

# **Disability Policy and Reasonable Adjustments Guidance PDF**

This policy outlines the Council's' commitment towards employees with disabilities and long-term conditions and aims to help managers effectively support and manage disabled employees by making effective reasonable adjustments.

## **Introduction**

The Royal Borough of Kensington and Chelsea is committed to an active equal opportunities policy during the employee lifecycle; from recruitment and selection, through training, development, appraisal and promotion to retirement for all employees including those with a protected characteristic including disability. It is our policy to promote an environment that is fully inclusive, accessible and where all employees can be their whole selves and achieve their best work. It is our ethos to respect everyone and value the personal experiences of each individual and ensure that we are equitable and fair.

## **Scope**

This policy applies to all Council employees, workers, and contractors. The scope of this policy covers conditions including, but not limited to physical disability, sensory conditions, mental health conditions and neurodiversity conditions.

## **The Equality Act 2010**

The Equality Act 2010 provides disabled people with protection from discrimination in a range of areas, including employment.

Under the Equality Act 2010 a person is disabled if they have a physical or mental impairment which has a substantial (not minor) and long-term effect (has lasted or is likely to last more than 12 months) on their ability to carry out normal day-to-day activities. In the workplace, such activities are taken to include things like using a telephone or computer, interacting with colleagues, following instructions as a direct result of their condition, driving and carrying everyday objects.

The Council is committed to creating an inclusive working environment and removing barriers for any employee who is experiencing a barrier whilst doing their job. The Council will not spend time trying to establish or determine whether an individual's condition meets the legal definition of disability or ask intrusive questions about your disability or long-term condition. Instead, the Council will focus on making adjustments for any employee who is experiencing a barrier or difficulty at work.

## **Disability Confident**

We are proud to be a Disability Confident Employer - [Disability Confident Employer](#)

The Disability Confident scheme supports employers to attract, recruit and retain talented disabled people and to create an inclusive workplace where employees with disabilities and long-term conditions can thrive. Through Disability Confident, thousands of employers are:

- challenging attitudes towards disability
- increasing understanding of disability
- removing barriers to disabled people and those with long-term health conditions
- ensuring that disabled people can fulfil their potential and realise their aspirations

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

A reasonable adjustment is a change that an employer makes to remove or reduce the barriers that a disabled employee might face whilst doing their job. In the case of a candidate, reasonable adjustments are made ensure the recruitment process is inclusive and barrier-free to anyone who wishes to apply.

Adjustments are made on a case-by-case basis and must be designed to remove or reduce the difficulty the employee or candidate is facing. Examples could include a specific piece of IT equipment (such as speech-to-text or screen reader software), amending working practices, hours, or location, delivering coaching or mentoring, providing communication support for Deaf employees or providing a flexible working arrangement.

Adjustments need to be effective in helping the person as well as being sustainable for the organisation. Whether a proposed adjustment is reasonable is determined by the Council.

## **What does reasonable mean?**

The following factors will be considered when deciding whether a proposed adjustment would be reasonable:

- Effectiveness – how well does the adjustment in question remove or at least minimize the disadvantage?

- Practicability – how practical is the adjustment? For example, how long will it take to implement, will anyone need extra training, etc?
- Cost – for example, how much will it cost, what financial resources available to the Company (including schemes such as Access to Work, for example), can the Council afford it?
- Disruption – how disruptive to the Council, to others, and to our business needs would it be to make this adjustment
- Risk – would making this adjustment cause any risk to others? (Note: An adjustment will not be ‘reasonable’ if anyone’s health and safety would be compromised by making that adjustment.)

## **Roles and Responsibilities:**

### **Line Managers**

Line Managers need to ensure all employees have everything they need to do their job to the best of their ability. Line managers should be proactive in spotting the signs of when an adjustment might be needed and having supportive conversations with employees. Line managers should not focus on the medical nature of the employee’s disability or long-term condition but should focus on how to remove the barriers that the disabled employee might be facing. The duty to make adjustments rests with the employer so line managers must have proactive conversations with all of their staff to ensure everyone has everything they need to do their job.

### **Disabled Employees**

There is no legal duty placed on disabled employees to tell the Council about their disability or long-term condition. However, disabled employees are encouraged to share this information with their manager if they feel comfortable to do so. Having honest and open conversations between employees and their manager is the best way to put effective, person-centred support in place.

### **Recruitment**

Applicants will be recruited solely based on selection criteria and the applicant's abilities and individual merit. A disability will not of itself justify the non-recruitment of an applicant.

The Council will ask all candidates if they need any adjustments or support during the recruitment process to ensure that no applicant is disadvantaged because of their disability. All disabled applicants who meet the minimum requirements of the job as set out in the job description and person specification will be offered an interview.

## **Induction**

On starting work the employee's line manager will be responsible, in consultation with the disabled employee, for ensuring such reasonable adjustments are made as required to enable the employee to work safely and effectively and to secure equal access to the benefits of employment.

Where the line manager does not have the relevant knowledge or experience to make the reasonable adjustments they will consult occupational health and/or HR. Where necessary, an outside specialist may be consulted.

The induction process is an opportunity for managers to outline the support available for employees. All new-starters should be aware of support available for disabled employees.

