

Reasonable Adjustment Policy

This document provides an overview of the processes to follow to ensure the Trust meets its legal obligation under the Equality Act 2010 to consider reasonable adjustments in the workplace.

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Version Control and Summary of Changes

Version number	Date	Comments (description change and amendments)
1	May 2013	Draft policy and appendices
2	12 June 2013	Pre consultation amendments following review with HR
3	August 2013	Amendments following consultation with Staffside Discussed with HR Operation Team for comments and amendments
4	18 October 2013	Added links to sources. Comments Occupational Health and Policy Group
5	29 October 2013	Added FAQ's in appendix 4. Updated Monitoring and compliance table.
6	21 March 2016	Post policy review added two additional useful links Page 22 local support organisation for city and county residents
7	30 September 2016	Changes to the policy generally in terms of references and format. Inclusion of 1.7 covering 'Conditions automatically treated as a disability'
8	September 2018	Throughout Policy reference to Disabled Staff Support Group changed to MAPLE to reflect change in name. Definitions that apply to this Policy – Added in reference to Remploy who provide support for employees with mental health conditions. Section 4.5.2 – Added in details of services provided by Remploy Section 5.2.6 & 5.2.7 – Updated references to reflect name change of Data Protection & Information Sharing Policy and changes under GDPR Section 6 – Revised section on Disability Leave which now includes clarity on specific amount of entitlement. Section 10 – Changed to reflect how training on Policy will now be provided. New Appendix 7 added on Training Needs Analysis Section 15 – Updated with correct names of associated policies. These have also been updated throughout main policy where appropriate. Section 16 – Updated useful contacts and links. Section 17 – Added in additional useful references and helpful guides. Appendix 2 – Revamped from for documenting agreement following feedback from MAPLE group. Appendix 3 – New form following changes to section 6 on Disability leave Appendix 4 – Useful links removed from this Appendix as incorporated and updated into section 16 Appendix 5 – Reasonable Adjustments Case Law removed as not generally included as part of an HR policy.

9	August 2021	<p>Updated Equality and Human Rights to reflect the new name of the team as equality, Diversity and Inclusion team and updated the new email to nhs.net.</p> <p>1.7 included the new statement to reflect the expectation of staff to follow the Trust leadership behaviour model.</p> <p>4.3 bullet point 3. Updated to reflect the new blended working approach and home working.</p> <p>4.6 and Appendix 2 have been added to include information around the use and application of the Health Passport.</p> <p>5.2.5 Confidentiality removed he/she to individuals</p> <p>5.5.3 - Added in health and safety</p> <p>7.1 - Added in – etc.</p> <p>7.2 - Removed ‘reduce unacceptable risk’, replaced with ‘reduce the risk to as low as is reasonably practicable’.</p> <p>7.3 - Removed he/she wishes - replaced with ‘they wish’.</p> <p>15.0 - Added in:</p> <ul style="list-style-type: none"> • Display Screen Equipment Policy • Control of Substances Hazardous Policy and Procedure • Health and Safety Personal Protective Equipment Policy <p>Appendix 5 - Updated to include new EDI team email.</p> <p>Appendix 10 - Privacy Impact screening updated and signed</p> <p>16.0 & 17.0 - Removed hyperlinks and replaced with web addresses.</p>
10	April 2022	<p>Section 16</p> <ul style="list-style-type: none"> - Updated Occupational Health email and telephone number. - Updated Access to Work email address. <p>Appendix 5- updated the flowchart with the correct Access to Work email address.</p>
11	March 2023	<p>Appendix 2a – Health Passport updated.</p> <p>Appendix 2b – Screen version of Health Passport added.</p>

All LPT Policies can be provided in large print or Braille formats, if requested, and an interpreting service is available to individuals of different nationalities who require them.

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Please be advised that the Trust discourages the retention of hard copies of policies and can only guarantee that the policy on the Trust website is the most up-to-date version.

Contact Details of Policy Author/Owner

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Definitions that apply to this Policy

<p>Access to Work</p> <p>Remploy Workplace Mental Health Support Service</p>	<p>Access to Work is a specialist disability service delivered by Jobcentre Plus, which provides practical advice and support to disabled people in employment and their employers to help them overcome work related obstacles resulting from disability.</p> <p>It is provided where an individual requires support or adaptations beyond the reasonable adjustments which an employer is legally obliged to provide under the Equality Act.</p> <p>Access to work for mental health conditions is provided through Remploy.</p>
<p>Disabled</p>	<p>The legal definition of disability is much broader than most people realise. It covers people with mobility difficulties, sight or hearing impairments, learning disabilities, long-term conditions such as depression, diabetes or sickle-cell anaemia and people with certain illnesses such as cancer.</p>
<p>Disability Leave</p>	<p>Disability leave is a 'reasonable adjustment' under the Equality Act (2010) and is distinct from sickness absence as it includes time when an employee is well but absent from work for a <u>disability related reason</u>.</p>
<p>Discrimination arising from disability</p>	<p>It is unlawful to discriminate against employees because of a physical or mental disability or fail to make reasonable adjustments to accommodate an employee's disability. Under the Equality Act 2010 (the Act) a person is classified as disabled if they have a physical or mental impairment which has a substantial and long-term effect on their ability to carry out normal day-to-day activities. Day-to-day activities include things such as using a telephone, reading a book or using public transport.</p>
<p>Due Regard</p>	<p>Having due regard for advancing equality involves:</p> <ul style="list-style-type: none"> • Removing or minimising disadvantages suffered by people due to their protected characteristics. • Taking steps to meet the needs of the people from protected groups where these are different from the needs of other people. • Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.
<p>Reasonable Adjustment</p>	<p>A reasonable adjustment is an alteration that an employer could make that would enable a disabled person to continue to carry out their duties without being at a disadvantage compared to others. Under the Equality Act 2010, there is a legal duty on employers to make these reasonable adjustments for disabled employees.</p>
<p>Social Model</p>	<p>The Trust adopts the Social Model which is that disabled people don't have 'disabilities' they face barriers by which they are 'disabled'.</p>

Equality Statement

Leicestershire Partnership NHS Trust (LPT) aims to design and implement policy documents that meet the diverse needs of our service, population and workforce, ensuring that none are placed at a disadvantage over others. It takes into account the provisions of the Equality Act 2010 and promotes equal opportunities for all. This document has been assessed to ensure that no one receives less favourable treatment on the protected characteristics of their age, disability, sex (gender), gender reassignment, sexual orientation, marriage and civil partnership, race, religion or belief, pregnancy and maternity.

In carrying out its functions, the Trust must have due regard to the different needs of different protected equality groups in their area. This applies to all the activities for which LPT is responsible, including policy development, review and implementation.

1. Introduction

- 1.1 The Equality Act 2010 (The Act) requires the Trust to make 'reasonable adjustments' where a provision, criterion, function, practice, and/or physical, environmental conditions of features in premises occupied by the Trust, places a disabled person at a substantial disadvantage when compared with people who are not disabled.
- 1.2 For people with a disability or a long-term health condition, their sickness absence may have nothing to do with their disability. However, if their sickness absence is related to a disability, LPT has a duty under the Equality Act 2010 to make reasonable adjustments.
- 1.3 Reasonable Adjustments may be required when a disabled person applies for and is recruited to a post, when a member of staff becomes disabled or develops a long term health condition, when the impact of an impairment or medical condition deteriorates for an employee, when there is a change to the workplace or employment arrangements, or when there is need for a disabled member of staff to undertake further training.
- 1.4 Reasonable Adjustments may extend to the individual concerned only (such as providing a Support Worker, acquiring or adapting specialist equipment or organising transport to-from and within work) Or they may be more wide-ranging to include changes to policies, procedures or corporate functions, to working arrangements or to enable access to premises that also includes car parking, signage, light/noise levels and safe evacuation.
- 1.5 The Trust must take reasonable steps to avoid disadvantage being caused to any disabled person in relation to recruitment, retention, promotion, development, retirement and dismissal.
- 1.6 In accordance with the Trust Equality, Diversity and Inclusion Policy the Trust recognises and uses the social model of disability. This policy aims to support any disabled member of staff who requires reasonable adjustments as far as this is reasonably possible.
- 1.7 All staff should act in accordance with our Trust leadership behaviours for all and be able to evidence adherence in situations that involve discussions around reasonable adjustments. A fundamental approach to developing our Leadership behaviours for all is our ability to both give and receive feedback in a positive and insightful way. The feedback method is based on defining; Context, Understanding, Behaviour and Effect (CUBE).

