

Reasonable Adjustments Policy

Last updated August 2015

POLICY RECORD DETAILS		
DATE AGREED:	August 2015	
VERSION No.	2	
POLICY OWNER:	HR BUSINESS PARTNER HUMAN RESOURCES	JOB TITLE Dept/Function
CONTRIBUTORS:	(By Job title, department, directorate) TUS Chair and Members of FDA, Prospect, PCS, Strategic HR Manager, HR	
DATE/S OF PREVIOUS AGREED VERSIONS AND TITLES		
November 2012	This is a new policy to meet organisational needs.	
May 2015	This policy has been reviewed to meet organisational needs	

CONTENTS

1	Purpose	2
2	Scope	2
3	Legislation	2
4	General Principles	3
5	Definition of a Disabled Person under the Equality Act 2010	3
6	Disability Declaration	4
7	The importance of Confidentiality	5
8	What are Reasonable Adjustments?	5
9	Line Managers Responsibilities	6
10	Recruitment	8
11	Induction Arrangements	9
12	Accessibility to Training, Development and Staff Talks	10
13	Performance Management	10
14	Seeking Alternative Work	11
15	Managing Attendance	13
16	Planned Rehabilitation Support	13
17	Health and Safety	15
18	Diversity and Equal Opportunities monitoring	16
19	Contacts	16

20	Policy Responsibility	16
	Appendix 1 – Template Letter – to confirm outcome of reasonable adjustment meeting	17
	Appendix 2 - Planned Rehabilitation Support Flowchart	20
	Appendix 3 - Process for applying for Access to Work support	21
	Appendix 4 - Examples of reasonable adjustments	22

This guidance document should be read in conjunction with other relevant HR policies.

1. Purpose

- 1.1** The purpose of this policy is to set out the Library’s responsibilities for making reasonable adjustments for employees, job applicants or workers with a disability as defined under the Equality Act (2010) and Codes of Practice. It also sets out the process and arrangements for accessing reasonable adjustments.

2 Scope

- 2.1** This policy and the duty of reasonable adjustment applies to job applicants, all direct employees and workers (including those engaged through, or by, an employment agency and supplied to the Library on a (temporary basis).
- 2.2** Whilst, the policy only covers those categories of individuals named above, the duty to make reasonable adjustment extends to other individuals such as work placements and internships. The Library will comply with its legal obligations to individuals but the method in which it will consider or implement reasonable adjustments will be different for individuals who are not covered by the policy.

3 Legislation

- 3.1** Under the Equality Act (2010), it is unlawful to treat a disabled person less favourably than a non-disabled person would be treated. It is also unlawful to treat a person less favourably because of their association with another person who has a disability or has a perception that the person has a disability.
- 3.2** The Act also states it is unlawful to treat a disabled person unfavourably because of something connected with their disability and the employer cannot show that the treatment is a proportionate means of achieving a legitimate aim, unless the employer does not know, and could not reasonably be expected to know, that the person has a disability.
- 3.3** The Act also requires the Library to make “reasonable adjustments”, for example, to working arrangements, premises, workspaces and equipment which otherwise would place disabled staff at a substantial disadvantage compared with those without a disability.

4 General Principles

- 4.1** The Library has a duty to promote disability equality, which means for example, to have due regard for the need to:
- promote equality of opportunity between disabled people and other persons.

- eliminate unlawful discrimination.
 - eliminate harassment of disabled people that is related to their disabilities.
 - promote positive attitudes towards disabled persons.
 - encourage participation by disabled persons in public life; and take steps to take account of disabled person's disabilities, even where that involves treating disabled persons more favourably.
- 4.2** The Library wants to encourage and recognise the talent and skills possessed by disabled people and to ensure they are treated fairly in the workplace. There are sound organisational benefits for doing so including:
- realising the benefits of having a diverse workforce.
 - making the organisation more representative of the community and fostering a culture of inclusiveness.
 - embracing the social model of disability which encompasses removing attitudinal, structural and environment barriers.
- 4.3** The Library has the Two Ticks (Disability Symbol) accreditation and fulfils its obligations for demonstrating its commitment by being "Positive about Disabled People" in employment, recruitment, retention and career progression.
- 4.4** This policy provides a framework for managers and employees for ensuring the Library fulfils the duty to make reasonable adjustments.
- 4.5** The Library expects all employee's to treat disabled colleagues fairly with courtesy and respect. Managers have a responsibility to ensure disabled employees are treated fairly and have equal access to opportunities and development, as non-disabled employees.

5 Definition of a Disabled Person under the Equality Act 2010

- 5.1** The Act defines a disabled person "as someone with a physical or mental impairment which has a substantial and long term adverse effect on their ability to carry out normal day-to-day activities. A long term effect is one which has lasted, or is expected to last, from at least 12 months to up until the rest of the person's life.
- 5.2** Medical or other treatments and aids, which alleviate or remove the effect of the impairment, are to be disregarded when assessing whether the impairment has a substantial adverse effect on normal day-to-day activities.
- 5.3** What constitutes a disability under the Act has been changed since:
 - a disabled person no longer has to show that their impairment affects a particular 'capacity', such as mobility or speech, hearing or eyesight to be protected by the Act.
- 5.4** People who have had a disability in the past which had a substantial adverse effect on their normal day-to-day activities for a period of at least 12 months are also protected by the Act. This is still the case even if their disability existed before the Act came into force and they have now fully recovered.
- 5.5** Conditions which are related to drug or alcohol abuse are not covered by the Act, but their effects may be (for example, a serious medical condition arising from alcohol abuse). Please refer to the Library's Substance Abuse policy for information in relation to drug or alcohol abuse.

