

# Guidance for managers supporting disabled employees

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## 1. Introduction

Northumberland County Council and Northumbria Healthcare NHS Foundation Trust are fully committed to promoting equality and diversity. Both organisations value all staff and recognise our duty to make reasonable adjustments for disabled employees.

It is estimated that 25% of the adult population either have a disability or are caring for a disabled person.

This guide is aimed at managers to help them effectively support and manage disabled employees and to create an inclusive culture within the workplace. It contains information about the support available, how to make reasonable adjustments and where to find further guidance.

## 2. What is a disability?

The definition of disability in employment legislation is quite broad. In some cases it can be difficult to determine whether someone is likely to be covered by the definition of disability, particularly if they have a variable or fluctuating condition. The Equality and Human Rights commission have produced guidance to help with this.

### [Equality Act Guidance on the Definition of Disability](#)

If you are unsure about whether someone is a disabled person or not after considering the guidance, you can seek advice from your HR adviser or ask for advice from the Occupational Health Team.

The Equality Act 2010 says a disabled person is someone with 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. Long-term means that the impairment has lasted, or is likely to last, for at least 12 months. Examples of effects which are not long-term would therefore include loss of mobility due to a broken limb which is likely to heal within 12 months and the effects of temporary infections, from which a person would be likely to recover within 12 months.

The following are examples of 'Day-to-day activities':

- Mobility
- Doing something with your hands
- Physical coordination
- Continence (controlling your bladder or bowels)
- Ability to lift, carry or move everyday objects
- Speech, hearing, or eyesight
- Memory or ability to concentrate, learn or understand, or
- Perception of the risk of physical danger

A disability can arise from a wide range of impairments, including (but not limited to) the following:

- Sensory impairments, such as those affecting sight or hearing
- Facial disfigurements
- Impairments with fluctuating or recurring effects such as depression, rheumatoid arthritis, chronic fatigue syndrome (ME), diabetes and epilepsy
- Progressive conditions, such as motor neurone disease, muscular dystrophy, forms of dementia
- Organ specific conditions, including respiratory problems, such as asthma, and cardiovascular diseases, including thrombosis, stroke and heart disease
- Cancer, HIV/Aids, Multiple Sclerosis (MS) are covered from the point of diagnosis, even if symptoms have yet to occur
- Learning difficulties, such as autistic spectrum disorders (ASD), dyslexia and dyspraxia the Equality Act refers to these conditions as developmental impairments.
- Mental health conditions, such as eating disorders, bipolar affective disorders, obsessive compulsive disorders, personality disorders. Depressive illnesses can amount to disabilities where they are long-term.

In some circumstances, a person will still be covered by the Equality Act if they have met the definition of disability in the past even if they no longer have any symptoms, examples include: cancer, depression.

### **3. How can we demonstrate our commitment to Disability Equality and meet our Legal duties?**

In order to have a diverse and representative workforce, our policies and every day practice need to be inclusive of disabled people. This means that we need to:

- Recruit and promote staff fairly
- Develop an inclusive and accessible working environment
- Tackle discriminatory practice, behaviour and language
- Make 'reasonable adjustments' to ensure that disabled employees can contribute effectively in the workplace.

It is part of our duty under the Equality Act 2010 to be proactive in supporting disabled staff. Northumberland County Council and Northumbria Healthcare NHS Foundation Trust both have the Jobcentre Plus Two Ticks accreditation.



The symbol identifies those employers who have agreed to meet five commitments regarding the recruitment, employment, retention and career development of disabled people.

**Commitment 1:** To interview all applicants with a disability who meet the minimum criteria for a job vacancy and consider them on their abilities. This means that we guarantee to interview all disabled applicants who meet the essential criteria for a post, this applies to both internal and external vacancies. Disabled applicants do not have to meet desirable criteria.

**Commitment 2:** To ensure there is a mechanism in place to discuss at any time, but at least once a year, with disabled employees what can be done to make sure they can fully develop and use their abilities.

**Commitment 3:** To make every effort when employees become disabled to make sure they stay in employment.

**Commitment 4:** To take action to ensure that all employees develop the appropriate level of disability awareness needed to make the commitments work.

**Commitment 5:** Each year to review the 5 commitments and what has been achieved, to plan ways to improve on them and let employees and the Jobcentre Plus know about progress and future plans

More about the *Two Ticks* Scheme: [Two Ticks Scheme](#)

## 4. What is a Reasonable Adjustment?

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 a disabled employee. 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 do a job. .

Many of the adjustments you can make will not be expensive, and you are not required to do more than is reasonable to support the individual to be able to work effectively. In determining what is reasonable, you should always take the disabled person's views about what is needed into consideration because they have experience managing their condition and know what works for them. It can be helpful to get a professional advice, such as a workplace assessment, as this may identify adjustments that haven't been considered or assistive technology which may help.

