

Lead Employer Reasonable Adjustments Policy

Version No: 1

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| Document status | Approved |
| Document type | Policy |
| Document number | Document Control will provide document number if a new document |
| Approving body | Workforce Council |
| Date approved | 28/02/2023 |
| Date implemented | 06/03/2023 |
| Review date | *3 years from approval date 06/03/2026 |
| Accountable Director | Director of Human Resources |
| Policy Author | Head of Human Resources |
| Applies to | All Specialty Trainees employed by Mersey and West Lancashire Lead Employer Trust (MWL LE) |
| Also for Use / Reference by: | Host organisations and NHS England. |

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Document Control

| Section 1 – Document Information | |
|--|------------------------|
| Title | Reasonable Adjustments |
| Directorate | Workforce |
| Brief Description of amendments | |
| New policy introduced <i>Please state if a document has been superseded.</i> | |
| Does the document follow the Trust agreed format? | Yes |
| Are all mandatory headings complete? | Yes |
| Does the document outline clearly the monitoring compliance and performance management? | Yes |
| Equality Analysis completed? | Yes |

| Section 2 – Consultation Information | |
|--------------------------------------|---|
| Consultation Completed | <input type="checkbox"/> Trust wide <input type="checkbox"/> Local <input checked="" type="checkbox"/> Specific staff group |
| Consultation start date | 08/10/2022 |
| Consultation end date | 24/01/2023 |

| Section 3 – Version Control | | |
|-----------------------------|-----------------------------|--------------------------|
| Version | Date Approved | Brief Summary of Changes |
| 1 | 28/02/2023 | New policy |
| | Click here to enter a date. | |
| | Click here to enter a date. | |
| | Click here to enter a date. | |
| | Click here to enter a date. | |

| Section 4 – Approval – <i>To be completed by Document Control</i> | |
|---|---|
| Document Approved | <input type="checkbox"/> Approved <input type="checkbox"/> Approved with minor amendments |
| Assurance provided by Author & Chair | <input type="checkbox"/> Minutes of Meeting <input type="checkbox"/> Email with Chairs approval |
| Date approved | Click here to enter a date. |
| Review date | Click here to enter a date. |

| Section 5 – Withdrawal – <i>To be completed by Document Control</i> | |
|---|---|
| Reason for withdrawal | <input type="checkbox"/> No longer required <input type="checkbox"/> Superseded |
| Assurance provided by Author & Chair | <input type="checkbox"/> Minutes of Meeting <input type="checkbox"/> Email with Chairs approval |
| Date Withdrawn: | Click here to enter a date. |

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1. Scope

This policy applies to all medical and dental trainees employed by MWL Lead Employer, (MWL LE), including those training in Public Health, employed under Agenda for Change Terms and Conditions (“Trainees”).

Trainees will be managed and/or supervised by relevant individuals at the Host Organisations at which they carry out their training placements, and by NHS England (NHSE) in respect of their medical and/or dental educational training, qualification and regulation. Therefore, those organisations also have roles under this policy; accordingly, they will have access to it and should be familiar with it.

2. Introduction

Under the Equality Act (2010), a person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. ‘Substantial’ is more than minor or trivial and ‘long term’ means the impairment is ongoing for 12 months or longer. Trainees with a progressive condition can also be classed as disabled. However, whether a condition is considered a disability will, in most cases, depend on all of the facts and circumstances of the trainee’s case.

The Equality Act 2010 (The Act) requires Host Organisations and NHSE, supported by MWL LE to make ‘reasonable adjustments’ where a provision, criterion, function, practice, and/or physical, environmental conditions of features in premises occupied by the Host Organisation, places a person with a disability at a substantial disadvantage.

In addition, MWL LE must work in conjunction with the Host Organisation and NHSE to take reasonable steps to avoid a substantial disadvantage being caused to any trainee with a disability in relation to recruitment, retention, promotion, development and training, retirement and dismissal.

Reasonable Adjustments may extend to the trainee concerned (for example, as providing a Support Worker, acquiring or adapting specialist equipment or organising transport to-from and within work) or, they may be more wide-ranging to include changes to policies, procedures or corporate functions, to working arrangements or to enable access to premises that also includes car parking, signage, light/noise levels and safe evacuation.