2. Aims and Objective

2.1 This policy aims to:

- To raise awareness amongst all managers and staff of the moral, social and legal obligations to make reasonable adjustments for people who are disabled or who have a long term health condition, and in particular, the requirements under the Act.
- To encourage disabled staff to declare their information which enables the Trust to abide by a request for 'Reasonable Adjustments' and to feel confident in the knowledge that they will be supported by the Trust should they require them.
- To provide managers who are responsible for making adjustments with information about their obligations under this policy, the procedure to follow, examples of adjustments that can be made and sources of support and guidance.
- To provide staff with the procedure to be followed if they feel that this policy is not being adhered to.
- To provide staff with the procedure to be followed if Health and Safety or Occupational Health advice conflicts with this policy statement.

3. Scope

3.1 All managers and staff are required to adhere to their responsibilities under this policy. These responsibilities are outlined in the following section. It is important to note that reasonable adjustments must be implemented for people who belong to the following groups, and who have an impairment or health condition that falls within the definition of 'disabled' under the Act as described in Appendix 1.

- Permanent, temporary and bank staff.
- Staff employed on a contractual basis.
- Volunteers or visitors undertaking work for, in partnership with or on behalf of the Trust.
- People on work placement with the Trust.
- People not employed by the Trust attending Trust training or development courses, whether on or off site.
- People on secondment to or from the Trust.
- Office holders such as board members and non-executive directors.
- People not employed by the Trust attending Trust related social or other events, whether on or off site.

4. Roles and Responsibilities

4.1 Trust

- The Trust has a responsibility to ensure that it complies with the Act to the effect that staff that have an impairment or long-term health condition are not discriminated against, and have reasonable adjustments made for them as required.
- The Trust has further responsibilities to ensure that managers are made aware of their obligations towards disabled staff and are supported in fulfilling them.

- The Trust is liable for the actions of its contractors as well as staff, regardless of whether such actions are with the express or implied authority of the Trust.
- Where an adjustment is considered reasonable, the Trust has a duty to make that adjustment, except where it did not know, and could not reasonably have known, that an adjustment is required.
- The Trust has an anticipatory duty to make adjustments. It is not acceptable to not make provisions just because a specific need has not as yet been identified. It is important to make provisions even for as yet unspecified needs. For example, processes must be in place to enable provision of information in Braille, even if this has not been requested to date.
- The Trust must also be able to show that it took such steps as are reasonable to encourage disclosure, as outlined below.

4.2 **Line Managers**

- When notified that a member of their staff has an impairment or long-term health condition, Managers in turn have a duty to inform/involve Human Resources (HR). The Manager should then investigate and implement any recommended reasonable adjustments in conjunction with HR. Consultation and advice should also be sought from Equality, Diversity and Inclusion Team, Occupational Health, Health and Safety advisors, Estates, IT advisor, Disabled Staff Group (MAPLE), Work Coach (previously known as Disability Employment Advisors) as well as the employee concerned.
- Where appropriate Managers may need to brief other members of the team (with the consent from the individual), particularly in situations where the reasonable adjustments require a re-distribution of work tasks, hours or a change in work location. This must be undertaken in a sensitive manner in consultation with the employee.
- Any requests from the staff member for confidentiality that could potentially impact upon the support or extent of reasonable adjustments that might be made should be discussed with the staff member.
- Line Managers will also take action to co-ordinate the implementation of reasonable adjustments following Access to Work, Occupational Health or other Health and Safety recommendations and in conjunction with the disabled member of staff, his/her manager and other relevant teams across the Trust.
- In accordance with the 'Mindful Employer' and 'Positive about Disabled People', Line managers to review the effectiveness of all reasonable adjustments and ensure they are monitored and reviewed annually, as part of the Trust Appraisal process.

4.3 **Staff**

- All staff have a responsibility to understand that people with an impairment or long-term health condition that impacts upon their daily activities, may require 'reasonable' adjustments from the employer. Such adjustments are intended to tackle discrimination and create equality of opportunity for disabled employees and are carefully designed so that they do not impact negatively on the work of other staff or the organisation.

- Although it is the responsibility of the Trust to take steps to find out about any need for reasonable adjustments, disabled employees have an obligation under this policy to bring to the attention of their Line Manager the fact that they have additional needs, and to assist with the investigation and implementation of reasonable adjustments as required.
- Therefore staff should maintain appropriate, timely communication with their line manager if they believe they have developed an illness or condition that may fall within the boundaries of the Equality Act and reasonable adjustments may be required to support them to undertake their role.
- Staff responsible for organising functions, events, courses and meetings must ensure that all participants and visitors are asked if they require reasonable adjustments in advance and ensure that these are investigated and implemented as appropriate. Those responsible for organising such events will notify the Guest speakers/Facilitators presenting at such functions, events, courses and meetings to make them aware of the reasonable adjustments. This applies to both face to face and on-line events, courses and meetings.
- Staff working in 'high-relevance' teams such as HR, Occupational Health, Health and Safety, Estates and Communications Department are required to consider this policy when providing reports, advice, assessments and guidance to the Trust. This includes paying due regard to any need for reasonable adjustments, adopting an inclusive approach to the employment and retention of disabled staff, promoting equality and diversity and assessing any policy and strategic developments for barriers and potential adverse impact.
- Staff networks (such as staff support group representatives, staff counsellors, staff carrying out Trade Union or professional organisations) have obligations and have a duty of care under this policy once notified that a member of staff is disabled. These are described in the following section.

4.3.1 **Staff Supported by this Policy**

The individual has a responsibility to fully co-operate with Line Management, HR, other employees or supporting services in order to maintain a satisfactory level of performance and attendance. The individual should commit and follow agreed adjustments. Should any issues or concerns arise then they should raise this with their line manager at the earliest opportunity in order for it to be addressed as quickly as possible.

4.4. **Human Resources**

Human Resources have a duty to take proactive measures to encourage disclosure of additional need. This can be done through adopting positive publicity, environment and workplace culture, promotion of this policy, and via the recruitment, interview, appointment or other registration processes.

4.5 **Access to Work (Appendix 5)**

4.5.1 Access to Work was introduced in June 1994.

- A government-run programme delivered by Jobcentre Plus to help overcome barriers that disabled people come across when moving into or retaining employment.

- It is provided where the employee requires support or adaptations beyond those “reasonable adjustments” which an employer is legally obliged to provide under the ‘Equality Act 2010’
- It is not there to duplicate funding available from other sources.
- It is a flexible programme that focuses on the needs of the individual.

4.5.2 Remploy Workplace Mental Health Support Service.

This free and confidential service, delivered by Remploy and funded by the Department for Work and Pensions is available to any employees with depression, anxiety, stress or other mental health issues affecting their work.

Specialist advisors provide:

- Tailored work-focused mental health support for six months
- Suitable coping strategies
- A support plan to keep employees in, or return to work
- Ideas for workplace adjustments to help employees fulfill their role
- Practical advice to support those with a mental health condition.

4.6 Disability Health Passport

4.6.1 LPT have introduced a Health Passport (appendix 2) which can be used by employees (and supported by managers) to record the needs of employees with disabilities and/or long-term health needs.

4.6.2. The Health Passport is a voluntary scheme that will enable employees to transfer their reasonable adjustment requirements if they are moving from one part of LPT to another (as well as to other organisations who have adopted the Health Passport Scheme). This may be within a service area or to a completely different service. It avoids the need for staff to undergo a process of having to explain or justify a reasonable adjustment where one is not required where the new role is similar to or not substantially different to the one that the post-holder previously occupied.

4.6.3 There may be a need to review the Health Passport where the circumstances of the staff member change. This is similar to the requirements of Access to Work who need to be informed if the individual’s circumstances alter.

4.6.4 The line-manager must take in to account the Health Passport when making reasonable adjustments to the workplace to accommodate the staff member concerned.

5.0 Putting the Policy into Practice

There are 5 steps to be followed as applicable to ensure that this policy is carried out in practice. All staff should be familiar with each of the following steps in turn.

5.1. Step 1 - Identification of Reasonable Adjustments

New and existing staff may not declare they are disabled or have long-term health conditions because:

- They feel that they won’t get a job, training, development or promotion.