- 5.6** Certain antisocial conditions are expressly excluded from the Act such as a tendency to set fires, a tendency to steal, a tendency to physical or sexual abuse other persons, exhibitionism and voyeurism.

6 Disability Declaration

- 6.1** The Library is committed to disability equality and encourages employees who feel they may fall within the definition of a disabled person under the Equality Act 2010 to disclose their disability. Employees may prefer not to disclose the nature of their disability but it is important for the manager to know if adjustments are necessary in order to carry out their duties.

Members of staff who wish to declare their disability or ill health condition can do so in a number of ways:

- inform Human Resources or their line manager and; in both cases.
- Update their equal opportunities details on MyView (formerly known as HR Self Service).

- 6.2** Disclosure may be beneficial because:

- the stress of not divulging a disability can exacerbate the employee's difficulties at work and place them at substantial disadvantage.
- the employee and their manager can then determine together what adjustments, if any, can be put in place.
- the support, understanding and engagement of fellow colleagues can be enlisted.
- the employee can be provided with advice and support through Occupational Health or by accessing the Employee Assistance Programme.

7 The importance of Confidentiality

- 7.1** Under the Data Protection Act a job applicants, employee's or worker's personal and medical information must be kept confidential.

- 7.2** Disclosure should only occur when:

- absolutely necessary to facilitate the person's ability to do the job; and
- with the explicit consent of the individual.

- 7.3** Employees should be aware that in certain circumstances medical information may need to be divulged, such as to meet an emergency or to protect other staff. Examples of conditions which could justify disclosure to line management in order to meet an emergency are some forms of epilepsy, diabetes, heart disease and severe asthma, since line managers must be prepared to act (or to refrain from acting unwisely) if an employee suffers sudden acute symptoms.

8 What are Reasonable Adjustments?

- 8.1** The duty under the Equality Act 2010, to make reasonable adjustments applies under three requirements which are:

- a provision, criterion or practice applied by or on behalf of the Library deemed to put a disabled person at a substantial disadvantage with a non-disabled person.
- a physical feature of the Library's premises.

- a disabled person would, but for the provision of an auxiliary aid, be put at a substantial disadvantage.

8.2 Defining “reasonableness” is not easy as a suitable adjustment for one person may not necessarily be appropriate for someone else. A manager needs to determine what difficulties an employee may have in undertaking the duties of a post or in the working environment and decide to take such steps as are reasonable to avoid the disadvantage. There are factors such as those below given as an example when trying to decide if an adjustment is reasonable including:

- how effective the change will be in avoiding the disadvantage the disabled person would otherwise experience.
- its practicality.
- the cost.
- the organisation’s resources and size.
- the availability of financial support.

8.3 The Line Manager on considering the request may decide the adjustment is unreasonable. In the first instance, the line manager should carry out an Equality Analysis on the decision not to implement the reasonable adjustment. The Line Manager should then arrange a meeting with the disabled employee to inform them of the outcome and then write formally to the individual of their decision. Line managers can seek advice from Human Resources.

8.4 Reasonable adjustments might include measures of flexibility in or modification of working arrangements e.g. altering work patterns or providing a text type telephone (See **Appendix 4**).

8.5 Implementing reasonable adjustments may take some time, for example, obtaining Occupational Health and Access to Work assessment reports which may form part of the actions taken under the Managing Attendance policy. While the assessment is being undertaken, managers should seek to agree temporary adjustments with the disabled employee until a full assessment has been completed. Managers must keep the disabled employee informed of what is happening and how long the process is likely to take. (See information on Access to Work in the Library’s [Guide to dealing with Disability](#)).

8.6 The Library will not provide any medical needs available through the NHS. Members of staff should refer to their General Practitioner for any medical needs which are available through the NHS, e.g. digital hearing aids, Hearing Aids accessories etc.

9 Line manager responsibilities

9.1 Managers have a duty of care to all their staff in the workplace, whether disabled or not, and must therefore ensure that suitable and sufficient workplace risks assessments are carried out regularly. Once a risk assessment has been completed managers can seek advice from the Health and Safety office on implementing suitable arrangements. Managers should inform employees of the outcome of the risk assessment and the controls put in place. For further information please refer to: <http://intranet.ad.bl.uk/how-to/conduct-a-health-and-safety-inspection>

9.2 If managers carrying out risk assessments identify that other more complex adjustments may be required they should contact their HR Business Partner or Advisor for a referral to the Library’s Occupational Health provider for specialist advice. A report will be produced with recommendations to be considered and agreed

with the employee. Managers should consider and discuss the recommendations with the employee and note for their records what reasonable adjustments will be implemented and if an adjustment is considered “unreasonable” the process in 8.3 should be followed.

