

# Disability and Reasonable Adjustments Policy



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## Policy Review Schedule

<b>Policy</b>	OLT Disability and Reasonable Adjustments Policy
<b>Review schedule</b>	Annual (unless changes in guidance and legislation require an immediate update)
<b>Statutory Policy</b>	Yes
<b>Policy owner</b>	CEO
<b>Lead Reviewer</b>	CEO (Diverse Matters every 3 <sup>rd</sup> review/change in legislation)
<b>Approver and date of last approval</b>	Operations Committee, 01/04/2025
<b>Key review dates</b>	<b>Changes made</b>
February 2023	Written and reviewed by Diverse Matters (external EDI specialist)
May 2023	Reviewed and approved by Operations Committee
April 2024	Reviewed by JC – no changes made
March 2025	No changes made

## Context

Our schools benefit from having a diverse workforce with a mix of skills, ideas and personal backgrounds and it is important that our workforce is reflective of the communities we serve.

One-fifth of the UK working population is reported to have a disability of some kind. However, disabled people are 28.6 percentage points less likely to be in employment than non-disabled people.

Omnia Learning Trust recognised that people living with a disability are disadvantaged by historical and existing inequalities and are committed to taking positive action to minimise all barriers to equal access to employment, learning, development and progression and fulfilment of career aspirations.

Schools have a legal duty to make reasonable adjustments for people with disabilities. Agreeing and implementing a reasonable adjustment can be a straightforward task or a complex one depending on the nature of the disability, the work the employee performs and the size and resources of the employing organisation.

We celebrate reasonable adjustments as ways to support and enable staff with a disability. Reasonable adjustments are a key part of our commitment to Equity, Equality, Diversity and Inclusion.

This policy sets out the framework for assessing need and making adjustments.

### **What is the duty to make ‘reasonable adjustments’?**

The duty to make reasonable adjustments under the Equality Act 2010 arises where:

- a “provision, criterion or practice” of the employer,
- a physical feature of the premises, or
- the absence of an auxiliary aid puts a disabled person at a substantial disadvantage in comparison with persons who are not disabled. The duty is to take such steps as it is reasonable to have to take to avoid the disadvantage.

The purpose of the duty is to ensure that, where possible, a disabled person can participate in a job on the same basis as someone who is not disabled.

Although we refer to ‘employees’, the definition of employment under the Equality Act 2010 is sufficiently broad to cover other contracts where the person is engaged to personally perform work (such as casuals). It also covers potential employees (i.e. job applicants) and ex-employees.

### **What is ‘reasonable’ in the context of making adjustments?**

Employers are required to take such steps as it is reasonable to have to take. There are several factors which are potentially relevant when assessing the reasonableness of a proposed adjustment. These include:

- The size of the school/college or academy trust and the resources available to it;
- How practical the change(s) under consideration are;
- The effectiveness of the change(s) in avoiding the disadvantage to the employee;
- Cost, including whether any financial support is available;
- The employee’s length of service and whether the role is short-term or permanent;
- The impact of making the change(s) on the rest of the organisation (e.g. adverse impact on others or health and safety considerations).

Schools do not have to make any changes that will have no impact on reducing or removing the disadvantage. Schools do not have to fundamentally change the nature of the job the employee performs, unless it is reasonable to do so (such as permanent redeployment into a different job, where one is available).

The reasonableness of adjustments can be considered in the context of how much assistance has already been offered to the employee, though the past provision of support - even if protracted or extensive - does not, of itself, mean that further adjustments will be unreasonable. It is a question of considering and balancing a range of factors.

See Annex A of possible reasonable adjustments

### **Disability Leave**

During the course of their employment, an employee can become less able to, or unable to carry out their duties because of a disability. In these instances managers must give due consideration to granting the employee disability leave.

The purpose of disability leave is to enable the employee to seek professional assistance, undergo training, and adapt to their new circumstances. The maximum length of leave would be one year. However, the employee may only need the occasional day for training on new equipment or a series of short blocks of leave. Short blocks would apply if the employee's condition involved period of remission.

Disability leave, where agreed will normally be unpaid. In some exceptional circumstances (criteria to be defined), the Trust may agree a period of leave with pay. This would not exceed the level and duration that would be applied under the sick pay scheme.

This leave would be counted as continuous service and any benefits dependent on length of service would be protected. The exception is pensionable service accrual, which would be a matter for the Pension provider.

Requests for Disability leave should be discussed with the COO and CEO.

### **Accessibility**

Reasonable adjustments include accessibility with regards to the Trust's resources, information, documentation, technology, facilities and buildings.

