

# **Medway Council**

## **Reasonable Adjustment Policy**

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## **1.0 Introduction**

- 1.1 The council's aims to be an employer of choice where employees can come to work without risk of judgement or discrimination.
- 1.2 One of the ways to work towards this is by supporting, and working with, disabled employees/those that become disabled while working for the council, to make sure they have access to the same opportunities - removing barriers and providing reasonable adjustments.
- 1.3 Demonstrating that we are committed to providing an inclusive workplace which nurtures and supports talent could help make the council a preferred employer to disabled candidates.
- 1.4 If you are disabled, the Equality Act 2010 provides protection from discrimination at work. As an employer, the council has a duty to those who have a disability to make reasonable adjustments to the role or working environment to remove barriers that may prevent a disabled employee from doing their job. There is also the requirement to remove any disadvantage in the recruitment process compared with non-disabled applicants by making reasonable adjustments.
- 1.5 The legal definition of disability under the Equality Act 2010 is any person with a physical or mental impairment that has a substantial and long term, lasting or expected to last for 12 months or more, negative effect on their ability to do normal daily activities. Some conditions would be covered by the Act on the day of diagnosis such as, cancer, HIV infection and Multiple Sclerosis (MS).
- 1.6 Disability can also include conditions such as asthma, diabetes and mental health conditions that may not necessarily be thought of as a disability.
- 1.7 Disabled people are paid less, on average, than non-disabled people. The 'disability pay gap' – the gap between median pay for disabled and non-disabled employees in the UK – was 13.8% in 2021, with median pay for disabled employees almost £2 per hour less (£12.10 compared with £14.03)

In April to June 2024, the employment rate for disabled people was 53.0% and the rate for people who are not disabled was 81.6%. Further insight on UK disability statistics can be found via a 2024 research briefing titled [UK disability statistics: Prevalence and life experiences](#).

## **2.0 Equalities Statement**

- 2.1 Medway Council is committed to providing equal opportunities and access to all. This policy embraces the spirit of managing a diverse workforce and those managing and dealing with sickness matters must ensure that no employee is unlawfully discriminated against either directly or indirectly, harassed or victimised on the grounds of race; ethnicity; nationality; ethnic or national origin; colour; disability;

gender identity or presentation; marital or civil partnership status; maternity or pregnancy; family and caring responsibilities; care leaver status; sex; sexual orientation; age; HIV status; religion or belief; political beliefs; social class; trades union activity; or irrelevant spent convictions.

### **3.0 Core Values**

- 3.1 This policy aims to support the [Council's Core Values and Behaviours](#). The council believes that a consistent and supportive approach to reducing barriers to employment, with reasonable adjustments being just one aspect of support, is a fundamental part of having an engaged and motivated workforce.

### **4.0 Scope**

- 4.1 This policy applies to all staff except schools-based staff, centrally employed teachers who are covered by the School Teachers Pay and Conditions Document, all staff employed at short stay schools, previously known as Pupil Referral Units, the Chief Executive and The Section 151 Monitoring Officer.

### **5.0 Purpose of this policy**

- 5.1 This policy aims to:
- Raise awareness of the legal obligations and requirements of the Equality Act 2010 to make reasonable adjustments.
  - Ensure employees with disabilities are treated fairly and have access to the same opportunities as everyone else, promoting and providing an inclusive workplace.
  - Provide guidance for managers who support disabled employees, and promote awareness for all employees, including the understanding that not all disabilities are visible.
  - Encourage employees with a disability to share with the council their disability status at any stage of their employment, including recruitment, so that reasonable adjustments are identified, and employees are supported.

### **6.0 Making reasonable adjustments.**

- 6.1 The duty to consider and make reasonable adjustments applies to all stages of the employee life cycle - from advertising posts, recruitment activity, employment procedures and up to when employment ends.
- 6.2 During these stages and throughout an employee's career reasonable adjustments may need to be made, reviewed and changed as necessary with the aim of removing barriers faced.
- 6.3 Most importantly, managers must involve the individual when considering the most effective reasonable adjustment(s), they should be considered as experts in their condition and how they are impacted. They are often best placed to advise what support may work for them.

- 6.4 To make an adjustment means to make a physical change to the premises or to change work practices to avoid or mitigate the disadvantage to a person with a disability.

