

# **REASONABLE ADJUSTMENTS**

## **COLLEAGUE GUIDANCE AND PROCESS**

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## 1. INTRODUCTION

Sherwood Forest Hospitals is an inclusive employer and is committed to ensuring that all colleagues are supported to be the best they can be.

The aim of this guidance is to set out the Trust's expectations in operationally upholding our legal duty to provide reasonable adjustments both during the recruitment process and during employment at Sherwood Forest Hospitals NHS Foundation Trust

Reasonable adjustments are changes to the work environment that enable disabled colleagues to work safely and productively; this can include physical changes to the work area, provision of equipment and/or changes to policies and working practices.

This guidance is in place to support disabled colleagues however should also be used to support those working within the Trust in a variety of capacities such as volunteers, students, and those on work placements within the Trust.

This guidance should also be used by recruiting managers in the support of disabled candidates who have been shortlisted for a selection process. Recruiting Managers should also ensure they are cognisant of the requirements for Disabled candidates as outlined in the Recruitment and Selection Policy.

## 2. DISABILITY AND THE EQUALITY ACT 2010

As a basic principle reasonable adjustment should be considered by line managers to support all colleagues regardless of whether they have a legally defined disability. However, where line managers feel they are not able to accommodate adjustments it would be prudent to consider whether the individual involved would be covered by the Equality Act 2010.

The Equality Act 2010 requires employers to make reasonable adjustments to make sure that disabled colleagues are not substantially disadvantaged when carrying out their role. The Trust therefore has a legal duty under the Act to make reasonable adjustments for disabled colleagues.

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

A 'substantial adverse impact' means more than just a minor impact on someone's life or how they can do day-to-day things 'Long-term' means the impairment will last, or is likely to last for at least 12-months or is likely to last for the rest of their life.

It is important to note that an impairment or health condition can still be considered long-term if the effects come and go, for example, a condition that might affect someone for a few months at a time with other periods of time with no affect or impact.

Daily activities that could be affected could include;

- Communicating with other people
- Driving
- Walking
- Personal care
- Going to the shops
- Lifting and carrying everyday objects
- Sitting down or standing up
- Using a computer
- Writing

This list is not exhaustive.

Colleagues will automatically be protected under the Equality Act 2010 from the day they are diagnosed with any of the following:

- Cancer; upon diagnosis, during and after treatment, i.e. when the Cancer is in remission
- HIV
- Multiple Sclerosis (MS)
- A visual impairment; if someone is certified blind, severely sight impaired, sight impaired or partially sighted

It is important to remember that there are both visible and hidden disabilities and they can affect individuals' in different ways; for example, physical, mental, sensory or developmental.

It is not possible to provide a full list of impairments or conditions that are or may be covered by the Equality Act 2010 and in some cases, it may not be obvious whether someone is considered to have a disability by law. In most situations, it is best to review the effect that an impairment or condition has on a person's ability to carry out normal day-to-day activities rather than a clinical diagnosis (clinical diagnosis can only be made by a clinician).

We recognise that a colleague may become disabled, as defined by the Equality Act 2010, during their employment with us. In these circumstances, it may be appropriate to seek advice from occupational health in addition to this guidance. Although Occupational Health may be able to comment on whether a condition is likely to be covered by the Equality Act, the final decision cannot be made by Occupational Health.

### **3. THE PROCESS**

A detailed process for reasonable adjustments is included on pages 7-8 of this guidance but in summary, there are 4 steps in the process;

1. Identify the need
2. Agreeing the adjustment/s needed
3. Putting adjustment/s in place
4. Review

### **4. WHAT ARE REASONABLE ADJUSTMENTS**

ACAS advises that reasonable adjustments are changes an employer makes to remove or reduce disadvantage related to someone's disability. For example;

- Making changes to the workplace
- Changing someone's working arrangements
- Finding different ways to do something
- Providing equipment, services or support

Reasonable adjustments are specific to an individual person and can cover any area of work so what may suit one individual may not suit another; a person-centred approach should always be taken by managers when discussing and agreeing adjustments. It is not possible to provide a full list of adjustments due to the personalised nature of them, however, some examples have been provided in Appendix 1 of this guidance (page 9).

### **5. WHEN SHOULD REASONABLE ADJUSTMENTS BE MADE**

The Trust must make reasonable adjustments when;

- They know, or could reasonably be expected to know, that someone is disabled
- A disabled colleague or candidate for a job asks for adjustments
- Someone who is disabled is having difficulty with any part of their job
- Someone's absence record, sickness record or delay in returning to work is because of, or linked to, their disability

Employers are legally obliged to consider what job/workplace adjustments could be made for individuals with disabilities, and whether these adjustments are reasonable or otherwise to accommodate.

