

Livewell Southwest

Workplace Reasonable Adjustments Policy

(To be used when staff, including new recruits have a disability or substantial impairment requiring changes to the working environment or practices)

Version No 2

Review: September 2018

Notice to staff using a paper copy of this guidance

The policies and procedures page of LSW Intranet holds the most recent and procedural version of this guidance. Staff must ensure they are using the most recent guidance.

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Document Review History

Version No.	Type of Change	Date	Originator of Change	Description of Change
v0.1	New Document	09.07.09	Workforce Development Manager	New Policy and Procedure
V0.2		August 2009	Workforce Development Manager	Minor changes following feedback from PPI Lead e.g. enhanced definition at Section 4 (Page 6) plus an additional reference/source.
V1	Ratified	August 2009	Policy Ratification Group.	
V1:1	Reviewed	March 2011	Employee Relations Manager	Updated to reflect legislative changes; no other changes made.
V2	Reviewed	July 2015	HR	Updated

Contents		Page
1	Introduction	5
2	Purpose	6
3	Duties	6
4	Definitions	6
5	Guidelines	7
6	Training	9
7	Monitoring Compliance And Effectiveness	9
8	Associated Documentation	10
Appendix A	Reasonable Adjustment Request Form	11
Appendix B	Reasonable Adjustment Annual Review Form	16

Workplace Adjustments Policy

(To be completed when staff, including new recruits, have a disability or substantial impairment requiring changes to the working environment or practices)

1.0 Introduction

- 1.1 Livewell Southwest (LSW) recognises that true equality of opportunity cannot be guaranteed by a 'one size fits all' approach to policies and practices. Some employees are likely to be placed at a greater disadvantage by certain workplace arrangements than others, especially when it comes to long term health limiting or disability issues. Consequently in order to treat an employee or new recruit fairly it may be necessary to treat them differently. Some staff might be placed at a substantial disadvantage by the physical features of the premises where they work, including their work station/desk/chair, etc.
- 1.2 Adjustments on health grounds have a critical role to play in enabling staff and new recruits to work on equal terms. Any necessary adjustments required should be identified and put into place swiftly (see paragraph 1.4 below) and efficiently and always in consultation with the staff member/new recruit who may or may not classify themselves as having a disability but have a reasonable expectation that LSW as their employer will assist them. Additionally, those staff or new recruits who consider themselves to have a disability or impairment will have a higher level of expectation under the Equality Act 2010 in relation to the protected characteristic of disability.
- 1.3 Whether staff have a long term health limiting issue or a disability the 'Adjustment Request Form' and procedure should be followed.
- 1.4 Where a staff member returning to work following an Industrial Injury requires some temporary transitional arrangements for example a leg injury where access to the workplace could be difficult this process should be used to manage the rehabilitation period. Whilst this particular situation would not normally meet the criteria set out in the legislation it might do in the case of a short term acute disabling condition. It is best therefore to treat each case on a case by case basis. Managers who are unsure as to whether they should be completing the adjustment pro forma should take advice from their HR Manager.
- 1.5 Health issues which could be described as minor or trivial defined by Occupational Health & Wellbeing do not sit under this procedure.
- 1.6 This process will be used at the recruitment stage where necessary.
- 1.7 When considering any return to work intervention careful planning is required.
- 1.8 **Action to provide the adjustment should be started within seven working days.**

2. Purpose

- 2.1 The purpose of this procedure is to provide new recruits and existing staff and their line manager with a mechanism to request and consider an adjustment(s) whether this be on substantial health grounds or because of a disability or impairment. There are a variety of arrangements that can be made to achieve this (see section on Adjustments)
- 2.2 This procedure represents the understanding of LSW on compliance under the Equality Act.

3. Duties

3.1 Equality Act 2010 – Disability (protected characteristic)

- 3.1.1 Under the Equality Act the employer has an absolute 'duty' to consider making 'reasonable adjustments' to workplace arrangements for a member of staff or potential new recruit with a disability. Below is a description of what managers need to do so that LSW meets its legal obligations to disabled applicants and existing employees by quickly making those reasonable adjustments which enable new recruits and existing staff to readily, and with dignity, access and retain employment. Managers should in particular be familiar with the support available to them under the Access to Work Scheme (set out below) and the methodology for making an adjustment (see Appendix A) and Annual Adjustment Review Form (see Appendix B).
- 3.1.2 Please note, employees are not obliged to disclose personal medical information to their employer unless required by law. However, they are expected to disclose how their medical condition is likely to impact on their functional ability to do their job, so that their absence and return to work can be managed effectively.