- Their impairment is hidden and they feel embarrassed about bringing it up because it may be seen as trivial.
- Previous negative experiences in employment have left them worried about raising it.
- They may not like to ask for help or feel that they can manage and want to fit-in and not make a fuss.
- They are scared of losing their job.
- They think that they will be received unsympathetically or be told to “just get on with it”.

5.1.1 The anticipatory duty placed upon the Trust requires staff to take reasonable steps to find out whether reasonable adjustments are needed. Such steps might include:

- Recruitment stage (pre-appointment) – applicants will be asked if they require any reasonable adjustments to enable them to attend their interview for a specific post.
- Asking all staff at appointment with the Trust if they have any additional needs as a result of an impairment or health condition. A clear explanation of why such information is sought, who else will see or have access to the information, what will be done with the information and how it will be used to trigger follow-up support or adjustments should be provided. Rather than asking staff to identify if they are disabled, it is more useful to ask if a member of staff may need any adjustments and what they may be.
- An example statement for use verbally or in written communications is: *‘The Trust aims to be an equal opportunities and diverse employer. Please let us know if you have any access needs regarding premises, information, communication media or with regard to participating in our processes, services and events’.*
- Providing on-going opportunities for disclosure since many new staff may be hesitant to disclose additional needs at the start of employment. This might be done through the annual Appraisal process and/or, reminders of support available to meet additional needs at team briefings, and through email bulletins etc.
- Ensuring that staff are informed of the Trust’s positive stance towards recruitment and retention of disabled staff through practices such as attaining and using the two-ticks accreditation symbol and ensuring high profile for the Disabled Staff Support group (MAPLE).
- Projecting a clear welcoming message to the public and staff through literature i.e. recruitment, Trust Annual Report, ensuring full access to website, using appropriate language in written materials and showing positive photographs or illustrations of disabled people.
- In compliance with the Act, ensuring Trust-wide promotion of equal opportunities for and positive attitudes towards disabled people, as well as elimination of unlawful discrimination and harassment.
- Signpost staff during induction and core mandatory training to key aspects of the policy in the context of equality and human rights awareness.

5.2. Step 2 - Action to be taken when notified that a person has additional needs

Under this policy all staff who are notified that a person is disabled and requires reasonable adjustments to be made, have a duty either:

- To investigate and implement such adjustments (if they are in position of event organiser / facilitator or manager for that employee); or
- To advise the member of staff to talk to his/her line manager about their additional needs (if a colleague has disclosed privately or in confidence). Please note: Issues of confidentiality are addressed in section. 5.2.4.

5.2.1 If a person requests adjustments to be made, then it is the line manager's responsibility to investigate and implement them as fully as possible, taking advice from the range of sources given below and in accordance with any request for confidentiality. Refusal to make an adjustment, or any decision to substitute a request for a specific adjustment for an alternative one, must be explained in full and in writing to the Director of Human Resources and OD. They will have the responsibility for the final decision on the appropriate course of action.

N.B: It is important to remember that only a Chair of an Employment Tribunal has the authority to determine whether a person's impairment or health condition affords them protection under the law

5.2.2 When determining the kinds of adjustments that might be both reasonable and appropriate, staff may wish to take advice from:

- The disabled person himself/herself, who will know their own needs and, in most cases, the kinds of adjustments that will be most effective
- Occupational Health, who may provide a report of recommendations regarding working environment and practices.
- Health and Safety, who may undertake a risk assessment and indicate any changes to procedures, provision of additional training or purchase of extra equipment that is required.
- Access to Work, who will fund a 'Vocational', 'Ergonomic' and/or 'technology and equipment' assessment of need for the employee that is undertaken by an appropriate impairment or medical specialist, and that recommends solutions to any potential barriers. In most cases, Access to Work will fund whole or part of these recommendations (see Appendix 5 for details). Other internal/external personnel with appropriate expertise that might include Estates, IM&T, and local/national specialist organisations for disabled people e.g. Health@Work, REMPLOY, and Leicestershire Centre for Integrated Living (LCIL) <http://www.lcil.org.uk>. There may be occasions where multi agency advice is linked together to ensure the needs and adjustments are most effective.

5.2.3 Where the impairment and need for adjustments is clear, no proof of confirmation is necessary. However, for hidden impairments or long-term health conditions, evidence of need might be requested prior to undertaking adjustments (such as medical confirmation, or Educational Psychologist's report in the case of Dyslexia or other learning difficulties).

5.2.4 Confidentiality

Staff who are made aware of a colleague's impairment or health condition in confidence must:

- Advise the colleague to discuss their needs with their line manager, or other departmental manager, drawing their attention to this policy and other appropriate documents and corporate commitments.
- Advise the staff of other sources of support available (such as Union and Staff Associations, staff networks, counselling services such as AMICA etc.
- Discuss options regarding confidentiality (such as if, how and on what terms any aspect of the disclosed information might be brought to the attention of management, whether information might be shared anonymously, etc.)
- If individuals feel that the disclosed information may have health and safety or legal implications, inform the person of the extent to which confidentiality can/cannot be maintained, and of the obligation to inform management. The disabled person must be included in all discussions regarding his/her impairment or health condition.

5.2.5 Permissible Breach - An individual's breach of confidentiality can only occur where the disabled person's own safety is at risk, where the safety of others is at risk, or where a failure to disclose may result in criminal activity. Please see Data Protection and Information Sharing Policy plus the Individual Information Rights Policy for more information or go to the Data Privacy team for advice regarding confidentiality matters.

5.2.6 The Trust recognises that in some situations other colleagues may become aware of a staff members impairment or health condition that requires a reasonable adjustment to be made (regardless of whether or not there will be an outcome of a reasonable adjustment). Should this be the case the information must be treated as confidential and cannot be forwarded to a third party without the consent of the staff member concerned. This is because the impairment /health condition of the staff member is classed as 'special category data' under the General Data Protection Regulation (GDPR) (EU) 2016/679 and the Data Protection Act 2018.

5.3 Step 3 - Making Reasonable Adjustments

5.3.1 The Act does not provide employers with a complete list of adjustments because adjustments may vary between members of staff, their experience of their impairment and the type of work they carry out. Subsequently there is no 'one size fits all' method to use. Some examples of reasonable adjustments that you can make include (this list is not exhaustive):

- Flexible working arrangements in relation to hours, location and distribution of duties.
- Disability leave or time off for assessment, rehabilitation, treatment or counselling.
- Making adjustments to premises to enhance access for individuals with physical or sensory impairments, mental health or learning needs, or health conditions such as epilepsy or diabetes.
- Acquiring or modifying equipment e.g. magnifier, induction loop, desk-lamp, larger PC screen, adjustable-height furniture, voice activated software or a telephone adapted with an amplifier.

- Providing additional training.
- Providing additional supervision or mentoring.
- Transcribing or modifying instructions e.g. putting agendas, minutes or other information into accessible formats such as large font, Braille or CD-ROM, making documentation available electronically via email attachment or on the Intranet.
- Modifying procedures for testing or assessment.
- Providing a reader or interpreter.
- Allowing the member of staff to work in a private room if most work is done in an open-plan office.
- Redeployment of an employee into a suitable alternative role. Please refer to the Attendance Management and Wellbeing Policy and Procedure.
- Allowing extra breaks to help an employee cope with fatigue
- Moving a work base - for example, transferring to a ground-floor office if breathlessness makes it difficult to climb stairs

N.B: In defining what is 'reasonable' for the purposes of the Act, only a court or employment tribunal can confirm this. In doing so, they will consider the following factors:

- The effectiveness of the adjustment in preventing the disadvantage.
- The practicality of the step.
- The financial and other costs to the Trust.
- The extent of any disruption caused.
- The extent of the Trust's financial and other resources.
- The extent of financial assistance that might be given to the Trust through, for example the Access to Work scheme
- The impact on other staff.
- Any prescribed standards or professional requirements for the role.
- Adjustments made for other disabled staff.
- The extent to which the disabled person is willing to co-operate.

5.4 Step 4 - Tailored Adjustment Agreement - Health Passport

5.4.1 A template of the 'Tailored Adjustment Agreement – Health Passport' can be found in Appendix 2. A 'Tailored adjustment agreement – Health Passport' is a living record of reasonable adjustments agreed between a disabled employee and their line manager.

