably be expected to know, that the employee or job applicant is disabled, there is a **positive** and **proactive** duty to take steps to remove, reduce or prevent the obstacles a disabled worker or job applicant faces. Otherwise, the potential for discrimination occurs.

Adjustments only have to be made when there is awareness – or where it is reasonable to be aware that a worker is disabled.

The duty applies to any disabled person who:

- Works for the University, or
- Applies for a job with the University, or
- Tells the University that they are thinking of applying for a job

3.2 What is 'reasonable'?

The test of what is reasonable is ultimately an objective test and not simply a matter of what any one person might personally think is reasonable.

When deciding whether an adjustment is reasonable, consideration can be given to:

- How effective the change will be in avoiding the disadvantage the disabled worker would otherwise experience
- Its practicality for the disabled person.

Many of the adjustments that are made will not be particularly expensive: 44% of Reasonable Adjustments cost less than £50 to implement¹. Once an adjustment has been made, it is important it should be monitored and reviewed regularly as it may be necessary to consider further or alternative adjustments.

If, however, the University fails to identify and provide reasonable adjustments, and a disabled worker can show that there were barriers the University should have identified, and reasonable adjustments that could have made, they can bring a claim against the University in an Employment Tribunal, and the University may be ordered to pay them compensation as well as make the reasonable adjustments. The University should discuss any adjustments with the disabled staff member otherwise the adjustments may not be effective. This ensures that the worker is given the dignity and respect to discuss their needs and agree a way forward, with the support of the manager.

1

<http://webarchive.nationalarchives.gov.uk/20130401151715/http://www.education.gov.uk/publications/eOrderingDownload/RB56.pdf>

3.3 Reasonable adjustments for applicants and new members of staff

a) Job description / person specification

The job description should accurately reflect the duties and responsibilities of the job and the person specification must only contain criteria which is job related and can be fully justified.

Disclosure of disability on application form

The University's application form contains a question on whether the candidate requires any reasonable adjustment(s) in order to attend the interview. Where an applicant has indicated on the application form that they require a reasonable adjustment(s) the Human Resources Department (Recruitment Section) will contact the applicant and arrange for the appropriate adjustments to be put in place. Examples of adjustments could include:

- A sign language interpreter at interview;
- A hearing loop;
- Extended time to prepare a presentation;
- Interviews conducted in an accessible venue;
- Parking provided near the interview location;
- A Support Worker can accompany the candidate to interview.

The University currently uses an online application process, which enables applicants to apply and track their application. However, application forms are also made available, upon request, in alternative formats such as Word or Braille.

b) Composition of panel

To ensure transparency and consistency, the recruitment team will advise the hiring managers of the required reasonable adjustments during an interview, as appropriate (e.g. ensuring access to the interview venue, allowing an additional 25% more time to complete assessments)

c) Shortlisting process

Information regarding any reasonable adjustment(s) required to attend the interview will only be used for the purposes of facilitating the candidate to attend and participate in the interview. Such information should never be used to inform decisions related to whether the candidate is able to satisfy the essential criteria at interview. For example, whether the applicant is not able to undertake an essential part of the job because of their declared disability at application should never influence whether they are suitable for the job. Instead, the University is required to ascertain what reasonable adjustments need to be put in place to support the applicant to undertake the essential aspects of the role.

If you have any doubts contact the HR Recruitment Team.

d) Interview / tests

Once the shortlisting process has been completed, successful applicants will be invited for an interview. At this stage applicants are given the opportunity to indicate in advance if they require reasonable adjustments and suggest adjustments to help overcome any disadvantage during the interview and testing. The Equality, Diversity and Inclusion Team may also be consulted regarding reasonable adjustments for the interview and assessments.

Any tests/assessments should be relevant to the post and examples of reasonable adjustments required include: changes to the format, additional information relating to the assessment to be provided, allowing a support worker to be present or allowing additional time to be given to complete the test (ensuring at least 25% additional time).

