**Reasonable Adjustments Policy**

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| 1 | Introduction |
| 1.1 | Scottish Borders Council (The Council) is fully committed to promoting equality and diversity and ensuring that people who have a disability are not discriminated against. Additionally, the Council values all staff and recognises its duty to make reasonable adjustments for members of staff with a disability. |
| 1.2 | The Council aims to create the conditions in which members of staff and applicants for posts within the Council are treated equitably regardless of any disability or health condition so far as is reasonably possible. |
| 1.3 | The purpose of this policy is to set out how this is put into practice for new and existing members of staff who have a disability or health condition which may impact upon their work, or whose work may impact upon their disability. The intention is to create a framework for a collaborative dialogue between the member of staff, their line Manager and other relevant staff (and where appropriate specialist external agencies) to ensure that the member of staff can be effectively supported and that the Council can fulfil its statutory obligations. |
| 1.4 | All information will be treated confidentially and with sensitivity and will be passed on to other colleagues only when it is necessary in order that the Council can appropriately address matters with the member of staff and meet its obligations under equality, employment and health and safety legislation. The member of staff will be kept informed when information about them is being provided to other relevant bodies. |
| 2 | Policy Scope |
| 2.1 | The Council’s legal duties under the Equality Act 2010 may differ depending on the nature of a person’s involvement with the Council. Under the Equality Act 2010 the Council is a service provider; providing public services to all sections of the local community. The Council is also an employer and recruiter, it is these two latter aspects that this policy mainly addresses. . |
| 2.2 | The Equality Act 2010 |
|  | Section 6(1) of the Equality Act 2010 defines a disability as a physical or mental impairment which has a substantial and long-term adverse effect on a person’s ability to carry out normal day-to-day activities. Section 20 of the Equality Act 2010 establishes a duty to make reasonable adjustments for people with a disability. The duty applies in three sets of circumstances 1. *Where a provision, criterion or practice of A's puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled.*
2. *Where a physical feature puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled.*
 |
| 1. *Where a disabled person would, but for the provision of an auxiliary aid, be put at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled.*

In each case the duty is to take such steps as are reasonable to avoid the disadvantage or provide the auxiliary aid. |
| 2.3 | Who does the Duty apply to? |
|  | The following groups of people have a right to have reasonable adjustments made if they have an impairment or health condition that falls within the definition of ‘disability’ under the Equality Act and consequently suffer a substantial disadvantage. * Permanent, temporary and agency staff
* Contractors
* Volunteers or visitors undertaking work for, in partnership with or on behalf of the Council.
* People on work placement
* People not employed by the Council attending Council training or development courses, whether on or off site
* People on secondment to or from the Council
* Office holders such as Elected Members
* People not employed by the Council attending Council related social or other events, whether on or off site.
 |
| 2.4 | Supporting Guidance |
|  | This policy should be read in conjunction with the supporting guidance for Managers [(Appendix 2](#Appendix2)) and Employees ([Appendix 3](#Appendix3)). The guidance provides additional information and offers practical solutions to ensure the fair and equitable application of the policy. |
| 3 | **What is a reasonable adjustment?** |
| 3.1 | Equality law 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 members of staff with a disability. It is a duty to make reasonable adjustments. This duty aims to make sure that a disabled person has the support they need to get to and be able to do their job without suffering a substantial disadvantage.. |
| 3.2 | It should be noted that the requirement is to do what is “reasonable” to avoid any substantial disadvantage. The starting point is therefore to identify the disadvantage.You should then look at what steps can be taken to overcome the disadvantage, and finally whether it is reasonable to take these steps.You should always take the member of staff’s view about what is needed into consideration because they have experience in managing their condition and know what works for them. It can also be helpful to obtain professional advice, such as a workplace assessment, or from Occupational Health, as this may identify adjustments that have not been considered. One test of reasonableness is that if the cost of making adjustments is anything up to the cost of recruiting and training a new Employee then this may be considered reasonable. |