3. Statement of Intent

The purpose of this policy is to ensure that MWL LE communicates any recommended reasonable adjustments to Host Organisations and NHSE in order to overcome substantial disadvantage as required under the Equality Act (2010). The policy aims to raise awareness amongst stakeholders including trainees, Host Organisations and NHSE

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ensuring they are aware of the moral, social and legal obligations to make reasonable adjustments in relation to trainees with a disability.

The policy will seek to encourage trainees with a disability to share their requirements, enabling MWL LE to consider and support the implementation of reasonable adjustments by Host Organisations and NHSE which will, in turn allow the trainee to feel confident in the knowledge that they will be supported in the workplace.

MWL LE will provide those who are responsible for making adjustments with information about their obligations under this policy, the procedure to follow, examples of adjustments that can be made and sources of support and guidance.

Finally, the document provides trainees with the procedure to be followed if they feel that this policy is not being adhered to, as well as the procedure to be followed if Health and Safety or Health, Work and Wellbeing advice conflicts with this policy statement

4. Definitions

| Definition | Meaning |
|-------------------------------|---|
| Substantial | The Equality Act (2010) defines 'substantial' as more than minor or trivial, e.g. it takes longer than it usually would to complete a daily task like getting dresses |
| Long Term | The Equality Act (2010) defines 'long term' as a condition that lasts 12 months or more e.g. a breathing condition that develops as a result of a lung infection |
| Progressive Conditions | The Equality Act (2010) defines 'a progressive condition' is one that gets worse over time. People with progressive conditions can be classed as disabled. |

5. Duties, Accountabilities and Responsibilities

5.1 Trust Board

The Board are responsible for ensuring that this policy is fully implemented and that there is a continuing commitment to ensuring that reasonable adjustments are implemented to overcome substantial disadvantages in the workplace.

5.2 Board of Directors

The Board are responsible for ensuring that the policy is being adhered to. The monitoring of the impact of the policy will be delegated to the HR Council and the auditing to the Lead Employer HR Advisory team; however the HR Director and HR Council will highlight any

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areas of significant shortfall identified to the Board. The Trust Board is accountable for ensuring that MWL LE meets its statutory obligations under Health & Safety legislation including the provision of a safe place of work for all trainees.

5.3 Host Managers

When notified that a trainee has an impairment or long-term health condition, Host Managers have a duty to consider reasonable adjustments. The Host Manager should seek advice and guidance from the Lead Employer HR Advisory team so that advice can be sought from the Trusts Health, Work and Wellbeing (HWWB) service. Subsequently, any recommended reasonable adjustments should be discussed with the trainee and wherever possible implemented.

Advice may also be sought from MWL's ED&I Lead or other Trust departments such as Health and Safety, Estates and Facilities or IT colleagues.

Where appropriate Host Managers may need to brief other members of the team and NHSE (with the consent from the trainee), particularly in situations where the reasonable adjustments require a re-distribution of work tasks, hours or a change in work location. This must be undertaken in a sensitive manner in consultation with the trainee.

Any requests from the trainee for confidentiality that could potentially impact upon the support or extent of reasonable adjustments that might be made should be discussed with the trainee.

5.4 Colleagues

All colleagues have a responsibility to understand that people with an impairment or long-term health condition that impacts upon their daily activities, may require reasonable adjustments. Such adjustments are intended to tackle discrimination and create equality of opportunity for trainees with a disability and are carefully designed so that they do not impact negatively on the work of other staff in the Host Organisation.

Colleagues responsible for organising functions, events, courses, teaching days and meetings must ensure that all participants are asked if they require reasonable adjustments in advance and ensure that these are investigated and implemented as appropriate. Those responsible for organising such events will notify the Guest speakers/Facilitators presenting at such functions, events, courses and meetings to make them aware of the reasonable adjustments.