What is reasonable will depend upon each circumstance, but line manager's should consider the following;

- Will the adjustment being requested remove or reduce the disadvantage
- Is the adjustment practical
- Is the adjustment affordable
- Is there a detrimental impact on others

### **6. IDENTIFYING THE NEED FOR WORKPLACE ADJUSTMENTS**

In most circumstances, either during the recruitment process or soon thereafter, it's expected that an individual will make a request for reasonable adjustment/s should they be required. It is likely that an individual will be aware of the adjustment/s that will help through previous employment or education although our process enables a supported approach.

In identifying the need for adjustments, an individual is not required to disclose their specific health condition or impairment; although they may do so, it is not a requirement and therefore line managers should not expect full disclosure. Managers may also become

aware of the recommendation for reasonable adjustments following an Occupational Health appointment or via GP Fit Note.

It is important to note that new and existing colleagues may not declare they are disabled or have a long-term health condition for a variety of reasons including, but not limited to;

- Previous poor experience in other workplaces/educational establishments
- Their impairment/condition is hidden, and they feel uncomfortable talking about it
- They may not want to ask for help or feel they can manage and don't want to make a fuss
- They feel their career development may be hindered
- They fear losing their job
- They think they will be received unsympathetically

To overcome the barriers that may be faced by colleagues in being open about their impairment and/or health condition, the Trust provides reassurance in several ways. We:

- Are a Disability Confident Employer
- Ask shortlisted applicants if they require any adjustments to enable them to attend assessment for a role they've applied for
- Have a dedicated staff network to support those colleagues with disabilities and/or long-term health conditions (WAND Staff Network)
- Raise awareness of disability at work through engagement events and Trust communications
- Provide on-going opportunities for support discussions (i.e. wellbeing conversations, annual appraisal and return to work meetings following sickness absence)
- Showcase our support to disabled colleagues through the EDI Annual Report and Workplace Disability Equality Standard
- Provide mandatory EDI training
- Ask new starters to ensure their personal information is up to date on ESR
- Have messages on the ESR home page to encourage colleagues to check and update their personal details

In addition to the above, we expect all colleagues to uphold our CARE values, behave with civility and kindness, and contribute positively to a culture of belonging for all colleagues regardless of their individual needs.

We expect Line Manager's to be inclusive in their line management approach to build confidence for disabled colleagues that if or when they need a discussion about workplace adjustments, they will receive a supportive, compassionate, and person-centred response and will not face any discrimination or stigma because of a disclosure.

## **7. THE NHS HEALTH PASSPORT**

The Trust supports the use of the NHS Health Passport for colleagues with a disability, long term health condition, mental health problem, learning disability/difficulty or are neurodiverse.

Through a series of prompt questions, the Health Passport enables individuals to review their work environment and record information about their disability or condition that are helpful and not helpful in managing in their day-to-day role and it can also be used to record support and reasonable adjustments that are in place. By completing the Health Passport, the individual can use it to guide a conversation with their line manager in looking at adjustments that will help at work. The passport can be downloaded [here](#).

The Health Passport is owned by the individual and should there be a change of role or line manager, it will help to facilitate a discussion with a new line manager about what supports the individual at work. As a recognised NHS document, should an individual move on from Sherwood to go and work in a different organisation, the passport can be taken and can support discussions with the new employer/line manager.

Where adjustment/s are agreed, these should be noted on the Reasonable Adjustment Agreement Form. Unlike the Health Passport, this document is an internal one and should be retained on an individual's personnel file.

## **8. OCCUPATIONAL HEALTH**

A referral to occupational health is not mandated if an individual asks for an adjustment/s; a referral can be discussed and arranged if it is mutually agreed that an appointment would be of benefit in considering an adjustment/s.

Colleagues should not be referred to occupational health to 'prove' their disability status. Occupational health cannot be sought to provide clinical diagnosis although a diagnosis that has been made by an individual's GP/clinician can be helpful during an occupational health appointment. Occupational Health will not be able to make a final decision on whether the Equality Act applies however they may be able to comment on whether it is likely to apply.

## **9. WHO PAYS FOR THE ADJUSTMENTS?**

In lots of cases, adjustments will be simple and affordable, and in some cases, will not have any cost associated with them.

The Trust does not have a central budget for reasonable adjustments; where there is a cost, this is to be funded from the team budget the individual works within (even if an adjustment/s benefits others outside of the team). We acknowledge that not all line managers are budget holders, so it is necessary for a line manager to liaise with the budget holder to obtain the relevant cost code in order to procure items or request estate work.