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| 3.3 | The Equality and Human Rights Commission provides examples of adjustments that it may be reasonable to make. Examples include:* Allocating some of the Employee’s duties to another person
* Transferring the Employee to an existing vacancy
* Altering the Employee’s hours of working or providing training
* Offering work or training at a different location
* Allowing Employees to be absent during working or training hours for rehabilitation, assessment or treatment.
* Changing instructions or reference manuals
* Modifying procedures for testing or assessment.
* Allowing a disabled Employee to take a period of leave
* Modifying disciplinary or grievance procedures
* Adjusting redundancy selection criteria
* .
 |
| 4 | **Links with other Council Policies** |
| 4.1 | This policy is associated to the following key policies, all of which are designed to ensure that equality and fairness are central to all of our activities concerning the recruitment, retention, development and wellbeing of all of our staff members and, where applicable, should be cross referenced to gain further detail:* Agile Working?
* Appraisal
* Attendance Management
* Discipline
* Dignity and Respect in the Workplace
* Equality, Diversity and Human Rights
* Family Friendly
* Flexible Working
* Grievance
* Leave
* Managing Employees with a Disability Guidance (appendix 1 Attendance Management Policy)
* Work Performance
* Mentally Healthy Workplace & Stress Management Policy and supporting Guidance
* Recruitment and Selection
* Redeployment
* Redundancy
* References
* Training. Learning and Development
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| 5 | **Roles and responsibilities** |
| 5.1 | **The member of staff will:*** Make their Manager aware of a health condition or disability, which is having an impact upon their work
* Cooperate with their Manager, HR, Occupational Health and other agencies in considering if adjustments are required and if so finding the most positive option
* Apply to Access to Work for financial assistance with the costs of equipment or additional support where this is required.
 |
| 5.2 | **Managers will:** * Deal with any disclosed personal information sensitively and with discretion
* Seek every realistic option to enable the member of staff to continue in their role, including making reasonable adjustments to their role
* Keep the HR Case Management Team informed
* Involve Occupational Health, Employee Support Service, the Council’s Health & Safety team and/ or Access to Work as appropriate
* Review and monitor the needs of the Employee for whom equipment or assistance has been provided.
 |
| 5.3 | **HR Case Management Team will:** * Discuss the content of any Occupational Health Report with the Manager and give advice on discussions with the Employee
* Facilitate discussions between the Manager and the Employee with a disability or health condition, if required
* Advise the Manager on the statutory and contractual obligations of the Council and the Employee
* Advise the Manager about the process of agreeing changes to the Employee’s role as a reasonable adjustment
* Advise the member of staff and the Manager about redeployment procedures, if relevant
* Facilitate exploration of ill-health retirement options, if appropriate.
 |
| 5.4 | **Occupational Health:** * Accept management referrals of members of staff
* Undertake an assessment of the health of the Employee, its impact upon their role and any impact of the role upon their health. This may involve seeking information from the medical advisers of the Employee and may require onward referral to their General Practitioner.
 |
|  | * Discuss with the Employee the content of the report to be forwarded to their Manager, including recommendations for further action (if appropriate)
* Inform staff about the Access to Work scheme
* Undertake further monitoring where necessary.
 |
| 5.5 | **Employee Support Service/HR Equality & Diversity Officer:*** Advise staff and Managers about reasonable adjustments
* Advise and support staff who are applying to the Access to Work scheme.
 |
| 5.6 | **Health & Safety*** Advise and support staff and Managers on workplace assessments and reasonable adjustments
* Undertake workplace assessments as and when required.
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| 6 | **Meeting Costs** |
| 6.1 | The cost of any adjustments is met by the employing department. In many cases the costs associated with providing appropriate technology or equipment are relatively small. In some instances Access to Work will assist with a proportion of the costs. Where costs are likely to be significant, for example in the provision of highly sophisticated equipment or changes to the physical estate, the Manager should discuss costs with their Finance Business Partner before making any commitment to the member of staff about what adjustments can be made. |
| 7 | **Raising Concerns** |
| 7.1 | Staff will be involved at all stages in considering any aspect of their disability and how this impacts upon their role. If at any stage the member of staff has any concerns they are encouraged to bring this to the attention of their line Manager and/ or the HR. Case Management Team. They may also wish to discuss this with a representative of their Trade Union or professional association. |
| 8 | **Monitoring and review** |
| 8.1 | The outcomes of this policy will be reviewed at least every two years. If any trends emerge these will be analysed and appropriate steps taken, potentially including a full review of the policy. |
| 8.2 | Additionally, as a minimum an equality impact assessment of the policy will be carried out every two years in accordance with the Council’s HR Policy Review programme or as required by legislative requirements in order that the policy remains relevant and fit for purpose. |

**Appendix 1**

**Useful contacts**

The below offers information where further support and advice may be obtained.

