

# **Diversity Task Force**



# Reasonable Adjustments Quick Guide for Employers

### Contents

what are reasonable adjustments?	3
What does 'reasonable' mean?	5
Why reasonable adjustments are good for business	6
Simple things you can do now, small adjustments make a big difference	7
What are the consequences of doing nothing?	
Where you can get more information, advice and support	9

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Requests should be made in writing and addressed to: Institute of the Motor Industry (IMI) Fanshaws, Brickendon, Hertford **SG13 8PQ** 

### Reasonable Adjustments

#### This guide covers:

- What are reasonable adjustments?
- · What does 'reasonable' mean?
- Why reasonable adjustments are good for business?
- · Simple things you can do now, small adjustments make a big difference
- What are the consequences of doing nothing?
- · Where you can get more information, advice and support

#### What are reasonable adjustments?

<u>ACAS define reasonable adjustments</u> as changes an employer makes in the workplace to remove or reduce a disadvantage related to someone's disability. These changes are not just physical changes to the working environment, but can cover a number of areas.

Reasonable adjustments are specific to an individual person, some examples are below:

- making changes to the workplace
- changing someone's working arrangements
- finding a different way to do something
- providing equipment, services or support

The law (Equality Act 2010) says that employers must make reasonable adjustments for:

- employees and workers
- contractors and self-employed people hired to personally do the work
- job applicants

Employers must make reasonable adjustments when:

- they know, or could reasonably be expected to know, someone is disabled
- a disabled staff member or job applicant asks for adjustments
- someone who's disabled is having difficulty with any part of their job
- someone's absence record, sickness record or delay in returning to work is because of, or linked to, their disability

According to the Equality & Human Rights Commission, the employer's duty to make reasonable adjustments contains three requirements that apply in situations where a disabled person would otherwise be placed at a substantial disadvantage compared with people who are not disabled.



Reasonable Adjustments Quick Guide for Employers 4

The first requirement involves changing the way things are done.

An example of a reasonable adjustment here is:

An employer has a policy that designated car parking spaces are only offered to senior managers. A worker who is not a manager, but has a mobility impairment and needs to park very close to the office, is given a designated car parking space.

The second requirement involves making changes to remove or reduce barriers created by the physical features of the workplace.

An example of a reasonable adjustment here is:

Clear glass doors at the end of a corridor in a particular workplace present a hazard for a visually impaired worker. Adding stick-on signs or other indicators to the doors so that they become more visible.

The third requirement involves providing extra equipment or getting someone to do something to assist.

An example of reasonable adjustment here is:

An employer provides specialist software for a member of staff who develops a visual impairment and whose job involves using a computer.

Find out more about reasonable adjustments in practice at <u>Equality & Human Rights</u> Commission



#### What does 'reasonable' mean?

According to the <u>Equality & Human Rights Commission</u>, various factors influence whether a particular adjustment is considered reasonable. The test of what is reasonable is ultimately an objective test and not simply a matter of what you may personally think is reasonable.

When deciding whether an adjustment is reasonable you can consider:

- how effective the change will be in avoiding the disadvantage the disabled worker would otherwise experience
- its practicality
- the cost
- your organisation's resources and size
- the availability of financial support.

Your overall aim should be, as far as possible, to remove or reduce any disadvantage faced by a disabled worker.

An example from ACAS of a request that is not 'reasonable' due to cost is:

An employee who uses a wheelchair asks for a lift to be installed so they can get to the upper floors of their workplace. The employer looks at the costs and finds they would go out of business if they paid for the work.

The employer can turn down the request because it is not reasonable for them. However, they must make other workplace adjustments that are reasonable, for example making changes so the employee can do their job entirely on the ground floor.

The employer must also:

- make reasonable adjustments for anything linked to someone's disability for example an
  organisation might not allow dogs at work but make a reasonable adjustment for someone
  with an assistance dog
- make sure other people do what's needed for a reasonable adjustment to work for example if someone needs information presented in a certain format, making sure other people at work do that

An employer could be liable under the law if they do not do these things.

Some disabled people might not need or want adjustments, although this might change over time

The majority of reasonable adjustments are relatively inexpensive. The average cost of a reasonable adjustment varies depending on particular reports and publications, but the estimate lies at £30 - £180 per individual.



In a survey of 128 employers, (55%) reported just a one-time cost for making reasonable adjustments

From 2024 employer records of financial effects of adjustments, 65% rated these to be cost neutral

See more at Mencap.org.uk

You can get more information on costs and examples at Croner Myth Buster – It is too expensive to hire a disabled person

#### Why reasonable adjustments are good for business

Providing a workplace that is accessible for all benefits both employees and customers.

Providing adjustments for disabled and neurodivergent staff will undoubtedly also benefit everyone in the workplace, therefore encouraging individual employees to succeed which in turn enables the business to succeed.

