

**Supporting Employees with Disabilities -**

Reasonable Adjustments Guidelines for Managers

**September 2020**

**Accessibility Statement**

Any request for the document in another format or language will be considered.

Please contact [disabilitysupport@eani.org.uk](mailto:disabilitysupport@eani.org.uk)

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**1. Introduction**

Employing people with disabilities makes good business sense – enhancing diversity and building an organisations capacity and profitability.[[1]](#footnote-1)

People with a disability remain under-represented in the workforce, which is reflected in EA. 6.75% of EA staff have declared a disability, which is below the NI average of one in five (2011 NI Census reports that just over one in five of the usually resident population (21%) had a long-term health problem or disability which limited their day-to-day activities.)

Organisations with a diverse and inclusive workforce can tap into different perspectives and skills which can boost innovation and performance, including from colleagues with a disability. Organisations that have a positive and inclusive approach to managing disability can reap benefits in terms of increased loyalty and commitment from staff.

The Education Authority (EA) has in place a Policy and Code of Practise on the employment of People with Disabilities. The Policy should be read in conjunction with these proposed guidelines. EA is committed to equal opportunities for applicants and employees with disabilities. The Disability Discrimination Act 1995 (as amended) (DDA) states that an employer has a statutory duty to make reasonable adjustments to prevent their practices or arrangements discriminating against a person with a disability. This duty is ongoing and reasonable adjustments should be reviewed on a regular basis to ensure they are effective. This also aligns with commitments made by EA which are outlined in our [Disability Action Plan 2018 – 2022](https://sharepoint.eani.org.uk/pp/equality/Disability/Disability%20Action%20Plan%202018-2022.pdf#search=DISABILITY%20ACTION%20PLAN).

**2. Definition of Disability**

The Disability Discrimination Act 1995 (DDA) defines disability as *“a physical or mental impairment which has a substantial and long term adverse effect on a person’s ability to carry out normal day-to-day activities”*.

However a person who contracts cancer, multiple sclerosis or HIV infection, no matter how insubstantial their symptoms currently are, is immediately deemed disabled.

**2.1 *What about people who have recovered from a disability?***

People who have had a disability within the definition are protected from discrimination even if they have since recovered.

**2.2 *What does “impairment” cover?***

It covers physical or mental impairments; this includes sensory impairments, such as those affecting sight or hearing.

**2.3 *Are all mental impairments covered?***

The term “mental impairment” is intended to cover a wide range of impairments relating to mental functioning, including what are often known as learning disabilities. There is no longer a requirement that a mental health condition is *“clinically well recognised”* before it can count as an impairment under disability discrimination law.

Substantial: a substantial adverse effect is something that is more than a minor or trivial effect. The requirement that an effect must be substantial reflects the general understanding of disability as a limitation going beyond the normal differences in ability that might exist among people.

Long-term adverse effect: a long term effect of an impairment is one: which has lasted at least 12 months; or where the total period for which it lasts is likely to be at least 12 months; or which is likely to last for the rest of the life of the person affected.

**2.4 *What if the effects come and go over a period of time?***

If an impairment has had a substantial adverse effect on normal day-to-day activities but that effect ceases, the substantial effect is treated as continuing if it is likely to recur: that is if it is more probable than not that the effect will recur.

Normal day-to-day activity: this is something that is carried out by most people on a fairly regular and frequent basis, such as washing, eating, catching a bus or turning on a television.

It does not mean something as individual as playing a musical instrument to a professional standard or doing everything involved in a particular job.

The test of whether an impairment affects normal day-to-day activities is whether it affects one or more of the broad categories below:

* mobility;
* manual dexterity;
* physical co-ordination;
* continence;
* Taking part in normal social interaction;
* Forming social relationships;
* ability to lift, carry or otherwise move everyday objects;
* speech, hearing or eyesight;
* memory or ability to concentrate, learn or understand; or
* perception of the risk of physical danger.

**2.5 *What about treatment?***

Broadly speaking, the effects that matter are those that would be present if there was no medication or treatment-taking place. The exception is people who wear spectacles or contact lenses when what matters are the effects that remain while the spectacles or contact lenses are being used.