- 9.3** Access to Work can also be a source of practical support for example, carrying out workplace assessments and providing funding for suggested adjustments. Employees are required to contact Access to Work advisors directly when requesting support but it is advisable that line managers and HR are involved at the beginning of the process. For further information refer to **Appendix 3**.
- 9.4** Managers should be aware that an adjustment may not always be physical for example, mental health or cognitive / learning impairments may require an increase in management support and guidance.
- 9.5** The Library is not obliged to make an adjustment if they do not know and could not be reasonably expected to know, that an individual has a disability. However, a manager may, for example, become aware that an employee has a disability when managing their performance or attendance - even though the employee has not disclosed the disability formally to HR or their manager. If it becomes clear that someone is having difficulties with day-to-day activities then a manager may be held to have “constructive knowledge” that the employee concerned has a disability. Some common indicators that adjustments might need to be considered are:
- high level of sporadic or prolonged absenteeism.
 - a significant change in mood or uncharacteristic behaviour.
 - an unusual deterioration in the standard of the member of employees work.
 - reduced productivity, poor judgement or indecision.
 - uncharacteristic mistakes or accidents.
 - frequent complaints of tiredness or aches and pains.
- 9.6** The employee may prefer not to disclose the nature of their disability but it is important for the manager to know if adjustments are necessary. For instance it is good practice for a manager to ask the member of staff in a 1-1 or at PMR review time if the working environment is conducive to helping them perform, if any reasonable adjustments already in place need to be changed and if they are satisfied with their equipment provision (e.g. computer, desk, chair etc)
- 9.7** As soon as adjustments are in place, managers should hold an initial discussion with the employee about the adjustments made and should periodically set up a review date for when the adjustments with the employee will be discussed. The frequency will depend upon the nature of the reasonable adjustment but a review should be carried out at the Mid-Year Review and at the end of the Performance Management Reporting cycle or if there is a change in the employee’s condition or job role this should also trigger a review.

Line Managers should also discuss with disabled employees their current reasonable adjustments, whether new adjustments are needed or the current reasonable adjustments are no longer required and the employee can resume some or all the duties for their role. Managers should record their discussion and write to the employee detailing what was discussed and any actions to be implemented. Line Managers should use the template letter (see Appendix 1), which can be sent as a letter or by email. If there is a change in the reasonable adjustments or if the reasonable adjustments are not required a new occupational health report should be sought but it is expected a new report will only be commissioned once a year or when

appropriate. Managers should ensure that all employees in receipt of reasonable adjustments e.g. new equipment, or software are trained in its use and are given sufficient time to undertake the training.

- 9.8** If an employee transfers to another role or department, the employee should discuss their reasonable adjustments with their new line manager and the need for any subsequent changes or alternations to the adjustment.
- 9.9** Each function will need to look at funding (with due regard to reasonableness, see section 8.1) any additional financial expenditure which will not be funded through Access to Work.
- 9.10** Managers must also ensure that;
- team meetings or events are appropriately planned to take account of accessibility issues and/or reasonable adjustments.
 - information is provided in an alternative format if required so that it is clear and easily understood, e.g. large print, electronic version etc.
 - all employees treat disabled colleagues with respect.
 - any type of discrimination or prejudice towards people with disabilities, such as offensive language, is addressed.
 - all employees are aware of these expectations and that they can be disciplined if reasonable standards of behaviour are not adhered to. (For more details see the Library's Equality and Diversity Policy Section 4 and 5 of the Dignity and Respect at work Policy).
- 9.11** If there are any concerns or issues on your obligations as a manager then these can be discussed in confidence with your HR Business Partner or Adviser.

10 Recruitment

- 10.1** Recruiting managers must ensure the recruitment process does not discriminate against disabled job applicants.
- 10.2** When producing a job profile and advert managers must:
- consider what tasks and skills are essential for the job and not just desirable, how these might be adjusted for a disabled candidate, also.
 - concentrate on what tasks need to be done rather than how the work should be done.
- 10.3** The Library has been accredited with the Two Ticks scheme which “guarantees an interview” to disabled job applicants if they meet the essential criteria for a post. This means that when short-listing for an advertised role, anyone applying under the guaranteed interview scheme, who meets the minimum essential criteria, should always be interviewed. The panel will not have the information on disabilities when short listing, so HR will look at the list and check to see if anyone with a disability has met essential criteria and then inform the recruiting manager. (See Recruitment Policy – Appendix 6 for further information).
- 10.4** In assessing job applications the recruiting manager should be mindful that voluntary work and /or non paid positions, can also provide valuable skills such as practical problem solving, communication and team skills.

- 10.5** HR will ask job applicants selected for interview in their invitation letter if any adjustments are required for the interview. This may enable candidates to feel more comfortable about informing the Library that they have a disability.
- 10.6** Individuals are best placed to know what adjustments they might need at the interview stage. Recruiting managers must endeavour to implement reasonable adjustments for candidates who request it. Examples of reasonable adjustments include:
- holding interviews in an accessible location e.g. on the ground floor or in a room accessible by a lift;
 - organising a sign language interpreter or palantypist if required (book early to secure and contact a HR Advisor for advice if needed).
 - allowing the candidate to be accompanied by a support worker; but not permit that person to answer questions for the job applicant.
 - ensuring appropriate adjustments are carried out when conducting in-tray exercises or psychometric testing.
- 10.7** If the disabled candidate is successful and is made a job offer, the recruiting manager should discuss with the successful applicant as soon as possible what adjustments are required. The recruiting manager should then assess if the adjustments are considered reasonable and can be implemented. It is beneficial to try and put any reasonable adjustments in place before the applicant starts employment. If the candidate and the manager are unable to identify and /or implement adjustments, further advice should be sought from your HR Business Partner or Advisor.

