Reasonable Adjustment Guidance for Managers and Employees

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Introduction

This guidance document supports implementation of NHS Lothian Equality, Diversity and Human Rights Policy.

NHS Lothian aims to create an inclusive and supportive working environment for everyone who works for us. This guidance has been developed in partnership with the Disabled Employee Network to help managers and employees to understand why we need to make reasonable adjustments for disabled people and how best to do this.

Making reasonable adjustments for disabled people aligns with NHS Lothian values of care and compassion, dignity and respect, quality, teamwork, openness, honesty, and responsibility, and ensures we meet our legal responsibilities under the Equality Act 2010.

1. Who does this guide apply to?

The guidance applies to people who are:

- Applying for jobs
- Employees
- Workers (including bank, agency, and sessional workers)
- Volunteers
- Contractors
- Students and trainees
- Apprentices
- On work placement
- Non-Executive Members

The term 'employee' is used throughout this document to refer to all individuals listed above.

2. What does the law require?

Under the Equality Act 2010, disabled people have the legal right to fair and equitable treatment in work. It protects disabled people against direct and indirect discrimination, discrimination arising from disability, and harassment related to disability. It also protects people who are not disabled from direct disability discrimination if they are perceived to have a disability or are associated with a disabled person and treated less favourably because of this.

In addition to protecting disabled people from discrimination in work, the Equality Act 2010 places a positive duty on employers to make reasonable adjustments for disabled people. The duty to make reasonable adjustments is a key component of the Equality Act 2010 and requires employers to take steps to ensure that disabled

people can access support and progress in employment. This goes beyond simply avoiding treating disabled people unfavourably and means taking reasonable steps to remove the societal and institutional barriers disabled people face.

The duty requires NHS Lothian to anticipate, identify, and proactively remove barriers to ensure that disabled employees are not placed at a significant disadvantage compared to non-disabled employees and that is caused by:

- A policy or practice,
- A physical feature of premises occupied by the employer or
- Not providing a disabled employee with an auxiliary aid or service.

A policy or practice means any formal or informal policies, rules, practices, arrangements including one-off decisions and actions.

A physical feature includes any feature of the design or construction of a building whether temporary or permanent.

An auxiliary aid or service is something which provides support or assistance to a disabled person. It can include provision of a specialist piece of equipment, such as an adapted keyboard or text to speech software, or the provision of a sign language interpreter or a support worker.

Wherever possible, adjustments should be implemented preventatively before an individual experiences a disadvantage.

3. Disability

- The Equality Act 2010 definition of 'disability' is wide, and people you might not consider to be disabled, or indeed do not think of themselves as disabled, are protected.
- The Act says that a person has a disability if they have a physical or mental condition which has a substantial and long-term (usually more than 12 months) negative impact on their ability to carry out normal, day to day activities.
- This includes people whose physical or mental conditions are not obvious or immediately visible and those who acquire a condition while in employment. These can be permanent or temporary.
- There are 4 conditions that are treated as a disability from point of diagnosis, these include:
    - Cancer
    - Multiple Sclerosis
    - HIV
    - Visual impairment (if someone is certified blind, severely sight impaired or partially sighted)

3.1 Physical and mental conditions that are not immediately visible

When we hear the words ‘disability’ or ‘disabled person’, we often think of people who have physical conditions and use wheelchairs. We do not often think about the other types of conditions disabled people can have. Most physical and mental conditions are not immediately visible, or recognisable, and examples may include:

- Sight loss
- Hearing loss
- D/deaf (people whose first language is BSL)
- Conditions affecting speech
- Diabetes
- Epilepsy
- Asthma or other respiratory diseases
- HIV
- Cancer
- Heart disease
- Gastric problems like inflammatory bowel disease or colitis
- Mental health conditions such as depression, anxiety, schizophrenia, or bipolar disorder
- Neurodivergence such as:
  - Dyslexia or dyspraxia
  - Autism
  - Attention deficit hyperactivity disorder (ADHD)
  - Cognitive difficulties/changes in brain structure

It’s also important to remember that many disabled people have fluctuating conditions or conditions that may be managed well by medication or treatment. This can affect people differently at different times and may result in fluctuations in their performance at work at any given time.