5.4.2 The purpose of the agreement is to:

- Ensure that both parties, the individual and the manager, have an accurate record of what has been agreed.
- Minimise the need to re-negotiate reasonable adjustments every time the employee changes jobs are re-located or assigned a new manager within the organisation.
- Provide employees and their line managers with the basis for discussions about reasonable adjustments at future meetings.

5.4.3 A tailored adjustment agreement – health passport should be completed within 3 months of the disability being highlighted to management. The agreement is a live document and should be reviewed regularly by both the employee and manager and amended as appropriate by either side. As a minimum a bi-annual review

should be undertaken. Expert advice from third parties, such as occupational health, Access to Work or IT specialists may be needed before changes can be agreed and implemented.

- 5.4.4 New line managers of employees with 'Tailored adjustment agreements – health passport' should accept the adjustments outlined in the agreement as reasonable and ensure that they continue to be implemented. The agreement may need to be reviewed and amended at a later date, but this should not happen until both parties have worked together for a reasonable period of time.

The agreement allows the employee to:

- Explain the impact of their disability at work.
- Suggest adjustments that will make it easier for them to do their job.
- Obtain further information from their doctor, specialist or other expert.
- Request an assessment by occupational health, Access to Work or another expert.
- Review the effectiveness of the adjustments agreed.
- Explain any change in circumstances.
- Be reassured that their line manager knows what to do if the employee becomes unwell at work and who to contact if necessary.
- Know how and when their line manager will keep in touch if the employee is absent from work because of illness or a disability related reason.

- 5.4.4 The agreement allows the line manager to:

- Understand how a particular employee's disability affects them at work.
- Explain the needs of the business or organisation.
- Explain the organisation's Attendance Management and Wellbeing Policy and Procedure and Reasonable Adjustments Policy.
- Recognise signs that an employee might be unwell and know what the employee wants to do in these circumstances including who to contact for help.
- Know how and when to stay in touch if the employee is off sick.
- Consider whether or not the employee needs to be referred for an assessment by an occupational health or another adviser to help both parties understand what adjustments are needed.
- Review the effectiveness of the adjustments already agreed including the continuing need for such arrangements.

5.5 Step 5 - Review of Fitness for purpose

- 5.5.1 It is important to remember that a reasonable adjustment that has worked effectively for many years may stop being as effective as the person's impairment or health condition changes or the nature of the work itself changes. It is equally important to remember that two people with the same impairment may require different reasonable adjustments to be made.

- 5.5.2 It is recognised that in some cases an adjustment may be put in place, which the person with the responsibility to do so believes is effective, but which the disabled member of staff feels is not adequate.

- 5.5.3 In this situation, the line manager should take the following action:

- Review the effectiveness of the adjustment to identify concerns (if any).
- Discuss alternatives that could address the difficulties identified.

- Seek specialist advice from internal and external sources (e.g. Occupational Health, Equality and Human Rights team, a disability employment advisor at Jobcentre plus, etc.) and health and Safety.
- Implement new reasonable adjustments if relevant.
- Review the effectiveness on a regular basis. A review must take place at least every 12 months or more frequently if required.

5.5.4 The member of staff concerned has a responsibility to co-operate with this process.

6.0 Disability Leave

- 6.1 Disability leave is not the same as Sick Leave or Special Leave. Disability leave is a 'reasonable adjustment' under the Equality Act (2010) and is distinct from sickness absence as it includes time when an employee is well but absent from work for a disability related reason.
- 6.2 A maximum of 6 days paid leave (45 hours) pro rata for part time workers, can be requested by employees per annual leave year (April to March) and should be monitored and recorded appropriately. It should be noted that this time can be taken in hours or days, where appropriate and can include travel time
- 6.3 A Disability Leave request form (Appendix 3) must be completed and sent to your line manager. Managers may wish to seek advice from the HR department when considering requests for Disability Leave and please refer to Appendix 4 Frequently Asked Questions for further information.
- 6.4 Some examples of reasons for planned disability leave (but are not limited to leave that is associated with their disability for the following:-
- Hospital, doctors, or complementary medicine practitioner's appointments (by accredited practitioners)
 - Hospital treatment as an outpatient
 - Assessment for such conditions as dyslexia and dyspraxia etc.
 - Hearing aid tests
 - Training with a guide dog or hearing dog
 - Counselling/ therapeutic treatment
 - Physiotherapy/Occupational therapy/Speech & Language therapy
 - Patient education
 - The adjustment/mending of technical aids.
- 6.5 Where disability leave is being accessed for a medical appointment employees are required to bring evidence of such appointments to their line manager.
- 6.6 There may be exceptional occasions where an employee requires a period of unplanned disability leave for a longer period than the maximum of 6 days (45 hours) pro rata for part time workers. Some examples may include (but are not limited to):
- A period of time off while reasonable adjustments are made at work
 - To allow an employee with either a newly acquired disability, or where there has been a significant change in the condition, to make changes inside and outside work, in order to accommodate their disability where there is a need for substantial changes to be made.

- 6.7 In such circumstances the employee can submit a disability leave request form (Appendix 3) to their line manager for an extended period of disability leave. Such cases will be approved at the discretion of the head of service.
- 6.8 Every effort should be made not to delay the return of an individual who is fit to return to work.
- 6.9 Employees must be clear that the Trust is entitled to expect a reasonable level of attendance from all staff members. Although the Equality Act will be considered when managing sickness absence, it will not automatically prevent a member of staff from going through the levels of the Attendance Management and Wellbeing Policy and Procedure.
- 6.10 If an employee is absent due to sickness and it becomes clear that they may now qualify for disability leave they should discuss this with their line manager and submit a Disability Leave Request Form (Appendix 3).
- 6.11 Time spent on Disability Leave is counted as continuous service for all contractual benefits, including accruing annual leave, sick leave, and pension rights.
- 6.12 Disability leave must not be included for the purposes of assessing performance, promotion, attendance, selection for redundancy, and similar issues. To do so might discriminate against the employee with a disability.
- 6.13 Disability leave should be recorded by managers separately as 'disability' and 'non-disability-related' absences. Appendix 3 must be completed and signed by managers recorded onto the Electronic Staff Record system (ESR) or health roster.
* For line managers / ESR – to record on to ESR, select the following:
- Absence Type: Special Increasing Balance
 - Absence reason: Disability leave.
 - If using Health roster – create an unavailability; the group will equal other leave and the reason should be DL (Disability Leave).
- 6.14 Line Managers are expected to keep a record of the number of 'Disability Leave' days taken throughout the leave year.
- 6.15 Appeals about the amount of disability leave allowed should be dealt with through the Trusts Grievance and Disputes Policy and Procedure.
- 6.16 If an employee does not believe they are disabled or does not wish to be included under the definition then disability leave does not apply.

7.0 Action to be taken when Health and Safety advice conflicts with this Policy

- 7.1 It is recognised that sometimes advice given from a Health and Safety perspective may conflict with this policy. Whilst the Health and Safety at Work etc Act 1974 and related regulations are prioritised above the Equality Act (in that employers are not expected to place disabled and other staff at inappropriate risk), The Equality Act does require consideration of any potential Reasonable Adjustments that, if implemented, might lessen the risks posed.
- 7.2 All advice must be reviewed carefully to ascertain the extent to which an adjustment might mitigate or reduce risk, and even apparently hazardous situations may be managed with reasonable adjustments by, for example, adapting procedures, purchasing equipment or providing additional training. The risk assessment process

itself may provide opportunities to consider and, where possible, implement reasonable adjustments to remove or reduce the risk to as low as is reasonably practicable. If, after attempting all Reasonable Adjustments, it is found that unacceptable risk still remains and a risk assessment is required, it is important to ensure that it:

- Focuses upon facts and not assumptions.
- Assesses the individual and avoids blanket assumptions.
- Involves the member of staff in discussions to identify how any risks may be overcome.
- Applies best medical evidence on prognosis, and associated hazards and risks as this impact upon the individual.
- Relates to the individual and the requirements of the job.
- Considers all relevant occupational factors.
- Identifies the actual duration and frequency of hazardous situations.

7.3 Where a risk remains substantial despite any control measures and adjustments being implemented, an alternative 'reasonable adjustment' may be redeployment to another suitable alternative post where the risk does not arise. Any such decision, however, must be in consultation with the member of staff, line manager an HR Advisor and Occupational Health. The disabled person has the right to representation if they wish. Redeployment should be to a position where the disabled person has a reasonable chance of fulfilling all core duties of the new role, and where there is provision for re-training prior to assuming the new duties if this is required.