The council can make adjustments in the following ways:

- Making changes to the recruitment process, examples include – providing extra time or assistance for an assessment, making adjustments to the application process, changing the interview from in-person to online.
- Making changes to working arrangements, examples include agreeing to flexible working requests such as part-time or hybrid working, making adjustments to absence triggers for disability related absences.
- Making changes to the environment or building, for example, a ramp for wheelchair access.
- Providing alternative or extra equipment, technology, or services, for example, software, footstools, specialist chairs.

- 6.5 Managers must consider adjustments at all stages of the employee life cycle and with support (e.g., from Occupational Health) determine whether the proposed adjustment is reasonable. Additionally, managers must document their decisions and set review timelines to ensure the adjustments are effective for both the employee and the service.

## **7.0 What is reasonable?**

- 7.1 There is no statutory definition of 'reasonable', it will be dependent on the individual situation. When assessing reasonableness managers should take the following into account:

- The individual employee's disability.
- How effective the adjustment would be in removing the disadvantage.
- How practical it would be to implement the adjustment and what disruption it may cause, including the effect on other employees.
- The cost of the adjustment.
- The size and resources of the council.

## **8.0 Different types of adjustment**

- 8.1 There are many types of reasonable adjustments that can be made, please see Appendix 1 for some examples.
- 8.2 Depending on individual needs adjustments may only be required for a short period of time (for example, a phased return to work following a long illness) or they may need to be permanent.
- 8.3 The [Workplace Adjustment Passport](#) (WAP – please see Appendix B) should be used to record any agreed reasonable adjustments and be regularly reviewed as a 'live'

document. It is recommended to review the WAP at least on an annual basis as a minimum and/or if an employee moves roles within the council so it 'moves' with them and is fully updated.

- 8.4 In the circumstances that an adjustment in a role is not reasonable or possible, and all possibilities have been explored which meaning that an employee cannot continue working in that role, then redeployment should be considered as per the [Redeployment Procedure](#).

## **9.0 Implementation and cost of reasonable adjustments**

- 9.1 The cost of reasonable adjustments is the responsibility of the council and will usually be paid for by the service depending on the type of adjustment. Requests to amend building for example may be considered from the Buildings, Maintenance and Repair Fund.
- 9.2 Adjustments may not necessarily be expensive, changes such as flexible working may have little to no cost but can make a significant difference to the person.
- 9.3 Affordability is a factor when making a decision as to whether an adjustment is reasonable. Support from a [ER Consultant](#) must be sought before any decision is made to potentially decline an adjustment that has been identified by the individual or medical professional.
- 9.4 It is expected that any agreed adjustments are implemented as soon as possible. Where there are any delays, the employee must be kept updated throughout the process. The individual would not be placed at a detriment due to a delay that has been caused by the council, any issues on implementation will be assessed on a case-by-case basis, for example if the delay was going to cause a reduction in pay as the employee is unable to return to work. HR Support can provide advice and escalate as required.
- 9.5 [Access to Work](#) is a government scheme to help people get, or stay in work if they have a physical or mental health condition or disability. Support can include assistance with the costs to help pay for practical support, for example, British Sign Language interpreters, one-to-one sessions with a mental health professional, and communication support at job interviews.

## **10.0 Roles and Responsibilities**

- 10.1 Managers' responsibilities:
- Create an environment where all employees feel comfortable discussing their individual situation and needs.
  - Encourage all employees to complete disability awareness training.
  - Have open, informal conversations if they notice that someone may be experiencing problems at work, whether related to a disability or not.
  - Follow the guidance available to support requests: [Reasonable Adjustments/Occupational Health Referral/Access to Work Process](#).

- If an employee is absent from work discuss reasonable adjustments to understand if there is any support that can be put in place to help.
- Discuss the timeframe to put in place reasonable adjustments with the employee.
- Consider interim reasonable adjustments (where applicable) whilst waiting for the actual reasonable adjustment to be implemented.
- If needed, put in place a Personal Emergency Evacuation Plan (PEEP) for a disabled employee and undertake a relevant risk assessment.
- Take ownership of the implementation of agreed reasonable adjustments and make sure these are reviewed regularly.
- Complete the Workplace Adjustment Passport alongside the member of staff.