**2.6 *Are there any types of condition covered by special provisions in the DDA?***

Yes, because some people with particular conditions might otherwise not be counted as having a disability. These are provisions covering:

* recurring or fluctuating conditions such as arthritis, where the effects can sometimes be less than substantial, which are treated as continuing to have a substantial adverse effect so long as that effect is likely to recur;
* conditions which progressively deteriorate, such as motor neuron disease, which count as having a substantial adverse effect from the first time they have any effect at all on ability to carry out normal day to day activities even if it is not substantial, so long as there is eventually likely to be a substantial adverse effect;
* severe disfigurements which are treated as having substantial adverse effects on ability to carry out normal day to day activities, even if they have no actual effect at all; and
* people with cancer, HIV, or multiple sclerosis are deemed to be disabled from the point of diagnosis, regardless of whether or not they have any symptoms.

**2.7 *Are any conditions not covered?***

Yes, the following conditions specifically do not count as impairments:

* addiction to or dependency on alcohol, nicotine or any other substance (unless resulting from the substance being medically prescribed);
* seasonal allergic rhinitis (e.g. hay fever) unless it aggravates the effect of another condition;
* tendency to set fires, or steal, or physically or sexually abuse other persons;
* exhibitionism and voyeurism; and
* disfigurements consisting of tattoos, non-medical body piercing or attachments to such piercing are not treated as having substantial adverse effects.

A person with an excluded condition may nevertheless be protected as a person with a disability if he or she has an accompanying impairment that meets the requirements of the definition. For example, a person who is addicted to a substance such as alcohol may also have depression, or a physical impairment such as liver damage, arising from the alcohol addiction. While this person would not meet the definition simply based on having an addiction, he or she may still meet the definition because of the effects of the depression or the liver damage.

**2.8 *What is Discrimination?***

The DDA describes five types of discrimination:

* Direct Discrimination;

When a disabled person is treated less favourably than someone else on grounds of his/her disability

* Disability Related Discrimination;

When a disabled person is treated less favourably than someone else and the treatment is for a reason relating to the person’s disability, and this treatment cannot be justified

* Failure to make reasonable adjustments;
* Victimisation; or
* Harassment.

When a disabled person is subjected to harassment for a reason which relates to their disability

**3. Reasonable Adjustments in Recruitment and Selection**

In recruitment and selection, it is unlawful to discriminate against a person with a disability in the arrangements for deciding who should get the job. All staff involved in recruitment and selection should undergo EA Recruitment and Selection training. Reasonable adjustments to the recruitment process may be required to enable an individual with a disability to compete on an equal basis and demonstrate their ability to do the job. Reasonable adjustments may be required at any stage of the recruitment and selection process.

**3.1 *Job Description and Personnel Specification***

The job description should accurately reflect the duties and responsibilities of the job and the personnel specification must only contain criteria which is job related and can be fully justified. However in the instance of a disabled applicant who indicates their need for a reasonable adjustment, the employer will be required to give such requests due consideration. This may include provision for accepting a lesser level of qualification and/or experience, unless such can be demonstrated as an element of the criteria which cannot be adjusted for justifiable reasons (for example if the qualification is required to practice). Panels should always seek advice from the Resourcing Team in HR, in such circumstances.

Under the Act an employer is entitled to specify that applicants for a job must have certain qualifications. However, if a person with a disability is rejected for the job because he/she lacks a qualification the Authority will have to justify that if the reason why the person is rejected (i.e. lack of qualification) is connected with his/her disability. Justification will involve showing that the qualification is relevant and significant in terms of the particular job and the particular applicant

**3.2 *Disclosure of Disability on Application Form***

Application forms contain a question on whether the candidate requires a reasonable adjustment for reasons related to a disability, to allow them to attend for interview and undertake the duties of the post if successful. Where an applicant has indicated on the application form that they require a reasonable adjustment(s) the Human Resources Department (Resourcing Team) will contact the applicant and arrange to put in place the appropriate adjustments.

