



**Workforce**

## **Guide to reasonable adjustments**

# Introduction

This guide will help managers understand the requirements for making reasonable adjustments to positively and constructively support disabled employees.

The guide forms part of the standard for workforce policies. These policies apply to all staff within NHSScotland, regardless of the board they are employed by.

NHSScotland seeks to create an inclusive workplace where the unique contribution of every individual is valued and encouraged, and equal treatment is applied. Equal treatment is fundamental in making sure all employees have the same access to opportunities. This may not always mean treating everyone in the same way.

<b>Who does this guide apply to?</b>	<b>3</b>
<b>What is a reasonable adjustment?</b>	<b>3</b>
Who is entitled to request adjustments?	4
<b>What is a disability?</b>	<b>5</b>
<b>Requesting adjustments</b>	<b>5</b>
Adjustments for applicants	6
Adjustments on appointment	6
<b>Implementing adjustments</b>	<b>7</b>
<b>Inability to implement adjustments</b>	<b>7</b>
<b>Reviewing adjustments</b>	<b>7</b>
<b>Resolution of disagreements</b>	<b>8</b>

# Who does this guide apply to?

It is essential that we create an inclusive and supportive working environment for all. This applies to applicants for employment, employees, and workers, including bank, agency, and sessional workers.

Other agencies may have requests that need to be implemented for individuals working on NHS premises who require adjustments. This may include volunteers, contractors, and those on placement, such as trainees, students, or work experience participants.

# What is a reasonable adjustment?

A reasonable adjustment is a change to remove or reduce a substantial disadvantage related to:

- A disabled employee when doing their job. This includes any aspect of an employee's job, including activities such as learning, development, or training.
- A disabled applicant when applying for a job.

The Equality Act 2010 sets out the duty to make reasonable adjustments. It requires employers to take positive steps to make sure that disabled people can access and progress in employment fairly.

A reasonable adjustment is essentially implementing a change. It is intended to help a disabled employee overcome any barriers that may be putting them at a disadvantage at work compared to other employees.

This means employers are required to take reasonable steps to:

- Avoid any substantial disadvantage that a policy or practice may put upon a disabled person, in comparison to someone who is not disabled.
- Remove or alter physical features or provide a reasonable means of avoiding such a feature, where it puts a disabled person at a substantial disadvantage compared to someone who is not disabled.
- Identify and provide aids or services without which a disabled person would be put at a substantial disadvantage compared to someone who is not disabled. For example, the provision of a

specialist piece of equipment, such as an adapted keyboard or text-to-speech software, or the provision of British Sign Language (BSL) interpreters.

- Consider other [adjustments to work pattern](#).
- Consider other [adjustments to work location](#).

In deciding whether an adjustment is reasonable, the following factors are considered:

- Effectiveness of the adjustment and the extent to which it would address a substantial disadvantage, or help the employee overcome a barrier.
- Practicability of the adjustment.
- Disruption caused by the adjustment.
- Health and safety implications of implementing the adjustment.
- Cost and financial implications of making the adjustment.
- The nature of the employer's activities and the size of the undertaking.

When determining these factors at a local level, you should be aware that there is a greater expectation that NHSScotland Boards can make reasonable adjustments. The size of the board and its available resources should be considered.

Reasonable adjustments should adopt a person-centred approach. Each employee's needs and circumstances vary. It is crucial to handle each request individually and fairly.

Prioritising employee wellbeing helps create an inclusive and productive work environment.

## **Who is entitled to request adjustments?**

The legal duty to make reasonable adjustments only applies to disabled employees or applicants. If a health requirement is not covered by the Equality Act 2010, attempts should be made to make adjustments wherever possible.

# What is a disability?

The Equality Act 2010 describes a disability as a physical or mental impairment that has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities. Long-term is defined as having lasted or is likely to last 12 months or more. Substantial means more than minor or trivial.