## **10. ACCESS TO WORK**

Where reasonable adjustments have not fully met the needs of an individual, they can make an application for support to the Access to Work scheme.

The scheme is a publicly funded employment support programme that aims to help disabled people start or stay in work or return to work. It can provide practical and financial support for individual's who have a disability or long term physical or mental health condition.

It is the individual's responsibility to contact Access to Work to complete an online application for a grant. The following link is to the website where an application can be made: <https://www.gov.uk/access-to-work/apply>

## **11. SUPPORT WITH MENTAL ILL HEALTH**

The Access to Work scheme also supports people with mental ill health. Able Futures provide up to Nine months confidential, no cost advice, guidance and support from mental health professionals to help you cope with work while you manage a mental health condition such as anxiety, depression or stress.

It is the individual's responsibility to contact Able Futures for support. Please visit the website for more information: [Mental health information and resources | Able Futures Mental Health Support Service \(able-futures.co.uk\)](https://www.able-futures.co.uk)

## 12. WAND STAFF NETWORK

Colleagues who have a disability or long-term health condition are encouraged to join the WAND Staff Network. The network exists to provide a safe place for peer-to-peer support, support to the EDI team in raising awareness of disability at work, ensuring the Trust maintains its Disability Confident Employer accreditation and to review ways that the Trust can better support individuals during their working lives. For more information, please click [here](#).

## 13. DISABILITY LEAVE

The Trust has Disability Leave available to all disabled colleagues as a reasonable adjustment. The leave is 5 days/37.5 hours (pro rata for part-time colleagues) per leave year and enables colleagues to take time to attend planned medical appointments, therapeutic treatments (including those related to psychological health), condition assessments, training (if required for specialist equipment) or for medical equipment checks for example.

In order to request Disability Leave, an individual must complete the Disability Leave request form. You can find more information on Disability Leave and the request form via this link the Intranet: [Disability Support & Wellbeing information \(nnotts.nhs.uk\)](#)

To request disability leave, individual's must ensure they have declared their disability on ESR. The information about a disability or condition will remain confidential. You can learn how to update your details via this short video (please note: the video has no sound): [my.esr.nhs.uk/dashboard/lrst/ESS41/index.html](http://my.esr.nhs.uk/dashboard/lrst/ESS41/index.html)

Where possible colleagues should be supported to attend appointments with Occupational Health, Staff Clinical Psychology and Occupational Health Physiotherapy during work hours.

## 14. WORKPLACE ADJUSTMENTS PROCESS

This aim of this process is to support the implementation of an adjustment or adjustments in a timely and efficient way to minimise any disadvantage for disabled colleagues. The time it takes to complete this process will depend on the adjustments that are needed.

### STEP 1 – MEETING TO DISCUSS NEED AND AGREE SUPPORT

- Employee requests meeting with line manager to discuss reasonable adjustments.
  - Colleagues are advised to complete the Health Passport prior to the meeting to support the discussion and to ensure everything is covered in the discussion. The meeting should be recorded on the Health Passport.
  - At this initial meeting, any existing Occupational Health Report/s (e.g. pre-employment or previous referral) should be reviewed for any recommendations and whether an appoint is needed should be discussed (see section 8). Any GP Fit Notes should also be reviewed as appropriate for recommended adjustments
- Any adjustment or adjustments that can be agreed and implemented immediately should be actioned without delay and recorded on the Reasonable Adjustment Form.



Contact the H&S team (Rob Dabbs, ext: 4072 or Tina Warboys, ext: 6070) to arrange the desk assessment as soon as practicable. Once the assessment is complete and equipment requirements are known, please proceed to the next step.

- For **equipment purchasing**, go to step 2b
- For **estates work**, go to step 2c

#### STEP 2a – PROCURE EQUIPMENT FOLLOWING DESK ASSESSMENT

Budget holder to raise a requisition via Inetgra\* to begin the purchasing process for equipment as recommended by H&S team.

Any queries in relation to purchasing should be raised with the Procurement team:  
[procurement.helpdesk@nhs.net](mailto:procurement.helpdesk@nhs.net)

\*Should training on Integra be needed, please contact Louise Camm in the Procurement team

If equipment is recommended and H&S are unable to provide supplier details, please refer to step 2b

#### STEP 2b – PROCURE EQUIPMENT

Line manager should contact the procurement team for advice on suppliers for the equipment needed:  
[procurement.helpdesk@nhs.net](mailto:procurement.helpdesk@nhs.net)

Once a supplier is identified, the budget holder is to raise a requisition for the equipment via Inetgra\* to begin the purchasing process for the equipment needed.