11 Induction arrangements

- 11.1** The manager should ensure that the induction process for the successful candidate is accessible. The manager organising the induction should only inform others (e.g. team members), if the entrant has given permission for disclosure. The manager can ask the new entrant to give their consent for named individuals to be informed that they have a disability and require reasonable adjustments. In most cases, there will not be a need to disclose to others what the disability actually is, just the adjustment(s) someone needs.
- 11.2** When arranging the induction process the manager should consider the following:
- does the manager / the team require any additional training on the specific disability/ disabilities.
 - are there any barriers or accessibility issues in the working environment e.g. are rooms accessible, does specialist workplace equipment or software packages need to be provided or procured; and is the IT help desk aware of any soft / hardware the new entrant will be using.
 - are team members aware of any reasonable adjustments they need to make such as adapting their communication style by providing information e.g. by e-mail or large print.

12 Accessibility to Training, Development and Staff Talks

- 12.1** Corporate Courses and Development activities:
- Human Resources will make reasonable adjustments for disabled employees when notified of their requirements for example, providing course material in an

alternative format, using accessible training facilities or adapting course materials.

- where these have eligibility criteria and may require an acceptable standard of attendance, exemptions may be appropriate where the absence can be attributed to a disability and may represent a reasonable adjustment. With regard to eligibility criteria for disabled employees, refer to the Managing Attendance Guidance section 14.

12.2 Function Courses and Development activities

- managers should ensure that employees who require reasonable adjustments to access function run training courses or development opportunities have these implemented e.g. by providing large print of course materials or sign interpreters.

12.3 Staff Talks

- Anyone responsible for arranging Staff Talks should ensure disabled employees who make requests for reasonable adjustments for example sign interpreters or alternative formats of material are implemented and appropriately resourced. When booking BSL sign interpreters organisers should try to book them well in advance of the date required. Sign interpreters are usually booked for a blocked period of time. For contact details refer to the Library's [Guide to dealing with Disability](#). The cost of providing a sign interpreter will be resourced from the Department/ Function holding the Staff Talk.

13 Performance Management

13.1 It is important for line managers to understand the specific work needs of disabled employees and to take into account the effects of any disability when agreeing objectives e.g. it might be a reasonable adjustment to allow slightly longer time to complete a task.

13.2 Line managers should discuss with employees their performance and access to training and development at appropriate intervals throughout the reporting cycle such as in Midway and End of Year PMR Reviews. This is also an opportunity for sensitive discussions with employees about known and unknown disabilities, considerations of adjustment provisions and needs, and also assessing the impacts of disability on performance. Line Managers should also discuss with disabled employees their current reasonable adjustments, whether new adjustments are needed or the current reasonable adjustments are no longer required and the employee can resume some or all of the duties of their role. Managers should record their discussion and write to the employee detailing what was discussed and any actions to be implemented. Line Managers should use the template letter (See Appendix 1) once they have the meeting. Managers should thus be aware:

- that a change in performance may be due to an existing or newly developed disability and sensitive questions can help ascertain whether this is the case. (The manager may also have been alerted by changes in behaviour such as those described in Section 9.5).
- of the need to find out if a disabled employee requires any particular or additional adjustments or changes to the current adjustments, or of the need to discuss potential adjustments for employees who may not have declared a disability or have recently acquired a disability or ill health condition.

- of the need to exercise judgement in taking account of external factors which are outside the individual's control when assessing performance at the End of Year Review. This might include making a reasonable adjustment to take account of the impact of a disability in terms of the individual meeting the objectives and demonstrating the competencies required for a particular post. (For further guidance refer to the Performance Management Guidance Notes on Disability and Managing performance)

14 Seeking Alternative Work

14.1 There are two very different circumstances in which the Library may need to seek alternative work, where possible, for disabled employees. These are where:

- (1) As a reasonable adjustment under the Equality Act 2010, when disability prevents the disabled employee from undertaking their current role.
- (2) In a redundancy situation where the disabled employee has been displaced in a restructuring process or when funding for their post comes to an end and thus redeployment needs to be sought.

As a reasonable adjustment under the Equality Act 2010

- 14.2** If an employee's role is still required but they are unable to do the work to the required standard for any reason, including a disability, they are not redundant.
- 14.3** In the instance of disability, all reasonable adjustments must have been made to the physical features of the premises, or any provision, criteria or practice that place this disabled person at a substantial disadvantage because of their disability.
- 14.4** When, all possible reasonable adjustments to enable the employee to retain their original role have been explored without success then the final adjustment is to look at transferring the disabled employee to a suitable alternative vacancy.
- 14.5** A suitable alternative vacancy may be a position in the organisation as a whole to which the employee can be placed without a reasonable adjustment. If that is not possible then a position to which the employee can be transferred with reasonable adjustments being made or retraining. There is however, no obligation to create a new job for an employee who needs to be redeployed.
- 14.6** Line managers should adopt a proactive approach with the support of HR such as looking to:
 - manage the process with overall understanding of the requirements, the organisation, and vacancies available or coming up.
 - assess the employee's skill and potential, look at any transferable skills and any training needs.
 - identify current suitable vacancies, and those that may be suitable with a reasonable adjustment or if training is provided
 - ask any other areas of the organisation to accommodate the employee.
 - identify and agree any proposed necessary reasonable adjustments with the employee with a timetable for implementation so that these can be put into place as soon as possible.
- 14.7** Disabled employees who need to be found alternative work as an adjustment will be asked to provide an up to date CV along with a covering letter outlining their suitability for any vacant posts that they wish to be considered for. Disabled employees will not

be required to participate in competitive interviews where they meet the essential criteria ideally at a grade at their substantive level, as they will be seen prior to any other individuals. The disabled employee would be invited for a formal discussion with the recruiting manager to discuss the role. If no suitable alternative vacancy exists at the substantive level there may be a suitable alternative vacancy available at one grade lower or at a higher grade which the individual can be considered for .