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| **Service** | **Website/Email address** | **Telephone No.** |
| **Internal Services** |  |  |
| Employee Support Service | Employment Support Service  |  |
| Human Resources Case Management Team | ashkhr@scotborders.gov.uk  | 01835 825052/53 |
| Health and Safety Team: | healthandsafety@scotborders.gov.uk |  |
| Architects Section | architects@scotborders.gov.uk |  |
| **External Services** |  |  |
| Access to Work Scheme | [www.gov.uk/access-to-work/how-to-claim](http://www.gov.uk/access-to-work/how-to-claim) |  |
| Direct Gov website | <https://www.gov.uk/browse/disabilities> |  |
| Equality & Human Rights Commission (Reasonable Adjustments) | [https://www.equalityhumanrights](https://www.equalityhumanrights.com/en/advice-and-guidance/what-are-reasonable-adjustments) |  |
| Equality & Human Rights Commission | <https://www.equalityhumanrights.com> |  |
| Pain Concern UK | [www.painconcern.org.uk](http://www.painconcern.org.uk) | 0300 123 0789 (limited availability) |
| The Scottish Association for Mental Health | <http://www.samh.org.uk/home.aspx> | 0141 530 1000 |

**Appendix 2**

**Reasonable Adjustments Policy**

**Supporting Guidance for Managers**

**Process for identifying and implementing Reasonable Adjustments**

**Please note:** An Employee or prospective Employee is under no obligation to disclose that they have a disability or the nature of their disability. However, it is important that they do as their disclosure would assist their department in offering the most effective reasonable support available. It is important to note that once a disability has been disclosed, it must be kept confidential, unless the Employee has made it clear that they are happy for the information to be shared. Of course, in some instances, a disability may be obvious - for example, a wheelchair user. In other instances, where the Employee needs support from colleagues, or there are health and safety reasons, colleagues may also need to be aware. However, this must be dealt with sensitively. Information should be shared with colleagues only when it is necessary.

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| **Disability Identified** | **→** | **Prepare** | **→** | **Meet and Explore options** | **→** | **Agreement & Implementation** | **→** | **Review** |

**1 Disability identified**

Upon identifying that an Employee has or may have a disability (this will commonly happen at interview, through one to one meetings, or when reviewing role profiles) you will need to discuss this with the Employee and seek their views on:

* How the impairment affects their day to day activities
* Is the Employee placed at a substantial disadvantage in any aspect of their role because of that impairment?
* What, if any, adjustments might help to overcome this substantial disadvantage?
* Are the adjustments reasonable (taking into account all factors such as effect on service delivery, cost etc)?

Where possible, it is recommended that Managers speak to the individual directly when suggesting it may be helpful to meet to discuss the issue rather than e-mailing..

**2 Prepare for the meeting**

Encourage the Employee to consider the following before the meeting:

Is anything causing them difficulty e.g.

* Physical surroundings
* Ability to perform an element of their job
* Ability to participate in training/meetings

How this may be addressed e.g.

* Adjusting the way things are done
* Adjusting physical features of the workplace
* Providing additional equipment

It is important to note that as a Manager, you may need to seek advice from the HR Case Management Team in relation to this matter, to enable you to determine the most effective support for the individual.

Advise the employee that if they find it supportive they may bring a companion along to this meeting i.e. a work colleague or trade union representative.

**3 Meet and Explore**

* Explore with the Employee whether they feel they are at a substantial disadvantage in undertaking their role
* Seek their views on what changes to working practices, premises or auxiliary aids would support them in undertaking their role
* Give a full and fair consideration to all potential adjustments, considering what it would be reasonable to implement
* If you are uncertain whether an adjustment is reasonable, seek advice from the HR Case Management Team. For further information see [Section 3](#whatisa) of this Policy
* A Risk Assessment may also help to identify potential support or risks and ways in which they can be removed
* An Occupational Health Referral can also be made as this too can help identify potential support.
* Decide what will be implemented and how (e.g. what action is required by whom and within what timescale)

Some situations may require input from other sources:

* Human Resources
* Occupational Health
* Employee Support Service
* Health and Safety
* External bodies that may be able to offer assistance (e.g. Macmillan Cancer, Access to Work).

**4 Implementation of reasonable adjustments**

It is essential to discuss with the Employee how any reasonable adjustment will be implemented and who it would be appropriate to inform. It is also important to agree (if appropriate) what information the Employee wishes to share in relation to their health. This may include those who will have a role in ensuring that the adjustment is carried out e.g. work colleagues. It is essential that the Employee’s wishes regarding confidentially are adhered to.

**Implementation**

* Reasonable adjustments are often simple and without complication. Where cost does apply, this should not be passed on to the Employee. Advice on external funding for reasonable adjustments may be sought from the HR Case Management team, HR Equality & Diversity Officer, Health & Safety or the Employee Support Service.
* For further information please see [Section 6](#Meetingcosts) – of this Policy
* To help manage expectations, keep the Employee updated of the progress of the implementation of the adjustment(s)
* A record should be maintained as to what adjustments were considered and the reasons for any decision taken.

