



Line manager guide

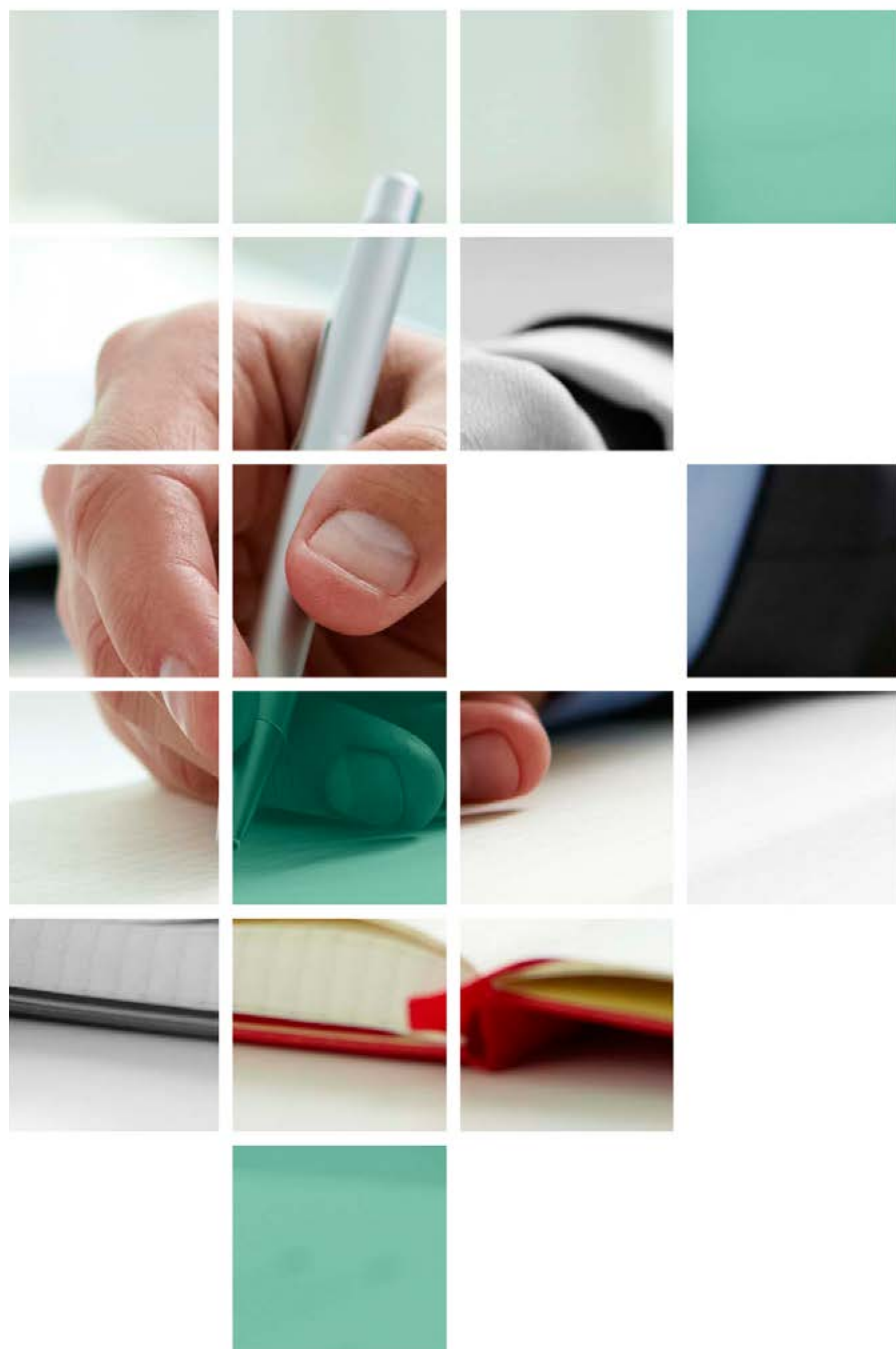
Making adjustments

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In this guide:

Introduction	3
How to make reasonable adjustments	10
What is reasonable?	18
Appendices	45
About us	46

Introduction



This guide is for line managers – that's anyone who has direct managerial responsibility for one person, a team or a department.

This guide helps you to manage colleagues who may have a disability or long-term condition by:

- Identifying who needs an adjustment.
- Identifying how work can be done differently to maximise the potential of your disabled and non-disabled staff who may also benefit from the changes made.
- Deciding if an adjustment is reasonable.
- Treating your disabled colleagues fairly.
- Making sure you do not break the law.
- Knowing where to go for more help and advice.

As a line manager you have a vital role to play in enabling your team to work to the best of their ability.

Making adjustments

As a line manager you have a vital role to play in enabling your team to work to the best of their ability.

It is down to you to ensure that the staff you manage meet their objectives and performance targets. You are responsible for creating an open and supportive environment at work where employees can talk about any problems they have with their work and seek help early.

This is particularly important when you are managing disabled employees because you are required by law to enable them to work and make changes or 'reasonable adjustments' to help them do so.

I don't think I have any disabled people working for me

Learning how to make adjustments and manage disabled employees is all part of being a good manager for all your staff. You should not think about managing disabled employees as separate to your duties as a manager as a whole – good managers know how to manage difference in order to get the best from all members of their team.

You might be surprised. The term 'disabled people' covers a wide range of different people with different impairments which may or may not affect how they do their job. Disabled people work in all types of jobs.

Under the law the term 'disability' is so wide that people you might not regard as disabled are protected including, for example, people with diabetes, asthma, back problems and mental health conditions like depression. Other people, who have cancer, multiple sclerosis (MS) and HIV, are automatically covered.

Making adjustments

Remember too that many disabled people will not tell you that they have a disability, either because they don't think of themselves as disabled or because they are worried about possible repercussions of sharing this information with you. The more you are known to be a fair and reasonable manager, the more likely it is that people working for you will tell you about disabilities or long-term conditions they have because they know that you will make adjustments should they need them.

Why do I have to treat disabled people differently from everyone else?

The way that society and workplaces are organised present barriers to some disabled people that place them at a disadvantage. This means employers need to remove these barriers and ensure that disabled people have access to as level a playing field as possible. You may have heard that treating everybody equally means treating them the same. However, because of the disadvantages disabled people face, employers may need to do something differently to enable them to work effectively and productively, i.e. they need to treat disabled people differently to treat them fairly. This is the essence of making an adjustment.

A barrier can be physical, for example, a set of stairs, or a written document. They can also be found in policies or practices common to the workplace e.g. fixed working hours or locations, performance management policies or expected ways of communicating.

Adjustments remove or reduce the effect of these barriers. For the examples given above, adjustments might be providing a ramp as an alternative to the stairs, an audio version of the document – or software to read it aloud. Working hours and locations can be made flexible, and managers can agree different ways to communicate with their employees e.g. phoning, emailing, face-to-face, or in writing. These are small changes that can remove a barrier somebody is facing and enable them to do their job.