- 14.8** A suitable alternative vacancy at a higher grade would have to be appropriate for the individual and the Library. The principles of the Two Ticks Scheme process would be followed, in that the individual will be guaranteed to be seen. (See section 10.3 and Recruitment policy). However, advice from Human Resources can be sought.
- 14.9** If the disabled employee meets the essential criteria, a formal discussion should be arranged with the recruiting manager, and the disabled employee to assess if reasonable adjustments that are required and can be made .If the adjustments cannot be made then this vacancy would be deemed as not suitable. Advice can be sought from Human Resources.
- 14.10** If no suitable alternative vacancy exists at the substantive level the Library will consider it reasonable to offer the employee a role at a lower grade if they meet the essential criteria. *An employee appointed or redeployed into a post which is one grade below their substantive grade to avoid and to allow a further period of time for a permanent post at their substantive grade to be found. This is known as overbearing and is intended to be for a limited time of 3 years. At the end of the 3 year period the member of staff will be placed at the top of the new grade. However, the member of staff will be required to be proactive and to apply through internal recruitment opportunities as they arise.*¹
- 14.11** Disabled employees re-deployed to an alternative suitable vacancy will be in a trial period of 4 weeks. If there are other applicants the need and priority for reasonable adjustment should be explained to the other applicants so that there is transparency when placing the disabled employee in the role. The four week period can be extended for retraining purposes by agreement in writing between the staff member and the line manager for up to three months. If staff work beyond the four week period or the jointly agreed extended period, then they will be deemed to have accepted the new job and lose any entitlement to redundancy payment.
- 14.12** Where all reasonable adjustments have been considered and it has not been possible to retain the disabled employee in their current role. The disabled employee will be placed in redeployment for up to a period of six weeks when they should actively look for roles with the support of HR.
- 14.13** Where all reasonable adjustments have been considered and it has not been possible to retain the disabled employee in their current role or in a suitable alternative role in the Library, the disabled employee would be invited to a formal meeting to discuss the termination of their contract of employment under the Managing Attendance (this could involve ill-health retirement if appropriate) or Capability Policy.

¹ . *'Paragraphs and part paragraphs where the Trade Union Side has registered disagreement with the views of management are marked between * - *. The rules they embody nevertheless are those that apply. This paragraph reflects para 7.30 of the Restructure, Redeployment and Redundancy (RRR) policy which has not been agreed with Trade Union Side.*

Redeployment when the Disabled Employee has been displaced in a restructuring process / when funding for their post comes to an end

- 14.14** When a disabled (or non disabled) employee becomes a redeployee due to being displaced in a restructuring process or when funding for their posts comes to an end, the process taken falls under the Restructure, Redeployment and Redundancy Policy, (see Section 8-9).
- 14.15** If there is competition for an alternative role in a potential redundancy situation then it must be ensured that the best candidate for the role is secured regardless of personal situations of the applicant.
- 14.16** There is a statutory right to a trial period of four weeks in a suitable alternative post; this can be in an overborne post. During the trial period the right to a redundancy payment will not be lost if the job proves to be unsuitable. The four week period may be extended to accommodate reasonable adjustments by agreement in writing between the staff member and the line manager for up to three months. If staff work beyond the four week period or the jointly agreed extended period, then they will be deemed to have accepted the new job and lose any entitlement to redundancy payment.

15 Managing Attendance

- 15.1** If an employee's attendance does not meet the acceptable level of attendance, this should initially be raised by the line manager on an informal basis, with the employee in a confidential discussion. This may identify or clarify an underlying medical condition or disability.
- 15.2** If following the confidential discussion more specialist advice is needed, the manager should refer the employee to Occupational Health, via Human Resources. Referring an employee to Occupational Health can assist both the manager and the employee to identify what is affecting the employee from fully carrying out their duties and the adjustments that could be considered to assist the employee in effectively performing in their role.
- 15.3** Reasonable adjustments will need to be considered for a disabled employee if their disability affects their ability to maintain an acceptable standard of attendance. Line managers alongside advice from HR are best able to determine the level of increased disability related triggers to set. Managers should refer to the Managing Attendance guidance section 14.
- 15.4** Managers should record disability related sickness absences separately from other absences in order to accurately monitor trigger absence levels. For further information line managers should refer to the Managing Attendance Guidance section 14.

16 Planned Rehabilitation Support

- 16.1** Individuals who are clearly unfit for work must remain on sick leave. However, Section 20 of the Equality Act 2010 imposes a duty on the employer to make reasonable adjustments for disabled employees which may encompass planned rehabilitation support.
- 16.2** Planned rehabilitation support is classified as reasonable time off work for a reason related to someone's disability. This is distinct from sick absence and includes time when an employee is well but absent from work for a disability-related reason. This would be for treatment, rehabilitation or assessment related to their disability or while waiting for known reasonable adjustments to be made. It may be for a long or short

period of time. In most cases, rehabilitation support will be planned but there may be occasions when it is not.

Rehabilitation aims to enhance and restore functional ability and quality of life to those with physical impairments or disabilities and planned rehab support should not be confused with other provisions such as hospital appointments or a phased return to work unrelated to the /a disability. Also, not all employees with disabilities will necessarily need to take planned rehabilitation support leave.