4.0 Definitions

- 4.1 **Reasonable Adjustments** – Under the Equality Act disabled people can be treated more favourably in order to ensure equality of outcome. The Equality Act places a requirement on employers to make reasonable adjustments to ensure disabled employees are not substantially disadvantaged. Adjustments include changes to working policies and practices in addition to the physical features of any premises and taking into consideration:

- Mental health issues
- Learning difficulties
- Sensory impairment
- Physical Impairment
- Progressive conditions

4.2 Disability Definition

4.2.1 For the purposes of the Equality Act 2010, disability is defined as a physical or mental impairment which has a substantial and long term adverse effect on a person's ability to carry out normal day to day activities. For the purposes of the Act:

- substantial means neither minor or trivial
- long term means that the effect of the impairment has lasted or is likely to last for at least 12 months (there are special rules covering recurring or fluctuating conditions).
- normal day-to-day activities could include everyday things like eating, washing, walking and going shopping
- a normal day-to-day activity must affect one of the 'capacities' listed in the Act, this could include mobility, manual dexterity, speech, learning, seeing and memory.

4.2.2 People who have had a disability in the past that meets this definition are also covered by the scope of the Equality Act. There are additional provisions relating to people with progressive conditions.

4.2.3 People with HIV, cancer and multiple sclerosis are deemed to be covered by the Equality Act effectively from the point of diagnosis, rather than from the point when the condition has some adverse effect on their ability to carry out normal day-to-day activities.

4.5 Discrimination

4.5.1 Discrimination is the less favourable treatment because of, or for a reason related to, a person's disability or a failure to make a reasonable adjustment. Even if the discrimination, harassment or victimisation is unintentional it will still be against the law.

4.5.2 The Equality Act also includes protection from discrimination by association and discrimination by perception. For more information please contact the HR Department.

4.5.3 **Medical Model of Disability** – Traditional model which looks at a person's disability as a barrier to inclusion.

4.5.4 **Social Model of Disability** – Accepted model which recognises that social and environmental barriers prevent inclusion of disabled people.

5.0 Guidelines

5.1 Reasonable Adjustments

5.1.1 Reasonable adjustments can take many forms from the provision of a specialist chair; a loop system; a signer; a support worker; flexible working hours; home working; adjustment to job description and duties, lessening the number of service users to be seen where the individual is recovering from health issues etc. Some reasonable adjustments might have no or little cost

to implement.

5.1.2 Although costings need to be sought, managers should not reject a request for flexible working just on the basis of cost as where the new recruit or employee meets the Equality Act definition grants are often available under Access to Work. See below Access to Work – What Is It? Grants are available for such things as:

- Making adaptations to premises
- Paying for a support worker
- Funding specialist technical equipment
- Part payment of **salary** where the individual is unable to carry out aspects of the job
- Funding for specialist furniture
- Help with the cost of a sign language communicator or an interpreter

This list is not exhaustive.

5.2 Access to Work – What Is It?

5.2.1 An Access to Work is a specialist disability service delivered by Job Centre Plus, which gives practical advice and support to disabled people, whether they are working, self-employed or looking for employment. Access to Work is provided where someone needs support or adaptations beyond the reasonable adjustments which an employer is legally obliged to provide under the Equality Act.

5.2.2 Access to Work can help employers retain an employee who develops a disability or long term condition (keeping their valuable skills and saving both time and money recruiting a replacement) and to support your employees who have a mental health condition.

5.2.3 **Who Is Eligible?** To be eligible for help, a person must have a disability or health condition that has a long term substantial adverse effect on their ability to carry out their job.

5.2.4 **What type of help is provided?** Access to Work can support customers in a number of ways. For example it can provide funds towards:

- Special aids and equipment
- Adaptations to equipment
- Travel to work
- Travel in work
- Communication support at interviews
- A wide variety of support workers, and
- The Mental Health Support Service

Access to Work does not provide the support itself, but provides a grant to reimburse the cost of the support that is needed. 100% grants are available for people starting a job or people who have less than 6 weeks service when they first apply.

5.2.4 When cost sharing applies, Access to Work may refund up to 80% of the approved costs between a threshold and £10,000. LSW may contribute 100% of costs up to the threshold level (£1,000) and 20% of the costs between the threshold and £10,000. Any balance above £10,000 will normally be met by Access to Work.

5.2.5 For current levels of support contact Access to Work direct.

5.2.6 **Mental Health Support Service** – Through the Mental Health Support Service, Access to Work:

- Gives advice and guidance to help employers understand mental ill health and how they can support employees, and
- Offers eligible people an assessment to find out their needs at work and help to develop a support plan.