3.2 Disability and Confidentiality

The duty to make reasonable adjustments applies if we know, or could reasonably be expected to know, that an employee is disabled and is likely to be placed at a significant disadvantage. A manager should proactively establish if an employee may benefit from adjustments to remove or reduce any barriers.

People are more likely to tell someone at work, including their line manager, about their illness or long-term condition if there is an open, inclusive and accommodating working environment. The person must know that they can come to their managers to discuss problems at work and in confidence. It may be a breach of confidentiality and data protection if you share details of a colleague’s physical or mental condition without their consent.

People may not want to share that they are disabled or have a long-term condition for several reasons. For example, they might not think of themselves as disabled, they might not know they have a health condition or disability, or they might not realise we can make adjustments to support them.

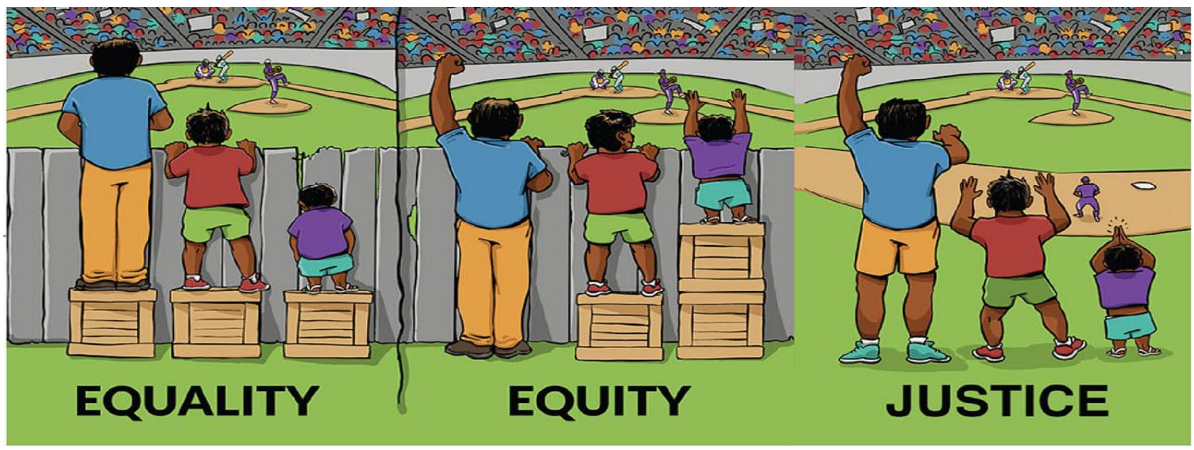
However, you may need to know about the effect on the person who you manage so that you can understand and identify potential barriers and make necessary adjustments for them. You do not usually need to know medical details about the diagnosis to make adjustments, and requiring someone to disclose this information may be discriminatory. There is no requirement in the Equality Act for someone to provide proof of their disability or health condition for reasonable adjustments to be implemented.

When having discussions about disability with employees, line managers should consider issues of dignity and privacy. If a disabled person feels valued and comfortable where they work, they are more likely to tell their colleagues about their condition and discuss their needs with them. You should help facilitate this and discuss with the employee how much, if any, information they want to share with others.

For example: An employee who answers calls from the public has depression which sometimes causes them to become upset. They have difficulty dealing with enquiries when the symptoms of their depression are severe. It is likely to be reasonable for the line manager to have a supportive conversation with the employee; this can include a conversation about wider adjustments.

4. What are reasonable adjustments and why are they important?

Under the Equality Act 2010, employers are required by law to make changes or 'reasonable adjustments' to support disabled people, including those with long-term conditions. This provides a level playing field at work, so disabled people can work to the best of their ability.



Equality: Everyone is given the same support despite their height or needs.

Equity: Resources are redistributed so that everyone can reach the same goal (seeing the game).

Justice: The systemic barrier (the wooden fence) is removed entirely, so no "crates" are needed at all. This is the goal of an inclusive environment. It involves designing workplaces that are accessible by default, such as having ramps and stairs or using accessible digital formats so that fewer people are disadvantaged by the environment in the first place.