Making adjustments

Employers also have a legal duty to make reasonable adjustments under the Equality Act 2010.

Although the law only requires you to make reasonable adjustments for disabled people you probably already remove barriers and make changes for non-disabled people so that they can work for you – they just aren't called 'reasonable adjustments'.

For example:

- Adjusting rotas so someone who goes to church on Sundays doesn't have to work that day.
- Allowing someone with childcare or caring responsibilities to start work at 10am or leave at 4pm so they can manage childcare.
- Providing vegetarian options at work lunches for someone whose religion or beliefs don't permit them to eat meat.

Adjustments remove or reduce the effect of these barriers.

How will I know if someone is entitled to a reasonable adjustment?

The law says you must make reasonable adjustments for disabled people who are having, or will have, problems doing the job because of their disability.

Although some people will tell you that they have a disability many will not because:

- They don't think of themselves as disabled, e.g. someone with diabetes.
- They don't think they need any adjustments.
- Although they are unwell they don't yet know why.
- They are worried about how you or the organisation might react and that they will either not get the job or lose their job.
- They fear harassment or bullying.

You must make adjustments for people you know or think might be disabled if they are having problems doing their work because of their disability.

As a manager you should be looking out for signs that someone might have a disability that is impacting on their job. Bear in mind that these signs might be linked to a disability that the person may or may not know about as yet. Keep an eye out for changes in behaviour, appearance, routines, performance or attendance. Bear in mind that some of these signs could initially be viewed as 'positive', but can be an indication of an underlying issue.

Making adjustments

For example, an employee:

- Working excessive hours or committing to an unrealistic number of projects.
- Appearing withdrawn, distracted or in pain.
- Becoming uncharacteristically gregarious, chatty or sociable.
- Exhibiting unusual attendance patterns, such as taking regular sick days or booking frequent time off as annual leave.

The key here is to identify changes in an employee's usual behaviour, routines, attendance, appearance or performance.

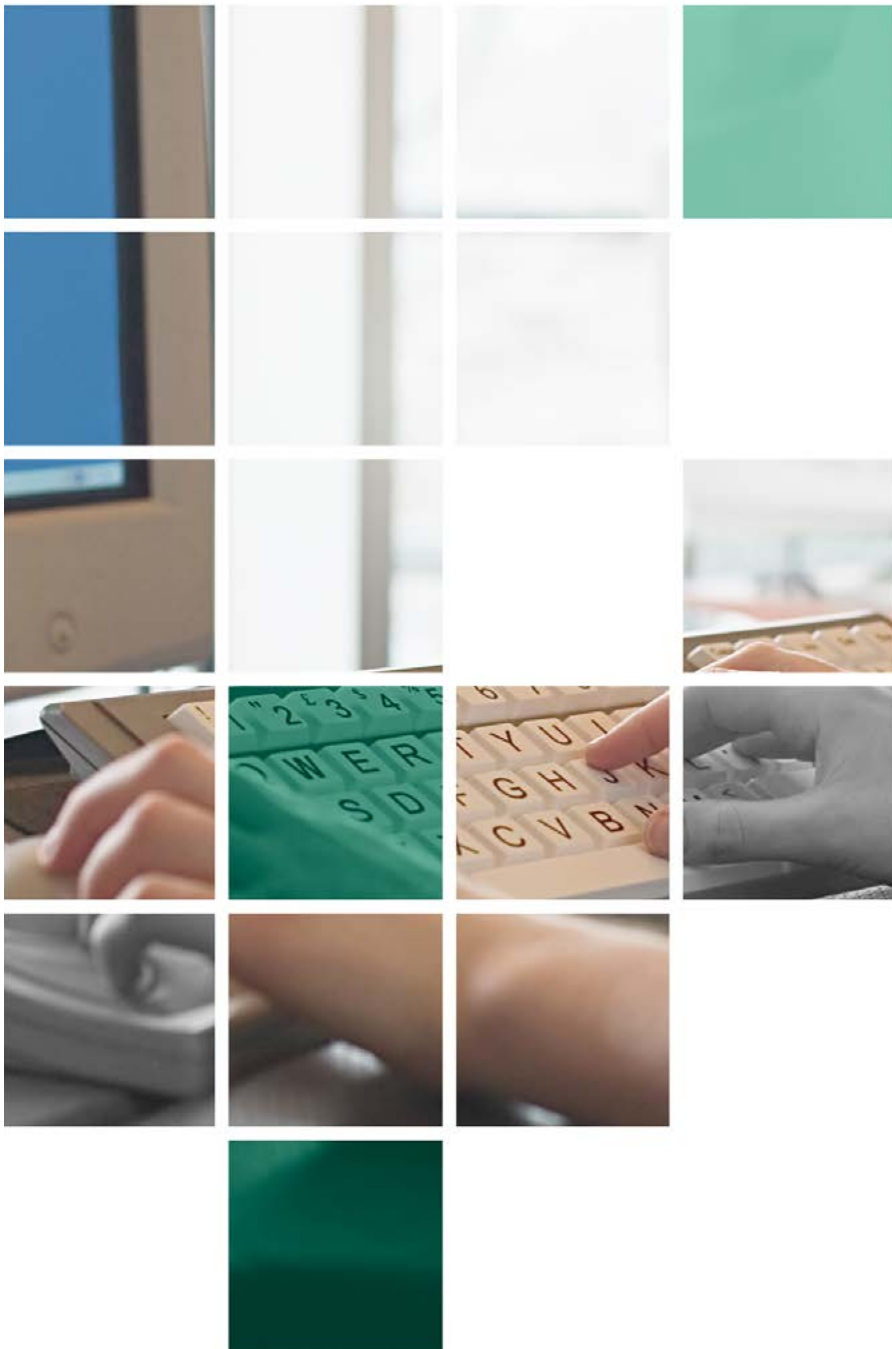
Don't waste time trying to work out if someone meets the legal definition of disability. If a member of your team is having problems at work, talk to them, try to find out what would help and make any changes you reasonably can to help them do their job.

As you can't always be sure whether someone is disabled or not, it is best practice to make adjustments for anyone who is having problems at work. This way you will have done all you can to help someone work to the best of their ability and may mean you recruit and keep the most talented people for your organisation.

Disability Equality Duty

Public authorities and those carrying out public functions are required by the Equality Duty to promote equality of opportunity for disabled people. The duty also means that authorities need to think in advance about the needs of both disabled employees and potentially disabled employees. Public authorities should bear this in mind when reading this guide.

How to make adjustments



You will have the skills, knowledge and authority to implement some adjustments yourself but for others you may need to call on your colleagues or external organisations for help.

