

<b>Reasonable Adjustment Policy</b>	
<b>Summary</b>	<p>The purpose of this policy is to:</p> <ul style="list-style-type: none"> <li>• Provide an overview of the processes that NHS Golden Jubilee follows to meet its legal obligation under the Equality Act 2010 to consider reasonable adjustments in the workplace.</li> <li>• To provide information if you are disabled under the Equality Act 2010 if you have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on your ability to do normal daily activities.</li> <li>• To enable employees to access adjustments to their working arrangements, equipment and leave, in order to support them to work safely and effectively, and with dignity and respect</li> </ul>
<b>Target audience</b>	All staff or individual groups
<b>Associated Documents</b>	<ul style="list-style-type: none"> <li>- Recruitment and Selection policy</li> <li>- <a href="#">Attendance policy</a></li> <li>- <a href="#">Capability policy</a></li> <li>- Managers Guide to Supporting Disabled Staff</li> </ul>
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# NHS Golden Jubilee Values Statement

What we do or deliver in our roles within the NHS Golden Jubilee (NHSGJ) is important, but the way we behave is equally important to our patients, customers, visitors and colleagues. We know this from feedback we get from patients and customers, for example in “thank you” letters and the complaints we receive.

Recognising this, NHSGJ has worked with a range of staff, patient representatives and managers to discuss and promote our shared values which help us all to deliver the highest quality care and service across the organisation. These values are closely linked to our responsibilities around Equality.



- V**aluing dignity and respect
- A** can do attitude
- L**eading commitment to quality
- U**nderstanding our responsibilities
- E**ffectively working together

Our policies are intended to support the delivery of these values which support employee experience.

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## 1. Policy

NHS Golden Jubilee is striving to be an inclusive employer where all staff have the opportunity to fulfil their potential. We know that by investing in our workforce, we can deliver better services and improve patient care.

The Equality Act 2010 requires organisations to make 'reasonable adjustments' in order to make sure workers with disabilities, or long term physical or mental health conditions, are not substantially disadvantaged when doing their jobs.

There are legal requirements to make reasonable adjustments, which are often complex and different depending on the nature of a person's individual circumstances. This reasonable adjustment policy does not seek to explain how we will approach every situation; it is intended as a general statement of our policy in order to:

- Confirm our commitment to improving accessibility for everybody;
- Set out some of the basic principles of our legal duty to provide reasonable adjustments for disabled people; and
- Set out the factors that we will consider in dealing with requests for reasonable adjustments.
- Provide a non-exhaustive set of examples of reasonable adjustments

Where a staff member faces barriers in the workplace and would benefit from adjustments which would improve their efficiency or productivity, managers are guided to consider these in a positive light, without undue concern for the legal definition of disability.

It should also be noted that reasonable adjustments will not always be long-term arrangements, there may be occasion where a member of staff needs temporary adjustments made, which enable them to remain at work or return to work. But will not require to continue indefinitely.

## 2. Purpose

The purpose of this instruction is:

- a) To raise awareness amongst all managers and staff of the legal, moral, and social 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 Equality Act (2010).
- b) To encourage disabled staff to declare their information in order to enable NHS Golden Jubilee to manage the request for 'Reasonable Adjustments' and to feel confident in the knowledge that they will be supported by Health Scotland should they require them.
- c) To provide managers who are responsible for arranging 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.

## 3. Roles and Responsibilities

### 3.1 NHS Golden Jubilee:

- a) Has a responsibility to ensure that it complies with the Equality Act (2010) to the effect that staff who have an impairment or long-term health condition are not discriminated against. In many cases, this may require that reasonable adjustments should be considered for them.

- b) Has further responsibilities to ensure that managers are made aware of their obligations towards disabled staff and are supported in fulfilling them.
- c) Where an adjustment is considered reasonable, NHS Golden Jubilee has a duty to make that adjustment, except where it did not know, and could not reasonably have known, that an adjustment is required.
- d) Has an anticipatory duty to be able to make adjustments. For example, processes must be in place to enable provision of information in Braille, even if this is not been requested to date, it is not acceptable to not make provisions just because a specific need has not as yet been identified.
- e) Must also be able to show that it took such steps as are reasonable to encourage disclosure.
- f) Must make reasonable adjustments in a reasonable time, appropriate for the scale of the adjustments made.