6.0 Training

6.1 Equality and Diversity training is provided during induction and mandatory updating.

7.0 Monitoring Compliance and Effectiveness

7.1 The Risk Management team will be responsible for monitoring the effectiveness of the process.

7.2 Managers are responsible for recording requests and outcomes for adjustments on the employee's management file.

8.0 Associated Documentation

8.1 This policy and procedure links to the following policies:

- Appraisal Policy
- Competency Appraisal Policy for Adult Social Care
- Capability Policy for Adult Social Care
- Sickness Policy
- Redundancy Policy
- Redeployment Policy
- Recruitment and Selection Policy

All policies are required to be electronically signed by the Lead Director
(the policy will not be accepted onto Healthnet until the e-signature is received).

The proof of signature for all policies is stored in the policies database.

The Lead Director approves this document and any attached appendices.

Signed: *David Furze*

Title: Head of Human Resources

Date: 8 August 2015



Reasonable Adjustment Request Form

Employee Name			
Assignment Number			
Locality/Work base			
Condition/Disability*			
How does your condition affect you?			
How long has the condition been present?			
<p>*You are not obliged to give details about your disability, impairment or health condition, only how it affects you in your working life. To enable LSW to make reasonable adjustments we have to understand what the condition or disability is. LSW also has an obligation to ensure the health and safety of all employees, which we are only able to do when provided with full details. This information will be kept confidential and only disclosed in confidence to another individual with your prior consent, we therefore encourage employees to provide us with as much information as possible.</p>			
Date adjustment requested or identified as necessary			
Description of disadvantage experienced			
Nature of adjustment sought			
<p>Has advice been sought from anyone else? (Please ✓ as appropriate). If so, indicate when advice was received or provide a date when this is expected.</p>			
Occupational Health		Report received or expected	
GP/Specialist		Report received or expected	
Jobcentre Plus Adviser		Report received or expected	

Other (please specify)

How is the disadvantage affecting your ability to work?

How effective will the adjustment be in preventing the disadvantage?

What, if any, remedial actions have been taken?

Employee comments:

I understand that further information may be needed from me and that expert advice or an assessment may be necessary. The views of other colleagues may also be sought where appropriate and I understand that my prior consent to this will be sought.

I confirm that the information I have provided is accurate and that this reasonable

adjustment request has been fully explained to me.			
Signature		Date	

For completion by Management with the support of HR:

How practical is it to make this adjustment? e.g. how long will it take to implement the adjustment; will additional training be needed for the disabled employee or anyone else?
What are the financial and other costs, if any, of the adjustment?
Is financial or other assistance available to help make an adjustment? See Access to Work grants (mailto: atwosu.london@dwp.gsi.gov.uk)
What, if any, disruption will be caused by making the adjustment?
What effect, if any, will the adjustment have on other employees?

What adjustments, if any, have been made or are required for other employees in the team?
Would making the particular adjustment result in unacceptable risks to the health and safety of any individual (including the employee)?
Factors to be take into account in assessing “reasonable cost”
<p>Recommendations from appropriate experts, i.e. Occupational Health, medical and/or workplace assessment</p> <p>Comments:</p>
<p>The financial and other resources of the organisation</p> <p>Comments:</p>

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The employee's level of skills, knowledge and experience

Comments:

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Any other relevant factors

Comments:

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HR Comments:

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The adjustment(s) requested have been discussed with the employee and their views on the questions above have been sought and accurately recorded. The information contained in this form has been provided to help the organisation decide whether the adjustment requested is reasonable. The reasonable adjustment request has been fully explained to the employee.

Signature		Date	
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Copy to be placed on Personnel File

Adjustment Annual Review Form

Manager undertaking the Review:	
Employee:	
Date of Review:	
1. Is a further adjustment requested or identified? If so, what is the nature of the change?	
2. Is advice necessary or required from e.g. Occupational Health & Wellbeing etc?	
3. If there are any costs an Access to Work Grant might be available. (Have you spoken with your HR Representative?)	
4. Is the employee able to continue at work whilst the adjustment is arranged? If not speak to your HR Representative about special leave or other alternative arrangements.	

5. Any other relevant factors?	
6. Manager's recommendations and/or actions?	
Signature of Manager:	
Date:	
Signature of Employee:	
Date:	

A copy of this completed form should be given to the employee and a copy retained by the Manager.

Once completed, the Review Form should be sent to the appropriate HR Representative, HR Department, Mount Gould Hospital, Plymouth PL4 7QD