Please refer to **Appendix 15** of the Attendance Management and Wellbeing Policy and Procedure.

7.4 If the risk is insubstantial in that there is no adverse impact on others and only to a minimal degree on the disabled person him/herself, and the member of staff states that they are happy to continue working, their wish should be respected where possible. As an employer the Trust is expected so far as is reasonably practical to do all it can to eliminate risk in the workplace, but the law does recognise that all risks cannot be removed absolutely. In this instance, explicit informed consent in writing by the disabled member of staff is essential, and a copy of this must be kept in his/her personal file, with signatures of the member of staff, his/her manager and HR representative.

8.0 Grievance

Where it is apparent that the only reason the employee is dissatisfied with the existing reasonable adjustment is because the employee would have preferred an alternative adjustment, but it is the line managers opinion that this may not be effective in practice, there is no reason to change the adjustment that is already in place for the employee. The sources of support and guidance given at Section 16 may be of help in this situation.

A member of staff who is dissatisfied after reasonable adjustments have been put into place and attempts to resolve issues locally have not worked, employees can raise their concern via the Trusts Grievance Policy and Procedure.

9.0 Exclusions

The only circumstances that permit less favourable treatment occur when the employee genuinely cannot do the job for which they are employed or any other job

that might reasonably offered, or when reasonable adjustments to the workplace are either impracticable or demonstrably beyond the resources available to the Trust.

10.0 Training and Resources

The Trust acknowledges the importance of awareness and skills training for managers to ensure the effective implementation of this Policy. This is provided by the Human Resources Operational Team through a variety of formal and informal means including essential attendance for all new line managers on the Attendance Management and Wellbeing training refresher training for line managers; informal policy briefings; guidance tool kits; tailored ad-hoc training sessions.

11.0 Monitoring Compliance and Effectiveness

Criteria	Measurable	Frequency	Reporting to	Action Plan/Monitoring
Number of Tailored Adjustment Agreements implemented	Year Average	Monthly	SWC	Head of HR/Line Manager
No of grievances raised in relation to the implementation of reasonable adjustments	Year Average	Monthly	SWC	Head of HR/Line Manager

11.1 Management and Review of Policy

The Human Resources Team will be responsible for the management of this policy. The policy may be reviewed and amended at any time if deemed necessary. Notification of any changes to policies will be communicated to all staff.

11.2 Staff should be aware that the Trust intranet site version of this document is the only version that is maintained and controlled.

Note: Any printed copies should be viewed as 'uncontrolled' and as such may not necessarily contain the latest updates and amendments.

12.0 Standards and Key Performance Indicators:

TARGET/STANDARDS	KEY PERFORMANCE INDICATOR
Staff must be given the support, training and supervision they need to help them do their job. (21) of the Health & Social Care Act (2008) (Regulated Activities Regulations 2010 <u>CQC essential standards</u>)	That the Trust maintains compliance with CQC registration standards, this policy supports outcome standards 14

13.0 Dissemination and Implementation

We will communicate our policy clearly to employees at all levels of the organisation, as well as to other individuals and organisations that come into contact with the Trusts, such as general practitioners, job applicants, and contractors. Wherever appropriate we will ensure that contractors and other parties abide by the standards and requirements of this policy.

- All new employees will receive information about this policy and their responsibilities as part of their induction to the Trust.
- Existing employees will be briefed about this policy by their line manager.
- Progress reports and updates, including monitoring data, will be communicated to employees through staff newsletters and team-briefings.

14.0 Due Regard

- 14.1 The Trust is committed to an environment that promotes equality and embraces diversity in its performance as an employer and service provider. It will adhere to legal and performance requirements and will mainstream equality and diversity principles through its policies, procedures and processes.
- 14.2 This policy has been developed in context of paying due regard to the Public Sector Equality Duty (Equality Act 2010) to eliminate unlawful discrimination, harassment, victimisation; and advance equality of opportunity and foster good relations.
- 14.3 The Trust will endeavour to make reasonable adjustments to accommodate any employee.
- 14.4 Due regard will also be demonstrated through the use of human resources best practice and have adherence to all relevant employment legislation.
- 14.5 In addition to the examples highlighted above, equality monitoring of all relevant protected characteristics to whom the policy applies will be undertaken. Robust actions to reduce, mitigate and where possible remove any adverse impact will be agreed and effectively monitored.
- 14.6 This policy will be continually reviewed to ensure any inequality of opportunity for service users, patients, carers and staff is eliminated wherever possible (*please see Appendix 6 for Due Regard*).

15.0 Associated Policies

To support effective implementation and understanding the following policies are signposted for additional guidance.

- Carers Policy
- Anti-Bullying, Harassment and Victimisation (Dignity at Work) Policy
- Disciplinary Policy and Procedure
- Equality, Diversity and Inclusion Policy
- Flexible Working Policy and Procedure
- Grievance and Disputes Policy and Procedure
- Health and Safety Policy
- Display Screen Equipment Policy
- Control of Substances Hazardous Policy and Procedure

- Health and Safety Personal Protective Equipment Policy
- Recruitment and Selection Policy
- Attendance Management and Wellbeing Policy and Procedure
- Special Leave Policy
- Supporting Performance Policy.

These policies can be found on [Staffnet](#).

16.0 Useful Contacts and links

- Human Resources Team Secretary on 0116 295 7520, who will direct you to the appropriate HR Advisor.
- Equality, Diversity, and Inclusion Team
0116 295 7520 or 01162957680
Email: LPT.EDI@nhs.net
- Occupational Health
0116 258 5307
Email: OAdmin@uhl-tr.nhs.uk
- Trade Union/Professional Organisation accredited representative
0116 2294050
- Direct Gov. www.direct.gov.uk
- **Access to Work Programme**
The Access to Work is a telephone-based service. **When making an application quote ER1.**
Tel: 0800 121 7479
Textphone: 0800 121 7579
E-mail: atwosu.london@dwp.gov.uk
- Access to work. www.gov.uk/access-to-work
- Department of work and pension. www.gov.uk
- Remploy Workplace Support. www.remploy.co.uk
- Equality and Human Rights Commission. www.equalityhumanrights.com
- Macmillan Cancer - Information working with cancer. www.macmillan.org.uk
- Mosaic shaping disabilities services provide support for people living in Leicester city. www.mosaic1898.co.uk
- Helping hands provide support for people living in Leicestershire County Council. www.helpinghandshomecare.co.uk
- Recovery College ((run by Leicestershire Partnership Trust). www.leicspart.nhs.uk/service/leicestershire-recovery-college

17.0 References

- Providing disability and reasonable adjustments A worker's guide to evidence under the Equality Act 2010 4th Edition.
www.gov.uk/government/publications/equality-act-guidance
- Mental Health First Aid. mhfengland.org
- Action for happiness organisation. www.actionforhappiness.org
- Time to Change – Information and resources to tackle stigma and discrimination.
www.time-to-change.org.uk
- LLR Mental Health & Wellbeing Hub
Webpage: Llrstaffwellbeing.org
Tel: 01162544388
E-mail: mhwb.hub@nhs.net

Appendix 1

The Meaning of Disability

1. When is a person disabled?

A person has a disability if they have a physical or mental impairment, which has a substantial and long-term adverse effect on his/her ability to carry out normal day-to-day activities.

2. What conditions / impairments are covered by the Act?

With the exception of cancer, HIV and multiple sclerosis, there is no definitive list of conditions / impairments which are covered by the Act. Each case must be considered individually, based on the definition given above taking into consideration the effects of the impairment on the individual. The definition might include, for example, people with the following:

- sensory impairment (vision and hearing)
- heart conditions
- musculoskeletal conditions such as back problems
- recurring or fluctuating conditions, such as arthritis or asthma
- mental health problems, such as depression
- epilepsy
- dyslexia
- diabetes
- severe disfigurements
- learning disabilities.

It should also be noted that individuals who are registered as blind or partially sighted by a local authority, or who are certified as being blind or partially sighted by a consultant ophthalmologist are automatically treated under the Act as being disabled.

If an individual has been disabled in the past due to a condition from which they have since recovered or from which they are in remission, then they are still protected from discrimination, victimisation or harassment by the Act.

