



SOLIHULL METROPOLITAN BOROUGH COUNCIL

Disability and Reasonable Adjustments

Guidance document

Schools Version

SMBC can provide information in a range of different ways, for example via the use of large print, audio, summarising large documents, interpretation, translation and British Sign Language interpreting services.

If you require this information in an alternative format or need assistance because English is not your first language, please contact your line manager or nominated Human Resources Advisor in the first instance for further support.

Purpose

This document provides a practical guide for employee about Reasonable Adjustments at work, for those employees with disabilities under the Equality Act 2010. The guide focusses on the Council's responsibilities for supporting current employees.

Managers with the responsibility for recruiting and selecting employees and other workers can access relevant information contained in the Recruitment and Selection policies and procedures and seek further guidance from their HR Advisor.

Definition of a disability

We recognise that terminology on 'disability' depends on individual preference around whether to refer to the condition as 'a person with/having a disability' or 'being disabled', both of which are covered under the Act.

The duty to make reasonable adjustments aims to make sure that as a person with a disability, you have, as far as is reasonably practicable, access to adjustments that is involved in finding and/or undertaking your job role, same or similar as a person who does not have a disability.

The definition of disability under the Equality Act is defined as

'a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on your ability to do normal daily activities'.

'Substantial' is more than minor or trivial, e.g., it takes much longer than it usually would to complete a daily task like getting dressed.

'Long-term' means 12 months or more, e.g., a breathing condition that develops as a result of a lung infection or for the rest of the person's life if less than 12 months.

Certain progressive conditions (i.e., one that gets worse over time) may be covered under the Equality Act, however, protection under the legislation is automatically considered from the day of diagnosis for conditions such as HIV, cancer or multiple sclerosis. Under the Act, conditions such as general correction of eyesight by wearing spectacles or hay fever are excluded as a disability. Further advice on whether your condition may be covered under the Act can be obtained from the Human Resources Team.

Under the Equality Act, the definition also covers hidden disabilities such as cancer, diabetes, sight or hearing impairments, arthritis, high blood pressure, strokes, diabetes, heart attacks, mental health conditions, neurodiverse conditions, fibromyalgia or autoimmune conditions.

Many symptoms from 'Long Covid' may meet the definition of a disability if an individual is still suffering from the effects of coronavirus 12 months after they were infected.

Whilst the menopause is not of itself a protected characteristic under the Equality Act, it is still possible that menopausal symptoms experienced by an employee may meet the statutory definition of a disability under the Equality Act. While it is always therefore good practice to agree adjustments with an employee who is experiencing menopausal symptoms, there may also be a statutory duty to consider reasonable adjustments under the Equality Act if the severity of the symptoms amount to a disability. Please also refer to the Schools/Council's Menopause policy and separate Menopause Agreement Document.

The school's role as an employer

When the equality duty arises, the Council/School as your employer and your manager is under a positive and proactive duty to take steps to remove, reduce or prevent the barriers you may face with a disability by considering reasonable adjustments. This duty also applies to job applicants and will include arrangements under 'Access to Work' (see page 6).

The Council can only make reasonable adjustments where it is aware – or should reasonably be aware, that you have a disability. Therefore, employees who are disabled are strongly encouraged to disclose their disability to their manager so that any reasonable adjustments required in the workplace can be properly assessed and considered using the Reasonable Adjustments Agreement. Managers will ensure that school/ SMBC's HR records are updated appropriately. Following a discussion with your manager, the need to make adjustments may be required for an employee or job applicant and must:

- be considered in relation to every aspect of the job, provided the adjustments are reasonable and proportionate for the School/ Council to make.

- not be a reason to disadvantage you at work or dismiss you.
- for job applications, it must not be a reason to reject an appointment to a post if you are the best person for the job.

Various factors that can influence whether a particular adjustment is considered reasonable.

The test of what is reasonable is ultimately an objective test and not simply a matter of what you or your manager may personally think is reasonable.

When deciding whether an adjustment is reasonable the school/Council will consider:

- how effective the change will be in avoiding the disadvantage you would otherwise experience.
- its practicality.
- its impact on the function or service.
- if it is affordable.
- the school/Council's resources.

The school/Council's overall aim will be, as far as possible, to remove or reduce any substantial disadvantage faced by you as a member of staff that would not be faced by a person who does not have a disability.

In the first instance, if you require initial guidance on whether you are likely to be covered under the Equality Act as has having a disability, please contact your HR Advisor, the Equalities Team, or refer to the guidance provided by the [EHRC](#). Occupational Health can also provide their medical opinion on this matter, following a referral.

In summary:

The law regarding disability discrimination goes further than other discrimination considerations in that it includes the requirement to make **reasonable adjustments**.