Some examples of planned rehabilitation support may be (but are not limited to):

- training with a guide or hearing dog.
- hearing aids test or assessments of dyslexia or dyspraxia.
- Specialist physical or mental health therapy treatment such as physiotherapy or counselling
- recovery time after treatment such as for a blood transfusion or dialysis, or cancer treatment.
- Awaiting physical changes to the working environment where the disabled employee will be returning to work.

(This list is not exhaustive).

- 16.3** A longer period of rehabilitation leave might be appropriate for employees undergoing a more prolonged period of treatment, rehabilitation or recuperation such as major surgery, depression, stress or other mental health conditions
- 16.4** In some instances Occupational Health may recommend rehabilitation support for employees that have been referred to them, in others, disabled employees will need to discuss any rehabilitation support requirement with their line manager in advance. Line managers should, in these confidential discussions suggest the EAP services available for example, counselling. The manager will also need to be mindful that the level and duration of support provided will need to balance the needs of the individual, legal requirements and those of the business and seek advice from HR where appropriate.
- 16.5** The process for requesting planned rehabilitation support is outlined in the flowchart at **Appendix 2**. Where this support is needed:
- agreement must be reached on the approximate date and number of days to help in planning service and work delivery. Thus the disabled employee must advise their manager of the proposed time of any appointments as soon as possible and produce an appointment card or letter if asked.
 - the manager must write to the disabled employee outlining what has been agreed.
 - planned rehabilitation leave may be taken as blocks or individual day(s) as agreed by your line manager.
 - it will be reviewed on a regular basis to assist in planning operational needs.
- 16.6** Planned Rehabilitation Support will have effects on pay (see Managing Attendance Guidance section 20.6.4) and will need to be recorded by line managers by the same method they use to record other types of leave i.e. Optimum.
- 16.7** Planned rehabilitation support for disabled employees must be recorded on Optimum. Disabled employees must record their reasonable time off work agreed with their line manager using the Adjustment screen in Optimum. An employee must send through

an adjustment request to their line manager using the code/clocking drop down box and select "Hours Reasonable Adj – Disability". Input the hours agreed with their line manager as disability leave and may choose to input into the comment box.

- 16.8** When an employee is on part time medical the shortfall in conditioned hours will be aggregated and will count towards sick absence. The absence will be paid at the appropriate sick pay rate. For example, an individual was on the half pay sick rate when they returned to work. They work full time and have returned on part time medical for half of each day. They will be getting paid full pay for the hours they are at work (half of the week) and half pay for the hours they are not at work due to part time medical absence. The same would apply if the individual had exhausted all their sick pay prior to returning to work. It is important that Line Managers inform staff of the effects on part time medical will have on their salary.
- 16.9** In terms of the policy if employees are dissatisfied with the amount of planned rehabilitation support leave allowed or any other aspect of this. They should raise it with their line manager in the first instance. If they are still dissatisfied they may appeal to their line manager's manager for consideration of the decision. The appeal process is meant to be timely and once a decision has been made there is no further right of appeal. If the employee is still dissatisfied then they may seek address using the Grievance Policy.
- 16.10** The individual may be accompanied by the TU representative or work colleague at the appeal.
- 16.11** Any abuse of the planned rehabilitation support is a disciplinary offence and will be dealt with under the Discipline Policy.

17 Health and Safety

- 17.1** It is rare that an employee's disability will present an insurmountable obstacle to health and safety practice, either to the disabled individual or their colleagues. However, line managers are required to conduct risk assessments as an essential part of managing health and safety at work and through a duty of care to all employees to ensure that all hazards and risks to employees (and others affected by the work) are assessed and managed.
- 17.2** In the risk assessment, the line manager should identify any hazards and assess the level of risk associated with the work activity in order to decide if the risk is tolerable or if controls should be put place to lessen the risks (the manager should refer to the Health and Safety Policy on page 70 for further information).
- 17.3** When conducting risk assessments and identifying hazards and who might be at risk in relation to the work activity for example, disabled employees, line managers should specifically:
- ensure the risk assessment is concentrated on the work environment and the job tasks, and not the disabled person.
 - ensure they understand the Equality Act 2010 and the duty to make reasonable adjustments.
 - ensure reasonable adjustments implemented for disabled employees are working well. If reasonable adjustments are in place any disability-related health and safety risks are minimised.

- engage disabled employees in discussions about health and safety issues.
- ensure actions agreed as part of the risk assessment for the disabled employee are implemented effectively (e.g. put controls in place to mitigate the risks such as personal emergency evacuation plans (PEEP) allocation of pagers, implement a buddy system in their area, procure specialist equipment and undertake team training if necessary. If required the production of a PEEP for agency workers, voluntary assistants or interns and work placements should be completed by the line manager who has responsibility for managing the individual whilst working at the Library.
- ensure the risk assessment and any management mechanisms put in place are reviewed regularly.

The list above is not exhaustive and should be used as a guide only.

18 Diversity and Equal Opportunities Monitoring

- 18.1** Any information or personal details with regard to employee such as race, gender, age, disability, sexual orientation, religion or belief, will be kept confidential by Human Resources and will be used for no other purpose than to enable the Library to fulfil its obligations for monitoring equal opportunities.

19 Contacts

- 19.1** Managers and staff members can seek advice, for example, from: HR Business Partners and Advisors, Employee Assistance Provider, Trade Union Representative, Access to Work via Job Centre Plus. In addition, access the Library's [Guide to dealing with Disability](#).