5.5 Trainees

Although it is the responsibility of MWL LE to take steps to find out about any need for reasonable adjustments, trainees with a disability have an obligation under this policy to

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bring to the attention of their Host Manager (e.g., Supervisor, Practice Manager, Medical Staffing Manager) and the Lead Employer the fact that they require additional support and to assist with the exploration and implementation of reasonable adjustments as required.

It is important that trainees share with their Host Manager at the earliest opportunity if they are encountering any difficulties in their role. This enables Host Managers and MWLLE to understand the barriers that are being faced, explore adjustment solutions, and consider any additional support that may be required.

It is expected that trainees and their Host Managers work closely and collaboratively to put in place effective adjustments. It is important for Host Managers, MWL LE and trainees to review the effectiveness of any adjustments at intervals required by the trainee and when changes to the working environment occur. Trainees are encouraged to inform their manager should they continue to encounter barriers or have any further concerns

5.6 Lead Employer Human Resources

The Lead Employer HR Advisory Team will be responsible for the management of this policy. The policy may be reviewed and amended at any time if deemed necessary. Notification of any changes to policies will be communicated to all colleagues.

Human Resources have a duty to take proactive measures to encourage disclosure of additional need. This can be done through adopting positive publicity, environment and workplace culture, and promotion of this policy.

The Lead Employer HR Advisory team will ensure that recommendations provided by HWWB relating to reasonable adjustments are appropriately shared with the Host Organisation and HEE and will support with the implementation of such adjustments as required.

5.7 Support Services

Colleagues working in 'high-relevance' teams such as Health Work & Wellbeing, Health and Safety, Estates, and Communications, are required to consider this policy when providing reports, advice, assessments and guidance to the Trust. This includes paying due regard to any need for reasonable adjustments, adopting an inclusive approach to the employment and retention of trainees with a disability, promoting equality and diversity and assessing any policy and strategic developments for barriers and potential adverse impact.

6. Process – Putting the Policy in to Practice

There are five steps to be followed as applicable to ensure that this policy is carried out in practice.

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6.1 Identification of Reasonable Adjustments

New and existing trainees may not declare that they have a disability nor have long-term health conditions because:

- They feel that they will not get a job, training, development or career progression
- Their impairment is hidden and they feel embarrassed about bringing it up because it may be seen as trivial
- Previous negative experiences in employment have left them worried about raising that they have a disability or long term health condition
- They may not like to ask for help or feel that they can manage and want to fit-in and not make a fuss
- They are scared of losing their job
- They think that they will be viewed negatively or be told to “just get on with it”.

The anticipatory duty placed upon MWL LE requires colleagues to take reasonable steps to find out whether reasonable adjustments are needed. Such steps might include:

- On-boarding stage (pre-appointment) – applicants will be asked if they require any reasonable adjustments to enable them to complete the pre-employment process
- Asking all trainees on appointment with MWL LE if they have any additional support as a result of an impairment or health condition.
- Explore with the trainee during the pre-employment process any social and personal circumstances that may require further support or adjustments, for example for those with caring responsibilities.
- A clear explanation of why such information is sought, who else will see or have access to the information, what will be done with the information and how it will be used to trigger follow-up support or adjustments should be provided. Rather than asking trainees to identify if they have a disability, it is more useful to ask if a trainee if they need any adjustments and what they may be.

An example statement for use verbally or in written communications is:

‘Please let us know if you have any access needs regarding premises, information, communication media or with regards to participating in our processes, services and events’.

Providing on-going opportunities for disclosure since many new trainees may be hesitant to disclose a need for additional support at the start of employment. This might be done through the Annual Review of Competency Progression (ARCP) process and/or, reminders of support available to meet additional support through email bulletins etc.

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6.2 Action to be taken when notified that a person requires additional support

Under this policy all colleagues who are notified that a trainee has a disability and requires reasonable adjustments to be made, have a duty to:

- Investigate and implement such adjustments (if they are in position of event organiser / facilitator or manager for that trainee) as soon as possible and within a reasonable timeframe; or
- Advise the trainee to talk to his/her host manager and the Lead Employer HR advisory team about their additional support (if a colleague has disclosed privately or in confidence).

Please note: Issues of confidentiality are addressed in the section below.