Examples of adjustments could include:

* A sign language interpreter at interview;
* Extended time to prepare a presentation;
* Interviews conducted in an accessible venue;
* Parking provided near the interview location;
* Review criteria for disabled candidates;
* A Support Worker can accompany the candidate to interview;
* Allowing the attendance of a friend or relative for support or to aid communications or understanding;
* Provide questions in hard copy format for those with hearing difficulties; or make application forms available in alternative formats on request.

**3.3 *Interviews/Tests and Assessments***

It is necessary to prepare in advance for interviews. Give applicants the opportunity to indicate in advance if they require reasonable adjustments and suggest adjustments to help overcome the disadvantage. The Interview Chairperson should be aware of the situation; you should brief the panel members; contemplate individual cases; and consider any advice received from the Resourcing Team in HR. It is important not to make assumptions about what a person with a disability can and cannot do. The majority of people with a disability need little or no special support for an interview and their disability may be irrelevant to their ability to do this job. Interviews should be specific, examining the skills; training, experience and ability of the interviewees and questions should never focus on the details of the disability and instead should focus on how it affects ability to do the job.

Any tests/assessments should be relevant to the post and examples of reasonable adjustments required may include changes to the format; allowing a support worker to be present; or allowing additional time to be given to complete the test.

**3.4 *Conditional Offer***

As with all EA appointments, the offer of employment will be conditional upon meeting all of the necessary pre-employment checks. In the instance of an appointee with a disability who has indicated their need for reasonable adjustment, this will incorporate a meeting to ensure that you fully understand the individual’s requirements and to allow an assessment to ensure that you can meet their requirements. The appointee will be invited to attend a meeting with you and Occupational Health and where appropriate/necessary a member of staff from the Authority’s Disability Employment Support Service (DESS). This will be co-ordinated through the Resourcing Team. Where you identify reasonable adjustments, you will agree an action plan for implementation prior to the agreed commencement date.

If it is not possible to provide the preferred adjustment due to legitimate reasons, the recruitment manager\chairperson will liaise with the applicant to ensure the best possible adjustment is provided.

**Reasonable Steps to Take For Applicants with a Disability**

**Step 1**

If applicant has stated on their application form that they require reasonable adjustment, consult with the applicant and ensure that reasonable adjustments are in place.

**Step 2**

If applicant is successful at interview, refer to Occupational Health for pre-employment medical assessment and guidance. If they are already an employee then this doesn’t need to happen.

**Step 3**

Where reasonable adjustments are required, a meeting should be arranged between, line manager, new employee and if considered necessary, a member of staff from Disability Employment Support Service (DESS). This meeting will help to determine the necessary reasonable adjustments and action plan for implementation of same prior to commencement of employment. Further meetings, if considered necessary, will help to provide updates, advice and guidance and agree arrangements for commencement of employment.

**Step 4**

The Disability Employment Support Service (DESS) Team, will advise new employees that they may contact them for help and support throughout the course of their employment with EA. It may be necessary for reasonable adjustments to be made to the new employee’s induction to EA. EA Policy and Code of Practise on the Employment of People with Disabilities recognises its ongoing duty with regard to reasonable adjustments. Consideration should also be given to completing a Disability Passport, to be kept under review. Signed copy to be held by Disability Employment Support Service, (DESS.).

**4. Training and Career Development**

Employers must treat employees with a disability equal to other members of staff (in the absence of ‘justification’ for not doing so) in relation to all aspects of employment including assessment and selection for training. Reasonable adjustments should be made to make sure that suitable arrangements are made to facilitate the full participation of the employee with a disability.

Arrangements for training should aim to offer employees with disabilities a standard of training that is equal to that offered to their colleagues without a disability.

They should have equal access to:

* opportunity;
* information;
* the venue; and
* learning.

One of the principal steps to good career development is enabling staff to benefit from training courses. It is very important not to make assumptions about a person’s ability to undertake or benefit from training. Always check and talk with the person and discuss if they will require adjustments to participate fully.

Other steps to facilitate development opportunities are also important, for example adjustments to allow full participation in staff and team meetings.