The Chair and panel members should be briefed and consideration should then be given to individual cases and any advice received from the HR Recruitment team. It is important not to make assumptions about what a disabled person can and cannot do. The majority of disabled people need little or no special support for an interview. Interviews should be specific, examining the skills, training, experience and ability of the interviewee as they relate to the job specifications, not to assumptions about the interviewee's disability.

e) Employment Offer- Reasonable Adjustment meeting

By accepting the job offer the applicant is agreeing to abide by the University's policies and regulations and that they are able to satisfactorily fulfil the intrinsic parts of the job with or without reasonable adjustments. An [induction checklist](#) will be sent to them which requires the manager to explore with the new starter any reasonable adjustments. If any reasonable adjustments have been identified an offer to meet and discuss the adjustments should take place, prior to them starting. The early understanding of what is required in terms of reasonable adjustments ensures that we are able to claim 100% of costs and also that the workplace is accessible for the disabled person. Otherwise there could be a situation where a building is unsuitable for the new starter and therefore they cannot start work until adaptations have been made but may still be paid. Such a meeting may involve the applicant meeting with their line manager and/or a [HR Adviser](#). This is to ensure a consistent and coordinated approach to discuss and identify:

- i) **Reasonable adjustments to be made internally** – managers, HR and OH (where appropriate) are required to discuss any reasonable adjustment that the employee requires. These could be related to workload allocation, work patterns, desk location, travelling required for the role and accessibility to those locations, equipment, training, time off for appointments/treatment etc.
- ii) **Building adaptations (Estates)** - for adaptations to offices or buildings contact the Building Surveyor in Estates (email: estates@le.ac.uk).
- iii) **Access to work** - Access to Work can provide support for:
 - adaptations to equipment used
 - special equipment
 - fares to work if not able to use public transport
 - a support worker or job coach to help in the workplace
 - a support service for a mental health condition and if absent from work or finding it difficult to work
 - disability awareness training for colleagues
 - a communicator at a job interview
 - the cost of moving equipment if there is a change of location or job

Access to Work pays up to 100% of the approved costs for adaptations and equipment for employees who have been in the job for less than six weeks.

There is no set amount for an Access to Work grant, the amount agreed depends on the individual's circumstances.

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 [Equalities webpage](#) or contact the EDI Team - email: equalities@le.ac.uk .

3.4 Reasonable adjustments for existing members of staff

For staff with existing, developing or new conditions, including flare ups, the same guidance applies regarding providing reasonable adjustments. In some cases, it may be more difficult to identify new or developing conditions for existing staff compared with new staff who have the opportunity to disclose and discuss any reasonable adjustments prior to beginning employment. Therefore it is good practice and a requirement that managers **discuss the situation with the employee**.

Considerations should firstly be given to reasonable adjustments that can be provided internally for example through undertaking a Display Screen Assessment (DSE), Risk Assessments, Occupational Health or adjustments supported by the manager.

A referral may be made to Occupational Health to seek professional guidance and support. Together the manager and the employee should then agree a plan of action that could include identifying reasonable adjustments that can be undertaken at a departmental level or a workplace assessment (via Access to Work).

Any reasonable adjustments that have been identified and provided should be documented.

There are a number of possible routes to identifying and providing reasonable adjustments for existing employees. These include:

- a) **Reasonable adjustments to be made internally** – Managers, HR and OH are required to discuss any reasonable adjustment that the employee requires. These could be related to workload allocation, work patterns, desk location, office furniture, working hours, travelling required for the role and accessibility to those locations, equipment, training, time off for appointments/treatment etc.
- b) **Audits/Impact Assessments** – Estates are required to undertake accessibility audits of their buildings in order to identify any reasonable adjustments more generally. Equality Impact Assessments will be undertaken when designing, refurbishing building or relocating to new offices. It is expected that heads of Departments and HRBP's feed into to such assessments as colleagues who understand the needs of their teams.
- c) **Occupational Health** – Provide advice and support to management on suitable changes to help a person who is disabled or has an ongoing health problem, or is returning to work after absence, to help them stay in or return to work. Some examples of when this may be appropriate include:
 - If suitable adjustments are difficult to identify or hard to provide;
 - A person has recently become disabled or has a fluctuating / progressive condition and is not sure what impact this may have or what would help them do the job. You need to establish whether an underlying medical condition is the cause of workplace problems;
 - A medical opinion is required to ensure a safe and healthy working environment.

