

GUIDANCE WHEN CONSIDERING OR MAKING REASONABLE ADJUSTMENTS

PRODUCED BY
THE DIVERSITY TEAM

Lincolnshire Partnership
NHS Foundation Trust

Introduction

This guide will take you through a step by step process when considering or making reasonable adjustments. This guide also contains an appendix which gives examples of specific adjustments to consider.

Background

Lincolnshire Partnership NHS Foundation Trust has a obligation to comply with the General & Specific Duties identified in a number of equality legislative acts, amendments & regulations e.g. DDA 1995, Human Rights Act 1998 with particular regard to promotion of good equality of opportunity.

The aim of this guide

The intention of this document is to support and advise managers and other trust staff of the key issues to be considered and process to adopt when a disabled applicant/staff member requests or identifies the need for disability related reasonable adjustments to their workplace or access to related services.

The outcome of the process should have an audit trail which records:

- What is requested
- How it is considered
- All decisions
- When to review an adjustment
- Who is responsible.

Making Reasonable Adjustments

Responsibility to decide upon and in most cases make the reasonable adjustments lies with the line manager or service provider. The role of the Diversity Team is to advice on making reasonable adjustments. Ultimately the General Manager/ Director will decide, in cases of dispute.

Determining 'What is Reasonable'

On identification of the need for an adjustment or an applicant/staff member requests an adjustment (see appendix 1 for specific adjustments to consider) there needs to be a decision about the reasonableness of the request. This request may be at the first point of contact with the Trust, on the job application form; during an interview or during the work placement).

If the request is straightforward, the manager can nominate a person to take responsibility for evaluating the request and taking appropriate action. In most cases this will be the department. If the request is more complex the head/staff member involved can request a meeting with the Diversity Team to discuss.

Consultation

It is important to consult with all relevant parties concerned, including the applicant/staff member, service user, the Diversity Team, the HR Department and/or Occupational Health when working through an adjustment request. It is important to investigate the reasonableness of a requested adjustment rather than assuming it could/could not be done. In some instances it may be necessary to seek external advice to establish applicants exact access requirements.

Notification and Recording of Decision Made

The applicant/staff member should be notified of the decision, which is recorded in the applicant/staff member personnel file. Ensure a record of the process undertaken to investigate a disability related adjustment is recorded within the department. An applicant whose request is declined may well appeal the decision. Whilst this may initially be via the Trust's complaints procedure, the applicant/staff member may also be able to request the support and advice of the Equality & Human Rights Commission.

Seek Funding, Where Relevant

Many such adjustments will be effective and practical changes that can be made at little or no cost. Where adjustments are not considered reasonable advice should be sought from your Diversity Team or the HR Department.

- Funding should be sought for any disability related reasonable adjustment:
Firstly by the employing department or within the Trust (e.g. Estates, IT, Health & Safety)
- Secondly by the Line Manager (through the HR Department) can apply for part/full reimbursement of more expensive items of equipment/other adjustments through other grants.

To ensure misunderstandings are kept to a minimum, a written record of any adjustments identified by this process should be agreed and kept on the individual's personal file for reference by either party.

The Trust is responsible for identified, supporting reasonable adjustments and appropriate funding must be sought in a timely manner. Delays in providing such support may place the Trust at risk of a disability discrimination claim.

Review Support

Review of support is required periodically to ensure adjustments continue to work well. This may be carried out by the Line Manager or another nominated person within the Trust.