Regular performance reviews provide a chance to discuss whether an individual is able to carry out new tasks associated with career development and/or transfer opportunities.

**5. Reasonable Steps to Take If an Employee Develops a Disability**

These are general principles. The position in any individual case will depend on the precise facts. Advice and guidance should always be sought from Human Resources Department/Disability Employment Support Service (DESS)

**Step 1 – *Gathering Information***

A line manager who becomes aware of an employee’s disability or has reason to believe an employee may have a disability should first discuss the situation with the employee. Together the line manager and the employee should agree a plan of action that ***could*** include conducting a risk assessment, obtaining medical reports and identifying reasonable adjustments. The precise approach will depend on the nature of the disability.

**Step 2 – *Refer to Occupational Health***

It may be appropriate to refer an employee to the Occupational Health. If you are unsure about the need to refer to Occupational Health, contact the Disability Employment Support Service Team.

Occupational Health will provide advice to management on the person’s fitness for work, functional capabilities and on any adjustments which could be considered for example to premises or working duties/arrangements.

Some examples of when this may be appropriate include:

* suitable adjustments are difficult to identify or hard to provide;
* a person has recently acquired the disability or has a fluctuating / progressive condition and is not sure what impact this may have or what would help them do the job;
* you need to establish whether an underlying medical condition is the cause of workplace problems; and
* a medical opinion is required to ensure a safe and healthy working environment.

Provide Occupational Health with:

(a) objective and quantitative information about the employees job, for example:

* working hours/shift patterns;
* job title, location and duties;
* travel involved as part of their duties in work;
* physical requirements of the job;
* working environment; and / or
* intellectual and emotional demands.

(b) other relevant information which may include:

* records of sickness absence, time keeping;
* details of adjustments that you may be considering or that are already in place; and / or
* any concerns you may have.

NB: managers do not need to know the medical diagnosis but should focus on the impact on the job and adjustments required further specialist medical advice may be appropriate. Occupational Health must report back on any adverse constraints which could affect capacity to work. Once the report is received back from Occupational Health the Line Manager and, if considered necessary, a representative from Disability Employment Support Service (DESS), should meet with the employee to determine course of action.

If referral to Occupational Health is not appropriate go to step 3.

**Step 3 – *Reasonable Adjustments***

Investigate and implement any reasonable adjustments in a timely manner. Where appropriate seek additional information and advice from the Disability Employment Support Service, statutory and voluntary bodies. It may be appropriate to contact Employers for Disability Northern Ireland (EFDNI) or a number of the other Supported Employment Solutions, please see [**Appendix 1**](#viv)

**Step 4 – *Alternative Employment***

Where no adjustment is possible to enable the employee to continue in their existing position, redeployment should be considered in conjunction with the Disability Employment Support Service, (DESS) and the individual. It is important to note that you should consider all available opportunities i.e. both redeployment opportunities where reasonable adjustments are not required and where reasonable adjustments are required. At this point, the individual’s qualifications or relevant experience should be assessed and the Resourcing Team contacted to determine any suitable vacancies/redeployment opportunities.

NB: It is important to remember that a post cannot be created to accommodate a member of staff with a disability. Duty of care and providing employment will override, as the industrial tribunal would pronounce the individual should be trained up for a role and positioned in. EA will seek in the first instance to redeploy an employee with a disability to a post at the same level.

Once a suitable vacancy has been determined, employees should meet with the appropriate manager and if necessary, staff from Disability Employment Support Service (DESS) to investigate the need for further reasonable adjustments in the workplace.

**Step 5 – *Where no adjustment or alternative employment is possible***

If neither reasonable adjustments nor redeployment is possible, then retirement/termination on ill health grounds may be considered as the most appropriate course of action.

**Step 6 – *Monitoring***

EA Disability Employment Support Service*, (*DESS) will monitor all known cases on an on-going basis, in conjunction with the employee, line manager, Occupational Health, the DAS and other relevant voluntary agencies, if appropriate. Completion of a Disability Passport will be discussed and kept under review.