The duty to make reasonable adjustments recognises that the way society is organised, and the policies and practices that have been put in place can be a barrier to equality for disabled people. It is not their condition that makes them disabled, but the way we do things.

Sometimes, making reasonable adjustments is about recognising you need to treat people differently in order to treat them fairly and to enable them to realise their full potential, for example, purchasing IT equipment or office furniture, or adjusting the application of the sickness absence policy to consider disability-related absence.

By making reasonable adjustments, you are recognising the societal barriers disabled people face that non-disabled people don't, and taking steps to ensure disabled people can access the same employment opportunities that non-disabled people enjoy.

What is reasonable for one person may well not be 'reasonable' for another person, even if they have the same condition. Reasonable adjustments are about what we can reasonably do to support disabled people to be their best at work.

Many adjustments are simple and inexpensive, and it makes organisational sense to make them so that every employee can perform at their best.

4.1 Who is entitled to Reasonable Adjustments?

All disabled people are legally entitled to reasonable adjustments, and employers have a legal responsibility to make them. If employers do not make reasonable adjustments for disabled people, this is a form of unlawful disability discrimination in breach of the Equality Act 2010.

Managers should start conversations regularly with all employees to find out whether people are facing barriers connected with a disability and understand if adjustments may help. Employees should inform their line manager if they feel they require support to enable them to do their job and remove any barriers.

5. Reasonable Adjustments Process

5.1 Requesting Adjustments

Where a disabled employee recognises the need for a reasonable adjustment to working arrangements, to a feature of the premises, or be provided with specialist support or assistance, they should discuss this with their manager. The disabled person may have the best idea of what adjustments will help them, although this may not always be the case, for example it may be their first job, a new job, or a

new condition or disability they are learning to live with. This means it may require a collaborative exploration of what the barriers and what adjustments may reduce or remove those barriers.

Depending on the nature of the adjustment needed, the manager may be able to put this in place without further guidance and delay. In some circumstances, it may be appropriate to seek advice from Occupational Health, Access to Work or Lothian Work Support Services about what adjustments might be effective and practicable. Identifying if this kind of advice and support may be helpful, and therefore needed, should be part of the discussions between the disabled employee and their line manager.

5.2. What is reasonable?

The duty to make reasonable adjustments requires employers to take steps that are reasonable. What is reasonable will depend on the circumstance of each individual case.

There is no requirement for the disabled person to suggest what adjustments should be made, although it is good practice for managers to ask as the employee may have better insight of what would be helpful for them. Where a disabled person does suggest adjustments, managers should consider whether the adjustments would help to overcome the disadvantage that they are experiencing, and whether they are reasonable to take.

The following are some of the factors set out in law that managers should consider when trying to decide if an adjustment is reasonable:

- Whether the adjustment will be effective in preventing or reducing the disadvantage
- The practicability of the adjustment
- The impact on other workers and the extent of any disruption caused
- The risk to health and safety of any person
- The financial and other costs of making the adjustment
- The availability of financial and other assistance to help make the adjustments (such as Access to Work and Lothian Work Support Services)

An adjustment is likely to be considered 'reasonable' if it is effective in removing or significantly reducing a barrier and is practical to implement.

5.3 Implementing Reasonable Adjustments

Once they have been agreed, reasonable adjustments must be implemented as soon as possible. The actual length of time to implement an adjustment could vary depending on the ease with which it can be made. For example, equipment may need to be ordered from a supplier, which may impact on timescales.

Every effort should be made to prioritise the implementation of adjustments, and the

manager should keep the employee up to date on the expected timescale and progress. If there is a delay in implementing adjustments, then suitable interim arrangements should be discussed with the employee.

5.4 Reviewing Adjustments

Managers should regularly review and evaluate reasonable adjustments and identify any other support required. This will help to make sure adjustments remain appropriate for the employee and the service. The employee should inform their manager if their circumstances change in a way that would influence the suitability of the agreed adjustments. Similarly, if an employee changes roles or joins a different department, they should consider whether the adjustments in place continue to be appropriate.