**5 Review of reasonable adjustments**

* Review the impact of any adjustments at a set timescale to ensure they continue to be appropriate. 121/appraisal meetings and return to work discussion/interviews after sickness absence are also useful points to check on arrangements
* Give consideration to any potential impact that an Employee’s disability may have on their ability to undertake/get involved in new initiatives/ways of working, or attend/participate in meetings/training etc.
* Managers may need to consider making different adjustments, and must take existing adjustments into account as new situations emerge
* Before altering or removing an adjustment, e.g. due to changes in the Employee’s work etc, the Manager should meet with the Employee to explore the impact of any proposed change and the options available.

**Appendix 3**

**Reasonable Adjustments Policy**

**Supporting Guidance for Employees**

**Process for identifying and implementing Reasonable Adjustments**

As an Employee or prospective Employee you are under no obligation to disclose that you have a disability or the nature of any disability, however, it is important that you do as your disclosure would assist your department in offering the most effective reasonable support available. It is important to note that once you have disclosed your disability, it will be kept confidential, unless you make it clear that you are happy for the information to be shared. Of course, in some instances, a disability may be clear- for example, if you use a wheelchair. - In other instances, where you need support from colleagues, or there are health and safety reasons, colleagues may also need to be aware and where this is necessary your Manager will discuss with you how best this can be done. This will be dealt with sensitively and information will be shared with colleagues only as far as is necessary.

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| **Disability Identified** | **→** | **Prepare** | **→** | **Meet and Explore options** | **→** | **Agreement & Implementation** | **→** | **Review** |

**1 Disability identified**

Throughout the process dialogue with your Manager is paramount. This may be a meeting arranged specifically for this purpose, but there are also many other examples of how these discussions can take place. (Common examples are at interview, through 121/appraisal meetings, a return to work meeting following a period of sickness absence etc).

On informing your Manager that you have a disability, you will need to discuss with them your views on:

* How the impairment affects your day to day activities
* Whether you feel you are at a substantial disadvantage in undertaking your role
* What, if any, adjustments (e.g. changes to working practices, premises or auxiliary aids) might help you in performing your role.

**2 Prepare for the meeting**

Before you meet with your Manager you should consider the following and be prepared to discuss at the meeting:

What is causing you difficulty eg.

* Physical surroundings
* Ability to perform an element of your job
* Ability to participate in training/meetings

How the difficulty may be overcome e.g.

* Adjusting the way things are done
* Adjusting physical features of the workplace
* Providing additional equipment

Dependent on your requirements you may need to seek advice from the HR Case Management Team, HR Equality & Diversity Officer, Occupational Health, Employee Support Service, Health and Safety team or an appropriate external body in order to determine the most effective support for you. Further information can be found in [Appendix](#usefulcontacts) 1 of this policy.

**3 Meet and Explore**

Your Manager should inform you when the meeting will take place and if you would find it helpful you may bring a companion along to the meeting i.e. a work colleague or trade union representative. At the meeting you should :

* Discuss with your Manager whether you feel you are at a substantial disadvantage in undertaking your role
* Discuss your views on what changes to working practices, premises or auxiliary aids would support you in undertaking your role
* Discuss how you have considered what potential reasonable adjustments you need and how these can be implemented.
* Discuss whether a Risk Assessment or referral to Occupational Health would help to identify potential support or risks and ways in which that risk can be removed.

**4 Implementation of reasonable adjustments**

It is essential that, where possible, you agree with your Manager what reasonable adjustment(s) will be implemented, who it would be appropriate to inform and what information you wish to be shared.

**Implementation**

* Reasonable adjustments often are simple and without complication. However where costs are involved, there will be no charge to you. Advice on funding reasonable adjustments may be sought from the HR Case Management Team, HR Equality & Diversity Officer, Health and Safety or the Employee Support Service.
* To help manage expectations, your Manager should keep you updated of the progress of the implementation of the adjustment(s)
* Your Manager should maintain a record as to what adjustments were considered and the reasons for any decision taken.

**5 Review of reasonable adjustments**

* Your Manager should arrange to review the impact of any reasonable adjustments to ensure they continue to be appropriate. A timescale should be agreed for this review. Discussion may also take place in 121 meetings, appraisals or return to work discussion/interviews
* Your Manager should consider any potential impact that your disability may have on your ability to undertake/get involved in new initiatives/ways of working, attend/participate in meetings/training etc.
* This may mean considering new adjustments as new situations emerge.
* In any event your Manager should meet with you to explore the impact of any proposed change and the options available.