### **3.2 Line Managers will:**

- a) Ensure that their staff are able to work safely and effectively. This may begin with a conversation about reasonable adjustments.
- b) Inform/involve Human Resources (HR) where a need for reasonable adjustments is identified. The Manager should then explore reasonable adjustments with the assistance of the member of staff, Occupational Health and HR and implement any agreed/recommended reasonable adjustments in conjunction with HR. Consultation and advice should also be sought from Occupational Health, Health and Safety, Estates, eHealth, and any relevant external organisation necessary, as well as the employee concerned.
- c) Where appropriate Managers may need to brief other members of the team, and others who share responsibilities with the staff member (with the consent from the individual), particularly in situations where the reasonable adjustments require a re- distribution of work tasks, hours, a change in work location or adjustments in the working space. This must be undertaken in a sensitive manner in consultation with the employee.
- d) Co-ordinate the implementation of reasonable adjustments following Access to Work, Occupational Health or other Health and Safety recommendations and in conjunction with the member of staff, their manager and other relevant teams across NHS Golden Jubilee.
- e) Monitor the effectiveness of all reasonable adjustments to ensure they are fit for purpose. This should involve ongoing review at least once a year, as a part of an employee's annual PDP review.

### **3.3 Staff:**

- a) 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 enable safe and effective work, tackle discrimination and create equality in opportunity for disabled employees, and are carefully designed so that they do not impact negatively on the work of other staff or the organisation.
- b) Although it is the responsibility of NHS Golden Jubilee to take steps to find out about any need for reasonable adjustments, 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. Staff have no obligation to disclose a diagnosis, but should understand that line managers may wish to know about underlying conditions.
- c) Staff should maintain appropriate, timely communication with their line manager if they believe they have developed an illness, impairment or condition that may fall within the boundaries of the equality Act and reasonable adjustments may be required to enable them to support them to undertake their role.

- d) Staff responsible for organising functions, events and courses, whether in-person or digital, 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, where possible and practicable. Those responsible for organising such events will notify the guest speakers and facilitators presenting at such functions, events, courses and meetings so as to be made aware of the reasonable adjustments where necessary.
- e) Staff working in teams such as HR, Occupational Health, Health and Safety, Estates, eHealth and Communications Department are required to consider this instruction when providing reports, advice, assessments and guidance.

### **3.4 Health and Safety, Estates, eHealth and HR will:**

- a) Provide advice and support to managers and staff on reasonable adjustments and the Access to Work process.
- b) Put in place any reasonable adjustment or Access to Work requirements which have been agreed through the relevant process.
- c) Record any agreed working conditions/equipment provided for reasonable adjustments or Access to Work.
- d) Review any agreed working conditions/equipment provided for reasonable adjustments or Access to Work.

### **3.5 Trade Unions will:**

- a) Encourage members to speak to their line manager, Occupational Health or Human Resources about reasonable adjustments or Access to Work requirements.

### **3.6 Occupational Health will:**

- a) Provide consultation and advice on reasonable adjustments when requested by HR/Line Managers or the member of staff, if appropriate.
- b) Advise line managers and employees on medical conditions and potential reasonable adjustments.
- c) Provide detailed reports to HR and Line Managers regarding employee conditions and the requirements for reasonable adjustments.

## **4. Monitoring and Evaluation**

NHS Golden Jubilee will ensure that effective systems are in place to monitor, evaluate and feedback information on reasonable adjustments and Access to Work requests where required.

Key information relating to the implementation of reasonable adjustments is to be published annually alongside NHS Golden Jubilee's Disability Pay Gap Reporting.

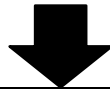
## **5. Review**

This policy will be monitored, reviewed and evaluated every two years by the Partnership Forum or equivalent, taking into consideration legislative changes and developments in good practice to ensure it meets the needs of all employees.

## Appendix 1: Reasonable Adjustment Process / Access to Work Process Maps

### Reasonable Adjustment Process Map

Member of staff has an issue whereby they may need a reasonable adjustment put in place.



Discussion with line manager should take place initially to discuss issues and possible solutions.



OH Request made by employee with support of manager, highlighting issue and discussion that has taken place with employee, if appropriate.



OH Report back to HR/Line Manager with recommendations.



Line manager to liaise with HR (and other relevant groups, depending on the recommendations) discuss how best to proceed with adjustments.



Appropriate team will assist with purchase and or implementation of the agreed reasonable adjustment. The implementation of any adjustments may involve the inclusion of third parties or contractors, which can take additional time depending on the request.



The HR and managers will record all reasonable adjustments that have been implemented.



When the adjustment is in place it is the line managers responsibility to monitor whether the adjustment is working or not and liaise with the appropriate contact in HR or the H&S team, especially when asked for progress updates.

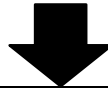
## Access to Work Process Map

If the help you need at work is not covered by your employer making reasonable adjustments, you may be able to get help from Access to Work.