20 Policy Responsibility

- 20.1** All members of staff referred to within the scope of this policy are required to adhere to its terms and conditions.
- 20.2** All line managers are responsible for ensuring that this policy is applied within their own area. Any queries on the application or interpretation of this policy must be discussed with Human Resources prior to any action being taken.
- 20.3** Human Resources has the responsibility for ensuring the maintenance, regular review and updating of this policy. Proposed changes to the policy will follow the process as described in Section A: Introduction: paragraph 1.1 of this Staff handbook

**Appendix 1
Reasonable Adjustment Policy – Template Letter Format 1– to Disabled Member of
Private and Confidential**

Open Addressee Only

[Name]
[Address]

[Date]

Dear [Name]

Re: Meeting on current Reasonable Adjustment

Following our performance management meeting held on [DATE]. This letter is to confirm that we have discussed your current reasonable adjustments which are [INSERT NATURE OF ADJUSTMENTS]

You confirmed you were content with the reasonable adjustments in place
[OR]

We discussed and agreed your current reasonable adjustments are no longer suitable and we agreed to refer you back to Occupational Health for more up-to-date advice. You confirmed you were content with this arrangement.

[OR]

We discussed and agreed that your current reasonable adjustments in place are no longer required and you can now resume some duties/the full duties [delete as appropriate] of your post. This will be effective from [DATE]. [Where only some duties are being resumed, please provide details]

We agreed to review the reasonable adjustments in place at the Mid-Year Review /OR End of Year Review.