If a manager or employee feels that any adjustments are no longer effective, this should be discussed in a timely manner. Where required, specialist advice should be sought to inform this discussion.

6. Reasonable adjustments in practice

The way society and workplaces are organised may present barriers to disabled people that can put them at a disadvantage. We need to remove or avoid the disadvantage experienced by disabled people that is caused by these barriers. Here are some examples of reasonable adjustments at work in practice.

6.1 Making adjustments to premises

Making a structural or other physical change to the workplace environment such as widening a doorway, providing a ramp or moving furniture for a disabled person who uses a wheelchair, or changing the lighting for an employee with sight loss, a neurodivergent condition (such as autism), or a condition that causes light sensitivity (such as migraines).

6.2 Providing information in accessible formats

The format of standard operating procedures may need to be modified for some disabled employees. This could involve producing videos or audio versions of the information, or versions in EasyRead.

6.3 Allocating some duties to another employee

Minor or subsidiary duties may be allocated to another employee because the disabled employee has difficulty doing them because of their physical or mental condition. For example, the job involves occasionally going onto the open roof of a building and the disabled employee has severe vertigo. The line manager discusses this with the team, and another employee agrees to conduct this task when required. Another example is an autistic employee finds making cold calls or representing the department at large meeting causes them significant distress. The manager agrees a plan to reallocate these specific duties to another colleague. The employee who is autistic takes on some of the colleague’s tasks, for example data analysis or report

writing or a particular project.

While managers should be flexible in reallocating minor or subsidiary tasks, careful consideration needs to be given to the reasonableness of changing the basic nature or core functions of the job, and advice should be sought from the HR Enquiries service or the Employee Relations Case holder if applicable.

6.4 Altering a disabled employee's hours of work

This could include allowing a disabled employee to work flexible hours to allow them to have additional breaks to overcome fatigue arising from their condition. It could also include allowing part-time work or different working hours to avoid the need to travel in the rush hour if this creates a problem related to their condition. A request for flexible working as a reasonable adjustment should be considered in line with the Reasonable Adjustment guidance.

6.5 Giving a disabled employee a different place of work or arranging home working

Relocating the workstation of a disabled employee from an inaccessible office to an accessible one or allowing them to work from home. A request for flexible work location as a reasonable adjustment should be considered in line with the Reasonable Adjustment guidance.

6.6 Acquiring or modifying equipment

Adjustments may involve providing specialist equipment or software to help remove or reduce workplace barriers. Examples include:

- Ergonomic & Physical Supports: Adapted keyboards, standing desks, ergonomic chairs, large screens, or screen magnifiers.
- Assistive Technology: Text-to-speech (TTS) software or screen readers.
- Focus & Sensory Tools: Noise-cancelling headphones, white noise machines, or hearing loops.
- Organisational Aids: Planners, visual boards, and scheduling calendars to support task prioritisation.

Procurement approvals
When purchasing specialist equipment or software, line managers must ensure that the appropriate supporting documentation is submitted with the requisition. Requests should be submitted via Support: Employee Portal

Key requirements before placing an order:

- Include relevant recommendations or assessments (e.g., Occupational Health approval, if necessary, IT Accessibility assessments, or an Access to Work report).

- Verify with Procurement Helpdesk if the item is available to purchase before requesting the goods and confirm local or central budget approval.

While equipment is being sourced and delivered, managers should agree temporary arrangements with the employee to ensure they are supported in the interim.

IT & Digital Support/Approvals
To request new software/hardware, system accessibility tweaks, or IT equipment compatibility checks, raise a ticket via Support: Employee Portal. Ensure you make it clear that it is in relation to reasonable adjustments.

6.7 Modifying procedures for testing or assessment

A disabled employee would be disadvantaged by a written test, so they are given an oral test instead.

6.8 Providing supervision or other support

A line manager arranges for additional help from a colleague in appropriate circumstances for a disabled employee whose condition leads to uncertainty or lack of confidence in unfamiliar situations, such as a training course.

6.9 Adjustment to uniform policy

Uniforms can be ordered in different materials or styles for disabled employees because the standard material or styles used causes them significant physical or sensory distress.

