



# Reasonable Adjustments Policy

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## 1. Introduction

This Policy applies to all NMITE employees, and sets out the following:

- What a reasonable adjustment is
- How to make a reasonable adjustment
- Our duties & responsibilities
- What considerations we take into account when we review a request

Reasonable adjustments are changes that organisations and people have to make for you if your impairment puts you at a disadvantage compared with others who do not have an impairment. Whilst not everyone who has an impairment will need adjustments to be made, every effort should be made to consider provisions to provide access to everything that is necessary to maintain your role with NMITE. NMITE has a legal obligation to consider making adjustments, but they often benefit the rest of the staff at NMITE.

This policy does not seek to explain how we will approach every situation, it is intended as a general statement and:

- i. Confirms our commitment to improving accessibility for everybody that we deal with
- ii. Sets out some of the basic principles of our commitment to provide reasonable adjustments for those with impairments.
- iii. Sets out the factors that we will take into account in dealing with requests for reasonable adjustments.

## 2. The Equality Act 2010

The Equality Act 2010 (the Act) provides a legislative framework to protect the rights of individuals and to advance equality of opportunity for all.

Under the Act the legal duty to make reasonable adjustments arises in three circumstances:



- i. Where the provision, criterion or practice which puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disadvantaged.
- ii. Where a physical feature puts a disabled person at a substantial disadvantage in comparison with persons who are not disabled.
- iii. Where a disabled person would, but for the provision of an auxiliary aid, be put at a substantial disadvantage in comparison with persons who are not disabled.

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

A reasonable adjustment can take many forms, but could include:

- 3.1 a change to the physical working or a physical feature of the workplace such as:
  - i. moving the team which includes the employee with an impairment to a more accessible office (it would be unreasonable to isolate an employee with an impairment by moving them alone).
  - ii. allowing the individual with an impairment to permanently use a particular desk which provides the correct lighting for them.
  - iii. arranging for a light switch to be repositioned where the individual can reach it.
- 3.2 a change to working environments such as:
  - i. allowing flexibility to the impaired employee's working hours, for example to enable them to attend regular medical appointments or to recover from prescribed medication.
  - ii. allowing the individual with an impairment to use a suitable access route which other individuals aren't allowed to use.
  - iii. allowing paid time off for medical appointments which are directly related to the individual's impairment where these cannot be arranged outside normal or core working hours.
  - iv. allocating to another individual a particular activity which the individual with an impairment is unable to carry out due to their impairment.
- 3.3 providing a particular aid or service such as:
  - i. purchasing specialist computer software or equipment.
- 3.4 adjusting the arrangement for recruitment and selection such as:
  - i. timing of interview
  - ii. moving the interview to a more accessible venue

There is no restriction on what adjustments could be considered because every individual will have unique needs.



## 4. Deciding what adjustments to make

- 4.1 Any adjustment needs to be tailored specifically to the individual concerned. The first person to ask about the adjustments required is the individual themselves, as most impaired employees will have a very good idea of what adjustments would help most.
- 4.2 Making reasonable adjustments is a legal obligation, so managers should be open to discussion and encourage people to talk about their needs and what they think would help them to do their job.

## 5. Determining what is 'reasonable'

The Equality Act does not define what is 'reasonable' but guidance from the Equality and Human Rights Commission suggest that the most relevant factors are:

- i. The effectiveness of the adjustment(s) in preventing or reducing the disadvantage for the impaired person.
- ii. The practicality of making the adjustments.
- iii. The availability of our resources including external assistance and finance.
- iv. Any disruption to the service that making the adjustment may cause.

NMITE has a legal duty to make reasonable adjustments. However, sometimes a change will be unreasonable and we can lawfully decide not to make that change. We use the following criteria to decide whether a change is reasonable:

- Is the change practical to make?
- Do we have the resources to pay for the adjustment?
- Will the change be effective in overcoming or reducing the disadvantage within the workplace?
- Will the adjustment have an impact on the Health & Safety of others?

## 6. Requesting reasonable adjustments

It is entirely voluntary to disclose information with regard to your disability status. However, it is encouraged to ensure the effective provision of guidance, support and protection for those that require it so that the appropriate resources and specialist support can be identified and provided.

If you would like to disclose a disability and/or long term health condition, and believe you would require reasonable adjustments to be made, please speak to the HR Department.

We may ask other people to help us in the process, including:

- Our Occupational Health Provider
- Your Manager
- H&S/Facilities



## 7. Responding to Reasonable Adjustment Requests

Usually, we will be able to agree and deliver the required reasonable adjustments with a minimum delay. However, we may need more time in some cases to consider in more detail how best to overcome the difficulty you may experience. HR will write to you formally outlining the adjustments that have been agreed.

If the adjustments are deemed unreasonable, and the expected level of support is not agreed, HR will write to you to inform you of the outcome.

Employees do have the right to appeal any decision, and this should be made in writing within 5 days of the formal notification being made, to the Chief Executive Officer. The CEO's decision will be final and there will be no further right to appeal.

## 8. Paying for reasonable adjustments

The department which employs the impaired person must pay for reasonable adjustments.

In addition, a Government programme called Access to Work can help with extra costs which would not be reasonable for an employer or prospective employer to pay.

## 9. On-going support

8.1 The agreed adjustments should be reviewed by the manager with the employee at least annually through 1:1 discussions and as part of personal performance and development plan discussions to ensure they are still fit for purpose. A record should be made of any agreed adjustments and sent to HR for recording in the personal file.

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