### **Monitoring**

This policy will be reviewed regularly to evaluate its effectiveness and impact in retaining and supporting employees with disability to retain meaningful employment.

## **Key definitions**

### **Substantial disadvantages**

The duty to make reasonable adjustments applies when a disabled person is put at a substantial disadvantage, compared to those who are not disabled. 'Substantial' for these purposes should be considered anything which is "more than minor or trivial". The threshold is therefore set relatively low.

### **Provision, criterion and practice**

The Equality and Human Rights Commission suggests that this can best be interpreted as "the way things are done". This is clearly quite broad, but it will include both formal policies and more informal policies or practices that determine how things run in the school, such as working conditions, terms of the contract, employee benefits, the criteria with which people are appointed, promoted or given access to training.

### **Physical features**

Structural features of the school buildings or its design (e.g. steps, exits, doorways, different levels), or features or fixtures within the building (e.g. doors, toilets, lighting, shelving, furniture).

### **Auxiliary aids**

Auxiliary aids or auxiliary services are often in the form of equipment or people that, if provided, can help a disabled employee to participate in work. What might help an employee will very much be specific to the circumstances, but examples of aids would include accessible technology or modified equipment (e.g. ergonomic keyboard) and examples of services would include provision of a reader, sign language interpreter or support worker.

### **Whether or not an employee is disabled**

The duty to make reasonable adjustments applies only when the Trust or Leadership Team at the school are aware, or ought reasonably to be aware, that an employee has a disability. Employers should therefore consider whether an employee may have a disability even if it has not been formally disclosed.

### **Determining appropriate adjustments**

All applicants are required to declare their disability on application forms and to state their requirements. Alternatively it may be that an employee becomes disabled during their employment. We would then seek advice from the employee's GP or the School's occupational health service, regarding suggestions for possible adjustments. Although it is for the employer ultimately to determine what adjustments are reasonable for it to make, it is clearly in the best interests of all parties that the employee is involved in discussions about what would be most effective for them.

### **Talking about disability and appropriate adjustments**

Line managers should ask employees about the impact of employee's condition(s) on their ability to perform the role. Line Managers shouldn't ask intrusive questions in this situation, Line Managers should reassure staff that information they give is only disclosed on a need-to-know basis and records will be kept confidential.

### **Advice for Line Managers about conversations regarding reasonable adjustments**

Unless the adjustment(s) required are self-evident and straightforward, Line Managers should prepare for the discussion by going through the job description or listing the core tasks of the role to

discuss with the employee in a meeting. If staff have been in post for some while they may have more to add from personal experience.

Identify, in discussion with the employee, the areas of the role or what it is about the physical premises or 'the way things are done' which places the employee at a substantial disadvantage (remember a 'substantial' disadvantage simply means 'more than trivial') – Line Managers may have advice from occupational health advisers or the employee's GP to draw on here. If it's a physical feature of the premises that is causing the disadvantage (such as access to the room where the employee works), this may affect every aspect of their role, in other cases it may only be one small element of the role that requires focus. Line Managers must be open-minded, ask questions and not make assumptions.

Employees and Line Managers should discuss potential solutions to the disadvantages or problems identified. At this stage both are identifying what could possibly be put in place to help, not committing to implementing them; depending on the nature of the changes, it may be necessary to agree these with senior managers or the board of governors, particularly if there are cost implications. The employee may not be able to offer suggestions as to what might help, however the school must continue to consider adjustments in the absence of suggestions. If an occupational health referral has not been made in such cases, now might be the best time to undertake one to ensure that some expert, external advice has been sought on possible options.

Except in simple cases, it will usually be necessary to investigate further the potential options, seeking further advice and obtaining approval as required. Advise the employee that you will be taking the matter forwards and will stay in touch about what you have discussed and what can be agreed.

### **Reasonable adjustments for job applicants**

The same duty in this policy applies in respect of job applicants or those who have expressed an interest in applying for a job. Job applicants may, for example, need adjustments made to aspects of the application process, the interview and/or any selection activities that are planned. There should be an opportunity at every stage of the recruitment process for an applicant to request reasonable adjustments. The kind of reasonable adjustments that may be necessary to accommodate the needs of a job applicant will generally be proportionate to the fact that they are not (at least yet) an employee and (if coming on site) will only be on the premises for a short while. Clearly it will not be proportionate to make extensive and costly physical adjustments to the premises, for example, but if mobility is a problem for a candidate, it may be necessary to consider relocating the interview or holding it by conference call instead.