**6. What Is A Reasonable Adjustment?**

Reasonable adjustments are practical ways to remove certain disadvantages or barriers faced by a person with a disability and enable them to carry out the duties of their job. The DDA says that the duty to make reasonable adjustments applies where any physical feature of the employer's premises, or any practices, policies or criteria made by the employer, place a person with a disability at a substantial disadvantage compared to a person without a disability. You assess each case individually and make reasonable adjustments as appropriate. The DDA declares that discrimination can occur when an employer fails to comply with a duty of reasonable adjustment in relation to a person with a disability and failure to make a reasonable adjustment can never be justified.

**6.1 *When to Make Reasonable Adjustments?***

All employees who have a responsibility for staff management have a duty to make Reasonable Adjustments as soon as they know that someone defined as having a disability may need them. Not asking if something is needed is no defence for not knowing, and it is **your duty** to take reasonable steps to find out whether adjustments are needed. Employers should not only seek reasonable adjustment information through formal processes e.g. Occupational Health, but also be alert to signs and symptoms that could have reasonably lead them to suspect that an individual may have a disability which they have not disclosed or which has not yet been diagnosed.

You need to implement any necessary adjustments in an appropriate and timely way, and it may be necessary for an employer to make more than one adjustment. Before implementing any adjustments, it is advisable to agree any proposed adjustments with the person with the disability.

**6.2 *Why Carry Out Reasonable Adjustments?***

Carrying out reasonable adjustments is a legislative duty on employers under the DDA. Common misconceptions held about this requirement consider that measures are likely to be expensive and inconvenient, but this is not true. Often a very simple adjustment can make a huge difference to an individual and consequently enables them to remain in work, carrying out their job. Aside from adhering to legislative requirements and duties placed under the legislation, there is a valid business case attached to accommodating and being proactive in the provision of reasonable adjustments. Often they are not costly to the organisation but can save a great deal by preventing a staff member needing to go off on long-term sickness. In addition, taking this proactive approach will undoubtedly assist how staff carry out their duties and encourage positive morale in the workplace, as they will feel that you are accommodating their interests and wellbeing. Results can be the saving of money incurred through sickness pay and cover arrangements, as well as ensuring productivity and satisfaction.

**7. Duty to Make a Reasonable Adjustment**

In adhering to its’ responsibilities under the disability legislation, the employer will make reasonable adjustments to structural/physical features and to employment arrangements (including recruitment arrangements) to ensure that a person with a disability is not substantially disadvantaged compared to a person without a disability. The duty of reasonable adjustment also applies to people with disabilities on work experience, work placement and vocational training.

‘Physical features’ includes:-

* any feature of the premises from the design of the building or its construction;
* any approach to, exit from or access to the building;
* any fixtures, fittings, furnishing, furniture, equipment or materials;
* any other physical element or quality of land.

This duty applies to ‘arrangements’ for determining to whom employment should be offered and any term, condition or arrangement on which employment, promotion, transfer, training or any other benefit is offered or afforded. The duty also applies to any arrangements for termination of employment.

The DDA contains a list of steps which an employer would be expected to take in relation to a disabled person. These include:

* making adjustments to premises;
* allocating some of the disabled person’s duties to another person;
* transferring the disabled person to another existing vacancy;
* altering the disabled person’s working hours;
* moving the disabled person to a different work place if practicable;
* allowing them to be absent during working hours for rehabilitation, assessment or treatment;
* training;
* acquiring or modifying equipment;
* modifying instructions or reference manuals;
* modifying procedures for testing or assessment;
* providing a reader or interpreter;
* providing supervision.

In determining whether it is reasonable to make adjustments to working conditions, the Education Authority will have regard to:

* the effectiveness of the adjustment in preventing the disadvantage to the employee with a disability;
* the extent to which it is practicable to make the adjustment;
* the financial costs which it is practicable to make the adjustment;
* financial resources available;
* the availability to the Authority of financial or other assistance with respect to making the adjustment;
* **Situations, which do not fall under the above headings**

This is not a comprehensive list of examples. There will be situations where adjustments can be made which do not fall under any of the above headings. The important point is to consider the requirements of the individual (which are best identified by consulting the employee concerned) in line with the needs of the service.