If a member of staff believes a referral to Occupational Health would be of benefit to them, they must speak with their manager who would make the referral. Often, early intervention can provide the necessary advice to prevent a period of absence occurring. Should a member of staff have any concerns, then they should contact the HR Advisory Team. For more information on Occupational Health please visit their [website](#).

- d) **Building adaptations (Estates)** - For adaptations to offices or buildings contact the Building Surveyor in Estates (email: estates@le.ac.uk).

e) **Access to work** – Helps an employee overcome disability issues in the workplace by providing support and helping pay for work related costs. Access to Work can cover all of the agreed costs to help overcome disability issues if the employee:

- Is about to start paid employment
- Has been employed for less than six weeks when they apply for help.

The University may have to help pay for some of the costs if the employee has been employed for six weeks or more. If the cost for existing employees is less than £1000 we will seek to fund this internally. Contact the Equality, Diversity and Inclusion Team for more information.

Detailed information on the process of contacting Access to Work can be found [here](#).

f) **Access to Work Mental Health Support (Remploy)**

The Remploy 'Access to Work Mental Health Service', provide independent support and advice for people who are employed and who experience mental ill health. This is separate from our occupational health service and you are able to self-refer. Further information on the service can be found [here](#).

g) **Alternative Employment** - Where no adjustment is possible to enable the employee to continue in their position [redeployment](#) should be considered in conjunction with Human Resources, the individual and Occupational Health. It is important to note that all available opportunities should be considered, i.e. both redeployment opportunities where reasonable adjustments are not required and where reasonable adjustments are required.

Once a suitable vacancy has been determined, employees should meet with the appropriate manager and Human Resources to investigate the need for further reasonable adjustments in the workplace, as per the process for new employees highlighted above. As with any new employment situation, appropriate training should be provided.

h) **Timescales** - Adjustments should be put in place as promptly as possible. Delays in putting in place adjustments can be very distressing for the employee and potentially have an adverse impact on the activities of the University. The manager is responsible for liaising with the employee and keeping them updated.

When an adjustment is being considered but cannot be implemented immediately (e.g. adjustments to building), the employee may be exempted from certain duties until adjustments are put in place.

Contacting Access to Work: the individual must contact Access to Work within the first 6 weeks of employment for 100% of costs to be funded. After this time contributions from the employer apply.

