

PREPARING TO MAKE REASONABLE ADJUSTMENTS FOR STAFF WITH LONG TERM HEALTH CONDITIONS AND IMPAIRMENTS

Social Model of Disability

The University is committed to working towards an understanding of the Social Model of Disability, thereby not focussing on an individual's medical condition or impairment, but instead identifying the impact of Disability in the structural, organisational, physical and attitudinal barriers that prohibit disabled people from achieving equality and inclusion of their needs, rights and requirements. It is vital that the barriers are removed or minimized wherever possible, thus avoiding a focus on the person's medical condition or impairment. The procedures are outlined in the Disability Policy for staff found at :

<http://www.sussex.ac.uk/disability/disabilitypolicy.shtml>

Managing disabled staff

You will need to consider whether adjustments are required when:

- **A disabled person applies for a job**
- **An existing employee develops a mental or physical impairment, or when the effects of an impairment change or increase**
- **There is a change in what a disabled employee does, for example, when duties change, or when the individual is given a new job or change of location**
- **When a disabled employee requires training**

You will also be required to consider making adjustments for temporary and contract workers.

The Disability Discrimination Act (DDA) says that an employer is not obliged to make an adjustment if there is no reason to suppose that an individual has a disability that is likely to affect his or her work. However, an employer must take all reasonable steps to find out whether this is the case. When recruiting, for example, you should invite applicants to indicate at the interview whether they require an adjustment to enable them to do the job. For existing employees, the annual appraisal system provides a similar opportunity.

Job specifications can play a key role on identifying what adjustments, if any, are necessary to enable a disabled person to do a particular job. They should focus on the essential requirements of the job.

Routine selection tests should be reviewed to ensure that they are strictly relevant to the post(s) to be filled. The conditions in which the tests are taken may need to be adapted to take account of an impairment. For example, job applicants with learning disabilities or dyslexia may need more time to do a test than is normally allowed. **Human Resources (Personnel) can advise further on these areas.**

JOINT PROBLEM-SOLVING

Because of their day-to-day experience, disabled people will usually be the experts on the effects of their impairment and how these can be overcome.

Discuss possible adjustments and engage in joint problem solving. Be open to suggestions about how jobs or working arrangements might be done differently.

When adjustments have been identified, be specific and put decisions in writing, with the timetable if necessary. Recognise that needs may change, and set up a simple mechanism for reviewing adjustments periodically. Ensure Risk Assessment and Personal Evacuation Plans (PEEPS) have been carried out, where appropriate. Refer to the Safety Office and web site for more information.

WHAT IF NO REASONABLE ADJUSTMENT IS POSSIBLE?

If no adjustment is possible which will enable a disabled person to perform the essential tasks of a job, there is no requirement to recruit that person. You will however, need to be able to show that:

- Essential job requirements were identified
- Possible adjustments were considered and discussed with the person
- Expert advice, where possible, was sought

WHAT IS REASONABLE?

Not all Adjustments are necessarily reasonable. A number of factors need to be assessed:

Consider:

- The effectiveness of the step in preventing the disadvantage, whether it will work or has been tried already
- The practicability of the step
- Health and safety (Risk Assessments must be carried out before this is justified)
- The extent to which the disabled person is willing to cooperate
- The availability to the employer of financial or other assistance to help make an adjustment (*Government's Access to work scheme can help with costs and in some cases will meet 100% of costs*)
- The financial and other costs of the adjustment and the extent of any disruption caused to other employees and the department

The significance of the cost of a step may also depend in part on the value of the employee's experience and expertise to the employer. Examples of the factors that might be considered as relating to the value of an employee would include:

- the amount of resources (such as training) invested in the individual by the employer;
- the employee's length of service;
- the employee's level of skill and knowledge;
- the employee's quality of relationships with clients;
- the level of the employee's pay.

It is more likely to be reasonable for an employer to have to make an adjustment with significant costs for an employee who is likely to be in the job for some time than for a temporary employee.

REASONABLE ADJUSTMENTS

Making adjustments to premises

The direction in which a door opens is altered for a wheelchair user.

- **Allocating some of the disabled person's duties to another person**

An applicant has an impairment that causes vertigo. The job for which he is applying involves carrying items up stairs on occasions, but he can otherwise do the job. The manager reallocates that minor requirement in the job to another employee.

- **Transferring the disabled person to fill an existing vacancy.**

A security guard develops multiple sclerosis and is unable to continue in the job because she has to give up driving. She is transferred to an admin support post requiring computer skills, for which she is given training.

- **Altering working hours**

An employee with a mental health problem takes medication with side - effects which make it difficult for him to be alert in the morning. He is allowed to start later in the day and work flexi-time.

- **Assigning the disabled person to a different place of work**

An employee develops an impairment requiring use of a wheelchair. Her workstation on the third floor becomes inaccessible and so she is transferred to the ground floor.