EA must prove that it has explored all avenues and must present justifiable reasoning why a measure could not be taken, for example, a valid business reason or health and safety reason (this supersedes all else as the duty of care). The key word is **reasonable**. The Education Authority’s duty to make reasonable adjustments is ongoing. All arrangements should be monitored and reviewed regularly as it may be necessary to consider further or alternative adjustments. In carrying out such reviews it is important to consider the need to update the Disability Passport information held for the disabled employee.

**8. The Role of the Line Manager**

This guide makes it easier for you to manage attendance by helping you:

* Identify who needs an adjustment;
* Identify how work can be done differently to maximise the potential of your disabled and non-disabled staff who may also benefit from the changes made;
* Decide if an adjustment is reasonable;
* Treat your disabled colleagues fairly; and ensure you maintain their confidentiality at all times
* Make sure you do not break the law;
* Know where to go for more help and advice.

As a line manager you have a vital role to play in monitoring attendance and performance. It is down to you to ensure that the staff you manage meet their objectives and performance targets. You are responsible for creating an open, supportive and inclusive environment at work where employees can talk about any problems they have with their work and seek help early. This is particularly important when you are managing disabled employees because you are required by law to enable them to work and make changes or ‘reasonable adjustments’ to help them do so.

Learning how to make reasonable adjustments and manage disabled employees is all part of being a good manager for all your staff. You should not think about managing disabled employees as separate to your duties as a manager as a whole –good managers know how to manage difference in order to get the best from all members of their team. [**Appendix 2**](#v2) outlines some examples of helpful language for managers to use when discussing potential adjustments with employees.

Help and support is available to you from the Disability Employment Support Service (DESS), Equality & Diversity Team.

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**9.** **What is a Reasonable Adjustment Passport*?***

This is a live record of adjustments agreed between an employee and their manager to support them at work because of a health condition, impairment or disability. The passport supports staff and their line managers to ensure that up-to-date, appropriate, practical and correct reasonable adjustments are in place.

The passporting system means that staff with a disability who move roles, or if their line manager changes, do not have to re-explore or renegotiate their reasonable adjustments.

The passports’ purpose is: -

* To make sure that everyone is clear about what adjustments have been agreed and has a record of these;
* To reduce the need to reassess and renegotiate adjustments every time a colleague changes jobs, is relocated or is assigned a new manager;
* Provide an employer and their manager with the basis for future conversations about adjustments.

**9.1 *Control of the passport***

The passport will be shared with an incoming line manager by the employee. The previous line manager nor the Disability Employment Support Team will share the passport. Although the staff member has control of the information and who it is shared with, it is usual practice for the manager to have a copy as well and the Education Authority’s DESS (Disability Employment Support Service).The passport and the agreed reasonable adjustments should be reviewed six months after the adjustments have been put in place for two reasons:

* to ensure they remain effective in removing any identified workplace barriers, and
* where they are found no longer to meet the requirements or are no longer needed, to allow a timely conversation to take place to identify adjustments that will address the issues faced by member of staff.

Further reviews will be at the member of staff’s request, and/or when there is any change to their role that might create additional barriers. A check in these circumstances can ensure the adjustments are still appropriate and effective.

Changes to the type of reasonable adjustments that need to be considered are not uncommon. They can change for a number of reasons, including technological advances that may mean there are better ways to overcome workplace barriers, changes to their role or changes to their condition/disability.

**10. I don’t think I have any disabled people working for me?**

You might be surprised. The term ‘disabled people’ covers a wide range of different people with different impairments which may or may not affect how they do their job. People with disabilities work in all types of jobs. Under the law the term ‘disability’ is so wide that people you might not regard as having a disability are protected including, for example:

* People with diabetes, asthma, back problems and mental health conditions like depression.
* Other people, who have cancer, multiple sclerosis (MS) and HIV, are automatically covered.

