

Support for employees with disabilities/health conditions

Introduction

The Equality Act 2010 places a legal duty on employers to make 'reasonable adjustments' for disabled employees.

The Act defines a person as disabled if they have a physical or mental impairment that has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. A long-term effect is one which has lasted or is likely to last for 12 months or longer.

A reasonable adjustment is an alteration to a job or workplace an employer can make for staff with disabilities, so they are not at a disadvantage or potential disadvantage.

The council aims to go above and beyond these legislative requirements by offering support such as reasonable adjustments to all employees, not solely those with disabilities recognised by the Equality Act.

This document provides guidance on how to support employees with disabilities or health conditions in the workplace.

Detailed information is provided on the [Equalities Team – Reasonable Adjustments](#) page and this should be read in conjunction with this guidance.

Support for employees

Managers can better support employees if they are aware of a disability or health condition, therefore it is in employees' best interests to inform their manager.

Employees who identify as disabled are encouraged to record this in the confidential information section on ESS. This is to help monitor the number of staff with disabilities and ensure that the council's policies and procedures are effective in providing support.

Health and Wellbeing Passport

The [passport](#) encourages a structured conversation between an employee and their manager about their condition(s) and any reasonable adjustments they may

require in order to perform their duties and tasks. It can also be used to record health conditions that currently do not impact on the job as a supportive measure in case further information is needed for future support.

By completing the passport, the employee consents to the passport being shared with future managers. If there is a change in job, relocation or assignment of a new manager, the manager should review with the employee the appropriateness of existing adjustments and consider whether alternative adjustments are required.

The passport should be reviewed and amended as necessary e.g. at regular one to one meetings/supervision; at a return to work meeting following a period of sickness absence; as part of a quality conversation; before a change of job or duties, or the introduction of new technology/new ways of working; or before or after any change in circumstances for either party.

In certain circumstances, the input of a health professional (e.g. occupational health, GP, or specialist) may be discussed, as a supportive measure.

Reasonable adjustments are not permanent and should be based on the individual and the changes that can occur whilst managing a condition.

Specialist equipment obtained via Access to Work will travel with the employee e.g. if transferred to another post within the council and, where possible, if they leave the council. Transfer of equipment will be dealt with on a case by case basis – it will be reviewed by the manager in each instance and discussed with Access to Work by the employee if necessary.

It is important to note that the employee must ensure that dialogue takes place for reasonable adjustments to be implemented and continue to be effective.

Good practice for employees

- Inform your manager that you need/may need reasonable adjustments and/or support
- Take time to consider what reasonable adjustments may assist you and use the support and resources mentioned below if appropriate
- Discuss with your manager what may be required, using the health & wellbeing passport as a structure for the conversation
- Share any prior assessments with your manager to help inform what reasonable adjustments could be required
- Keep your manager informed of any conversations regarding the provision of equipment or training recommended for you

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- Inform your manager if an adjustment is no longer required or needs to be reconsidered.

Good practice for managers

- Be proactive, disabilities are not always obvious and support that may be beneficial may not be requested
- When an employee tells you about their condition explain the support that the council offers and encourage them to access the support
- Arrange an assessment if needed (see options below)
- Consider what is reasonable in the circumstances and the role (see examples of reasonable adjustments below)
- Focus on what the employee can do – not what they can't
- Ask the employee what they need – they are often the best expert in managing their condition
- Tailor adjustments to the needs and abilities of the employee
- Be flexible – some conditions can be episodic. It may be appropriate to agree adjustments that can be implemented as and when required.
- Take advice from HR if you are not sure what to do - they will assist or signpost you to the appropriate information source
- Consider if the adjustment being made could be offered to all employees in the team where appropriate, e.g. home working.
- With the employee's permission, communicate the adjustment(s) to other team members
- Complete a health and wellbeing passport with the employee and allow them time to complete the passport and to consider their requirements and options.
- Welcome the support provided by trade union representatives to employees and enable representation if requested and where possible.
- Employee health information is special category data and must be treated in accordance with data protection requirements.

Whether an adjustment may be made will depend on:

- The needs of the individual, not just the nature of the condition alone
- How effective the adjustment is likely to be
- The impact of adjustments on the service
- The cost of the adjustment to the service - as service areas have a range of funding streams, and considering the overall size of the council, it would be very unusual for cost alone to be a justifiable reason for failing to make an adjustment and not all adjustments incur a cost e.g. change to start/finish times.

How often should reasonable adjustments be reviewed?

It all depends on the employee's circumstances. It may take a while to embed the adjustments and for them to have a positive impact. It is useful to review adjustments during 1:1/supervision sessions. Once the reasonable adjustments are effective, they can be discussed on a less frequent basis.