Examples of reasonable adjustments may include:

- re-allocation of duties
- flexible working hours
- changes to procedures or working practices
- time off for rehabilitation, assessment or treatment
- additional training
- purchase or modification of equipment
- modification of reading and information formats

- redeployment
- provision of a support worker
- moving a desk or other equipment

Many factors will be involved in deciding what adjustments to make and they will depend on individual circumstances. Different people will need different changes, even if they appear to have similar impairments.

You should discuss the adjustments with your HR Advisor and the employee as soon as you become aware of the need to do so. If appropriate you can seek advice on reasonable adjustments from an Occupational Health Advisor. Adjustments should be monitored and reviewed annually or more regularly if necessary to ensure their effectiveness.

Although many reasonable adjustments can be provided at no financial cost, where there is a cost reasonable adjustments are funded from the organisation's own resources or through the Access to Work scheme.

Access to Work may be able to provide a Government grant which can pay up to 100% of the cost of identified adjustments for new employees who apply in the first 6 weeks of their employment, even if that is part of a probationary period. Access to Work will fund an assessment for existing employees and, in some cases, may contribute towards the costs of an adjustment. For a new employee if an application for support to Access to Work is made in the first six weeks of employment it may be possible to get 100% funding of some costs. This is why it is advisable to apply for support as soon as possible and not to wait until a probationary period has ended.

## **5. How do I know if an adjustment is reasonable?**

The Equality and Human Rights Commission (EHRC) provide guidance about reasonable adjustments at [www.equalityhumanrights.com](http://www.equalityhumanrights.com)

When deciding whether an adjustment is reasonable you can consider:

- How effective the change will be in avoiding the disadvantage the disabled worker would otherwise face
- If it's practical
- The cost - resources must be looked at across your whole organisation, not just for the branch or section where the disabled person is or would be working.
- The availability of financial support. For example Access to Work funding.

Your overall aim should be, as far as possible, to remove or reduce any disadvantage faced by a disabled worker. Managers must consult with HR if they are considering rejecting an adjustment as unreasonable

Remember, the legislation allows you to treat disabled people better or 'more favourably' than non-disabled people and sometimes this may be part of the solution.

There are some case studies at the end of this guide and these give examples of reasonable adjustments.

## **The practicalities of making reasonable adjustments**

It is always recommended to **start by meeting** the person to find out:

- If they would benefit from any reasonable adjustments. It can be useful to arrange a workplace assessment as part of this to identify solutions the disabled person may not be aware of themselves. It might be possible to fund this assessment through the Access to Work scheme.
- If they would benefit from specialist equipment/software;
- If they would benefit from other adjustments to their working arrangements;
- To make them aware of the Staff Disability Network and other support offered by the organisation:
- If they need a Personal Emergency Evacuation Plan (PEEP). This is important if staff have a learning disability, mobility or sensory impairment which could affect emergency evacuation arrangements. (The Health and Safety team can advise on this)

## **6. Policies related to Disability**

Anyone who is involved in any stage of the recruitment process should ensure they follow the Recruitment Code of Practice. The Code sets out what should happen at each stage of the recruitment process – from when a vacant position arises to when that position is filled. The practices and processes set out in the code are an important feature of the employment aspects of the Equality and Diversity Policy. NCC also has a diversity Checklist Appointing Officers should follow.

When recruiting the following should be considered with to encourage disabled applicants to apply:

- Focus on the type of work which needs to be done in the role rather than how it should be done. If flexible or part time working is possible this should be mentioned in the job advertisement
- Remove any negative language in adverts. e.g. replace “must be able to touch-type at 80wpm” with “must be able to produce accurate reports using a word processing package”.
- Consider adjustments to tests, interview and assessments to accommodate disabled candidates’ needs;
- Interview all disabled applicants who meet the essential requirements of the post
- Ensure tests are accessible and non-discriminatory;
- Only specify qualifications when they are essential to the role.
- Refer to the Employers’ Forum on Disability guide on-line:  
[www.barrierfree-recruitment.com/recruit/adjust.htm](http://www.barrierfree-recruitment.com/recruit/adjust.htm)

## **7. Occupational Health / Absence Management Policy**

The absence of a disabled member of staff should be dealt with under the provisions of the Absence Management Policy. In some cases it may be a reasonable adjustment to set the trigger point for absence management at a higher level for disabled staff and/or discount some disability related sickness absence. Managers should liaise with Occupational Health when looking at an individual's disability related sickness absence record and trigger points. Disability related sickness absence should be recorded separately from other types of sickness absence (this is done through the oracle system) more information on this can be found in the Absence Management Policy.