Remember too that many people with a disability will not tell you that they have a disability, either because they don’t think of themselves as disabled or because they are embarrassed or fear a poor reaction. The more you are known to be a fair and reasonable manager, the more likely it is that people working for you will tell you about their disabilities or health problems they have because they know that you will make reasonable adjustments should they need them.

**Why do I have to treat people with a disability differently from everyone else?**

The law requires employers to make reasonable adjustments for disabled employees. This means removing barriers wherever possible that get in the way of a disabled person doing their job. For example, changing where they work, the way in which they do their job or providing equipment to help them.

Making a reasonable adjustment is about ensuring that a person with a disability can do their job and positively contribute in the workplace. It reduces sickness absence and ultimately saves money too.

**How will I know if someone has a disability and would benefit from a reasonable adjustment?**

The law says you must make reasonable adjustments for people with a disability who are having, or will have, problems doing the job. Although some people will tell you that they have a disability many will not because:

* They don’t think of themselves as disabled, e.g. someone with diabetes
* They don’t think they need any adjustments.
* Although they are unwell they don’t yet know why.
* They are worried about how you or the organisation might react and that they will either not get the job or lose their job.
* They fear harassment or bullying.

You must make reasonable adjustments for people you know or think might be disabled if they are having problems doing their work because of their disability.

As a manager you should be looking out for signs that someone might have a disability. Bear in mind that these signs might be linked to a disability that the person may or may not know about as yet.

Warning signs could be that:

* Their attendance is poor or deteriorates.
* Their performance at work deteriorates.
* Their behaviour at work changes and they are tearful, aggressive or irritable or withdrawn and forgetful
* They are persistently late or miss deadlines
* They appear to be experiencing pain or discomfort.

If a member of your team is having problems at work, talk to them, try to find out what would help and make any changes you reasonably can to help them do their job. Remember advice and guidance are available to you from Disability Employment Support Service (DESS).

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**11. Available Assistance for Disabled Employees**

It is the responsibility of the line manager to ensure that reasonable adjustments are in place where they are required and feasible. However the Disability Employment Support Service, (DESS), provide advice to both staff and management on statutory recommendations and best practice guidelines. They will ensure EA compliance under the DDA and promote equality of access to employment opportunities throughout EA.

EA works in conjunction with Access to Work (ATW) within the Department for Communities <https://www.nidirect.gov.uk/articles/access-work-practical-help-work>.

ATW is a statutory body established to meet the needs of employees with disabilities to either secure employment or continue and develop within their current workplace. ATW can provide financial assistance in the procurement of support and equipment and offer impartial advice to both employers and individual employees.

This scheme **may** contribute towards the cost of equipment, business related travel (e.g. taxis to and from work), personal assistants who could provide physical assistance to an employee and co-workers who could assist an employee with the elements of their role that the employee finds difficult because of his or her disability.

EA will also work in partnership with community and voluntary organisations i.e. Supported Employment organisations to provide assistance and support to people with disabilities and EA to access and maintain employment.

**Workable (NI) provides a flexible range of long term support to help people with disabilities, who have a lot of barriers to employment, to find and keep work.**

Supporting the needs of individuals

Workable (NI) tailors support for individuals with a disability to meet their specific needs in the workplace. Support such as:

* one to one help from  a job coach to help the employee and their colleagues adapt to the needs of the particular job
* extra training for the employer
* disability awareness training for the employer and work colleagues

Workable (NI) is delivered by three providers contracted by the Department for Communities (DFC), which are:

* Disability Action
* [Supported Employment Solution (SES)](http://www.sesni.org.uk/)  and
* Ulster Supported Employment Ltd (USEL)

**Definition of Equipment**

EA defines equipment as any support or special equipment acquired specifically to assist a person with a disability to carry out their job. Special support is any item that a person with a disability needs to do a job that a person without a disability would not need to do that job.