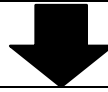
For full details: <https://www.gov.uk/access-to-work>

### Access to Work Process Map

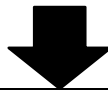
Member of staff has an issue whereby they may need assistance from Access to Work. The member of staff should discuss this with their line manager to inform them that they will be applying to Access to Work.



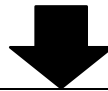
Member of staff is required to apply to Access to Work directly. They can be assisted by another staff member if necessary.



Access to Work will conduct a Workplace Assessment. This can be in person if appropriate, or over the telephone. The assessor will discuss the employee's needs relative to their work.



Member of staff receives Access to Work report with recommendations and costs. Member of staff should discuss this report and recommendations with their line manager.



Line manager should discuss Access to Work recommendations with Directorate HR representative and depending on recommendations, the team who will be responsible for procuring or implementation the recommendations. It will then be decided if these can be implemented by organisation.



Appropriate team will assist with purchase and or implementation of the Access to Work recommendations. Health Scotland will pay for all adjustments initially then claim back the agreed percentage from Access to Work. The implementation of any adjustments may involve the inclusion of third parties or contractors, which can take additional time depending on the request. This can sometimes take several weeks/months to fully implement.



Member of staff will continue to work with team implementing the recommendations to ensure they are fit for purpose and working.



If there are any issues with the Access to Work recommendations the member of staff applying is responsible for going back to Access to Work in order to rectify these.



Once complete the Health, Safety and Facilities Team will complete the paperwork in order to be reimbursed for the percentage of the costs Access to Work agreed to pay.



## **Appendix 2: Practical examples of workplace adjustments**

Being flexible and creative is important when considering solutions. Below are examples, which could act as prompts for line managers and employees, exploring these issues together:

### **Working hours or patterns**

- Take a flexible approach to start/finish times and/or shift patterns.
- Allow use of paid or unpaid leave for medical appointments (see Special Leave policy).
- Phase the return to work, e.g. offering temporary part-time hours.
- Equal amount of break time, but in shorter, more frequent chunks.
- Allow someone to arrange their annual leave so that is spaced regularly throughout the year.
- Allow the possibility to work from home at times, where appropriate.
- Temporary reallocation of some tasks.

### **Physical environment**

- Minimise noise – e.g. providing private office/room dividers/partitions, reducing pitch or volume of telephone ring tones.
- Provide a quiet space for breaks away from the main workspace.
- Allow for increased personal space.
- Move workstation – to ensure for example that someone does not have their back to the door.

### **Support with workload**

- Increase frequency of supervision.
- Support someone to prioritise their work.
- Allow the individual to focus on a specific piece of work.
- Consider job sharing.

### **Support from others**

- Provide a job coach.
- Provide a buddy or mentor.
- Provide mediation if there are difficulties between colleagues.

## **Appendix 3: Frequently Asked Questions**

### **What is a reasonable adjustment?**

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.

### **How do I know if I am a disabled person according to the law?**

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.

### **What does a reasonable adjustment include?**

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 (see Redeployment Policy).
- Altering their working hours or shift pattern.
- 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.

### **What is the purpose of an adjustment?**

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.

### **What type of support is available to me if I have a disability?**

NHS Health Scotland 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 that 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 with a person-centred approach. 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.

## **What happens if my condition changes?**

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.

## **What is Access to Work?**

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.

## **Am I eligible for Access to Work?**

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; or
- Unemployed and about to start a new job; or
- Unemployed and about to start a Work Trial; or
- 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.

## **How do I contact Access to Work?**

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, your line manager or HR representative should contact either your regional Access to Work contact centre, <https://www.gov.uk/government/publications/access-to-work-factsheet/access-to-work-factsheet-for-customers#how-to-claim>

# Apply online

The quickest and easiest way to [apply for Access to Work is online](#).

You can also apply by calling the Access to Work helpline:

Telephone: 0800 121 7479

Textphone: 0800 121 7579

[Relay UK](#) (if you cannot hear or speak on the phone): 18001 then 0800 121 7479

Monday to Friday, 9am to 5pm [Find out about call charges](#)

## British Sign Language (BSL) video relay service

To use this you must:

- [first check you can use the service](#)
- [go to the video relay service](#) Monday to Friday, 9am to 5pm

## What adjustments are NHS Health Scotland legally required to make for disabled candidates and employees?

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.

## Who is responsible for implementing adjustments during the recruitment process?

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 have to communicate. The more open, honest and timely the communication, the more efficient the implementation process will be.

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

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.

## Who pays?

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.