6.10 Co-operation of colleagues

Where an adjustment relies on team co-operation such as maintaining a structured working day for an autistic employee, managers must manage this with care. The manager should work closely with the employee to agree on how team boundaries are set up. The goal is to build a supportive environment while protecting the employee's privacy and positive working relationships with their peers.

6.11 Adjustments for applicants during a recruitment process

A job applicant needs a reasonable adjustment to the recruitment process. The recruitment information explains how to request reasonable adjustments to the recruitment process and encourages applicants to contact the recruiting manager within a suitable time ahead of the interview. This allows sufficient time for the request to be considered and implemented as appropriate.

6.12 Adjustments at time of appointment to NHS Lothian

A new employee needs reasonable adjustments for their appointed role. The line manager provides all new employees with NHS Lothian's reasonable adjustments policy and guidance and lets them know that if they need to, they can, and should, discuss any requests for reasonable adjustments with them as soon as possible.

6.13 Adjustments for attendance

An employee is absent due to a disability-related reason, and their line manager considers whether any further reasonable adjustments could facilitate a return to work or prevent future absence. This may include recording disability-related absence separately from general sickness absence as part of a reasonable adjustment agreement. The manager discusses whether the employee's condition is having an impact on attendance *before* moving to a formal process because they know that early intervention and the right adjustments can often resolve any attendance issues.

6.14 Adjustments for performance management

A disabled employee's performance is being reviewed, and their line manager first ensures that all agreed reasonable adjustments have been fully implemented and are effectively removing or avoiding the disadvantage experienced by the employee. As part of the performance management process, performance is assessed in the context of the barriers the employee faces and the support provided to mitigate them. The manager proactively discusses whether the employee's condition is having an impact on their performance *before* moving to the formal stage of performance management policy.

6.15 Redeployment

When an employee becomes disabled, or their condition worsens to the point where no reasonable adjustments can enable them to continue in their current role, redeployment to a suitable alternative vacancy should be considered. Under the Equality Act 2010 redeployment may be a reasonable adjustment and the length of time on the redeployment register may be adjusted depending on the circumstances. However, it should not be extended beyond a 6-month period. In exceptional circumstances it may be possible to extend beyond 6 months, for example, if a solution is imminent in month 7.

In line with the redeployment policy, if a disabled employee meets the essential criteria for a vacant post (or could do so with reasonable retraining), they should be considered for the role without going through a competitive process. If there is more than one employee on the redeployment register who qualify for the same role, priority will be given to the disabled employee. If there is more than one disabled employee on the register and they meet the essential criteria, a competitive process will apply to the cohort of eligible disabled employees.

The redeployment process is a joint effort between the employee, the manager, and Human Resources, following these principles:

- Redeployment should only be considered once all possible adjustments to the current role, including, for example new equipment, adjustments to hours, flexible work location, and reallocation of minor duties have been explored and found that they have not removed the disadvantage.
- The focus of redeployment is on finding a role at the same grade that matches the employee's existing skills or where they can be effectively retrained.

- A change of post may involve a period of retraining or the implementation of new reasonable adjustments specifically for the new post, such as specialised software or an adjustment to the working area.
- A transfer to a position on a higher band may in exceptional circumstances be considered, where no other suitable alternative exists and where the employee meets the essential criteria for the role. Alternative posts on a higher band should only be considered following a period of 3 months on the redeployment register and where the employee has fully participated and appropriately engaged in the redeployment process.

7. If an adjustment is not agreed

If the adjustment is not agreed, in the first instance the manager should:

- Talk with the staff member and confirm in writing
- Explain their decision as to why they do not believe the adjustment is reasonable
- Try to find another way to support them, for example making other adjustments that are reasonable.

If a manager is unsure what is reasonable, they can discuss this with the HR Services Team. They may also consider making a management referral to Occupational Health Services if more in-depth information is required.

If the adjustment(s) are not agreed, the employee is able to request an appeal. They should write to their next in line manager within14 days of receiving written confirmation that a reasonable adjustment cannot be supported.

The relevant senior manager should meet with the employee within 14 days of receiving the request for an appeal. At this meeting, the employee has the right to be accompanied by a trade union representative. If necessary, and as a reasonable adjustment a family member or a friend can attend. While the review is pending, the manager and employee should agree on any interim measures to ensure the employee is supported and is safe.