Most large employers will have a reasonable adjustments policy or process which you should follow. The place to start is always with the person needing the adjustment. Talk to them to find out exactly what they are having problems doing so you have all the facts.

Sometimes the person will be able to suggest a solution themselves, but don't expect every disabled person to be an expert either on their own disability or on the adjustments that can be made. Remember that they might be learning to cope with the effects of their disability and neither you nor they may be aware of adjustments that are possible in your workplace.

Recognising differences and knowing when and how to change the way work can be done is called making a reasonable adjustment.

Scenario one

Maria,

Computer
based job

When Ken receives a sick certificate from Maria, a member of his team signed off with back pain, he remembers noticing that Maria had recently seemed to be in discomfort or pain.

She frequently flexed her wrists and when standing placed her hand on her back. On her return to work Ken arranges a 'back to work' interview where he asks her if she thinks work had contributed to her back pain. Maria tells him her GP has advised her not to work on a computer.

As Maria's job is completely computer based Ken cannot see what he should do. He asks Maria what she finds most difficult and she tells him she has shooting pains up her right arm when she uses her mouse and her wrist swells up at night. She also had to stand up frequently because she thought her chair was giving her back and neck ache which had now led to migraines at night that stopped her sleeping. Maria is worried that not being able to use a computer will mean she will lose her job.

Ken tells Maria that he needs to speak to others in the organisation and asks for her permission to mention her back and arm problems to the HR and IT teams. Maria gives her permission and they agree that her work will be restricted to reading reports from home until a solution can be found. Ken talks to HR who help him to organise a workplace assessment for Maria. The assessor talks to Maria about her work and watches her at her desk.

The assessor then produces a detailed report making various recommendations including that Maria should have:

- **An adapted keyboard** that places less strain on her wrists when she types.

- **A different mouse** that she doesn't have to clutch so tightly.
- **Speech-to-text software** and training for Maria so that she can dictate emails.
- **A chair adapted** to Maria's size and shape, bearing in mind she is a small woman, she needs a chair that can be raised to the right height for her desk that will support her back and neck properly.
- **An adjustable sit-stand desk** to allow Maria to stand for periods in the day while working at her computer.

The report also notes that Maria rarely moves from her desk during the working day and usually eats lunch at her desk. It suggests Maria should get up and walk round the office several times a day and that she should leave her desk at lunchtimes to walk outside.

Ken and Maria discuss the report and Ken promises to keep Maria informed about when the equipment is due to arrive. In the meantime she continues to read from home. Maria agrees she should walk around and get herself a drink regularly throughout the day but often forgets to do so.

They decide she should put having a drink and a walk into her online diary which will send her an alert every hour telling her it's time for a break. Ken says he will make sure everyone on the team has a proper lunch break of at least 30 minutes during which they leave their desks.

A month after the equipment has been installed the pain in Maria's neck, back and arms has almost disappeared and she hasn't had a migraine in weeks. She also feels more alert because she is drinking more water and the walk at lunchtime helps clear her head and improve her thinking. The whole team has reported the benefits of having a proper break and leaving their desks at lunchtime.

Types of adjustments

Adjustments you might need to make could include:

- **Equipment**, e.g. voice activated software, an adapted keyboard or mouse or a new chair.
- **Being flexible and changing working arrangements**, e.g. allowing someone to change the hours they work or to work from home.
- **Changing the working environment**, e.g. making a door easier to open, providing natural daylight bulbs or changing the height of shelves.
- **Moving someone to a more suitable job** when a vacancy arises if no adjustments will enable them to do their existing job.
- **Changing attitudes**, e.g. working with the disabled employee to help them communicate any information they want to with others in the team.

These are just examples of adjustments and not an exhaustive list.

Different people need different types of adjustments, sometimes for similar impairments. In most cases they will be relatively simple, inexpensive or even free and easily implemented. In some cases, however, it will not be immediately apparent what needs to be done and you will need to speak to other people in your organisation and perhaps obtain reports from experts like workplace assessors, the employee's doctor, specialist organisations, your organisation's occupational health adviser, or via Access to Work (see **Appendix one**).

Making adjustments

The most important thing is to talk to the employee to find out what they are having difficulty doing. Getting expert reports and assessments organised can take time. Make sure you tell the employee what is happening and how long things are likely to take – especially if they are not able to come into work during this time as otherwise they may feel isolated and abandoned.

Most importantly, do not tell anyone else about the employee's disability or medical condition without their express, and preferably written, permission. Very few people need to know the details of an employee's medical condition – perhaps only the medical adviser. What you and other people really do need to know is what the person is having problems doing and how their work can be changed so that these problems can be overcome, i.e. what adjustments are needed. Confidentiality is vital if you are to retain the trust of your employees.

Did you know?

In the course of your career as a manager it is very likely that you will be managing someone with a disability – there are almost 4 million disabled people in the UK workforce.

Source: Labour Force Survey, Q3 2016

Scenario two

Lloyd,

Medical
condition

Carla is concerned about the amount of time off sick Lloyd has been taking in the last few months.

She arranges a meeting to talk to Lloyd about his sickness absences and asks him if he is having any problems at work. Lloyd apologises for the time he has taken off and insists that it is nothing to do with work. He seems reluctant to say more and so Carla asks if he will see the occupational health adviser. Lloyd agrees.

Lloyd tells the occupational health adviser that he discovered a few months ago that he had prostate cancer and the time off sick has been for hospital appointments, treatment and check-ups. The cancer is responding well to treatment but he is embarrassed about being ill and doesn't want Carla or his colleagues to know about it.