3. What about people who have recovered from a disability?

People who have had a disability within the definition are protected from discrimination even if they have since recovered.

4. What does 'impairment' cover?

It covers physical or mental impairments; this includes sensory impairments, such as those affecting sight or hearing.

5. Are all mental impairments included?

The term 'mental impairment' is intended to cover a wide range of impairments relating to mental functioning, including what are often known as learning disabilities.

6. What is a 'substantial' adverse effect?

A substantial adverse effect is something which is more than a minor or trivial effect. The requirement that an effect must be substantial reflects the general understanding of disability as a limitation going beyond the normal differences in ability which might exist among people.

7. What is a 'long-term' effect?

A long-term effect of an impairment is one:

- which has lasted at least 12 months, or
- where the total period for which it lasts is likely to be at least 12 months, or
- which is likely to last for the rest of the life of the person affected.

Effects which are not long-term would therefore include loss of mobility due to a broken limb which is likely to heal within 12 months and the effects of temporary infections, from which a person would be likely to recover within 12 months.

8. What if the effects come and go over a period of time?

If an impairment has had a substantial adverse effect on normal day-to-day activities but that effect ceases, the substantial effect is treated as continuing if it is likely to recur; that is if it is more probable than not that the effect will recur.

9. What are 'normal day-to-day activities'?

They are activities which are carried out by most people on a fairly regular and frequent basis.

The term is not intended to include activities which are normal only for a particular person or group of people, such as playing a musical instrument, or a sport, to a professional standard or performing a skilled or specialised task at work.

However, someone who is affected in such a specialised way but is also affected in normal day-to-day activities would be covered by this part of the definition. The test of whether an impairment affects normal day-to-day activities is whether it affects one of the broad categories of capacity listed in Schedule 1 to the Act. They are:

- mobility
- manual dexterity
- physical co-ordination
- continence
- ability to lift, carry or otherwise move everyday objects
- speech, hearing or eyesight
- memory or ability to concentrate, learn or understand, or
- perception of the risk of physical danger.

10. What about treatment?

Someone with an impairment may be receiving medical or other treatment which alleviates or removes the effects (though not the impairment). In such cases, the treatment is ignored, and the impairment is taken to have the effect it would have had without such treatment. This does not apply if substantial adverse effects are not likely to recur even if the treatment stops (i.e. the impairment has been cured).

Members of staff requiring treatment for an impairment must be allowed time off work to attend. This must be recorded as disability related absence and not counted as sickness absence.

11. Does this include people who wear spectacles?

No. The sole exception to the rule about ignoring the effects of treatment is the wearing of spectacles or contact lenses. In this case, the effect while the person is wearing spectacles or contact lenses should be considered.

12. Are people who have disfigurements included?

People with severe disfigurements are covered by the Act. They do not need to demonstrate that the impairment has a substantial adverse effect on their ability to carry out normal day-to-day activities.

13. Are there any other people who are automatically treated as disabled under the Act?

Anyone who has HIV infection, Cancer or Multiple Sclerosis is automatically treated as disabled under the Act. In addition, people who are registered as blind or partially sighted, or who are certified as being blind or partially sighted by a consultant ophthalmologist are automatically treated under the Act as being disabled. People who are not registered or certified as blind or partially sighted will be covered by the Act if they can establish that they meet the Act's definition of disability. Please refer to the HIV in Employment Policy for further information and guidance regarding HIV.

14. What about people who know their condition is going to get worse over time?

Progressive conditions are conditions which are likely to change and develop over time. Where a person has a progressive condition, they will be covered by the Act from the moment the condition leads to an impairment which has some effect on ability to carry out normal day-to-day activities, even though not a substantial effect, if that impairment is likely eventually to have a substantial adverse effect on such ability.

15. Are people with genetic conditions covered?

If a genetic condition has no effect on ability to carry out normal day-to-day activities, the person is not covered. Diagnosis does not in itself bring someone within the definition. If the condition is progressive, then the rule about progressive conditions applies.

16. Are any conditions specifically excluded from the coverage of the Act?

Yes. Certain conditions are to be regarded as not amounting to impairments for the purposes of the Act. These are:

- addiction to or dependency on alcohol, nicotine, or any other substance (other than as a result of the substance being medically prescribed)
- seasonal allergic rhinitis (e.g. hay fever), except where it aggravates the effect of another condition
- tendency to set fires
- tendency to steal
- tendency to physical or sexual abuse of other persons
- exhibitionism
- Voyeurism.

Also, disfigurements which consist of a tattoo (which has not been removed), non-medical body piercing, or something attached through such piercing, are to be treated as not having a substantial adverse effect on the person's ability to carry out normal day-to-day activities.

Source From "the Duty to Promote Disability Equality: Statutory Code of Practice, Appendix B".



Health Passport

Name:

Role:

This is your health passport, which you own and can take with you as you move through roles within the NHS.

The passport is where you can store information about a disability, long-term health condition, mental health issue, or learning disability/difficulty.

How to use the passport

You can use the passport to tell a new line manager about your health and anything you have in the workplace which enables you to carry out your role. For example, this could be:

- different start and finish times
- regular breaks at work
- a specific seat at your desk
- modifications to your desk
- any appointments you regularly need to attend to stay well at work.

You own this passport. It should be held by yourself and your current line manager in the department you work in.

You can make changes to the information within the passport when you need to. These should be shared with your line manager, and then recorded on the back page of the passport.

Information about you

The passport has three sections.



Things my manager should know about my disability or health condition.



Things that help me to do my role.



Things to avoid or that make my work more difficult.

In each section there is a space for you to provide this information. Providing this information will help your current and future manager(s) understand the best way to support you at work.

About my health condition or disability

Any useful information I would like my line manager or future line managers to know (including dates wherever possible. For example:

- Any tasks I need help with or cannot do easily.
- Any tasks which may take me longer to carry out.
- Any diagnosis I feel would be helpful for my manager to know.
- Any information regarding medication or interventions that I feel are relevant to work.

Information that helps make my time at work easier. Any reasonable adjustments made or needed to support me.



Time

What times of the day are you best able to work?



Space

What sort of space do you like working in?



Include information that helps you to access your role and makes your time at work easier. This could be reasonable adjustments you have had put in place to support you.

Things to avoid or that make work more difficult

What makes your time at work difficult, such as specific shifts or not having access to specific working arrangements or technology challenges that could be improved?



Communicating at work

How I like to be communicated with and given tasks (e.g. I like my tasks to be emailed to me to help me prioritise):

Appendix 2b

Health Passport for Screen Readers

Name: (add name here)

Role: (add role here)

This is your health passport, which you own and can take with you as you move through roles within the NHS.

The passport is where you can store information about a disability, long-term health condition, mental health issue, or learning disability/difficulty.

PART 1: How to use the passport

You can use the passport to tell a new line manager about your health and anything you have in the workplace which enables you to carry out your role. For example, this could be:

1. different start and finish times
2. regular breaks at work
3. a specific seat at your desk
4. modifications to your desk
5. any appointments you regularly need to attend to stay well at work.

You own this passport. It should be held by yourself and your current line manager in the department you work in.

You can make changes to the information within the passport when you need to. These should be shared with your line manager, and then recorded on the back page of the passport.

PART 2: Information about you

The passport has three sections.

- A. Things my manager should know about my disability or health condition.
- B. Things that help me to do my role.
- C. Things to avoid or that make my work more difficult.

In each section there is a space for you to provide this information. Providing this information will help your current and future manager(s) understand the best way to support you at work.

PART 3: About my health condition or disability

- A. Any useful information I would like my line manager or future line managers to know (including dates wherever possible. For example:
 - Any tasks I need help with or cannot do easily.
 - Any tasks which may take me longer to carry out.
 - Any diagnosis I feel would be helpful for my manager to know.
 - Any information regarding medication or interventions that I feel are relevant to work.

B. Information that helps make my time at work easier. Any reasonable adjustments made or needed to support me.

1. Time

What times of the day are you best able to work?

2. Space

What sort of space do you like working in?

3. Include information that helps you to access your role and makes your time at work easier. This could be reasonable adjustments you have had put in place to support you.

C. Things to avoid or that make work more difficult

What makes your time at work difficult, such as specific shifts or not having access to specific working arrangements or technology challenges that could be improved?

1. Time

2. Space

3. Equipment.

Communicating at work.