## **10.2 Employee's responsibilities:**

- Employees do not have to disclose their disability to the council, but employees are encouraged to share information about their needs so that managers can discuss any support that may be required.
- Even if a person does not think it would be classed as a disability, employees should talk to their manager or HR if they are struggling at work about any support/adjustments they feel they need.
- To contact Access to Work if appropriate as the council cannot do this on your behalf. Employees are encouraged to discuss any such application with their manager so they can provide support with this process.
- To review how the support is working and if there are any issues to raise them at the earliest opportunity.
- To use any reasonable adjustments that have been agreed and put in place to try and maintain wellbeing and meet the agreed responsibilities of the role.
- To highlight any health/disability changes that may require their Workplace Adjustment Passport to be updated.

## **10.3 HR's responsibilities:**

- Provide advice and support to managers and employees on the practical application of this policy.
- Encourage employees to disclose disabilities and explain why this is important and how the information will be used.
- To support managers with any associated processes or procedures, for example Occupational Health.

## **11.0 Confidentiality**

- 11.1 Employees may not want others to know they have a disability, or that reasonable adjustments are in place for them. All managers and employees who are made aware of a colleague's disability should assume it is in confidence unless expressly agreed otherwise.



- 11.2 Access to Work may recommend awareness training for the manager and the employee's team to help integration and understanding of a condition. Confidentiality needs to be considered and discussed with the employee before this takes place.
- 11.3 When staff are made aware of a colleague's disability in confidence they should advise them:
- to discuss their needs with their manager and let them know about this policy, and
  - of other sources of support available such as [Care First](#), Occupational Health, [Trade Unions](#), and the [Disabled Workers and Carer's Network](#).
- 11.4 A breach of confidentiality can only occur when the person's own safety is at risk, where the safety of others is at risk, or where a failure to disclose may result in criminal activity. [Contact HR](#) for further support.
- 11.5 The council recognise that in some situations other colleagues may become aware of an individual's impairment or health condition that requires a reasonable adjustment to be made (regardless of whether there will be an outcome of a reasonable adjustment). Should this be the case, then the information must be treated as confidential and cannot be forwarded to a third party without the consent of the employee concerned. This is because the impairment/health condition is classed as 'special' category data under the General Data Protection Regulation (GDPR, EU, 2016679, Data Protection Act 2018).

## **12.0 Legal Background**

- In the UK, the legal requirements for reasonable adjustments in the workplace are primarily governed by the [Equality Act 2010](#).
- In addition, public authorities have due regard to certain equality considerations when exercising their function. Equality Act 2010, Section 149. [The Public Sector Equality Duty](#).

## **13.0 Further Advice and support**

- 13.1 Guidance to considering requests for support is available via a dedicated Medspace page: [Reasonable Adjustments/Occupational Health Referral/Access to Work Process](#).
- 13.2 Guidance is available for managers by contacting [HR Support](#) regarding reasonable adjustments that may be needed.
- 13.2 Advice may also be sought from the council's [Occupational Health](#) provider or from an individual's GP or other health professional when it is not clear what reasonable adjustments may be helpful. Any referral to Occupational Health must be discussed with the employee and consent provided for this to be submitted, this can be raised by either the manager or the employee to seek a medical opinion.
- 13.3 [ACAS](#) have a dedicated page regarding supporting disabled people at work which provides information and further guidance on external specialist help and support.



- 13.4 The Disabled Workers and Carers Network (DWCN) is a staff group for Medway Council employees which meet regularly, and everyone is welcome. More information and further support can be found on the dedicated [DWCN Medspace page](#).
- 13.5 Employee Wellbeing Champions are a group of caring colleagues who are there to support others at work. There are champions in different services and locations, many have personal experience of mental health conditions or supporting their friends and family. The [wellbeing champions details](#) can be found on Medspace.

#### 14.0 Version History

Reasonable Adjustments Policy	
Employee Matters Committee	01 May 2025
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Previous version publication date	New Policy
Author(s)	Nicola Trainor (Head of Council Planning and Programmes)
Responsible Officer	Nicola Trainor (Head of Council Planning and Programmes)
Next Review Date	May 2028

## **15.0 Appendix A: Examples of reasonable adjustments**

Here are some examples of reasonable adjustments that could be made:

### **Amending working arrangements**

- Changing work patterns and hours - for example, starting later or having a flexible start time, or reducing hours of work.
- Allowing more frequent rest breaks if, for example, an employee gets tired more easily or needs to go the toilet more frequently.
- Enabling working from home or transferring to a location closer to home or which can better accommodate other adjustments.
- Providing alternative formats for our application forms if required by the candidate - such as a braille version for someone with a visual impairment.
- Changing the location of in-person interviews to suit the needs of the candidate – for example, holding the interview in a lower-lit room for candidates with epilepsy.
- Making sure any applicant who declares a disability and meets the job specification requirements are offered interviews.
- Providing assistance for the interview – such as a British Sign Language interpreter for candidates with a hearing impairment.
- Giving time off work to attend appointments for medical treatment, including physiotherapy, counselling or rehabilitation.
- Making adjustments to the duties of the job - for example, removing manual handling or giving more time to carry out tasks.
- Agreeing a revised absence trigger for absences relating to a disability.
- Agreeing a phased return to work after a period of sickness absence.
- Agreeing for a support worker, friend or family member to attend an Absence Review/Performance Review/Disciplinary/Grievance Meeting with an employee, where their condition means they need extra support.
- Adjusting performance targets.

### **Providing extra equipment, technology, or services**

- Providing a specialist chair, back support or a footstool.
- Providing additional training, coaching or mentoring.
- Having documents produced in Braille.
- Providing assistive technology, such as voice-activated software or 'mind mapping' software.
- Providing a sign language interpreter for someone who has a hearing impairment.
- Providing help with transport to and from work

## 16.0 Appendix B: Workplace Adjustment Passport

This is a 'live' document and should be reviewed regularly by both the employee and manager to make sure it is up to date and captures any additional requirements or changes. Advice from third parties (such as occupational health, Access to Work, or IT specialists) may be needed before changes can be agreed and implemented.

This document, when completed, is personal and confidential and must be stored securely.

<b>Section 1</b>	
<b>Employee Name:</b>	
<b>Employee Reference Number:</b>	
<b>Date Passport completed:</b>	

  

<b>Section 2</b>
<b>Details of disability or health condition:</b>
<b>How does the disability or health condition impact on the employee at work?</b>
<b>Do you take medication for your disability?</b> <b>Yes/No</b> <b>If yes, please specify the impact this has at work:</b> <b>(for example, prescribed medication (long term or short term) might have side effects (e.g. fatigue, memory issues))</b>
<b>Is the disability or health condition permanent/temporary?</b> <b>If temporary, how long (if known) is it expected to last:</b>
<b>Do the symptoms of the disability or health condition fluctuate?</b> <b>Yes/No</b> <b>If yes, please detail the impact this has at work:</b>
<b>Do you hold a current Blue Badge?</b> <b>Yes/No</b> <b>(If yes, the manager needs to notify facilities for access to parking)</b> <b>Do you use a wheelchair and/or mobility aid?</b> <b>Yes/No</b>

(If yes, the manager is to make sure disability access to the workplace is maintained and the most suitable desk position within the team is identified).

### Section 3

Has the employee been referred to [Occupational Health](#)?

Yes/No

If they have what recommendations were made?

What action has been or will be taken?

Has an application to [Access to Work](#) been made?

Yes/No

If yes, please attach a copy of any relevant documents.

Please outline details of the recommendations and whether any adjustments have been or will be made:

Has the manager completed a [Risk Assessment](#)?

Yes/No

If yes, please attach a copy.

If no, please give reasons why:

Is a [Personal Emergency Evacuation Plan](#) required?

Yes/No

If yes, please attach.

Date [Display Screen Equipment \(DSE\)](#) assessment has been completed: DD/MM/YY

If yes, were any adjustments required?

<b>Section 4</b>			
<b>Details of Workplace Adjustments:</b>			
<p><b>Any recommended adjustments should be captured in this section even if they are not implemented as these can be revisited, for example if there is a change in role/location these can be considered again.</b></p> <p><i>To be reviewed on a regular basis:</i></p> <ul style="list-style-type: none"> <li>• at any regular one-to-one meetings and PDR's</li> <li>• at a return-to-work meeting following a period of sickness absence</li> <li>• before a change of job, duties or work location, or the introduction of new technology or ways of working.</li> </ul>			
<b>Adjustment Required</b>	<b>Date of Review</b>	<b>Temporary or Long-Term Arrangement</b>	<b>Date of Next Review</b>

*An up-to-date copy of this form will be retained by the employee and their line manager and a copy sent to HR for retention in the employee personnel file.*

*By signing below the employee agrees for this information to be retained by Medway Council and viewed by appropriate individuals to assist in supporting the employee at work.*

<b>Employee Signature:</b>	<b>Date:</b>
<b>Manager Signature:</b>	<b>Date:</b>

DRAFT