4 Top Tips on Supporting (Disabled) Employees

- Don't make assumptions about what support an employee might need. You will need to discuss any specific needs or adjustments with the employee.
- Engage with people. Dwelling on definitions and diagnoses is unlikely to be helpful as, too often, a diagnostic 'label' leads to preconceptions as to what a person can - or cannot - do. The most productive approach is to talk to the person, get a clear understanding of what they can do, rather than what they can't do and so understand problems or issues and work on the basis of the person's capabilities.
- Talk at an early stage. The earlier you notice that an employee is experiencing difficulties or requires an adjustment the better for all concerned. Your early actions can help prevent the situation becoming worse.
- Identifying early signs of distress. Some of the key things to look out for are changes in a person's usual behaviour, poor performance, tiredness and increased sickness absence. You might notice or other colleagues might comment. For example, a normally punctual employee might start turning up late or experience problems with colleagues. Regular work planning sessions, supervisions or informal chats about progress are all ordinary management processes which provide neutral and non-stigmatising opportunities to find out about any problems an employee may be having.
- Try to engage with someone even if they're reluctant to talk. First, make it clear that the discussion will be absolutely confidential. Then you should consider - from the employee's point of view - why he or she might be reluctant to talk. Is it really safe for them to be open with you? Will any disclosures be treated sympathetically and positively? If this employee has seen others with similar problems being discriminated against, they may be cautious. You should be clear about confidentiality and who will be told what. You cannot offer 100% confidentiality but can clearly explain the limits of your confidentiality (such as personal information is confidential but issues that may have a health and safety risk will need to be discussed further).
- Managing the rest of the team. Be aware of the impact one employee's disability could have on the rest of the team, whether as a result of reasonable adjustments that have been made or because of a person's particular symptoms or behaviour while unwell. You need to ensure that any hurtful gossip or bullying is dealt with promptly and effectively. It is your responsibility under the Equalities Act to ensure that staff members are not being bullied or harassed on account of a disability.
- Communicate in an open, matter of fact way. You should agree with the person whether they wish colleagues to be informed, and in which case what information colleagues should be given. Do not be afraid to talk about this with the employee.
- Keep in touch during disability related absence: Managers often fear that contact with someone who is off because of a disability related absence will be seen as harassment. However, the overwhelming view from people who are absent due to a physical or mental health condition or illness is that they wish to keep in touch in some way. It is important that the communication does not create additional pressure on the employee, but supports them.
- Employees should be informed that they too have a responsibility to keep in contact. While the employee might not wish to be 'out of sight, out of mind' it could be confusing or overwhelming to receive a number of uncoordinated contacts from different people. You may of course be able to keep in touch through a nominated contact such as a family member or partner.
- If an employee rings in sick, you should, as their line manager, take the call personally. The best outcome from this initial call probably is to agree that the employee will make a follow-up contact. (It might be useful to agree with the employee how this will be made. They might prefer to do it by text or e-mail.) If the employee does not make contact in the agreed way, you should then respond. At an early stage, the fact of being in contact may be more important than what is actually said. Adjust work in the early days after an extended spell of absence to promote full recovery and to ease the individual back into productive employment.

- Consider buddying with another employee or contacting the Disability Staff Equality Forum to have the opportunity to talk to someone who isn't their manager. You can find out more about the forum by clicking [here](#).
- 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. As an example, Dyslexia Action provides a range of services to support dyslexic employees in the workplace.
- Occupational Health is there to provide support and advice to both staff and management, but ultimately they do not replace regular supportive management or the employees GP. It is up to management to decide whether or not the recommendations made can be reasonably accommodated.
- Where a disability is endorsed on an application form it should instigate a conversation of the disability with the new employee.
- For existing staff with a disability or ongoing illness it is good practice to let their manager know, so they can support them.
- Managers should 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 in order to prevent anxiety.

5 Appendices

Appendix 1: Scenarios/Case Studies/Examples of Good Practice

Case Study 1

Helen obtained her PhD last December and in June she was appointed as a lecturer in the School of XXX. When she met with her new Head of School during the summer she explained that during the writing up period of her PhD, she had developed Carpal Tunnel Syndrome. She often gets painful flare-ups making typing difficult.

Her employer suggested fitting a “speech to text” software package to her computer to remove barriers to using ICT. As this software is commonly used in the University cost was minimal and there was no need for an application to Access to Work.

Case Study 2

Mo has missed all departmental meetings in the last year. He has reported a number of sickness absences, comes to work late and missed a number of deadlines. Mo was diagnosed with MS ten years ago and is now a wheelchair user. When Kay, his team leader, discussed the matter of his attendance with him, Mo explained that he was no longer able to attend departmental meetings as the room was only accessible via a staircase. He also explained that he gets very tired.

Kay asked Mo for suggestions on how the department could support him in his work. Mo explains that he is often very tired and sometimes cannot leave the house. On those days he would prefer to work from home and email his work.