How I like to be communicated with and given tasks (e.g. I like my tasks to be emailed to me to help me prioritise).

PART 4: Keep your passport up-to-date

You can record any changes to your condition or to your working environment in the passport.

Please add the date and sign it so both you and your manager can check that you have the latest version.

Last updated (date)

Passport owner (signed)

Manager (signed)

Appendix 3

Disability Leave Request Form

For Completion by member of staff

Name:	Service:
Number of days/ hours requested:	Date(s) of Requested Absences:
Number of days taken to date in the current year (April to March):	
Reasons for current request:	
Signed:	Date:

For Completion by Line Manager

Disability Leave requested above granted? Yes No
 If no, please give reason in the box provided below

Total number of paid hours granted:

Previous entitlement taken

Recorded on Special Leave Record Sheet/ESR Self Service/ E Roster

Name of the manager Job Title

Signed Date

Note: If extended disability leave is being requested above the entitlement of 6 days (45 hours) pro rata for part time staff please send this form to Head of Service for approval. If you have any queries please contact your HR Advisor in the first instance for support/advice.

Copies of the completed form should be sent to your line manager.

Frequently Asked Questions

Q1. What is a reasonable adjustment?

A. A reasonable adjustment is an alteration that an employer could make that would enable a disabled person to continue to carry out their duties without being at a disadvantage compared to others. Under the Equality Act 2010, there is a **legal duty** on employers to make these reasonable adjustments for disabled employees.

Q2. How do I know if I am a disabled person according to the law?

A. The Equality Act 2010 says that a disability is a physical or mental impairment, which has a substantial and long-term adverse effect on your ability to carry out normal day-to-day activities. This definition includes impairments or medical conditions such as Cancer, HIV or MS.

Q3. What does a reasonable adjustment include?

A. A reasonable adjustment may include 'provisions, criteria and practices', 'physical features' and 'provision of auxiliary aids'.

The code of practice for (employment) for the Equality Act gives the following examples of reasonable adjustments:

- Making adjustments to premises
- Allocating some of the disabled person's duties to another person
- Transferring them to fill an existing vacancy
- Altering their working hours
- Allowing absence for rehabilitation, absence or treatment
- Arranging or giving extra training
- Acquiring or modifying equipment
- Modifying instructions or reference manuals
- Modifying procedures for testing or assessment
- Providing a reader or interpreter
- Providing supervision.

Q4. What is the purpose of an adjustment?

A. The purpose of implementing an adjustment for you is to ensure that you are able to perform to the best of your ability. This applies to whether an adjustment is made during the recruitment process or in the workplace itself.

Q5. What type of support is available to me if I have a disability?

A. The Trust offers a wide range of support to disabled members of staff. The extent of this support would be dependent on the needs and circumstances of the individual, who would be consulted on any reasonable adjustments which may need to be made. Two people with the same disability are not likely to need the same adjustments, as everyone is different, therefore adjustments would be made on a case by case basis.

In some cases, it may be possible to involve **Access to Work**, who are able to assess an individual within the workplace and recommend reasonable adjustments. These will not always be physical adjustments to the workplace.

If you feel you require adjustments or any other type of support, please contact your line manager or HR representative.

Q6. What happens if my condition changes?

A. It is likely that your condition will change over time, and consequently your support needs. It is important that you continue to be open and honest about what you require and to engage in the relevant discussions to fulfil your role.

Q7. What is Access to Work?

A. Access to Work is a scheme which is run by Jobcentre Plus. It can provide disabled people with financial support to help with increased costs for things such as travelling to work by taxi instead of using public transport, paying for a support worker, paying for specialized equipment or for physical alterations to the employer's premises.

Access to Work may also be able to help if a disabled person needs a communicator or BSL interpreter at a job interview.

Q8. Am I eligible for Access to Work?

A. If you are disabled and feel that you may need help through Access to Work you will need to be:

- Already working in paid employment
- Unemployed and about to start a new job
- Unemployed and about to start a Work Trial
- Self-employed.

Your impairment must stop or prevent you from being able to do parts of your job or the job you have applied for. It may be that your impairment does not have a big effect on what you can do every day but it must be a long-term effect rather than something short-term like a broken arm.

Q9. How do I contact Access to Work?

A. If you feel that your employment is likely to be affected by your impairment and that this impairment is likely to last for at least 12 months, you should contact either your local Access to Work contact Job centre, through the website, your line manager or HR Advisor.

Q10. What adjustments is the Trust legally required to make for disabled candidates and employees?

A. An employer has a duty to make 'reasonable adjustments'. What is deemed reasonable depends on the individual case and circumstances, including how necessary the adjustment is, how practical it is, and the financial or other resources of the organisation.

Q11. Who is responsible for implementing adjustments during the recruitment process?

A. Organising for adjustments to be made during the recruitment process is the responsibility of both the organisation and the individual. The organisation cannot be expected to guess what someone requires, and the applicants cannot expect the organisation to guess what they need. Both parties must communicate. The more open, honest and timely the communication, the more efficient the implementation process will be.

Q12. Do I have to tell my employer that I need an adjustment?

A. It is understandable that you may not wish to talk about the nature of your disability to your employers. However, in return, you must understand that it is difficult for your employers to provide what you need if you don't tell them. Should you not wish

to disclose the nature of your disability you could instead only discuss the impact of your condition on your ability to undertake the role. Whilst employers would encourage you to share so that maximum support can be offered, there is no obligation on you to disclose either the nature of your condition or its impact.

Q13. Who pays?

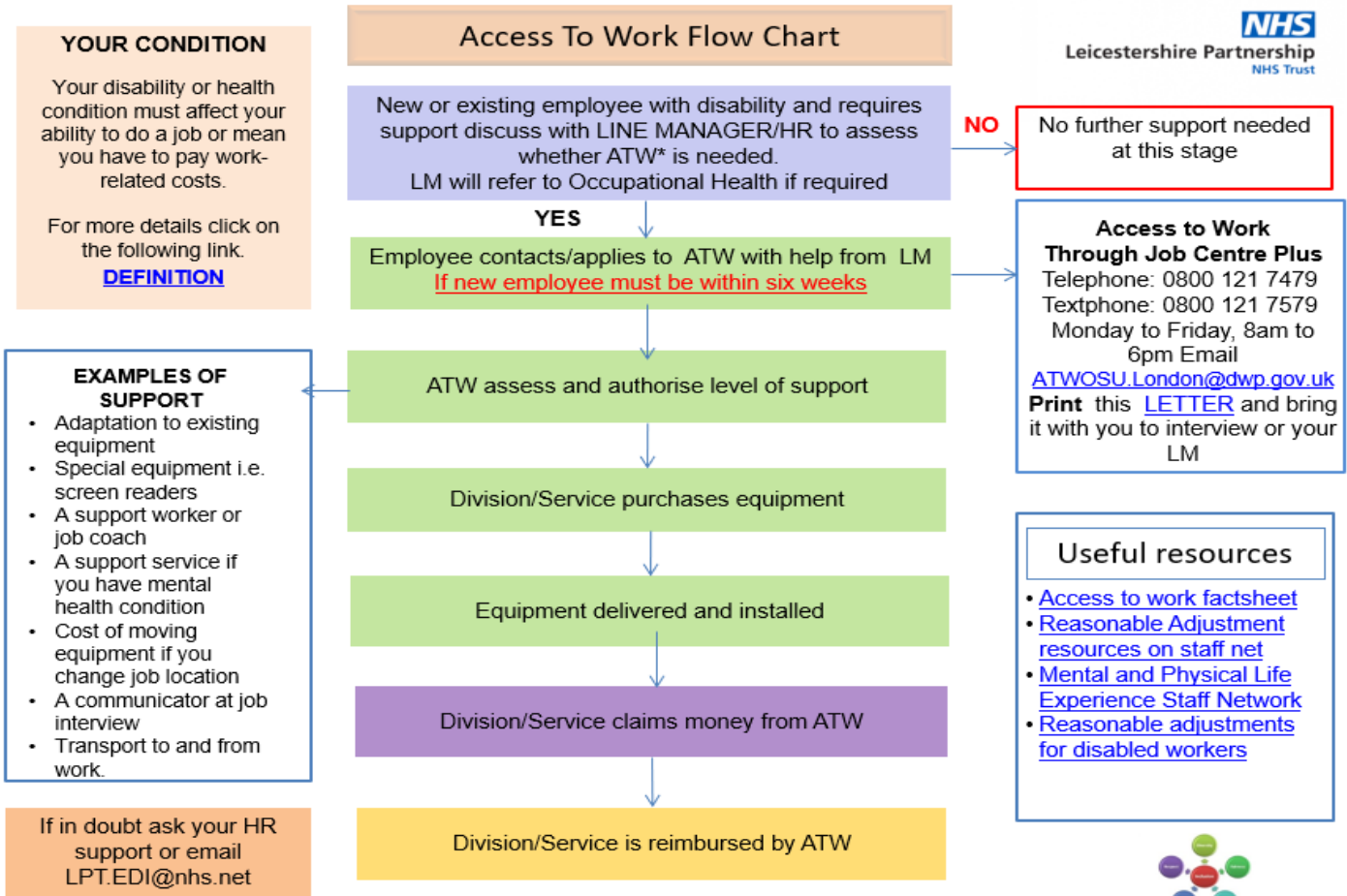
- A. The law forbids the employer from making a disabled worker pay for any of these adjustments, and financial assistance may be available from the Government for the employer under access to work funding if the disabled person qualifies for it (see contact details for Access to Work in Appendix 5).