Where someone meets the definition of a disabled person under the Equality Act 2010, the School/ Council is required to make reasonable adjustments to any elements of the recruitment process or job if it may place a disabled person at a substantial disadvantage compared to non-disabled people.

The school/Council is only required to make adjustments that are reasonable and proportionate. Factors such as the cost and practicability of making an adjustment and the resources available to the school/Council may be relevant in deciding what is reasonable and how it could be paid for. However, there is a government scheme called Access to Work which can help you if your health or disability affects your work.

Many reasonable adjustments involve little or no cost and can be done immediately including:

Allowing extra time during an assessment and/or selection tests.

Looking at changes to a disabled person's working pattern (subject to the needs of the service).

Ensuring that information is provided in accessible formats.

Modifying or acquiring equipment.

Making sure that all physical environments such as buildings or rooms are accessible.

Providing additional mentoring or training.

Support from Access to Work

Access to Work is a government scheme run by the Department of Work and Pensions (DWP) that can help people with a physical or mental health condition or disability to obtain or remain in work. Someone may be eligible for a grant to help pay for practical support or with extra costs which would not be reasonable for the School/Council to pay for. **Find out more about [Access to Work](#) and [Able Futures](#).**

Examples of Reasonable Adjustments

Examples of possible reasonable adjustments are listed below, all of which need to be explored with your manager who will be supported by the Human Resources Team or Facilities Team as appropriate:

1. Making adjustments to premises:

For example:

Making structural or other physical changes such as widening a doorway, providing a ramp or moving furniture for a wheelchair user; relocating light switches, door handles, or shelves for someone who has difficulty reaching; or providing appropriate contrast in decor to help the safe mobility of a visually impaired person.

2. Allocating some of your duties to another person:

For example:

Reallocating minor duties to another member of staff (this will be discussed in conjunction with HR) if a disabled member of staff has difficulty doing them because of their disability. For example, if the job involves occasional visits into flats where there are no lifts, and the member of staff has limited mobility or a health condition which makes it impossible or very difficult for them to climb stairs.

3. Altering your hours of work:

For example:

The Council allows a disabled person to work flexible hours or under hybrid working arrangements to enable them to have additional breaks to overcome fatigue arising from their disability. It could also include working part time hours, working a different work pattern, and / or working from a different location (including from home), this may for example avoid the need to travel in rush hour if this is a problem related to an impairment. A phased return to work with a gradual build-up of hours might also be appropriate in some circumstances when an employee returns after a long-term sickness absence.

For more information, please see the schools Flexible Working Policy.

4. Giving you permission to be absent during work or rehabilitation, assessment, or treatment for your disability / Modifying the Sickness Absence management process:

An employee with disability who needs to attend medical appointments for a reason related to their disability (e.g., hearing aid tests, training with a guide dog, physiotherapy, dialysis, etc.) should be given time off work where it is unreasonable to attend outside their normal hours. Please also refer to the Sickness Absence Management Guidance document on 'Employees with a disability and reasonable adjustments.

Although the Equality Act does oblige the School/ Council to consider and make, where possible, reasonable adjustments, it does not mean that a disabled employee is automatically exempt from being managed under the Sickness Absence Management policy.

Where absences are specifically related to a disability, a reasonable adjustment may include revised trigger points for the employee under the Sickness Absence Management process to prevent any substantial disadvantage. However, absences beyond a revised trigger will not be disregarded, whether they are related to disability or not. Line managers should seek advice from HR if they are unsure about whether or not to

discount an absence. More guidance on an employee's medical condition and suitable reasonable adjustments for their role can be obtained through a referral to Occupational Health.

5. Acquiring or modifying equipment:

For example:

The School/ Council might have to provide special equipment (such as an adapted keyboard for someone with arthritis or a large screen for a visually impaired person), an adapted telephone for someone with a hearing impairment, or other modified equipment for disabled employees (such as longer handles on a machine).

The School/Council does not have to provide or modify equipment for personal purposes unconnected with your job, such as providing a wheelchair if you need one in any event but do not have one. This is because in this situation the disadvantages you are facing do not arise from anything the Council has any control over.

6. Modifying procedures for testing or assessment:

For example:

An employee with restricted manual dexterity who was applying for promotion would be disadvantaged by a written test, so the School/Council offers them an oral test instead.

7. Providing a reader or interpreter:

For example:

The School/Council arranges for an employee with a visual impairment to be trained on adjusting their accessibility features on the desktop/read aloud feature or have a colleague read the hard copy or post the information at agreed times during the working day. The School/Council can also arrange for services through the Council's Translation and Interpreting Service such as a British Sign Language Interpreter if appropriate.