### **Paying for reasonable adjustments to be implemented**

Reasonable adjustments do not necessarily have to cost money to implement and there are many examples of changes that can be made at little or no expense, such as adjusting an employee's working pattern, allowing extra time to complete a recruitment test or assigning a mentor.

Where there is associated expenditure the employer must pay for it, however the cost of making an adjustment can be taken into account when assessing whether the adjustment is reasonable to make.

### **Access to Work scheme**

Access to Work can sometimes contribute to costs of adjustments which it would not be reasonable for the employer to pay for. The school may therefore be able to get a grant through Access to Work even though, because of cost, the adjustment is not reasonable for the employer to make. See [www.gov.uk/access-to-work](http://www.gov.uk/access-to-work) for more information.

### **Are reasonable adjustments permanent**

The impact of an employee's disability may change over time, meaning that reasonable adjustments may only need to be made on a temporary basis, or – if the employee's disability worsens – they may need to be reassessed for effectiveness at appropriate intervals. Line Managers must schedule regular using review meetings with the employee as an opportunity to check how effectively the adjustments are working in practice.

### **Retracting reasonable adjustments**

Occasionally there may be changes to the operation of the school that means a reasonable adjustment which was previously agreed can no longer be accommodated in the same way as before. This could, for example, be a physical change (such as moving premises) or a change to some other aspect of the working arrangements, such as a reorganisation of provision meaning that staff are required to be at work at certain times of the day. Reasonable adjustments which have previously been in place must not just be removed without consultation or notice. It will be necessary in such cases to have a meeting with the employee to discuss the proposed change, how this is likely to impact on the adjustments in place, and to discuss what alternative options might be suitable.

### **Documenting reasonable adjustments**

Line Managers must document any reasonable adjustments agreed in the relevant employee's personnel file when and by whom, so any change of line management or principal can ensure continuity of support to employees.

### **Failure to make reasonable adjustments**

A failure to make reasonable adjustments (where the employer knows, or reasonably ought to have known, about the disability) is discrimination under the Equality Act 2010. An employee can therefore make a disability discrimination claim to an employment tribunal.

## Annex A Examples of Reasonable Adjustments

<p>Adjustments to “the way things are done” (provision, criterion or practice)</p>	<p>Reallocation of some duties to another employee (e.g. reducing the amount of physical work involved in the job)</p> <p>Alteration of employee’s hours (e.g. more flexibility over start/end times, reduction in hours, different hours to allow the employee to travel at a quieter time, phased returns)</p> <p>Transferring an employee into another suitable vacant post (may be appropriate where there is no reasonable adjustment that can be made to remove the disadvantages in the current post)</p> <p>Provision of more frequent rest breaks</p> <p>Granting additional absence from work or allowing a period of disability leave (e.g. to undergo rehabilitation or treatment)</p> <p>Modifying testing procedures (e.g. written tests for recruitment or promotion)</p> <p>Arranging training or mentoring (training might not be for the employee but for those who work with him/her, for example)</p> <p>Changing the employee’s place of work (e.g. to another office or to another location if the employer is multi-sited)</p> <p>Modifying procedures (e.g. allowing an employee with a learning disability to take a friend to a disciplinary or grievance hearing)</p> <p>Adjusting redundancy selection criteria (e.g. by discounting disability-related absence where absence is one of the criteria)</p> <p>Adjusting the criteria for certain benefits or perks (e.g. providing a designated parking space for an employee with a mobility impairment, even though parking spaces are usually only provided to senior staff)</p> <p>Modifying performance-related pay arrangements (e.g. by factoring in how the impact of a disability may have affected the achievement of objectives)</p>
<p>Adjustments to premises</p>	<p>There are limitless ways in which premises could be adapted. A few example are:</p> <p>Widening a doorway</p> <p>Provision of a ramp</p> <p>Relocation or modification of furniture, fixtures or fittings (e.g. door handles, taps, shelves, printers)</p> <p>Increasing contrast in décor and/or the addition of stickers/indicators on clear glass doors (for the visually impaired)</p> <p>Adaptations to premises will often benefit a wider group of people than just the disabled employee.</p>

Provision of auxiliary aids / services

Providing or modifying equipment (e.g. ergonomic keyboards, large button telephones, hearing loops and textphones)  
Adapting written documents (e.g. Braille or audio versions, coloured paper)  
Arranging training for the employee to use an aid provided or adapted equipment (e.g. software, machinery)  
Provision of a reader/interpreter for part of the day (e.g. to read hard copy post to an employee with a visual impairment)  
Provision of support or supervision from a worker or colleague when required (e.g. an employee with a learning disability who needs additional support)