There are 4 main categories that can be used to define disabilities:

- behavioural or emotional
- sensory impaired disorders
- Physical
- developmental

In some circumstances, progressive conditions and those with fluctuating or recurring effects will also be classed as disabilities. Examples include Alzheimer's disease, motor neurone disease, muscular dystrophy, and Parkinson's.

An impairment involving severe disfigurement is treated as having a substantial adverse effect on the person's ability to carry out normal daily activities. In some circumstances, people with sight impairments are automatically treated as disabled.

Individuals with the following conditions are considered disabled under the Equality Act 2010 at the point of diagnosis:

- Cancer
- HIV infection
- Multiple sclerosis (MS)

## Requesting adjustments

Adjustments may be recommended by occupational health, access to work, or because of a [Health, safety, and wellbeing self-assessment](#).

Employees not covered by the Equality Act 2010 requesting changes to their work arrangements should follow the following policies:

- [Flexible Work Pattern Policy](#)
- [Flexible Work Location Policy](#)

Adjustment requests can be made at any time. When an employee makes a request for adjustments, the manager should engage in a timely manner. This will involve a discussion to understand the specific needs.

The discussion should be confidential, respectful, and non-judgmental. It is an opportunity to listen, ask questions, and gather the necessary information to help determine appropriate adjustments.

If a manager considers that an employee could benefit from an adjustment, they should discuss the types of support available. Managers should be aware that individuals may not consider themselves to have a disability.

Some adjustments can be agreed upon following an initial meeting between the employee and their manager. However, some adjustments may require:

- further consideration
- referral to occupational health for further information or support
- onward referral to agencies that may assist with aids or services

In all circumstances, employees will be asked to confirm that they consent to sharing information relating to their requirements. It is important to note that this information will only be shared with people who are involved in supporting the adjustment request.

## **Adjustments for applicants**

If a job applicant requests an adjustment to the recruitment process, they should inform the contact provided in good time, ahead of the interview. This will allow time for the request to be considered and implemented as appropriate.

## **Adjustments on appointment**

If a new employee requests adjustments for their appointed role, a discussion should occur as soon as possible. There may be occasions when assessments or occupational health need to be involved. Timescales should be kept to a minimum, and any delays should be communicated to the employee.

Workplace assessments or equipment and software trials may be required before a start date. Arrangements should be made with the employee so that all necessary support is in place for their start date.

## **Implementing adjustments**

Once they have been agreed, adjustments should be implemented as soon as possible. The actual length of time it will take to implement an adjustment could vary depending on the ease with which it can be made. For example, equipment may need to be ordered from a supplier, which may impact timescales.

Every effort should be made to prioritise the implementation of adjustments, and the employee should be updated on the expected timescale and progress. If there is expected to be a delay in implementing adjustments, then suitable interim arrangements should be discussed with the employee.

## **Inability to implement adjustments**

If an adjustment cannot be implemented, alternative ways of meeting the employee's needs should be considered. Where this is not possible or the employee disagrees with the alternatives, the manager should advise the employee in writing of the reasons why the request cannot be accommodated.

Consideration should be given to alternative ways of meeting the employee's needs within their current role. If the existing job cannot be altered to meet these needs, then suitable alternative employment should be explored with the employee in line with the [Redeployment Policy](#).

## **Reviewing adjustments**

Managers should regularly review and evaluate the adjustments and identify any further support required. This will help to make sure adjustments remain appropriate for the employee and the service.

The employee should inform their manager if their circumstances change in a way that would influence the suitability of the agreed adjustments. Similarly, if an employee changes roles or joins a different

team, they should consider whether the agreed-upon adjustments continue to be appropriate.

If a manager or employee feels that any adjustments are no longer effective, this should be discussed in a timely manner. Where required, specialist advice should be sought to inform this discussion.

## **Resolution of disagreements**

Should a disagreement arise, the employee has the right to raise matters under the [Grievance Policy](#). The manager or the employee may seek advice on resolving the matter from HR colleagues or a trade union representative. They should seek early resolution wherever possible.