Q14. What is Disability leave?

- A. A person with a disability should have their disability-related leave counted as a distinct and separate thing, and it can be argued for as a reasonable adjustment.

Appendix 5

Access to Work Flow Chart





Due Regard Equality Analysis

Section 1			
Name of activity/proposal	Reasonable Adjustment Policy		
Date Screening commenced	June 2021		
Directorate / Service carrying out the assessment	Equality, Diversity and Inclusion Team		
Name and role of person undertaking this Due Regard (Equality Analysis)	Leona Knott		
Give an overview of the aims, objectives and purpose of the proposal:			
<p>AIMS: The aim of the policy is provide support, guidance and advise on making 'Reasonable Adjustments' for staff who have a disability that is recognised and protected under the Equality Act 2010.</p> <p>OBJECTIVES:</p> <ul style="list-style-type: none"> To raise awareness amongst all managers and staff of the moral, social and legal obligations to make reasonable adjustments for people who are disabled or who have a long term health condition, and in particular, the requirements of the under the Act. To encourage disabled staff to declare their information which enables the Trust to abide request for 'Reasonable Adjustments' and to feel confident in the knowledge that they will be supported by the Trust should they require them. To provide managers staff who are responsible for making adjustments with information about their obligations under this policy, the procedure to follow, examples of adjustments that can be made and sources of support and guidance. To provide staff with the procedure to be followed if they feel that this policy is not being adhered to. To provide staff with the procedure to be followed if Health and Safety or Occupational Health advice conflicts with this policy statement. 			
Section 2			
Protected Characteristic	If the proposal/s have a positive or negative impact please give brief details		
Age	The policy has a positive impact, as the aim is to support staff who have or may through the duration of their employment with the Trust have a disability that impacts on them carrying out their role. This policy will provide guidance on the reasonable adjustments staff require to carry out the full responsibilities within their role.		
Disability	As above		
Gender reassignment	As above		
Marriage & Civil Partnership	As above		
Pregnancy & Maternity	As above		
Race	As above		
Religion and Belief	As above		
Sex	As above		
Sexual Orientation	As above		
Other equality groups?	As above		
Section 3			
Does this activity propose major changes in terms of scale or significance for LPT? For example, is there a clear indication that, although the proposal is minor it is likely to have a major affect for people from an equality group/s? Please tick appropriate box below.			
Yes		No - ✓	
High risk: Complete a full EIA starting click here to proceed to Part B		Low risk: Go to Section 4.	✓

Section 4

If this proposal is low risk please give evidence or justification for how you reached this decision:

The decision is based on the positive outcome staff will have when reasonable adjustments are implemented to support them carrying out their role.

Signed by reviewer/assessor	Leona Knott	Date	June 2021
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Sign off that this proposal is low risk and does not require a full Equality Analysis

Head of Service Signed	Kathryn Burt	Date	July 2021
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Appendix 7

Training Requirements / Training Needs Analysis

Training topic:	Reasonable Adjustments Policy
Type of training: (see study leave policy)	<input type="checkbox"/> Mandatory (must be on mandatory training register) <input checked="" type="checkbox"/> Role specific <input type="checkbox"/> Personal development
Division(s) to which the training is applicable:	<input checked="" type="checkbox"/> Adult Mental Health & Learning Disability Services <input checked="" type="checkbox"/> Community Health Services <input checked="" type="checkbox"/> Enabling Services <input checked="" type="checkbox"/> Families Young People Children <input checked="" type="checkbox"/> Hosted Services
Staff groups who require the training:	Managers and staff
Who is responsible for delivery of this training?	HR
Have resources been identified?	Yes
Has a training plan been agreed?	Will be delivered as part of HR training on the Attendance Management and Wellbeing Policy and Procedure.
Where will completion of this training be recorded?	<input checked="" type="checkbox"/> uLearn <input type="checkbox"/> Other (please specify)
How is this training going to be monitored?	

Appendix 8

The NHS Constitution

The NHS will provide a universal service for all based on clinical need, not ability to pay. The NHS will provide a comprehensive range of services.

Shape its services around the needs and preferences of individual patients, their families and their carers	<input type="checkbox"/>
Respond to different needs of different sectors of the population	<input type="checkbox"/>
Work continuously to improve quality services and to minimise errors	√
Support and value its staff	√
Work together with others to ensure a seamless service for patients	√
Help keep people healthy and work to reduce health inequalities	√
Respect the confidentiality of individual patients and provide open access to information about services, treatment and performance	√

Appendix 9

Stakeholders and Consultation

Key individuals involved in developing the document:

Name	Designation
Leona Knott	Equality, Diversity and Inclusion Co-ordinator
Vanda Walker	Human Resources Business Partner
Kim Dawson	Chair Maple Network

Circulated to the following individuals for comment:

Name	Designation
MAPLE Group	
All Staff Support Networks	
Lead Chairs of all Staff Support Networks	Black Asian and ethnic minority, Carers, Spectrum (LGBTQ+), Young Voices (16 – 25yrs), Women’s Network and Mental and Physical life experience.
Directors / Heads of Service and Direct Reports	
Operational HR Team	
Equalities Team	
Staffside	
Equality, Diversity & Inclusion Group	

Appendix 10

PRIVACY IMPACT ASSESSMENT SCREENING

<p>Privacy impact assessment (PIAs) are a tool which can help organisations identify the most effective way to comply with their data protection obligations and meet individual's expectations of privacy. The first step in the PIA process is identifying the need for an assessment.</p> <p>The following screening questions will help decide whether a PIA is necessary. Answering 'yes' to any of these questions is an indication that a PIA would be a useful exercise and requires senior management support, at this stage the Head of Data Privacy must be involved.</p>			
Name of Document:		Reasonable Adjustments Policy	
Completed by:		Vanda Walker	
Job title:		Human Resources Business Partner	Date: July 2021
			Yes / No
1. Will the process described in the document involve the collection of new information about individuals? This is information in excess of what is required to carry out the process described within the document.			No
2. Will the process described in the document compel individuals to provide information about themselves? This is information in excess of what is required to carry out the process described within the document.			No
3. Will information about individuals be disclosed to organisations or people who have not previously had routine access to the information as part of the process described in this document?			No
4. Are you using information about individuals for a purpose it is not currently used for, or in a way it is not currently used?			No
5. Does the process outlined in this document involve the use of new technology which might be perceived as being privacy intrusive? For example, the use of biometrics.			No
6. Will the process outlined in this document result in decisions being made or action taken against individuals in ways which can have a significant impact on them?			No
7. As part of the process outlined in this document, is the information about individuals of a kind particularly likely to raise privacy concerns or expectations? For examples, health records, criminal records or other information that people would consider to be particularly private.			Yes
8. Will the process require you to contact individuals in ways which they may find intrusive?			No
<p>If the answer to any of these questions is 'Yes' please contact the Data Privacy Team via Lpt-dataprivacy@leicspart.secure.nhs.uk In this case, ratification of a procedural document will not take place until review by the Head of Data Privacy.</p>			
IG Manager approval name:		Hannah Plowright	
Date of approval:		20/07/2021	

Acknowledgement: This is based on the work of Princess Alexandra Hospital NHS Trust