8. Appeal Process

If an employee is dissatisfied with a decision to refuse a requested adjustment or considers that an alternative option offered does not adequately address the workplace barrier, they can appeal the decision.

8.1 Submitting an Appeal

- The appeal must be submitted in writing within 14 calendar days of receiving the written outcome letter.
- The appeal should be sent to the next level manager and must clearly set out the specific grounds for appeal.

8.2 The Appeal Hearing

- In line with Once for Scotland Workforce Policies, the appeal will be heard by an independent Appeal Panel consisting of a Chair (a Chair/Manager higher in seniority than the original decision-maker who has had no prior involvement) supported by an Employee Relations Practitioner.
- The employee will be given at least 14 calendar days' written notice of the date, time, and location of the Appeal Hearing.
- The employee has the right to be accompanied by an accredited Trade Union representative or a workplace colleague.
- Both parties (the employee and the original line manager) will be required to submit their written statements of case no later than 7 calendar days prior to the hearing.

8.3 Outcome

- The Appeal Panel will consider whether the decision made was reasonable, objective, and in line with statutory duties under the Equality Act 2010 and NHS Lothian guidance.
- The decision of the Appeal Panel is final, and written confirmation of the outcome will be issued within 7 calendar days of the hearing.

While any appeal is pending, interim support measures will remain in place where practicable.

9. Disability Passport

The Disability Passport is a confidential document owned by the employee. Its purpose is to provide a clear record of the reasonable adjustments that are in place, ensuring that support remains consistent even if an employee changes roles, moves to a different department, or reports to a new manager. Adjustments may need to change subject to the new role and/or location.

The disability passport removes the need for employees to discuss their needs and reasonable adjustments every time their line management changes, and it provides a formal record of what was discussed and agreed upon, preventing any misunderstandings.

The passport is usually completed during or after the initial "Reasonable Adjustments" meeting between the manager and employee. It should be reviewed as and when required or whenever the employee’s circumstances or job role changes.

When an employee moves to a new post within NHS Lothian (or another NHS Scotland Board), they should share their Disability Passport with their new manager to ensure a seamless transition of support.

If an employee moves from one department to another or another NHS Scotland Board, they should retain any equipment/furniture that they currently have. If necessary, a discussion regarding cross charging should take place between departments or health boards.

10 Disability awareness training

Managers and staff are encouraged to attend and provide opportunities to learn how to support staff in the workplace with disabilities.

10. Appendices

- Managers' checklist Appendix 1
- Outcome letter Appendix 2
- Reasonable Adjustment Process Appendix 3
- Access to Work Process Appendix 4
- FAQ Appendix 5
- Sources of advice and help Appendix 6

Appendix 1

Manager's Checklist

Managers should meet with all employees to ask if they may experience disability or health-related barriers and whether it is appropriate to discuss adjustments. This does not necessarily require additional meetings but something that can be discussed during business-as-usual meetings such as new employee induction meeting, 1:1's and performance review meetings.

Employee Name: _____ Date of Meeting: _____

Step	Action	Notes/comments	Completed? (add dates)
1	Meet with the employee to discuss reasonable adjustments		
2	Discuss any disadvantage, barriers, particular needs and potential solutions		
3	Check if employee has a disability passport		
4	Discuss if additional advice is required from OHS, Access to Work or the Employability Service.		
5	Agree and document the outcome of the discussion. Update the passport if necessary.		
6	Implement the agreed adjustments.		
7	If there is a delay on delivery of equipment or any other adjustment discuss with employee and make interim arrangements		
8	Review as and when necessary to ensure the adjustments remain effective		
9	If Access to Work has recommended adjustments and these are implemented the line manager should complete the paperwork to ensure NHSL are reimbursed from Access to Work.		

Appendix 2

Outcome of Reasonable Adjustments Letter



Appendix 2
-Outcome letter.docx

Appendix 3

Reasonable Adjustment Process for Manager and Employee



Appendix 4

Access to Work Process



Appendix 5

FAQ's

Q1: Do I need a formal medical diagnosis to discuss any barriers that I may be experiencing in the workplace?

