

Reasonable adjustments and additional support

Consideration of Reasonable Adjustments

The Equality Act 2010 recognises that bringing about equality for disabled people may mean changing the way in which employment is structured, the removal of physical barriers and/or providing extra support for a disabled worker or job applicant.

This is the duty to make reasonable adjustments.

The duty to make reasonable adjustments aims to make sure that a disabled person has, as far as is reasonable, the same access to everything that is involved in getting and doing a job as a non-disabled person.

When the duty arises, the employer is under a positive and proactive duty to take steps to remove or reduce or prevent the obstacles a disabled worker or job applicant faces.

The employer only has to make adjustments where they are aware – or should reasonably be aware – that a person has a disability.

Many of the adjustments employers can make will not be particularly expensive, and employers are not required to do more than it is reasonable for them to do.

Assessing what is reasonable

The legal requirement is to make adjustments that are 'reasonable'. This duty falls to the organisation as a whole, so the resources (including finances and equipment) of the whole organisation need to be taken into account when deciding what is 'reasonable'.

The measure of what is a reasonable adjustment will depend on an institution's circumstances in relation to the:

- resources available
- cost of the adjustment
- practicality of the changes
- potential benefit to other staff, students and visitors

The extent of the duty to make adjustments will differ slightly depending on the context.

Definition of a Disability

Disability is defined in different ways for different purposes. For employment purposes, the UK definition is contained in the Equality Act 2010: a person is 'disabled' if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

'Long-term' means that the condition must last, or be likely to last, for more than 12 months, or is likely to last for the rest of the life of the person affected.

Individuals with cancer, multiple sclerosis or HIV/AIDS are covered from the date of diagnosis regardless of the impact that the illness is having on their life at the time of diagnosis

Types of Reasonable Adjustment

The sorts of adjustments that staff need are wide ranging and often low cost. For example, a change to working patterns to maximise energy levels, or supplying coloured paper to those with dyslexia cost little yet can have a great impact.

The following are examples of adjustments that employers might consider:

- Changes to job duties e.g. Exempting an employee with a back condition from doing heavy physical work
- Changes to the method of doing the job e.g. Allowing an employee who cannot drive on account of a medical condition to travel on business by some other means
- Changes to working hours e.g. agreeing a reduction in working hours or an exemption from overtime working, allowing a later or flexible start time, or granting more frequent or longer rest breaks
- A transfer to a different workplace e.g. Moving someone with limited mobility to a ground floor location or allowing partial homeworking;
- Adjustments to procedural requirements e.g. Allowing an employee who has returned after a period of sickness absence to take paid time off work to attend regular medical appointments, physiotherapy or rehabilitation;
- Additional or tailored training, coaching, mentoring or supervision e.g. if the employee is moved to new job duties as a result of partial incapacity;
- Modification of premises e.g. Widening a doorway or relocating door handles or shelves if the employee has difficulty reaching them;
- Provision of an auxiliary aid e.g. changing a key pad door entry system to a card swipe system where a blind employee is unable to use it;
- Modification of information e.g. supplying documents in a large font where an employee is visually impaired ; and/or
- Redeployment support e.g. to a suitable available vacancy (although the employee's express consent would be required)