\*Should training on Integra be needed, please contact Louise Camm in the Procurement team

#### STEP 2c – PROCEDURE FOR ARRANGING ESTATES WORK

For small works that are needed in an office/department area, the following process should be followed:

- Line Manager to obtain team budget cost code
- Contact the helpdesk on ext 4242 and request a 'small works job'; you will be asked to provide details of the work required, the room number/location and the budget code and budget holder's name. You will receive an email confirmation that the job has been requested. **When the job is requested, it is important to let the helpdesk know the work being requested is a reasonable adjustment under the Equality Act 2010 to ensure appropriate prioritising of the job and to avoid any unnecessary delays.**

If you are concerned about the length of time a job is taking, please contact the helpdesk for an update. Where work is not progressing (30+ days with no updates), please contact the People EDI Lead ([alison.pearson6@nhs.net](mailto:alison.pearson6@nhs.net)) to escalate.

Once equipment is delivered/estates work is complete, line manager to meet with individual colleague to check all is well and complete the Reasonable Adjustment Agreement Form which should then be retained on the individual's personnel file.

### 14.1. REVIEWING REASONABLE ADJUSTMENTS

It is important that support from an adjustment/s are reviewed on an annual basis; once the support is in place, a review meeting date should be agreed and added to the calendar of the colleague and their line manager.

If an individual feels they need their support to be reviewed sooner, they can request a meeting with their line manager at any time. It is also important to consider a referral to Occupational Health where adjustments have been made but are found to be ineffective.

## **15. FURTHER SUPPORT**

If you require any further advice, or if you feel that you are unable to accommodate a requested adjustment, please contact your People Partner team in the first instance. You can find contact details of our People Partner team by clicking [here](#).

If you would like this guidance in an alternative format, for example large print or easy read, or if you need help with communicating with us, for example because you use British Sign Language, please let a member of the People Partner team know.

## **APPENDIX 1 – EXAMPLES OF REASONABLE ADJUSTMENTS**

It is impossible to provide a complete list of reasonable adjustments as they can vary for each individual person and will depend upon where an individual is within the employment cycle.

The following is provided as a guide to assist line managers and individuals in what may be effective in supporting individual needs.

### **Application stage**

- Providing details of a job in a different format
- Making instructions more accessible
- Making time to talk to the applicant about the role in detail
- Justify the skills, experience and knowledge you are requesting on the person specification

### **Interview Stage**

- Allowing extra time to complete tests and presentations
- Completing a test on a computer as opposed to on paper, or vice versa
- Providing modified equipment
- Making instructions more accessible
- Providing a reader or interpreter
- Informal interviews
- Inviting a supporter to accompany the candidate at interview - the supporter will not answer on behalf of the candidate but may help to rephrase and clarify questions
- Changing the location of the interview or adapting the environment
- Access to a hearing loop in the interview room
- Bringing an assistance dog into the interview
- Parking provided near the interview location

### **During employment**

- Offering different ways of working; flexible or set working patterns or agile working or home working or a combination of these
- Arranging or giving extra training
- Acquiring or modifying equipment
- Providing additional or alternative software
- Modifying instructions or reference manuals
- Providing a reader or interpreter
- Providing supervision
- Allowing for longer unpaid breaks
- Offering disability leave, if eligible
- Making changes to an office environment or facilities within the office
- Attend OH/Physio/Clinical Psychology appointments during work hours
- Consideration of changes to work locations due to triggers for psychological distress
- Consideration of alternative car parking options

## APPENDIX 2 – REASONABLE ADJUSTMENTS AGREEMENT FORM

<b>1. Personal Details</b>		
Name:		
Job Title:		
Department:		
Line Manager:		
<b>2. Health Passport</b>		
Does the employee have a Health Passport?	YES	NO
<b>3. Have any of the following been used to support the discussion/agreement for adjustment/s?</b>		
Occupational Health	YES	NO
Health and Safety team	YES	NO
EDI team	YES	NO
People Partner team	YES	NO
GP or Clinician	YES	NO
Other (please specify)		
<b>OR</b>		
Please confirm you agree with this statement: No additional support was required during the discussion about or agreement for the adjustments that have been agreed	YES	NO
Please use this space to provide any additional information in support of the adjustment/s being made:		
<b>4. Adjustment/s agreed</b>		
Disadvantage being reduced/removed	Reasonable adjustment agreed	Date of review
<b>5. Declaration</b>		
This agreement will be reviewed by the employee and line manager on an annual basis, or earlier if there are changes to the employee's condition or they change jobs to ensure the reasonable adjustments are still providing the support that is needed.		
This form will be retained on the employee's personnel file.		
Employee Name		Employee Signature
Date signed		
Manager Name		Manager Signature
Date signed		