A: No. The focus is on the effect the condition has on a person's ability to do their job and the disadvantage they experience. If the need is clear and the adjustments reasonable, managers should implement them without a formal diagnosis. However, in complex cases, a referral to Occupational Health, Access to Work or Lothian Support Work Services may be helpful to identify solutions.

Q2: Do I need to pay for any adjustments out of my budget?

A: Most adjustments are low-cost or free (such as flexible working or moving a desk). For more expensive items, the cost is generally met by the department. Financial assistance may also be available through the Access to Work scheme, which can pay for specialised equipment, software, or transport. Access to Work: factsheet for customers - GOV.UK

Q3: Is it fair to other team members if one person gets "special treatment"?

A: Reasonable adjustments are not about "special treatment"; they are about removing barriers to ensure a level playing field. The impact of not making a reasonable adjustment for a disabled person can have a substantial negative impact on their lives, which people who are not disabled will not experience. Upholding NHS Lothian values and ensuring compliance with our legal equality duties means recognising that treating everyone the same can lead to inequality for disabled people.

Q4: What if an adjustment is too expensive or disrupts the service?

A: The "Reasonable" in "Reasonable Adjustment" considers the cost and the impact on the service. If a specific request is truly not possible, the manager and employee should work together to find an alternative solution that achieves the same goal.

Q5: Can a manager refuse an adjustment?

A: A manager should only decline an adjustment if it is deemed "unreasonable" after a full assessment and discussion. Before refusing, managers should seek advice from HR Services. If a request is refused, the reasons must be clearly explained to the employee.

Q6: How do I handle a "fluctuating" condition where support is only needed sometimes?

A: This is exactly what the Disability Passport is for. You can agree on a "contingency plan" in advance (e.g., "If I am having a flare-up of my condition, I will

work from home for two days”). This avoids the need for new discussions every time the condition changes.

Q7: I have a chair to support me manage the effects of my disability but I’m moving to another department. Do I need to return the chair to the department that I am leaving?

A: No. If a piece of equipment, such as a specialist chair, desk, or software, has been provided as a reasonable adjustment, it should move with you to your new department.

The Disability Passport ensures this transition is seamless. It is far more cost-effective and supportive for the equipment to follow the employee than to leave it behind and have the new department order an identical item. If there are concerns regarding the cost of the item, a "cross-charging" discussion can take place between the budgets of the two departments. However, this should happen in the background and must not delay the employee having the equipment they need to work safely.

Q8: Can I take my equipment with me if I move to a different NHS Board (e.g., from Lothian to NHS Fife)?

A: Ideally, yes. Under the principles of the Once for Scotland approach, equipment provided to support a disabled employee should remain with them to ensure they can start their new role effectively. People should discuss the logistics with their current and new manager as early as possible to arrange transport and any necessary transfer of ownership between Boards.

Q9: What if my new office doesn't have space for my specialist equipment?

A: The requirement to provide a reasonable adjustment includes making space for necessary equipment. This might involve rearranging the office layout or reconsidering desk assignments. The lack of space is rarely a valid reason to deny an adjustment that an employee needs to work safely.

Q10: I’ve lost my Disability Passport or never had one, how do I get my equipment moved?

A: A Disability Passport can be developed or reviewed at any time. People should meet with their manager to document their current adjustments and equipment.

Q11: If an employee doesn’t consider themselves "disabled," can I still offer adjustments?

A: Yes. Many neurodivergent people or people with long-term health conditions (like asthma or diabetes) do not identify as "disabled." If you notice an employee is struggling, you can proactively ask, *"Are there any changes I can make that would help you perform better?"* without needing to apply a label or provide them with a copy of the Reasonable Adjustment Guidance document.

Q12: Do I have to tell the rest of the team about a colleague's adjustments?

A: No. Medical information and the specifics of an adjustment are confidential. However, changes in work patterns or tasks may be visible to others. In these cases, discuss with the disabled employee how they would like to handle it. Usually, a simple statement like *"To provide support we've adjusted X's work pattern"* is sufficient, provided the employee has consented to that level of disclosure.