As reasonable adjustments Kay agreed to apply a flexible approach to Mo’s work on the days when he was not required to be in the office. This arrangement was agreed through the flexible working request process. Departmental meetings are now also held on the ground floor of the building.

Case Study 3

Jay broke his back following a bike accident, was absence from work for six months and returned to work on a phased return. As part of his agreed phase return Jay was offered the option of working at home for some of the time, to allow him to successfully return to his role. On his return to the office he was given agreed time off to attend therapeutic sessions.

Case Study 4

Following a recent divorce, Nadya was diagnosed with anxiety and depression and had to take three months off work. Before returning to work Nadya was referred to Occupational Health to discuss reasonable adjustments to her work patterns. Nadya’s GP and OH recommended a phased return over four weeks in the first instance with regular reviews over this period with the GP to ensure compliance with medication and improvement in her mental health. Nadya also has informal fortnightly meetings with her manager to assess whether her workload is manageable and discuss whether any additional support, such as flexible working, is needed. Nadya has requested that she be allowed to start work later in the mornings as she finds commuting in heavy traffic stressful. Her teaching timetable has been adjusted to allow for this reasonable adjustment.

Case Study 5

A new staff member has complex health problems, including Crohn's disease, muscular skeletal problems and a chronic pain syndrome with impacts on mobility, noise and light sensitivity. On commencing in post an Access to Work application was made, with ergonomic chair, height adjustable desks, and specialist computer equipment provided through the scheme. In addition the Department located the staff member in a ground floor office close to both the kitchen and toilet facilities, ensured provision of a nominated disabled parking space, and agreed to flexible working arrangements enabling the staff member to travel outside rush hour, and work at home on a regular basis.

NB: Any recommendations for ergonomic equipment is provided through Occupational Health and funded at a Departmental level.

Case Study 6

Sara has visual impairments and specified in a recent job application that she requires reasonable adjustments for the interview process. Sara was successful in being shortlisted. The Recruitment representative on the shortlisting panel contacted her to discuss the reasonable adjustments that she would require, based on the next stage of the recruitment process, which involved tests. Sara stated that her preference would be to utilize specialist software to translate the information; however she would also be happy to work from a bigger screen 30 inches. The Recruitment Representative liaised with colleagues in the Accessibility Centre regarding the software, who confirmed that it is not something we have available. Therefore it was arranged with IT, for Sara to have access to a wider screen, which she confirmed would be sufficient. In light of her visual impairment Sara was also allocated additional time to complete the tests.

Appendix 2: References

<http://www.ecu.ac.uk/wp-content/uploads/external/managing-reasonable-adjustments-in-higher-education.pdf>

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

[http://www.nhshealthatwork.co.uk/images/library/files/Government%20policy/Mental Health Adjustments Guidance May 2012.pdf](http://www.nhshealthatwork.co.uk/images/library/files/Government%20policy/Mental_Health_Adjustments_Guidance_May_2012.pdf)

[http://www.southerntrust.hscni.net/pdf/Reasonable Adjustment Guidelines for Managers March2013.pdf](http://www.southerntrust.hscni.net/pdf/Reasonable_Adjustment_Guidelines_for_Managers_March2013.pdf)

<http://www.surreyandsussex.nhs.uk/wp-content/uploads/2013/02/Managers-guide-to-supporting-disabled-employees-2013.pdf>

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However, in exceptional circumstances it may be necessary for the University to cancel or change a programme or part of the specification more substantially. For example, due to the unavailability of key teaching staff, changes or developments in knowledge or teaching methods, the way in which assessment is carried out, or where a course or part of it is over-subscribed to the extent that the quality of teaching would be affected to the detriment of students. In these circumstances, we will contact you as soon as possible and in any event will give you [30 days] written notice before the relevant change is due to take place. Where this occurs, we will also and in consultation with you, offer you an alternative course or programme (as appropriate) or the opportunity to cancel your contract with the University and obtain a refund of any advance payments that you have made.