Disability in Employment
Examples of Specific Adjustments to Consider

DEAF OR HARD OF HEARING

- Due to the shortage of interpreters a booking for one needs to be made 4 – 6 weeks in advance of any meeting. Provide interpreters with any material to be used in advance. They observe strict confidentiality. Establish a collaborative relationship
- Information or instructions normally presented orally may need to be given in writing, or through a sign language interpreter or lip speaker
- Provide comprehensive written instructions and ensure they are understood
- Light source should not be directly behind a speaker or panel, but faces well lit to facilitate ease of lip reading.
- Don't shout, but speak slowly and distinctly
- Be patient if not immediately understood. Rephrase what has been said rather than repeat yourself. Certain words are hard to lip read
- Speak directly to the person, and not to any interpreter
- Training handouts, reading lists & written notes introducing any new vocabulary given as early as possible
- Arrange for transcripts of videos, or subtitles for those regularly used
- Ensure that the office / work area is well lit
- Locate the employee where environment noise is minimized
- Arrange workplace so that employee can see when someone enters and for best communication
- Fire alarms should have flashing lights, and ensure exits and fire drills are understood. Perhaps someone detailed to help an evacuation
- Machinery with safety alarms converted to have flashing light
- Emergency button in a lift should have light showing when it is activated
- A pager with vibrating signal provided for itinerant workers
- Induction loops will enable hard of hearing people to tune their hearing aids directly to people speaking through microphones at meetings. Portable loops are available for conferences. Also FM & infra - red systems
- Telephones with controllable amplification or text phone (Text Direct or Typetalk)
- Video telephones and PC- based video telephony are all available
- Hi-linc and similar video systems caption pre-recorded programmes

PEOPLE WITH DYSLEXIA

It is very important that the degree of dyslexia is discussed very early on with the individual – often those suffering with dyslexia have other problems as well

- Use simple, clear type face (Comic Sans, Font 14)
- Send application and other forms by email or disc, so that there need be no concern about written presentation and a spell checker can be used
- Some forms of dyslexia are exacerbated by colour – particularly black against white, use matt pastel coloured paper

Written Communication:

- Give verbal rather than written instructions
 - Highlight important points in documents
 - Use voice mail rather than written memos
 - Use speech to text software
 - Use a reading machine, or allocate a reader
 - Set computer screen to coloured background for documents
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- Allow extra time to read information and complete tasks
 - Examine other ways of giving information to avoid reading
 - Discuss information given and give or key points

- Use alternative media sources such as audio / video, drawings, diagrams, flow charts
- Install spell checking programme on computer
- Allocate someone else to write by hand for them.

Verbal Communication:

- Give instructions one at a time, check for understanding
- Communicate slowly and clearly in a quiet location
- Give concise and direct instructions
- Write down important information, clearly in a way that you have checked they can understand
- Demonstrate and supervise tasks or projects
- Encourage person to take notes and then check them
- Ask for instructions to be repeated back, to confirm they have been understood correctly
- Write a memo outlining a plan of action
- Use a tape recorder or Dictaphone to record important instructions
- Back up multiple instructions in writing or with diagrams

Time and Work Planning:

- Allocate employees own private workspace where possible, or allocate use of library, file room, office, store - room or other enclosed area when not in use by others
- Ensure workspace is quiet and away from distractions
- Where feasible employee could be allowed to work from home occasionally, where the post allows for this
- Use a 'Do not Disturb' sign when specific tasks require intense concentration and encourage co-workers not to disturb unless absolutely necessary
- Give regular reminders of important deadlines and review priorities regularly
- Use a wall planner that visually highlights appointments, deadlines, tasks, projects
- Supply an alarm watch
- Use daily calendar and alarm feature programmes on computer
- Supply a talking calculator
- Use daily 'To Do' lists
- Build planning time into each day

PEOPLE WHO STAMMER OR HAVE A SPEECH IMPEDIMENT

- Have particular difficulties with interviews, presentations and meetings, using the telephone and especially when tired or at times of pressure and anxiety
- Will often pause before words or use phrases such as 'you know', 'well actually', or 'it could be said' to punctuate the flow. Do not assume reticence, hesitancy or confusion
- The pressure to speak quickly and the attitude and response of the listener can exacerbate the difficulty
- Listen to the person and allow them to finish what they are saying without interruption or attempt to finish their words or sentences for them
- Maintain eye contact as much as possible
- Speak normally and in a relaxed manner
- Allow extra time for communication
- Explore alternatives to use of telephone, they may have excellent communication skills in other ways (email, letter) or consider installing a Type talk phone
- Consider the reallocation of minor or subsidiary duties such as occasional telephone use
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- Ensure the employee is given time and opportunity to speak at meetings, and make sure that they have the support and preparation they need to feel confident about their presentation or to modify any scripts to avoid certain words that cause difficulty
- Modify assessments or appraisals to avoid marking down on communication skills

- Discuss special training in communication or telephone skills, or consider sponsoring a speech course for the employee
- Include stammering in disability awareness training for other employees

PEOPLE WITH PROGRESSIVE OR FLUCTUATING CONDITIONS

As examples of progressive conditions the cancer, HIV infection, multiple sclerosis and muscular dystrophy. Special rules apply to people with progressive conditions. They are covered by the DDA from the moment that condition has some effect on their ability to carry out normal day to day activities, or from the point of diagnosis, and this need not be either continuous or substantial, providing that it is likely to become substantial.