Providing reasonable adjustments:

- enables all employees to flourish
- leads to happier, more content employees, who are more productive
- results in less absenteeism
- enables employees to succeed and realise their potential, so the employers' return on investment (the investment made in the employee) is maximised
- lowers the likelihood of expensive litigation
- enhances the reputation of the organisation
- improves the 'bottom line'

<u>We Are Purple</u> believe the key to unlocking the Purple Pound (the £249 billion disability consumer market) is a new approach to customer service. The approach is about the integration of disability into the existing activities of businesses rather than a separate dedicated disability resource. This will also mean the cost of delivery should be minimal for business and with significant benefits. It is also about considering how you deliver customer services, both face to face and online.

Less than 10% of businesses have targeted strategies to access this market. We know 75% of disabled people have left a shop or website homepage citing poor customer services.

A recent research study by Purple has shown that fear of poor customer services has a big impact in determining how, and the frequency in which, disabled people shop.



# Simple things you can do now, small adjustments make a big difference

Making some simple adjustments can make your workplace more accessible and inclusive for everyone.

#### Make workspaces and tasks accessible to people of all physical abilities

- provide free accessible technology (see Inclusive Technology Employer Guide)
- publicise procedures for fire exit clearly (clear for visitors and employees with mobility impairments taking into consideration upper floors)
- provide different types of seating (height, hard/soft, not fixed or bench style with space for wheelchairs)
- offer ergonomic office equipment and furniture, eg modified mouse & keyboard
- provide clear disabled car parking

## Support neurodivergent people who may have difficulties with processing times, memory and organisation skills

- assign a workshop buddy
- · provide support with managing workload
- allow flexible hours, remote working, hybrid working

#### Consider stimuli in the workplace affecting multiple conditions (sound, vision, touch etc)

- invest in a portable hearing loop
- limit background noise (eg TV on loud in reception)
- · install high contrast and large signage at suitable height
- provide materials in accessible formats
- install adjustable lighting or provide additional lamps

#### Facilitate the mental health and wellbeing needs of employees

- create a multi-purpose room for taking medication, a quiet space etc
- provide support to prioritise workload
- take flexible approach to start/finish times
- allow use of paid/unpaid time for medical appointments

#### Further adjustments to consider during the employee lifecycle from the Clear Company

#### Attraction & recruitment

- Use <u>Inclusive language</u> in job descriptions and advertisements
- Provide job specifications only detailing requirements relevant to role
- Provide flexibility in how you receive information from an applicant as part of the application process. For example, could people send in a video application rather than an online written one
- Use an accessible location for interviews
- If you use assessment centres develop a policy that proactively addresses reasonable adjustments as opposed to waiting for requests
- If the role requires a medical questionnaire or health check then be open and transparent around the reasons and assessment criteria
- Use interview questions that give people time to think and process
- Provide unconscious bias training for interview panels to support decisions being made on job criteria only

#### Before first day & on boarding

- Ask about any specific adjustments required as soon as possible, have them in place for the first day if possible
- · Agree with the new employee what information, if any, is told to other members of the team
- · Contact Access to Work, if needed to get advice on what might be available for funding
- Consider accessible fire/emergency alarm system with flashing lights
- Does the new employee require accessible tools, cutlery and crockery

#### **Developing & retaining**

- train managers in unconscious bias and wellbeing conversations
- ensure managers have regular check ins to ensure wellbeing and monitor adjustments that may change over time
- provide a <u>Flexible working</u> policy
- allow remote working or hybrid working
- consider changing working patterns
- distribute breaks evenly across the day
- provide a <u>reasonable adjustments for absence</u> policy— including time off for medical appointments and treatment
- offer phased return to work after absence
- find different ways to do something, such as distributing work differently within a team or offering another suitable role
- provide specialist support such as a sign language interpreter

Always take advice where you're not sure what to do ACAS helpline can provide guidance

**Read real life examples** of reasonable adjustments made for employees in automotive businesses



#### What are the consequences of doing nothing?

In most cases, the individual is likely to make an informal complaint or raise a formal grievance about the employer.

However, 'Failure to Make Reasonable Adjustments' is a type of discrimination under the Equality Act 2010 and so in some cases, an employer could also find themselves facing a claim for unlawful discrimination before an employment tribunal. Where a tribunal makes a finding of a failure to make reasonable adjustments, the employer can be liable for an unlimited sum of damages. This is because there is no cap on how much a tribunal can award where an employer has behaved in a discriminatory way towards a disabled worker or job applicant.

#### Where you can get more information, advice and support

ACAS Reasonable Adjustments at Work

Equality & Human Rights Commission – Reasonable Adjustments in Practice

HSE Employer Duties – Making Reasonable Adjustments

<u>Dept of Health – Advice for Employers on Workplace Adjustments for Mental Health</u>
Conditions

Access to Work Funding

TUC – Model Reasonable Adjustment Passport





Registered office
Fanshaws, Brickendon, Hertford, Hertfordshire, SG13 8PQ

theimi.org.uk +44(0)1992 511 521 hello@theimi.org.uk