Q13: Does the "Reasonable Adjustment" duty apply to Bank or Agency staff?

A: Yes. The Equality Act 2010 protects "workers" as well as "employees." If a Bank or Agency worker is performing duties for NHS Lothian, the Board has a responsibility to ensure they can work safely and effectively. For example, this might include providing accessible software or ensuring they have a suitable chair.

Q14: What happens if an adjustment is no longer working?

A: Adjustments are not "set in stone." They should be reviewed when necessary or if a job role/location changes. If an adjustment is no longer effectively removing the disadvantage experienced by the disabled employee, or if the service needs have changed significantly, the manager and employee should meet to explore alternatives.

Q15: Is disability-related absence different from standard sickness absence?

A: Yes, but they are managed differently depending on whether the absence is planned or unplanned. It is recognised that a disabled employee may require a higher level of absence due to the nature of their condition.

- Planned disability leave for pre-arranged requirements such as hospital appointments, specialist treatments, or physiotherapy is not to be recorded as sickness absence and is excluded from all attendance trigger points (both standard sickness and disability-related triggers).
- Unplanned disability-related absence refers to unexpected absence caused by an employee's disability. While this is recorded as sickness, it should be categorised as disability sickness. As a reasonable adjustment, an increase to the level of attendance trigger points should be applied to ensure the employee is not unfairly disadvantaged for a reason arising as a consequence of their disability.

For example, under the Attendance at Work Policy, a formal meeting might be triggered after 4 episodes of absence in a rolling 12-month period. As a reasonable adjustment, a manager may agree to extend this for a disabled employee to 6 episodes. The specific number of additional days or episodes should be agreed through a supportive conversation between the manager and the employee. This discussion should consider the individual's needs and the needs and impact on other colleagues and service delivery.

Q16: Does this mean disability-related absence is discounted?

A: No. Adjusting a trigger point does not exempt an employee from being managed in line with the formal attendance policy. However, it ensures the policy is applied fairly by taking into consideration the employee's specific circumstances.

If an employee's absence exceeds their adjusted trigger points, the manager will continue to manage the absence through the formal stages of the Attendance at Work Policy. These stages are designed to be supportive and will involve:

- Assessing if existing adjustments are still effective or if different support is needed to improve attendance.
- If necessary, seeking updated advice (e.g., from Occupational Health) on the employee's capacity and any further reasonable steps to support the employee.
- Discussing with the employee whether the current level of absence has become unsustainable for the service and the impact on the wider team.

NHS Lothian's primary goal is always to support an employee to remain in their role. However, if all reasonable adjustments including extended triggers and potential redeployment have been exhausted and the employee is unable to maintain a sustainable level of attendance, this may ultimately lead to a Stage 3 Ill-Health Capability Hearing.

Q17: How do I handle adjustments for an employee who works across multiple sites?

A: The Disability Passport ensures that agreed adjustments and support apply no matter which site they are working at. If an employee needs specific kit (like an ergonomic mouse or chair), it should be provided at each site. The employee should not have to re-discuss their adjustments every time they change locations. If a specific desk location or lighting is required, this should be pre-arranged at all sites where the employee is based. It may however not always be possible to provide adjustments at another site for example accessible parking.

The responsibility is on the manager to coordinate this, as they would do for non-disability related equipment and facilities. This also reduces the pressure on the employee to constantly ask for their basic requirements at each new location.

Appendix 6

Support and Other Resources

If you have any questions about reasonable adjustments and require guidance, you can contact:

Internal:

- HR Enquiries: on 0131 536 (6) 1130 (option 3) or Support: Employee Portal
- OHS: 0131 536 1135 (Option 1) or OHenquiries@nhslothian.scot.nhs.uk
  http://intranet.lothian.scot.nhs.uk/Directory/OccupationalHealthAndSafety
- Lothian Work Support Services
- Disabled Employee Network
- Equality and Human Rights Team (for support and training)
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External:

- Equality and Human Rights Commission: What is disability discrimination?
  Equality law: discrimination explained
- Equality and Human Rights Commission: What are reasonable adjustments?
  Equality law: discrimination explained
- Access to Work