The list can include:

* Wheelchair
* Hearing aid
* Computer equipment
* Specialist chair
* Text Telephone
* Magnifying equipment
* Support worker

Contributions towards the cost of aids and equipment generally, when support and equipment are required for an employee to use in the workplace, the Access to Work scheme will request that EA agree to contribute towards the costs. In certain cases, ATW will specify the required amount they wish EA to contribute

**12. Who to Contact**

If you have a query on any aspect of this policy or require guidance, please contact:

Vivienne Murphy, Disability Employment Support Lead

Education Authority, 40 Academy Street, Belfast, BT1 2NQ,

Tel: 02890 564214

E-mail: [vivienne.murphy@eani.org.uk](mailto:vivienne.murphy@eani.org.uk)

Bernadette Doherty, Disability Employment Support Officer

Education Authority, 40 Academy Street, Belfast, BT1 2NQ,

Tel: 02890 564360

E-mail: [bernadette.Doherty@eani.org.uk](mailto:bernadette.Doherty@eani.org.uk)

Please contact [disabilitysupport@eani.org.uk](mailto:disabilitysupport@eani.org.uk)

**Further advice or guidance**

[EA website](https://www.eani.org.uk/about-us/equality/disability-support-service)

Health and Wellbeing Contact, [anne.rath@eani.org.uk](mailto:anne.rath@eani.org.uk)

**Appendix 1**

**Supported Employment Solutions**

Access to Work, <https://www.nidirect.gov.uk/articles/access-work-practical-help-work>.

Employers for Disability Northern Ireland (EFDNI), <http://efdni.org/>

Health and Wellbeing Contact, [anne.rath@eani.org.uk](mailto:anne.rath@eani.org.uk)

Disability Action, [www.disabilityaction.org](http://www.disabilityaction.org)

Cedar, [www.cedar-foundation.org](http://www.cedar-foundation.org)

Action Mental Health [www.amh.org.uk](http://www.amh.org.uk)

Equality commission for NI, [www.equalityni.org](http://www.equalityni.org)

**Appendix 2**

Some examples of helpful language for managers to use when discussing potential adjustments with employees.

|  |  |  |
| --- | --- | --- |
| **Category** | **What to avoid** | **Best practice** |
| Introduction | “We need to discuss how to solve this problem with your disability” | “Can we discuss your needs and what can I do to support you?” |
| Introduction | “Obviously we have to accommodate you” | “We’re keen to level the playing field and give you the same opportunities as your colleagues” |
| Establishing needs | “Tell me what you can’t do” | What causes you difficulty at work?  “How does this affect you on a daily basis? |
| Establishing needs | “I know exactly what you need” | “Have you had any thoughts on how we can adapt things to suit your needs? What has been put in place in previous roles/jobs?” |
| Establishing needs | “There’s someone with the same disability as you, so I’ve ordered the same equipment” | “I’m aware of people in a similar situation to you, but everybody is different. Have you thought about the changes/ reasonable adjustments that you may require?” |
| Considering the adjustment | “Why should we put these changes in place just for you?” | How effective will these changes be in overcoming the difficulty you are experiencing? |
| Considering the adjustment | This change is going to cause us quite some problems | As your manager I need to consider how practical and disruptive it is to take these steps; and the financial costs associated with the adjustment |
| Deciding what is reasonable? | I have to consider this because it’s the law | Reasonableness is determined on an individual basis but as a good employer I take a proactive view to ensuring everything possible is done to help you remain at work safely. |
| Deciding what is reasonable? | I don’t have to consider the adjustments outlined in the OH report | As your manager I am able to challenge the reasonable adjustment suggestions by OH assist because there is a specific reason why this establishment cannot accommodate the adjustments. |
| Reviewing restricted duties | I cannot allow the restricted duties to continue | You have been on restricted duties for a long period of time so I am going to re-refer you to OH for advice |
| Once needs have been established | “I’ll have to see what management say, money’s tight” | “I’ll support you throughout, I’m sure the organisation will do everything possible to accommodate your needs”. |
| After the reasonable adjustment has been delivered | “That’s dealt with now…” | “Please let me know if the adjustments are meeting your needs or if you come across any problems. We will formally review in six months’ time to make sure that everything’s okay and to see whether you require anything else”. |

1. The Purple Workforce: The Impact of Employing Disabled People, 2017, Disability Action [↑](#footnote-ref-1)