- **Allowing absence during working hours for rehabilitation, assessment or treatment**

An employee who develops Parkinson's disease requires a course of physiotherapy. He is given time off to attend for treatment.

- **Giving or arranging training**

A member of the computing service is offering training on a new system. To enable her to receive this training a visually impaired person is given additional software so that she can use a computer with speech output.

- **Acquiring or modifying equipment**

An employee with severe arthritis in the hands is given a laptop to enable note taking during meetings.

- **Modifying instructions or reference manuals**

A new operating manual is introduced. A Braille version is produced for a visually impaired employee. For an employee with a learning difficulty the supervisor provides oral instruction.

- **Providing a reader or interpreter**

A deaf employee who is being considered for promotion is to be interviewed by two senior managers. He lip-reads slowly which inhibits performance at an interview. To enable him to compete fairly with other candidates, a sign language interpreter is provided for the day of the interviews.

- **Providing supervision**

A support worker is made available when needed to help an individual whose impairment leads to uncertainty or lack of confidence.

The DDA list of 12 examples is not intended to be comprehensive. There will be situations where adjustments can be made which do not fall under any of the above headings.

CASE STUDIES- what are the barriers and how might they be removed?

Julie is an academic member of staff who has a permanent back injury. She has been off for 6 months from the university. Upon coming back to work she requests a gradual return and part time hours. She also needs to arrange someone to drive her, which restricts the time she can start and finish work. Her request for restricted hours is refused and she is told she must either work from home or come back full time when she is ready. She was also intending to apply for promotion prior to the injury but has now been told that she is behind on her research profile and cannot be appointed to senior lecturer unless she can show more evidence of published research. She has been advised to wait as there are other stronger candidates waiting for potential selection.

Amir is a clerical member of staff who has just become visually impaired. He is waiting for an assessment for specialist software so that he can continue in his post. He would like to undertake some training and is keen that his chances of promotion are not going to be hampered by his impairment.

Gary is a member of security staff who has been off sick for 3 months with stress because of bullying and harassment from a colleague and an incidence of violence at work involving a student that happened over 2 years ago. Gary's symptoms of stress involve anxiety, depression. He has been off sick for short periods over the last 2 years.

HELP, ADVICE AND INFORMATION

INTERNAL

PERSONNEL, HUMAN RESOURCES, SUSSEX HOUSE

EQUALITIES UNIT, SUSSEX HOUSE- equalities-unit@sussex.ac.uk

OCCUPATIONAL HEALTH- occupational-health@sussex.ac.uk

EXTERNAL

EMPLOYERS FORUM ON DISABILITY

Nutmeg House, 60 Gainsford Street, London SE1 2NY

Tel: 020 7403 3020

Text: 020 7403 0040

Fax: 020 7403 0404

Email: efd@employers-forum.co.uk

Website: www.employers-forum.co.uk

Information line provides general advice and guidance on disability in the workplace and regarding disabled customers. Produces publications including Recruitment that works, detailing a project-led recruitment partnership scheme between the Forum, Centrica and Jobcentre Plus, and Unlocking Potential – The New Disability Business Case.

ABILITYNET

PO Box 94, Warwick CV34 5WS

Tel/text: 01926 312 847

Freephone: 0800 269 545

Fax: 01926 407 425

Email: Enquiries@AbilityNet.co.uk

Website: www.abilitynet.co.uk

Advice about adaptive computer technology. Carry out assessments for computer users and suggest solutions. Two open days each month to view specialist equipment.

ACAS (The Advisory, Conciliation and Arbitration Service)

Can help with factual information on the legislation and assistance related to its effects on industrial relations practices and procedures. ACAS has a duty to offer conciliation in complaints of discrimination to industrial tribunals. ACAS offices are in the telephone book under 'ACAS.'

DISABILITY RIGHTS COMMISSION

DRC Helpline, FREEPOST MIDO 2164, Stratford-upon-Avon CV37 9BR

Tel: 04857 622 633

Text: 08457 622 644

Email: ddahelp@stra.sitel.co.uk

Website: www.drc-gb.org

The independent body set up by the Government to help secure civil rights for disabled people. The website contains the government Codes of practice on the employment provisions of the DDA.

Jobcentre Plus: (formerly known as The Employment Service) Disability Service Teams

The Disability Employment Adviser (DEA), as part of the Disability Services Team (DST), gives help and advice on employing and retaining disabled people. The DST also co-ordinates the governments Access to Work programme which provides financial assistance towards the possible extra costs of employing someone with a disability. The DEA or DST can be contacted through your local Jobcentre. University's Occupational Health service, Personnel or Equalities Unit can advise on referrals to Access to work. The local Access to work team can be contacted on 01273 364750.