Flexible working can help in making workplaces more inclusive and are an important reasonable adjustment for disabled staff. Our flexible working arrangements also allow for a flexi credit to enable disabled employees to attend medical or therapeutic appointments.

## **8. Managers' responsibilities**

Managers have an important role in ensuring disabled staff are appropriately supported to perform their duties. Managers have responsibilities to:

- Respond to requests from disabled staff members for reasonable adjustments
- Arrange reasonable adjustments for members of staff (if possible in the first 6 weeks of employment for new starters who declare a disability)
- Ensure local practices do not contravene the Equality Act. This includes preventing discrimination and ensuring staff work in an environment free of harassment
- Periodically review staff needs to ensure that adjustments are fit for purpose
- Implement the Two Ticks scheme
- Implement procedures such as: Separately recording disability related sickness absence and the Recruitment code of Practice
- Implement the requirements of the Equality Act
- Promote the Staff Disability Network
- Ensure that emergency evacuation procedures are in place for disabled members of staff with sensory, mobility or other impairments which may affect safe evacuation.
- Encourage staff to complete Equality Monitoring Data
- Encourage staff to declare a Disability

Please note that staff may acquire a disability whilst working at for an employer and it is good practice to periodically review all staff needs.

## **Case Studies**

- a) Lisa was successful in securing a job as an IT programmer. Lisa has autism she is highly skilled at her job but has difficulty in environments which are

brightly lit and noisy, and also has difficulty in dealing with groups of people. Her employer discussed with Lisa how to support her and made following the adjustments:

- Re-arranged office allocation in the department to provide a small, quiet office allowing Lisa to work with minimal interruption
  - Provided a desk lamp so the primary office lights could be switched off
  - Took account of other sensory issues (asked staff to avoid strong perfumes/ aftershaves ,slight relaxation of uniform rules to accommodate sensitivity to clothing materials and footwear)
  - Recognised that verbal communications might be difficult and encouraged communication to and from Lisa by other methods such as e-mail, written reports
  - Provided additional Occupational health support on a drop-in basis
  - Allowed Lisa to occasionally work from home
  - Where group contact was required, acknowledged that Lisa may not be able to fully participate during the meeting but encourage her to make comments and raise queries afterwards in writing or within a smaller group environment
  - Worked towards using appropriate language for the condition, for example by avoiding abstract concepts, giving clear instructions
- b) Peter has a visual impairment this makes using public transport difficult as catching a bus meant crossing busy roads and city streets. He contacted Access to Work (AtW) for help and they funded an in work assessment which recommended specialist software and a CCTV (Closed Circuit Television). AtW provided some funding to help with taxi costs to get him to and from work and for travel to different sites at work. As Peter was a new employee AtW funded all the equipment he needed. Peter's employer allowed him to have time to attend his annual eye screening appointments as a reasonable adjustment and ensured he had a Personal Emergency Evacuation Plan so he could exit the building safely in the event of an emergency.
- c) Marcus has been off work with depression for eight weeks and has been diagnosed with Bipolar disorder he has kept in contact with his manager over this time. The manager reassures Marcus that he is a valued member of staff and ensures that Marcus is given the contact number of the Welfare Officer in an email as it can be difficult to retain information given over the phone while someone is in a stressful situation. Knowing that Marcus was considering a return to work his manager referred him to occupational health for advice on what support he may need to return to the workplace. Marcus attends a back to work meeting with his manager to agree adjustments and changes to his

workplace are discussed with him and put in place before Marcus returns to work.

The Occupational Health Physician suggests:

- a phased return, gradually building up his hours to full time over 4 weeks.
- that Marcus introduces his work tasks slowly, concentrating on desk work in the first few weeks and gradually reintroducing customer query facing work which is more demanding.
- the location of Marcus' desk is also agreed.
- Marcus requests additional supervision meetings while settling back into work
- It is agreed that Marcus will contact the Welfare officer if additional support is needed and the adjustments will be reviewed to see how they are working

Although Marcus is feeling a lot better his medication makes him drowsy in the mornings which means that he is unsafe to drive. As his home is not well served by public transport his manager suggests that he applies to Access to Work to help fund a taxi to work. On his return to work some of his colleagues seem embarrassed and unsure about asking him about his health. Workplace adjustments are only effective if they occur in a supportive, understanding environment. For people with a mental health condition there is evidence that being in work can aid recovery but some people with a mental health condition can face stigma and lack of understanding, as well as lack of knowledge about how to support people in the workplace. Marcus decides it would be useful to talk to his colleagues to help them understand his condition and answer any questions they may have. His line manager arranges a mental health training session for the team to improve awareness. Training, communication and awareness raising are very important in making sure adjustments are successful.