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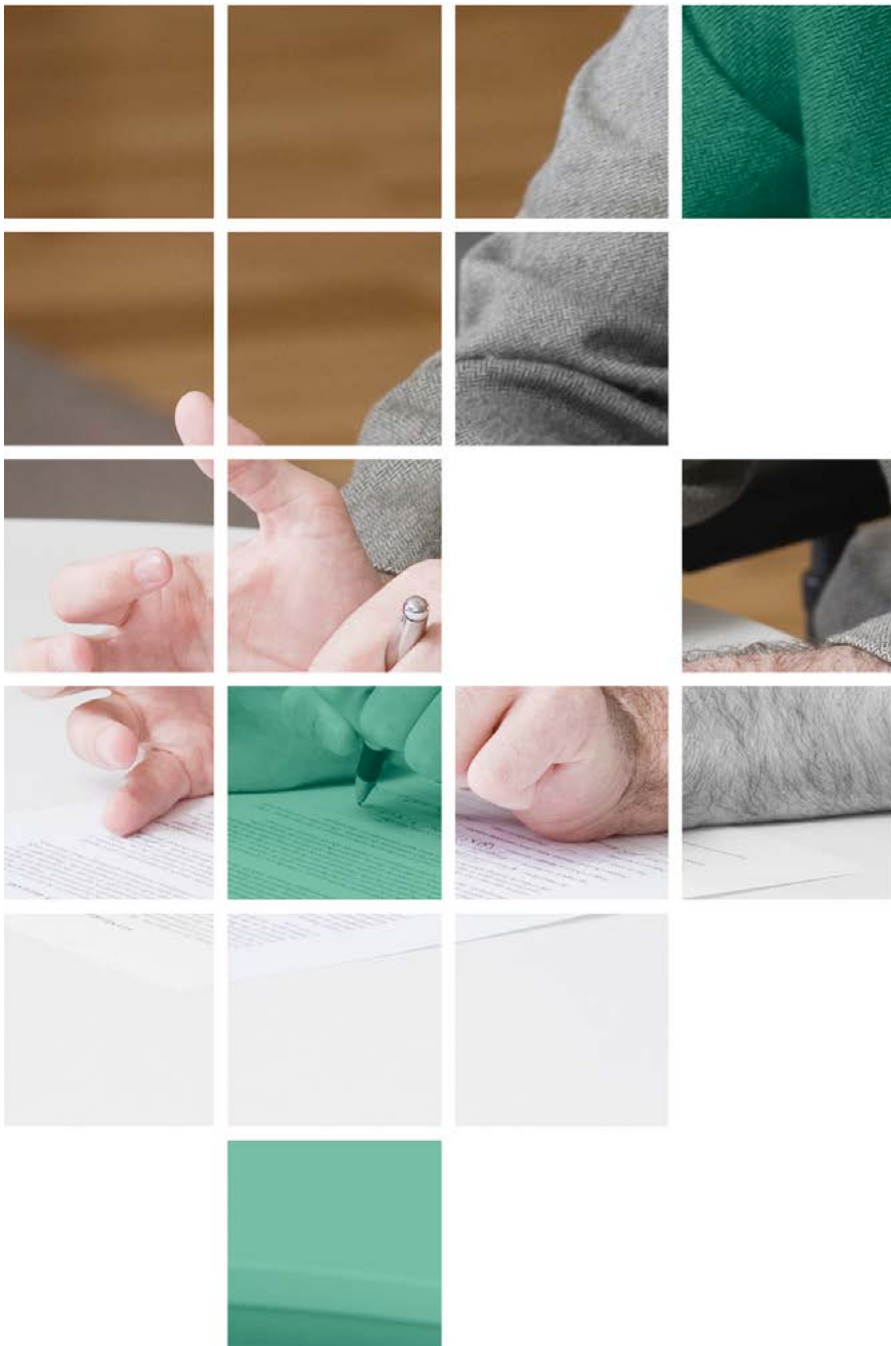
...Lloyd will need time off work from time to time to attend hospital appointments.

The occupational health adviser agrees not to reveal any details about Lloyd's condition to Carla. He and Lloyd talk through the adjustments Lloyd needs at work which are very simple – Lloyd will need time off work from time to time to attend hospital appointments. Lloyd agrees that the occupational health adviser should write a report for Carla saying Lloyd will need time off for medical appointments. No details of the medical treatment are included in the report.

Carla and Lloyd meet to discuss the report and Carla is happy to be flexible and agrees to record the time off that Lloyd needs as disability leave* as Lloyd can tell her in advance when his appointments are. In the past he had not told anyone and simply called in sick on the day. Knowing when the appointments are makes it easier for Carla to plan around the appointments. Carla doesn't press Lloyd for any more details and the time he needs is accepted by his colleagues without question. Lloyd is relieved not to have to worry about his job and colleagues any longer.

*For more on disability leave see Business Disability Forum's line manager guide '**Attendance management and disability**'

What is reasonable?



When the law talks about ‘reasonable adjustments’, all this really means are adjustments that are both effective at enabling the disabled individual to perform in their role, and sustainable by the business.

Whether an adjustment is reasonable will depend on the individual disabled person, the organisation they work for and their particular circumstances. An adjustment that is reasonable for one person in a particular department or organisation might be completely unreasonable for someone else somewhere else, even in the same organisation.

Although this sounds difficult to understand and manage there are a number of factors, which the law says you should consider when trying to decide if an adjustment is reasonable:

Cost.	Practicability.
Effectiveness.	Disruption.
Effect on others.	Health and safety.
Length of service.	Valuable skills, contacts or training.
External sources of help, e.g. Access to Work.	

Often more than one factor will play a part in the decision as to whether an adjustment is reasonable but each one is explored in more detail below. You can also use the **Reasonable Adjustment Decision Form in Appendix four** to help you decide whether an adjustment is reasonable.

Cost

The majority of adjustments are relatively inexpensive if not free, and whether or not cost is a major factor largely depends on the size and resources of the employer.

Where there is a cost involved in making an adjustment you need to consider:

- **How expensive is the adjustment in relation to the resources of the organisation as a whole?** As a rule of thumb the more money the organisation has (whether a private company, public sector or charitable) the more reasonable it will be to spend money on an adjustment. Remember too, that it is the resources of the organisation as a whole that must be considered and not just your department, branch or office's budget. Speak to your HR or equality and diversity teams about whether there is a central source of funding available.
- **Will the adjustment benefit other people as well as the disabled person?** For example, providing clear signs and better lighting will benefit visitors to a building as well as an employee with a visual impairment.
- **Are there other factors that make the cost of the adjustment more reasonable?** For example, it may be considered more reasonable to spend money on an adjustment to retain a loyal long-standing employee who has valuable knowledge and experience than for a temporary member of staff. Remember too that an adjustment is only reasonable regardless of how much it costs if it is effective in overcoming the barriers the disabled person faces.
- Finally, don't forget there may be financial help available from schemes like the Government's Access to Work scheme which will reduce the cost of the adjustment to your organisation. For more information on **Access to Work**, see **Appendix one**.

Scenario three

Rebecca,

University
employee

Rebecca had been working for an old university for five years when she was diagnosed with multiple sclerosis.

On her return to work after a relapse she meets her manager Michelle to discuss adjustments she will need to be able to continue working. Rebecca finds all the doors in the building where she works difficult because they are so heavy and in particular the front door to the building. There are also a couple of steps up to the front door which can get slippery when it is wet or icy.

Some days Rebecca has to wait outside until someone else comes along who can help her up the steps and into the building. Getting to work has also been a problem from time to time. Rebecca's husband drops her at the train station near her house but the station at the other end is a 15-minute walk from where Rebecca works. Rebecca finds this walk very difficult when it is cold or icy underfoot.

Michelle asks Rebecca to make an application to the Access to Work scheme. After an assessment, Access to Work agree to pay for Rebecca to take a taxi from the station to work on days when she feels unable to walk.

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Some days Rebecca has to wait outside until someone else comes along who can help her up the steps and into the building.