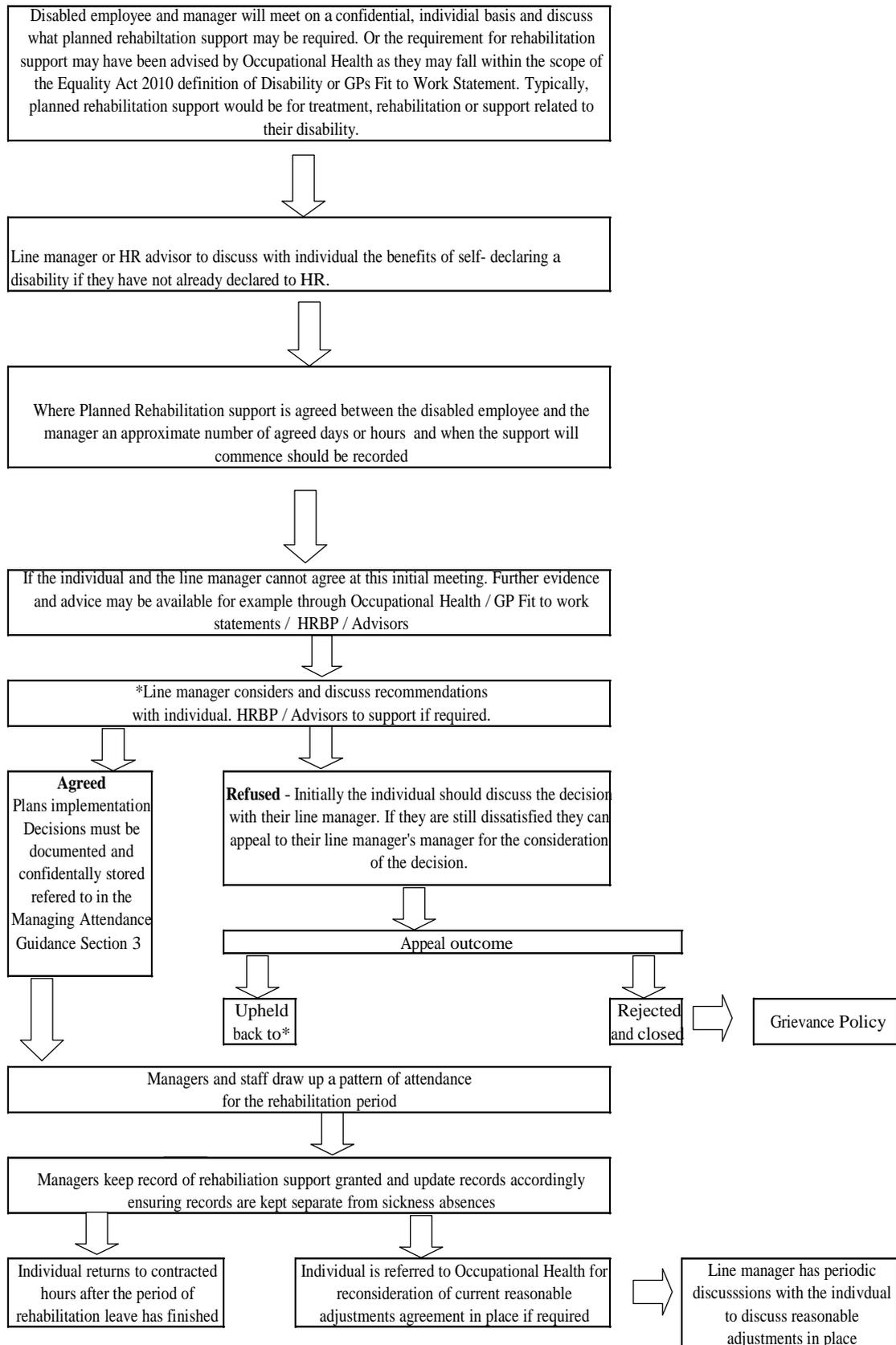
Yours sincerely

[NAME]
Line Manager

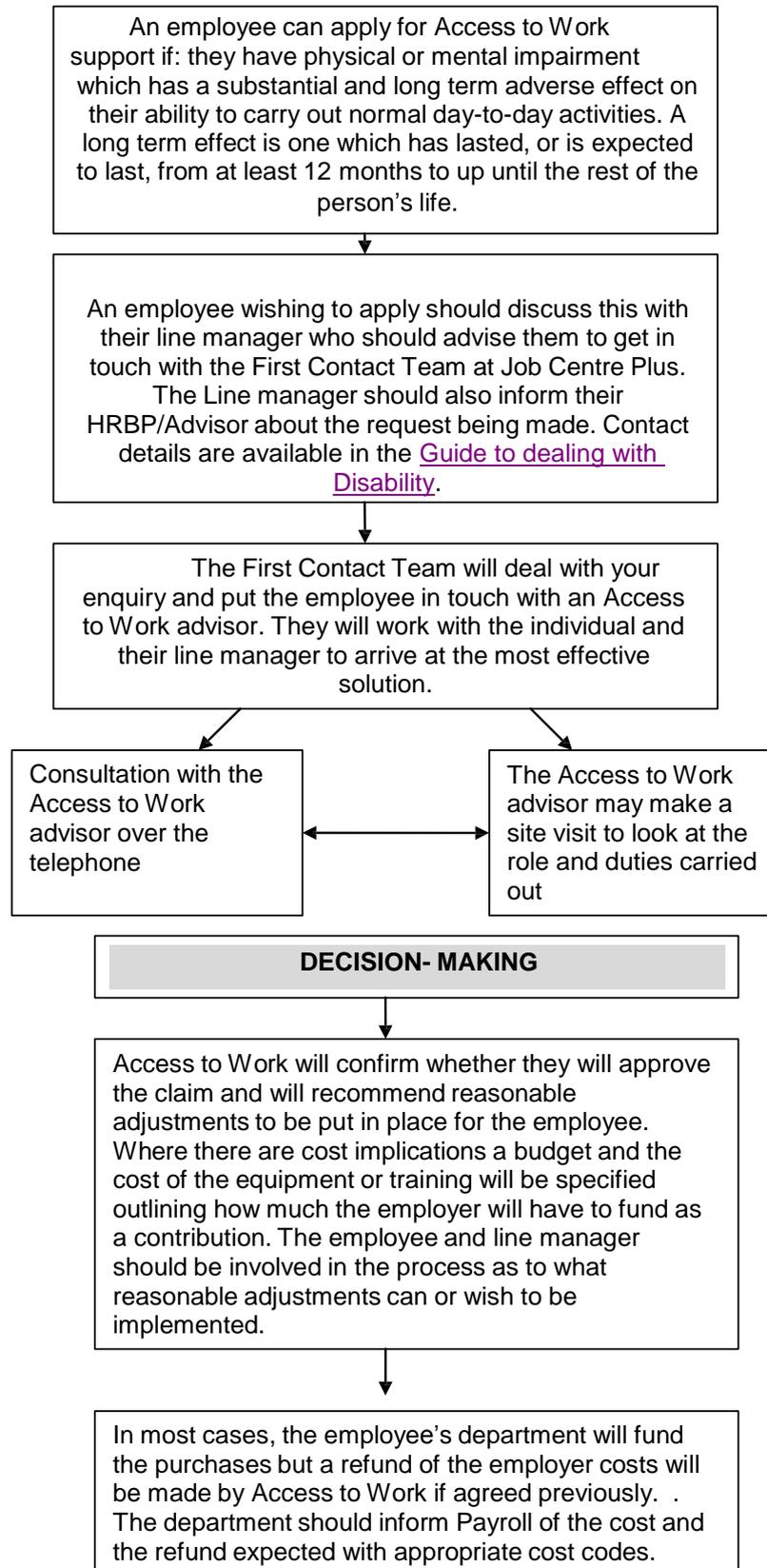
CC: Send to a copy to Employee Services

Appendix 2 – Planned Rehabilitation Support Flowchart

Flowchart - Process for Planned Rehabilitation Support



Appendix 3 – Process for applying for Access to Work Support



Appendix 4 – Examples of Reasonable Adjustments (this list is not exhaustive)

List of potential reasonable adjustments which can be implemented:

Role/Duties

- being flexible by altering working patterns (e.g. not travelling in rush hour, part-time working, allowing breaks for medication and rests as required).
- allocating some of the disabled employee's duties to another person.
- alteration of working hours e.g. phased return.
- modification to the disabled employees duties to assist them to perform effectively in their role. Alternations to the location of the work or premises (e.g. making changes to buildings or providing disabled car parking spaces).

Communication support

- acquiring additional or making alternations to existing, equipment or materials (e.g. Braille, Large Print, speech recognition software, hands free telephone or text phone).
- producing material in alternative formats (e.g. Large Print, Easy-read versions, Braille, Material printed on pink paper).
- providing a reader, interpreter or support worker (e.g. BSL interpreter for meetings or training sessions).
- supplying additional training to meet disabled employees needs.
- ensuring disabled colleagues are treated respectfully by others (e.g. be sensitive when approaching others with hearing loss or who are deaf or when accompanying colleagues with mobility conditions).
- assign a buddy.
- modification to recruitment and selection activities.

Physical Access

- changes to fixtures, furnishing and furniture.
- installing a disabled amenities.
- installing a ramp.
- changes to desk or room layout.