Some conditions like ME or back pain, which can occur sporadically or for short periods followed by a period of remission, may also qualify under these terms. Many of the adjustments required will be identical to those needed for employees with other types of disability. However, because these conditions are progressive and fluctuating, the issues can be more complex.

Initial symptoms may be 'invisible', and easily confused with general ill – health. The employee may not consider them selves to have a disability and may not easily disclose it - perhaps through fear of discrimination.

Positive understanding of the equal opportunities policy and strict confidentiality will help early disclosure to be made. It is important to avoid an assumption that an employee will inevitably be unable to work at some point in the future, or that they will always present problems. Many of the adjustments will be the same as for other groups where issues such as time keeping, flexible working, stamina and concentration, memory loss, sickness absence management, specialist appointments (for rehabilitation, assessment or treatment), and special medication breaks are involved.

PEOPLE WITH DIABETES

In most cases the only reasonable adjustment required is an increased understanding of diabetes by those in the workplace. Which must be done only with their willing approval and with regard to confidentiality issues?

- Regular work schedules, breaks to establish a predictable routine for monitoring glucose, taking insulin or eating
- Fridge insulated cool bag or flask for storing insulin
- Private space for testing blood glucose or injection of insulin if required
- Allowing time off to attend medical appointments, rehabilitation or assessments
- Allowing person to gradually build up level of fitness required
- Reallocation of minor or subsidiary duties or relocation to alternative position/premises/employment
- Establish procedures for dealing with symptoms leading upper to or having a hypoglycemic attack (in conjunction with the individual)
- Where there is diabetes related visual impairment discusses adjustments as for Visual Impairment
- Health and Safety Issues do give an important consideration for occupations with inherent hazards. Treatments used to control diabetes may place restrictions upon, or deny access to, certain occupations accordingly especially where treatment is by insulin injection, such as:
 - Working with chemicals, unguarded fires, ovens and hotplates
 - Working alone at night
 - Working with unguarded machinery, high voltage or open circuit electricity

- Working near open water or near moving vehicles
- Working at unprotected heights
- Driving Large Goods Vehicles or Passenger Carrying Vehicle (above 16 seats)

N.B: Restrictions vary according to method of control. There are no statutory occupational restrictions where control is by diet alone and few occupational restrictions where oral medication is administered, providing there are no disabling complications

VISUAL IMPAIRMENT

- Use of large print, Braille, tape or disc formats for instructions and information (Remember that 60% of blind or partially sighted people in U.K. regard themselves as print readers. Only a few require Braille)
- Consider any transport or access requirements
- Ensure reception and security staff are aware of special requirements
- Assign a colleague to assist with familiarisation of new venues. They should offer an arm to guide the person, or lead the way at a steady pace and continue
- Prepare the layout of any room for ease of access and best communication
- Light source should not be directly behind speaker or panel
- Introductions clearly made and time given for individuals to be identified by voice and position in room
- Avoid use of red ink on flip charts
- A dot of silicon on a knob, switch or button enables an operator to align controls on a machine, or identify a specific function
- A wider felt-tip marker may make file folder labels readable
- Tactile indicators on the underside of stair rails will denote the floor level
- Assign a colleague to regularly read mail (Consider a support worker under the Access to Work Scheme)
- Magnification systems to enlarge size of text / graphics on a computer monitor
- Synthetic speech systems read out onscreen information
- Electronic Braille displays enable 'reading' of computer screen via electronic pad
- Closed circuit (CCTV) systems magnify printed material
- Optical character recognition (OCR) scan printed material which can then be transferred to a speech or Braille system