Michelle talks to her manager and the facilities manager about the other issues. To overcome Rebecca's problems many doors will have to be replaced with ones that open automatically and a handrail installed up to the front door. As the building is listed, however, these changes will have to be approved as being in keeping with the building which will make them more expensive.

A consultation with other staff reveals that:

- **Staff** who carry files and equipment through the corridors find the heavy doors, which pull open, difficult to manage.
- **The catering staff** also find the doors a problem as they have to be propped open to allow food and drinks trolleys through.
- **The events management team** were concerned about the steps during a recent Christmas function for University alumni and donors. Members of staff had to be posted outside all evening to help some older visitors and those with mobility impairments enter and leave the building.

The university decides to commission a full access audit of the building and although the adjustments are likely to be expensive they will benefit everyone in the long run and so they decide to make them.

Practicability

Adjustments will only be reasonable if they are practicable.

As a manager you can expect a certain standard or quality of work from your team. It is important to distinguish the outputs you require from your team from the way in which they deliver those outputs. You may have to make adjustments to the way in which the work is done to ensure the quality you require is achieved, i.e. be flexible about how the work is done but not about the quality of the output. In some cases it may be reasonable to accept a lower level of output but it is never a reasonable adjustment to accept a lower quality of work.

Every job has its core components. It is reasonable to make adjustments to the way in which work is done to enable someone to carry out these core functions. If a person cannot carry out these functions because of their disability and no adjustment will enable them to do so then you will need to consider moving the person to a more suitable job that is currently vacant or needs doing. Transferring a disabled person to a suitable alternative vacancy is also a reasonable adjustment under the law.

You may have to make adjustments to the way in which the work is done to ensure the quality you require is achieved.

Scenario four

Craig,
Customer
service agent

Craig works as a customer service agent for a small merchandising company.

His job involves:

- Answering the telephones and responding to emails from customers.
- Selling products and services over the telephone.
- Entering customer information onto a database.
- Handling or escalating complaints.

After returning from a recent holiday, Craig finds that he is experiencing difficulty with his hearing. He is struggling to hear customers on calls, or even his colleagues in conversation. Craig's GP confirms that he has a severe ear infection which is causing his hearing loss, and it is unlikely that his hearing will improve.

Craig meets with his manager Peter to discuss possible adjustments. Craig asks that he be taken off the telephones permanently, as he is finding it very difficult to manage calls and provide the level of service that customers expect. He is sad as he enjoys this aspect of his job, but assures Peter that he can still work effectively responding to enquiries and handling complaints over email.

Peter is not sure if this adjustment would be practical. Communicating with customers over the telephone is a key part of Craig's role. Peter is not sure there would be enough work for Craig to do purely over email, and he is worried that taking him off the telephones permanently would strain the rest of the team.

Peter tells Craig he will ask the HR manager for advice on suitable adjustments. The HR manager agrees that providing a telephone service is a core function of the customer service agent role, and removing this aspect of the job would not be practical, and therefore not a reasonable adjustment. Peter and the HR manager agree that Craig will not be able to perform his current role adequately if he is unable to use the telephone.

As a first step, the HR manager suggests Craig has a workplace assessment to see whether technical adjustments can be made. This includes testing a telephone and headset which is able to reach a higher volume.

Unfortunately, these adjustments do not prove successful. As there are no adjustments that can enable Craig to perform in his role, the HR manager moves to identify suitable alternative vacancies that Craig could be transferred into. In the meantime, Craig continues to work in his current team responding to enquiries and handling complaints over email, though understands that this is only a temporary arrangement and cannot be continued forever.

Within a few weeks, the HR manager identifies a suitable alternative role for Craig. The company has recently launched a web chat function for sales, enquiries and general customer service. This has proved very popular, and there is now enough work for someone to be dedicated to this function full-time, without being distracted by telephone calls. The skills required are very similar to Craig's current role, though no telephone work is required – Craig would be the ideal candidate.

Peter and the HR manager discuss this new position with Craig, who is very pleased that he will be able to continue in a similar role that matches his skills, and Peter is delighted to have someone with Craig's experience and knowledge of the company's products managing this new and important way for the company to serve its customers.

Effectiveness

An adjustment is only reasonable if it is effective in removing the disadvantage that the disabled person is facing. You should always ask the disabled person what they think would help them to do the job, but remember that disabled people are not always experts on their own disability.

The employee may suggest an adjustment they think will be the least difficult for the employer to implement and the most likely to be made, rather than the most effective one.

It's important to make sure you have all the relevant facts and a clear process for decision making.

Scenario five

Joanne,

Responsible for
writing reports

Liz is concerned about Joanne, a member of her team.

Joanne has missed three out of four deadlines. She has also produced reports that are poorly structured and contain spelling and grammatical mistakes. When Liz speaks to Joanne about her work she becomes very upset but reveals that it had been suggested to her at college that she might be dyslexic. Joanne dropped out of college and so has never had an assessment.

Liz asks Joanne for her suggestions on how to improve her work. Joanne says she is often very tired at the end of the day and she finds it difficult to sleep because she is worrying about deadlines that she knows she is likely to miss. Her solution is to reduce her hours and work part-time as she thinks this might stop her being so tired. She is concerned about the accompanying cut in salary and asks if Liz could let her know how much her salary will be part-time so she can work out if this will cover her mortgage and outgoings.

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Joanne has missed three out of four deadlines... When Liz speaks to Joanne about her work she becomes very upset but reveals that it had been suggested to her at college that she might be dyslexic.

Liz speaks to HR to ask if a dyslexia assessment can be arranged for Joanne and asks Joanne not to make any decisions until they get the assessment report which they can go through together.

The report states that Joanne does have dyslexia and recommends that she:

- **Uses speech to text software** which means she can hear what she has written helping her to spot grammatical mistakes.
- **Uses the spelling and grammatical checking software** already on her computer.
- **Changes the background colour on her desktop** from white to yellow, to make it easier to read text.
- **Uses the alerts and reminders** on her calendar to help her organise her time.
- **Work from home** for one day a week so she can have quiet time to read and concentrate.
- **Have a series of sessions** with a dyslexia coach who will help her to understand her dyslexia and develop coping strategies.

The report also suggests that reducing her hours without the above adjustments will not resolve Joanne's difficulties at work and would not be an effective adjustment.

Disruption

The amount of disruption that an adjustment will cause to the business will affect whether or not the adjustment is reasonable. The vast majority of adjustments cause no disruption at all as they affect only the way in which the individual works and will have little effect on anyone else.

Often more than one factor will play a part in the decision as to whether an adjustment is reasonable but each one is explored in more detail below.

Scenario six

Alan,

Residential care

Alan works in a residential care home.

He has been off sick for two months during which time he has had medical tests and started taking medication. On his return to work he meets his manager Emily to discuss the adjustments he needs.