All new-starters should be aware of the support available to them, including:

- Council's equality and diversity policies (accessed via [KCnet](#))
- [Tailored Adjustments Plan \(TAP\)](#)
- Personal Emergency Evacuation Form ([PEEP](#)) if required
- Diversity Staff Network
- Occupational Health Service
- Workplace Options (Employee Assistance Programme)

## **Training and Career Development**

The Council will adopt a person-centred approach by asking all employees if they need any adjustments or support to fully access any training and opportunities for promotion and other aspects of career development based on their abilities.

Each element of the promotion procedure and all training will be made accessible to disabled employees through the implementation of reasonable adjustments tailored to the individuals' needs.

## **Retention**

As part of its commitment to equal opportunities and creating a working environment where disabled employees can thrive in their roles, the Council will ensure that all reasonable measures are taken to retain the talents and skills of its disabled employees in employment.

It will be the responsibility of line managers to consider reasonable adjustments for an employee who has a disability, for example where dismissal is being considered on the grounds of sickness or incapacity.

The Council will make such adjustments as are reasonable to enable a disabled employee to carry out their duties and to remain in employment. These may include, but are not limited to, provision of specialist equipment and training, alterations to physical features of the workplace, job redesign, retraining, flexible hours, remote working.

If redeployment is a reasonable adjustment, the disabled employee will be viewed as a priority within the redeployment procedure (subject to the rights of an employee on maternity leave who is at risk of redundancy).

Salary protection will not normally be payable where an employee is redeployed to an alternative job. Where an individual incurs disability related sickness, managers may vary trigger points as a reasonable adjustment ([Sickness Policy](#)).

### **Medical or occupational health reports**

Having discussed the employee's condition with the employee, the organisation may request a medical, vocational or functional assessment of the employee in relation to disability. As part of the assessment, it may be helpful to obtain a report from an external organisation or the employee's GP / consultant. If it requests a report from the employee's GP or consultant, the organisation will explain the employee's rights under the Access to Medical Reports Act 1988.

The organisation may consider it necessary to obtain a report and/or assessment where, for example, the employee:

- is unable to fulfil all the duties and responsibilities of their role;
- has persistent intermittent short-term sickness absence;
- has been absent from work on long-term sickness absence [as defined by the organisation's sickness absence policy] or is likely to be; or
- may be at a substantial disadvantage in seeking promotion compared to someone who does not have that disability.
- The aims and objectives of obtaining a report and/or assessment will be discussed with the employee. These could be to:
  - understand better the nature of the employee's disability and its impact on the employee's ability to perform their role; or
  - consider what, if any, reasonable adjustments should be made.
- The report or assessment findings will be discussed with the employee.

Neurodiverse and cognitive diagnostic assessments (i.e. Dyslexia, Dyspraxia) can be commissioned from Posturite (link to referral form). The subsequent report will provide reasonable adjustment recommendations. On receipt of the report please contact your HR Adviser for further advice.

### **Disability related sickness**

The Council is committed to dealing fairly and sympathetically with employees who are absent from work for long periods because of ill health. The organisation aims to assist employees on long-term sick leave with their rehabilitation and eventual return to work.

The Council understands that an employee may have a health condition or injury that means that they are not fit for work, and that the employee's recovery may be a slow process. However, the organisation must also pay due regard to its operational needs. The absence of an employee on long-term sickness absence can damage efficiency and productivity and place an additional burden on the employee's colleagues.

The Council will consider dismissing an employee on long-term sick leave only after it has made all reasonable and practicable attempts to support their return to work, including any reasonable adjustments if the employee has a disability.

By implementing this policy, the Council aims to strike a reasonable balance between the pursuit of operational needs and the genuine needs of employees to take time off work because of ill health ([Sickness Policy](#)).

### **Disclosure and confidentiality**

The Council will ensure that individuals' personal data, including data relating to their health, is handled in accordance with its data protection policy / policy on processing special categories of personal data. Any breach of confidentiality will be treated very seriously and dealt with under the Council's disciplinary procedure.

### **Contacts at the Council**

- Your relevant HR consultant/HR Business Partner
- Russell Harding (Senior Technical Specialist) for support with Assistive Technology
- [Occupational Health](#)

- [Workplace Options](#) (Employee Assistance Programme)

## **Further support and information**

### **Equality and Human Rights Commission (EHRC)**

The EHRC promotes and monitors human rights. It has a range of information on disability discrimination, including:

- [Guidance for employers on the Equality Act 2010](#)
- [Employing people, workplace adjustments](#)

### **Advisory, Conciliation and Arbitration Services (Acas)**

Acas provides free and impartial information, advice, and training to employers and employees on all aspects of workplace relations and employment law, including a number of disability discrimination and health at work:

- [key points for the workplace](#)
- [obligations for employers](#)
- [mental health in the workplace](#)
- [health and wellbeing](#)

Please see links below for guidance surrounding disability and reasonable adjustments;

### **Disability Guidance**

### **Reasonable Adjustments Guidance**

### **Tailored Adjustments Plan (TAP)**

### **Disability Policy and Reasonable Adjustments Guidance PDF**

### **Appendix 1**

### **Appendix 2**