PEOPLE WITH EPILEPSY

The vast majority of people with epilepsy have no problems at work, and each person's experience is different and has different effects. 80% have complete control over their seizures with medication, but some may have side effects at first

In most cases the only reasonable adjustment required is the increased awareness and acceptance by others in the workplace. Important related questions to ask may be as follows:

- Is the epilepsy controlled and are there any before or after effects?
- Does the employee know when a seizure is imminent, and does stress, anxiety or tiredness induce them?
- Does anything specific trigger a seizure and / or is there a pattern to them?
- Is there any specific care needed during or after a seizure?
- What is the usual recovery time?
- Risk assessment must be in place with the member of staff's consent
- Agree a procedure for dealing with the staff member if they have a seizure at work

Other considerations:

- Allow time off for medical treatment
- Be flexible wherever possible around working hours and work loads, especially when allowing an individual to adapt to a new treatment regime

- Be aware that medication or epilepsy itself may occasionally affect memory, concentration or mood
- Allow frequent breaks from looking at a computer screen
- VDU's usually operate at a high frequency that will not provoke seizures, however, there are cases of people with this rare type of epilepsy who can experience seizures triggered by such things as VDUs, TVs and monitor screens, low frequency or flashing lights, glaring lights, stripes or checks
- Use ordinary as opposed to fluorescent tube lighting
- Driving restrictions may apply to someone with epilepsy. Can the need to drive be waived or that aspect reallocated to someone else?

Other occupational restrictions may be included depending on severity and control of seizures or risk attached. These include:

- Work near open water, or unprotected heights
- Working alone on isolated sites or around unguarded machinery or fires
- Working alone with babies or young children
- Working on or near moving vehicles
- Working with high voltage or open circuit electricity

Useful Contacts

www.leonard-cheshire.org

Leonard Cheshire is the UK's largest voluntary sector provider of support to disabled people. Leonard Cheshire's main project to support disabled people getting into work is Workability. This training scheme, which is backed by Microsoft, aims to equip disabled people with the skills to assist them in the search for jobs by providing free internet-linked, computer equipment and training.

● www.helptheaged.org.uk

With passion, intelligence and ingenuity, Help the Aged is committed to addressing the issues that matter to older people.

● www.agepositive.gov.uk

The Age Positive campaign promotes the benefits of employing a mixed-age workforce that includes older and younger people. We encourage employers to make decisions about recruitment, training and retention that do not discriminate against someone because of their age.

● www.gingerbread.org.uk

Gingerbread was started in 1970 and is a registered charity maintained by lone parents. At this site you will find valuable information about support for lone parent families.

● www.nacro.org.uk

Getting people into work is one of the best ways to tackle poverty and disadvantage and plays a vital part in reducing crime. But often people who have difficulty finding work have other problems too such as housing difficulties, a criminal record and poor literacy and numeracy. **Nacro** specialises in providing services for people who need extra support to find and hold down a job.

● www.drc.org.uk

The Disability Rights Commission (DRC) is an independent body established in April 2000 by Act of Parliament to stop discrimination and promote equality of opportunity for disabled people.

● www.carers.org

The Princess Royal Trust for Carers is a national charity and exists to make it easier for carers to cope by providing information, support and practical help to carers.

● www.efa.org.uk

The Employers Forum on Age (EFA) is an independent network of leading employers who recognise the business value of attracting and retaining experienced employees - regardless of their age.

Through regular reports, studies and research it constantly highlights and increases knowledge and understanding about the issue of age discrimination at work.

● www.stonewall.org.uk

Works with major employers through their 'Diversity Champions' programme and continues to raise awareness of the new employment laws that come into force to ensure gay people are given equal rights within the workplace.

● www.eoc.org.uk

The Equal Opportunities Commission is the leading agency working to eliminate sex discrimination in 21st Century Britain.

● www.jobcentreplus.gov.uk

Jobcentre can give you information that will help you to get a job. We can also provide the information you need if you are interested in learning new skills or starting your own business.

● www.learndirect.co.uk

At learndirect you can find hundreds of specially created online courses in computers, office skills and self development, designed so that you can learn at a time, place and pace to suit your needs.