Alan tells Emily he has to test himself at the same time every morning and depending on what the test results reveal he might have to go to his clinic for treatment that day. This is likely to go on for several months until the correct level of medication can be found to stabilise his condition. He asks for the time off he needs as an adjustment.

Emily tells Alan there should be no problem with him taking time off to go to the clinic but she is concerned about the effect his unplanned absences will have on his colleagues and the running of the home. Everyone in Alan's role works on a seven day rota with two different days off a week. This rota is fixed at least a fortnight in advance. If Alan cannot come in on a day he is supposed to work Emily has to find someone to cover for him at short notice or be short-staffed if no one can be found that day.

Emily discusses this with HR and they decide that Alan's request is not reasonable because of the nature of his work and the likely disruption to the smooth running of the home. They ask Alan to consider a different role where there is currently a vacancy to cover maternity leave. This is an office based job where Alan's unplanned absences can be more easily accommodated.

Alan is pleased with this outcome and is reassured that he will be given the training he needs for the new role. When his condition stabilises he may have the option of returning to his old post, as he will only need to go into hospital occasionally on dates he will know in advance.

Effect on others

How colleagues view adjustments made for a disabled employee will depend very much on the culture that you, as a manager, create and promote in the workplace. Some people may think equal opportunities should mean everyone is treated the same.

In fact, in order to treat people fairly you may need to treat them differently according to their individual needs. If your team know you are a fair manager and realise that their needs will also be considered carefully should they need adjustments, they are much more likely to accept adjustments made for a colleague without resentment.

If you manage someone, who is themselves managing a disabled colleague, remember you need to support that manager. You may need to be involved in discussions about adjustments or need to give your permission for work to be done differently. Your attitude and commitment will be vital in ensuring the culture of the organisation is inclusive and accommodating.

Did you know?

One in five people in the UK have a disability or long-term condition – that's around 13.3 million people.

Source: Family Resources Survey 2015/2016.

Remember:

- People are much more likely to tell you about a disability, illness or long-term condition if you create an open and accommodating working environment where they know they can come to you to discuss problems at work in confidence.
- You must never tell anyone else about a colleague's health or disability without their express permission.
- You and your colleagues may need to know about the effect of a disability in the form of adjustments made for an individual but you do not need to know medical details about the diagnosis.
- If a disabled person feels valued and comfortable where they work they are more likely to tell their colleagues about their disability and even contribute to disability awareness training. As a manager, you can help facilitate this and should discuss with the employee how much – if any – information they want to share with others.

Scenario seven

Raj,

Accounting
employee

Raj works for a large firm of accountants. He has always been a quiet but conscientious member of John's team.

Earlier this year plans were announced for the firm to move to a more central location with very limited parking but the new office has good public transport connections.

John has heard a number of grumbles from staff unhappy about not being able to drive to work any more but no one has made any serious complaints. John is therefore surprised that Raj of all people should have asked to see him about the loss of his parking space.

At the meeting Raj says he has to drive to work and have a parking space at the new office. Raj reluctantly tells John he has colitis, a medical condition that means he must be able to access toilet facilities at short notice.

Raj has worked out where he can stop to use a toilet if he drives from his home to the new office. Using buses, local trains and trams is impossible as it will take him longer to get to work and they do not have toilets. Raj reveals he has had the condition for some time but has been too embarrassed to talk about it and has never needed to before.

John decides that Raj doesn't need to see an occupational health advisor as he already has a good understanding of the barriers he is facing and adjustments that might help.

John and Raj meet to agree:

- **Raj will be allowed** to continue to drive to the office and will have a parking space reserved for him. John agrees this with Facilities Management.
- **John will ensure** Raj is assigned only to clients who can offer parking at their offices so he can drive there.
- **No one else on the team** will be told about Raj's medical condition.

When Raj's colleagues learn that Raj will be allowed to drive to the new offices John receives complaints about the unfairness of this. The clients who can offer parking facilities also tend to have better offices and this too causes resentment as Raj's colleagues often have to work in cramped, uncomfortable client offices.

Raj becomes increasingly uncomfortable around his colleagues' resentment and so he and John agree they should be told Raj needs a parking space as an adjustment for a disability but that they will not be given any details about its nature.

John decides to speak to each member of his team individually and to ask them if they too have any particular needs the firm should take into consideration. He makes it clear to everyone that he will treat them all fairly and will be as flexible and accommodating as is reasonable.

One member of the team asks if he can leave the office a few hours early on Friday afternoons if he makes up the time so he can collect his children, who he has at weekends. Another asks if she can start and finish work a little later so she can still drop her elderly father at his day centre before catching the bus into work. John is able to accommodate both of these requests and the rest of the team appreciate this flexibility.

Health and safety

Very few adjustments are genuine health and safety risks.

It is part of your role as a manager to assess and manage risks for all your staff, not just those with disabilities. In every case you need to take into account the individual circumstances (which in the case of a disabled employee includes the effect of that disability) and find appropriate solutions.

An adjustment will never be reasonable if it poses an unacceptable risk to the health and safety of either the disabled person or anyone else. However, before you refuse a request for an adjustment on these grounds you must make sure you have all the facts and are not basing your decision on assumptions about what a person with a particular disability can and cannot do.

If you are worried that an adjustment might pose a health and safety risk you need to conduct a thorough risk assessment.

An adjustment will never be reasonable if it poses an unacceptable risk to the health and safety of either the disabled person or anyone else.

Making adjustments

This will usually mean getting expert advice from:

- **The employee's doctor or consultant.** You must make sure the advice you get is from the doctor who is best able to advise you about the person's disability and not just the GP.
- **Your own occupational health adviser** who should know the workplace and what adjustments are possible.
- **An HR manager and your own manager** if you need their authority to implement the adjustment.
- **Other experts** as appropriate such as IT or facilities managers, workplace assessors and health and safety officers.

Remember that decisions about what is and isn't reasonable, even when there are health and safety considerations, are ultimately management decisions. You should obtain advice from appropriate technical and medical experts, but it is down to you to decide whether a risk has been removed or reduced to a level that means the person can carry on doing the job.

You cannot abdicate responsibility for this decision to health and safety officers, doctors or even your own occupational health adviser.

For more on health and safety see Business Disability Forum's briefing on '**Health and safety and the Equality Act 2010**'.

Scenario eight

Frankie,

Kitchen
assistant

Frankie has worked as a kitchen assistant for nearly a year.

He has a good working relationship with his manager Tamika, so when Frankie receives a diagnosis of HIV he decides to let her know. He is worried about being able to keep his job as he works with knives and isn't sure about the health and safety implications for his colleagues or customers.

Tamika isn't sure either, but she knows that HIV is covered as a disability under the Equality Act. She asks if Frankie needs anything in work and if he will see the organisation's occupational health adviser for advice on adjustments. They can also advise on health and safety – Tamika shares Frankie's worry, but thinks they need to find out more information first. Frankie agrees, and goes for an occupational health assessment.