Examples of reasonable adjustments

The following are examples of the sort of factors that should be considered when determining what adjustments might be made:

<p>Working hours</p> <ul style="list-style-type: none"> • Hours worked per day • Shift pattern • Start/finish times and part time/flexible hours e.g. if fatigue is a medicinal side effect, allow a later/flexible start time • Breaks: frequency, duration and time of day taken e.g. arrange for short breaks during lengthy meetings and arrange for meetings to be held at a time to suit the individual 	<p>Change in tasks/duties</p> <ul style="list-style-type: none"> • Reduction • Reprioritisation • Exempt an employee with a back condition from elements involving physical work. • Allocate some minor aspects of the role to another/other individuals without overburdening colleagues.
<p>Physical environment</p> <ul style="list-style-type: none"> • Noise • Light • Fresh air • Partition • Location of desk 	<p>Training</p> <ul style="list-style-type: none"> • Tailored training/coaching e.g. coping strategies in the workplace for severe dyslexia
<p>Equipment</p> <ul style="list-style-type: none"> • Furniture • Hardware • Software e.g. voice activated software for visual impairment • Headphones 	<p>Work location</p> <ul style="list-style-type: none"> • Ground floor location if limited mobility • Closer to home/home for all or part of the week • Arrange meetings to be held at a location to suit the individual
<p>Communication style</p> <ul style="list-style-type: none"> • Face to face/telephone/email • Modify instructions/reference manuals e.g. Braille or large print • Modify recruitment testing procedures 	<p>Time for appointments</p> <ul style="list-style-type: none"> • Hospital/therapist/counselling • Time to attend groups e.g. the DEG provide advice, support and up to date information on support in the workplace.
<p>Additional support</p> <ul style="list-style-type: none"> • Mentoring/buddying 	<p>Probation</p> <ul style="list-style-type: none"> • Extend probationary period if disability related absence prevented an acceptable level of performance

Assessments for reasonable adjustments

Type of need	Who can provide assessment
Dyslexia assessment	Managers can contact The Adult Skills and Learning Service for a dyslexia assessment to determine whether the employee has dyslexia and what reasonable adjustments are appropriate.
DSE assessment	The risk assessment may identify back, neck or wrist conditions. The Health & Safety Team can assist if needed in completing the assessment.
Occupational Health	Occupational health may assess needs of employees (arising from long term absence and conditions which directly affect work performance) and can recommend reasonable adjustments. Managers must register online to make referrals.
Access to Work adjustments	Employees must make their own referral and inform their manager. Advice is available from the Equalities Team. Once assessed, Access to Work will confirm their recommendations for reasonable adjustments in writing. Some costs for reasonable adjustments are recoverable.
Previous educational assessment	An employee may have reasonable adjustment assessments from school or higher education. These can form the basis for determining reasonable adjustments needed at work.

Support and resources

If employees or managers are not sure of the condition and/or what support may be beneficial there are several sources of support.

Internal	External
Equalities team	Access to Work
Health and safety team	Reasonable adjustments at work - Acas
Trade unions	Reasonable adjustments for mental health - Acas
Occupational health	Samaritans - suicide crisis support
Vivup counselling & psychological support_call 0800 023 9324 anytime	LAMP Leicestershire Action for Mental Health

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IPRS musculoskeletal rehabilitation service	Macmillan – cancer
Disabled employees group	MIND – mental health
Mental health and wellbeing group	NHS – health A to Z
Workplace wellbeing	
Stress awareness training - learning hub	
IT reasonable adjustments	

Related policies and guidance

Absence management policy	Life threatening and terminal illnesses guidance
Managing absence guidance for managers	Menopause guidance
Section 4 - hours and leave – disability leave, also see appendix below	Personal Emergency Evacuation Plan (PEEP)
Flexible retirement policy	Stress management
Flexible working policy (location)	Substance misuse policy
Flexible working request policy	Time off for medical appointments

Disability Leave

Section 4 of the terms and conditions of service contains the provision for disability leave. Employees unable to attend work due to social and environmental constraints (as opposed to the disability) may be able to take disability leave.

For example, it could be taken for the following reasons according to the nature of the disability:

- Adverse weather conditions (e.g. ice and snow, pollution) make it difficult to leave home safely.
- Breakdown of usual arrangements at work (e.g. absence of personal assistant, malfunction of aid/adaptation, alteration to work) make it impossible to work.
- Breakdown of usual arrangements which make it unreasonably difficult to get to work (e.g. car breakdown and no accessible alternative).

Reasonable adjustments should be made wherever possible to counteract the need for disability leave to be taken. It may also be possible to make arrangements for the employee to work from home on these days or work on other days thereby reducing the need for such leave. Flexibility, co-operation, and a reasonable approach are key.

There is no requirement to obtain medical certification for disability leave as it is external environmental factors which are the cause. Where possible, anticipate conditions which may give rise to disability leave and prepare in advance for that time, thus minimising the impact of the disability leave. This information should be recorded in the health and wellbeing passport.

Disability leave is not an automatic entitlement – managers may exercise discretion, balancing the needs of the individual with the needs of the service.