8. Allowing you to take a period of leave for medical reasons:

For example:

An employee who has cancer needs to undergo treatment and rehabilitation. The School/Council allows paid time off for medical appointments, and adjustments can be made to the sickness absence process to allow them time to recover and return to their job. See the Sickness Absence Management Policy.

If there is a more frequent or regular requirement for time off to attend medical appointments/treatment, flexible-working arrangements should be considered in the first instance. These should be discussed and fully explored with the employee and may be adopted on a temporary or permanent basis, depending upon the characteristics of the disability, nature of the medical appointment as well as service delivery and operational needs. It may also be appropriate for more than one measure to be used at the same time. Any changes to an employee's contractual terms and conditions will require agreement.

9. Employing a support worker to assist a disabled employee:

For example:

An employee with a visual impairment is sometimes required to make home visits to clients. The School/Council with support via Access to Work, where appropriate, may consider employing a support worker to assist them on these visits.

10. Modifying disciplinary, capability or resolution procedures:

For example:

Employees are entitled to be accompanied by a trade union representative or work colleague during any formal meeting or hearing. The School/Council may allow an exception to this requirement in order to support a reasonable adjustment for an employee with a disability, who may in particular circumstances receive permission to be assisted by an alternative companion

such as a representative from an appropriate charity e.g., Solihull MIND etc. HR Advisors will be able to give appropriate guidance on this point.

The School/Council will ensure that an employee with a disability is not disadvantaged or unfairly treated during any meeting or formal hearing. If formal action to address behavioural or performance concerns is instigated against an employee with a disability, adjustments will be made, if appropriate, after considering the extent to which effects arising from the disability could have contributed to the situation.

11. Adjusting redundancy selection criteria:

For example:

An employee with an autoimmune disease has taken many short periods of absence during the year because of their condition. When the School/Council is taking the absences into account as a criterion for selecting employees for redundancy, periods of absence related to a disability should be disregarded in any redundancy selection criteria. During a consultation process, managers should remain alert to the possibility that absences may result from a previously undisclosed disability and be prepared to consider revising the score to discount any disability-related absence.

12. Involving other members of staff:

For example:

The School/Council makes sure that an employee with autism has a structured working day as a reasonable adjustment. As part of the reasonable adjustment, it is the responsibility of the School/Council to make sure that other colleagues co-operate with this arrangement.

You may not want the School/Council to tell your colleagues about your disability. If you prefer that other members of staff do not know about your impairment, and the School/Council believes that a reasonable adjustment requires the co-operation of your colleagues, it may not be possible for us to make the adjustment unless you are prepared for some information to be shared. It does not have to be detailed information, just enough to explain what they need to do to support you appropriately, for example:

- where a condition that could lead to a life-threatening situation, such as an employee with severe epilepsy or someone with an allergy that is triggered by a substance such as perfume and needs the emergency use of an EpiPen they carry.
- In an emergency evacuation where an employee has a 'PEEP' (Personal Emergency Evacuation Plan in place) that a team or individual 'buddy' needs to be aware of the situation. A PEEP is a plan for a person who may require assistance, for instance, a person with impaired mobility who needs to evacuate a building or reach a place of safety in the event of an emergency alarm.

13. Carers' leave relating to a person with a disability they care for:

(Schools may need to amend this paragraph depending on if they have adopted this policy or are using it as guidance)

In line with the Schools/Council's Carer Friendly Employer Pledge and Carers Policy, the School/Council supports employees with caring responsibilities to help them to achieve a balance between the demands of their job roles and personal caring responsibilities. This includes being able to take paid time off as Carer's leave for undertaking caring duties or appointments.

All the above examples are adapted from the EHRC (Equality and Human Rights Commission): <https://www.equalityhumanrights.com/en/multipage-guide/employment-workplace-adjustments>

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Further sources of information on Reasonable adjustments:

[Reasonable Adjustments Agreement](#)

ACAS – [Reasonable Adjustments for mental health](#)

[Access to Work guidance](#)

[Able Futures – Support for mental health at work](#)

[Disability Confident – A practical guide for line managers](#)

[Disability and Reasonable Adjustments Agreement form](#)

The Employee Wellbeing of the Extranet.

[Government Guidance on Reasonable adjustments for workers with disabilities or health conditions](#)

[Menopause Support Agreement](#)

[Sickness Absence Management Policy](#)

[Smarter Ways of Working](#)

[SMBC Employee Assistance Programme \(EAP\)](#)

[SMBC Supported Employment Scheme](#)

Further links:

[Accessibility and Disability](#)

[Autism West Midlands](#)

[British Dyslexia Association](#)

[Disability Essentials](#)

[Dyspraxia Factsheet](#)

[Fibromyalgia Factsheet](#)

[Solihull Mind](#)

[Multiple Sclerosis Factsheet](#)

[RNIB](#)

[RNID](#)