The occupational health adviser confirms that Frankie is in good health but may experience side effects from medication.

They recommend a few adjustments:

- Flexibility around shift patterns to help manage side-effects.
- Breaks to take medication.
- A quiet space to rest if possible.
- Access to water.
- A private place to store medication.
- Time off for medical appointments.

The occupational health adviser also coordinates a health and safety risk assessment with Tamika, Frankie, and the health and safety manager.

The health and safety assessment identifies the potential hazards in the kitchen and looks at the impact of Frankie's condition and the level of associated risk. The assessment finds that although there are potential risks, these can all be managed if Frankie and his colleagues follow proper health and safety precautions and practice good hygiene. Frankie already wears knife gloves while working and practices good kitchen safety.

The risk assessment also covers first aid, and the health and safety manager assures Tamika and Frankie that the first aiders would always ensure safe first aid practices, as they wouldn't necessarily know if someone they were treating carried an infection. First aid training covers blood borne infections, and that the first aiders in the kitchen know that they should use appropriate equipment and tend to their own open wounds before treating others. The chances of transmitting HIV now that Frankie is receiving treatment are very low anyway, and after doing some research the health and safety manager hasn't been able to find any incidents of it happening in first aid situations.

Tamika asks Frankie if he wants anyone to know about his condition, and he asks that it be kept between them, the occupational health adviser and the health and safety manager. Tamika respects his request for confidentiality, as there is no reason for the other members of the team to know.

Tamika puts the recommended adjustments in place for Frankie, and lets the rest of the team know that she can be flexible if they have any particular needs in work.

Length of service and valuable skills

The longer someone has worked for you the more reasonable it will be to make adjustments for them. This is not just because you want to reward their loyalty but because they are likely to have valuable knowledge and experience which your organisation wants to retain.

When considering what might be reasonable to retain a long-standing employee remember to weigh the following in balance against the cost or disruption of the adjustment:

- Their knowledge of internal systems and processes.
- The cost of training they have received over the years.
- The value of client/customer contacts and relationships they have developed.
- Specialised skills they may have developed.
- Their knowledge of the business, its history and other staff.
- Their knowledge of the local area or other parts of the business where they might have worked in their career.
- Other employees' views on how well you, as a manager, and the organisation as a whole treat long-standing members of staff.

Scenario nine

Linda,

Supermarket
employee

Linda has worked for a local branch of a large supermarket for 15 years during which time she has helped to train numerous managers.

She has worked on almost every section and knows many of the customers by name. Other members of staff always turn to Linda if they have a problem with any of the systems or need help serving a customer.

The supermarket has a nation-wide policy that everyone who works in a store can be required to work on any section as directed by the store manager. Shortly after Sarah takes over as the new manager of the store Linda asks if she can have a word.

At their meeting Linda reveals she hasn't been well for a while and has been finding her job increasingly difficult and has been thinking she might have to resign. Sarah is alarmed by this as in the few weeks she has been at the store she has found herself turning to Linda regularly for help. She asks Linda if she really wants to leave. Linda says she will be sad to go as she enjoys her work and will miss the customers and the other staff who are like a second family to her now.

Sarah asks Linda how she feels at work and if there are any parts of the job that are more difficult than others. Linda says working in the cold makes her finger joints swell up and become very painful. She also finds being on her feet for long periods of time difficult as her knees and ankles become swollen and painful. She can't see how she can carry on working in the fridge and freezer or wet fish sections and the store is so large she cannot avoid walking and standing.

The supermarket's policy is that members of staff are required to work on any section as directed by the store manager. Sarah decides to ask HR if, as store manager, she can direct that one member of staff doesn't work in areas she finds particularly difficult. HR confirms that Sarah does have the discretion to do this and if she needs to alter someone's duties as an adjustment she should go ahead and do so.

Sarah asks Linda if she would consider staying if the store makes adjustments that ensure she doesn't have to work in the cold and can sit down for most of the day working either as a cashier or on the customer services desk. Linda is delighted to be able stay on these terms and Sarah knows there will always be an experienced member of staff dealing with customers.

“

Sarah asks Linda if she would consider staying if the store makes adjustments that ensure she doesn't have to work in the cold and can sit down for most of the day working either as a cashier or on the customer services desk.

External sources of help

Remember that you do not have to decide what is reasonable alone. There are many sources of help and advice you should call upon both internally and externally. Internally you should speak to your own manager and to HR and occupational health when necessary. Your organisation may also have equality and diversity officers or a disability liaison officer you can ask for help and advice.

Externally many charities will provide you with expert advice and information about particular disabilities, e.g. the Royal National Institute of Blind People (RNIB), Action on Hearing Loss and Arthritis UK. Business Disability Forum Members and Partners can always contact our Advice service on **+44-(0)20-7403-3020** about any disability matter.

Through the Government's Access to Work scheme disabled employees can have a workplace assessment which will recommend adjustments and in most cases, contribute to the cost of these. If help is available towards the cost of an adjustment it will be more reasonable to make that adjustment.

Scenario ten

Jessica,

Press officer

Jessica works as a press officer for a small charity.

Her job is to write press releases, speak to journalists and to attend functions and meetings, often in the evenings. She also has to be on call in the evenings and weekends on a rota with other people in the team and so she must always be able to respond to calls and emails, which she does via her company phone.

At her last meeting with her manager, Tony, Jessica told him she has been slowly losing her vision in both eyes. She has decided to say something now because she is finding it more and more difficult to use her company phone as the text is too small or badly lit for her to read.

She is also becoming more nervous about travelling at night to functions as she can see less well in the dark. She has been trying to avoid the evening events, especially as it is now getting dark earlier, but thinks her colleagues have begun to notice and resent this. She doesn't want to be viewed as not pulling her weight but is so worried about getting to the event and home again that she doesn't feel she does a good job when she is there.

Tony reassures Jessica and suggests getting expert advice. After talking to HR, Tony gives Jessica information about the **Government's Access to Work scheme**. Jessica calls Access to Work to speak to an adviser.

The adviser reassures her that practical solutions are possible and advises Jessica to complete an Access to Work application. After submitting her application, Jessica is contacted by an Access to Work Adviser who arranges an assessment with her and her manager to discuss her needs and recommend support.

While waiting for the assessment Tony ensures that Jessica is assigned to meetings and functions taking place during the day whenever possible and tries to call her rather than email her out of office hours.

The **Access to Work adviser meets Jessica** in the office and talks through the requirements of Jessica's job with her and Tony. He tells them she has a number of equipment options to support her in her role. She can upgrade her company phone to a smartphone with magnification options and speech to text software. She can also get speech to text software for her laptop. She also receives advice on how to change her desktop and layout so it is easier for her to use.

Access to Work will not contribute to the cost of a smartphone, as this is standard business equipment. It will, however, pay the difference in cost if the smartphone is more expensive than Jessica's current phone, which is likely to be the case. The cost of the software for the laptop will be covered entirely, as Jessica works for a small organisation that employs fewer than 50 people.

Access to Work also **agrees to pay for taxis to evening work meetings and functions** that Jessica needs to attend. The adviser asks Jessica to estimate how many such events she thinks she will need to attend in the coming year and how far the furthest is likely to be. The adviser will then produce a yearly profile for Jessica that can be reviewed at any time. All Jessica needs to do is to retain receipts from the taxi firm it has been agreed she will use so she can claim back the fares. The Access to Work adviser sends Tony a letter outlining everything that has been agreed and Tony ensures the recommended equipment is bought and the software installed as well as claiming the approved costs back from Access to Work.

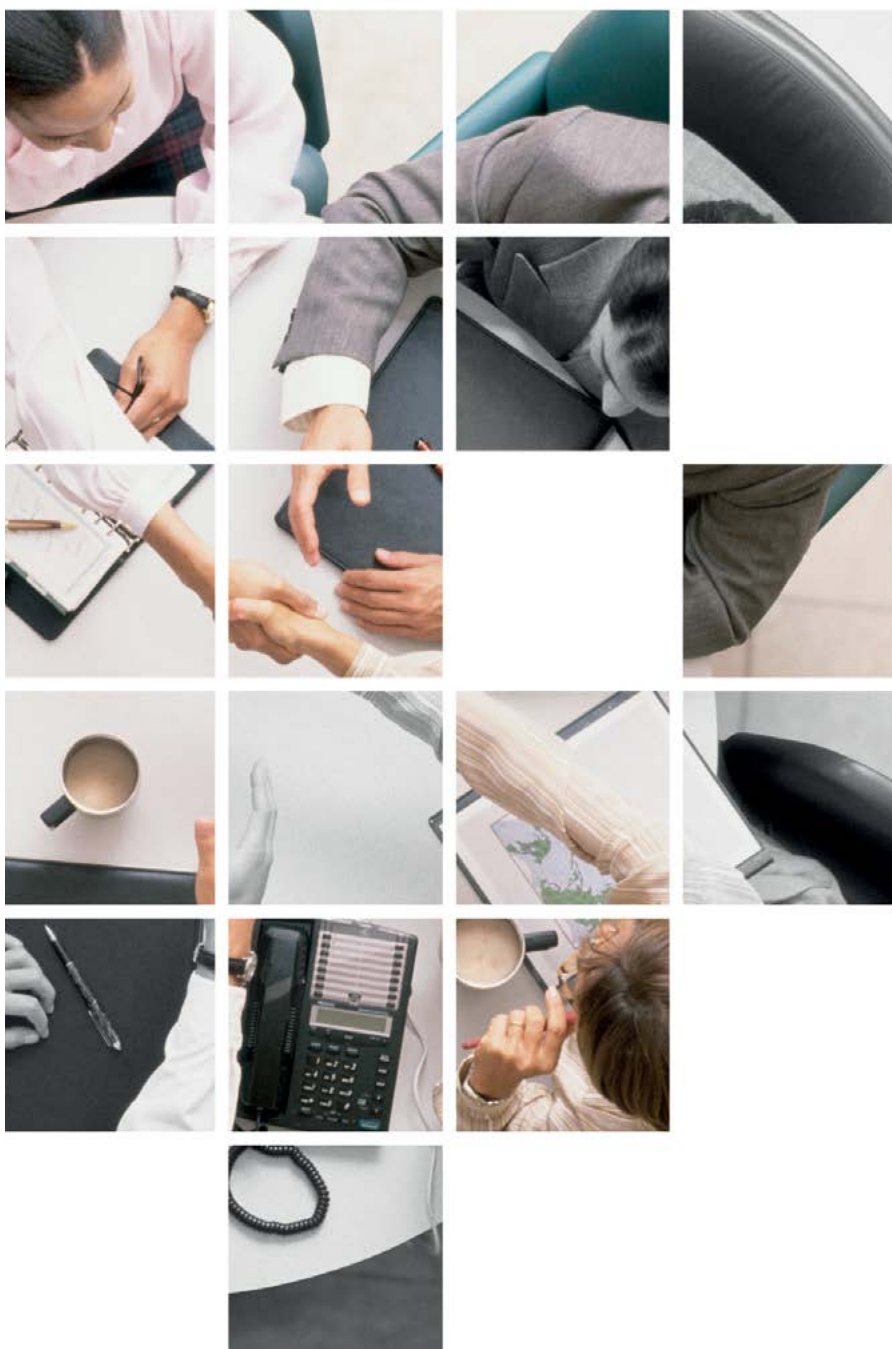
With the new equipment and the reassurance of knowing she can get taxis to and from evening functions Jessica's confidence is restored and she feels she is contributing fully to the team again. Tony and Jessica agree, however, that they will keep this part of her job under review because Jessica is worried that as her vision deteriorates she will be unable to recognise people, read name badges and network effectively.

Appendices

- Appendix one: Access to Work
- Appendix two: Recording disability-related absences
- Appendix three: What is a 'tailored adjustment'?
- Appendix four: Reasonable adjustments decision process and form

All the appendices can be downloaded by visiting:
<http://bit.ly/2rnyDT3>

About us



Business Disability Forum is a not-for-profit membership organisation, which helps build disability-smart organisations by making it easier for them to employ and do business with disabled people.

Our approach improves business performance and profitability through increased confidence, accessibility and productivity. We have more than 25 years' experience bringing together business people, disabled opinion leaders and government to facilitate the change for disabled people to be treated fairly and contribute equally to society and economic growth.

In representing almost 15% of the UK workforce, Business Disability Forum has contributed to the establishment and development of meaningful disability discrimination legislation in the UK. We provide pragmatic support to our Members and Partners by sharing our expertise and by providing training, in-depth consultancy and networking opportunities.

Our aim is to help organisations become fully accessible to disabled employees, customers and service users for mutual benefit.

If you are not already a Member or Partner of Business Disability Forum and would like to find out how to join please contact our team on telephone number **+44-(0)20-7403-3020**; or by email to **join@businessdisabilityforum.org.uk**

Making adjustments

For a full range of our products and services, which include:

Membership, the Disability Standard, Disability-smart awards, Advice service, Consultancy, Learning & development, Mediation service, Publications, Toolkits, e-guidance and Networking & events please visit **www.businessdisabilityforum.org.uk/our-services** or contact our team on: telephone number **+44-(0)20-7403-3020**; or by email to **enquiries@businessdisabilityforum.org.uk**

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*correct at the time of publication,
visit our website for the current list.

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