If a trainee requests for adjustments to be made, the Lead Employer HR Advisory team will take advice from HWWB on the adjustments needed and will work in conjunction with host organisations and NHSE to investigate and implement them as fully as possible, taking advice from NHSE and other relevant support services in accordance with any request for confidentiality.

Refusal to make an adjustment, or any decision to substitute a request for a specific adjustment for an alternative one, must be explained in full and in writing to the Head of Human Resources. They will have the responsibility for the final decision, in conjunction with the trainees Postgraduate Dean where there are potential implications on training progression, on the appropriate course of action.

When determining the kinds of adjustments that might be both reasonable and appropriate, colleagues may wish to take advice from:

- The trainee with a disability himself/herself, who will know their own needs and, in most cases, the kinds of adjustments that will be most effective
- Health, Work and Wellbeing, who may provide a report of recommendations regarding working environment and practices
- Treating teams of the trainee who may provide guidance regarding the adjustments needed for the trainee
- Health and Safety, who may indicate any changes to procedures, provision of additional training or purchase of extra equipment that is required
- Access to Work, who will fund a 'Vocational', 'Ergonomic' and/or 'technology and equipment' assessment of need for the trainee that is undertaken by an appropriate impairment or medical specialist, and that recommends solutions to any potential barriers. In most cases, Access to Work will fund whole or part of these recommendations (see Appendix 4 for details). It should be noted that Access to Work referrals must be instigated by the individual with a disability or long-term condition and cannot be made by employers

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Where the impairment and need for adjustments is clear, no proof or confirmation is necessary. However, for hidden impairments or long-term health conditions, evidence of need might be requested prior to undertaking adjustments (such as medical confirmation, or Educational Psychologist's report in the case of Dyslexia or other learning difficulties).

It is important for Hosts Managers to note that trainees can choose not to share the nature of their disability and may instead choose to only discuss the impact of their condition on their ability to undertake the role. Whilst MWL LE encourage trainees to share so that maximum support can be offered, there is no obligation on individuals to disclose the nature of their disability or long-term condition. In this situation Host Managers and MWL LE may wish to consider an Occupational Health referral to ensure the condition is understood sufficiently to ensure that the appropriate barriers, and therefore adjustment needs, are identified, and met.

6.3 Making Reasonable Adjustments

The Act does not provide LE with a complete list of adjustments because adjustments may vary between trainees, their experience of their disability or long-term condition, and the type of work they carry out. Subsequently there is no 'one size fits all' method to use. Some examples of reasonable adjustments that can be made include:

- Flexible working arrangements in relation to hours, location and distribution of duties.
- Disability leave or time off for assessment, rehabilitation, treatment or counselling.
- Making adjustments to premises to enhance access for trainees with physical or sensory impairments, mental health or learning needs, or health conditions such as epilepsy or diabetes.
- Acquiring or modifying equipment e.g. magnifier, induction loop, desk-lamp, larger PC screen, adjustable-height furniture, voice activated software or a telephone adapted with an amplifier.
- Providing additional training.
- Providing additional supervision or mentoring.
- Transcribing or modifying instructions e.g. putting agendas, minutes or other information into accessible formats such as large font, Braille or CD-ROM, making documentation available electronically via email attachment or on the Intranet.
- Modifying procedures for testing or assessment.
- Providing a reader or interpreter.
- Allowing the trainee to work in a private room if most work is done in an open-plan office.
- Redeployment of a trainee into a suitable alternative role as determined by HEE, if appropriate and available.
- Allowing extra breaks to help a trainee cope with fatigue

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- Moving a work base - for example, transferring to a ground-floor office if breathlessness makes it difficult to climb stairs

N.B In defining what is 'reasonable' for the purposes of the Act, only a court or employment tribunal can confirm this, therefore, the above list not exhaustive. When considering what is 'reasonable', the following factors will be considered:

- Effectiveness: has the correct barrier been identified, and will the proposed adjustment help to remove it? Have you tested or trialed any adjustments if unsure?
- Practicability: can the adjustment be practically accommodated within the service or department? How will it work?
- Cost: what will it cost and what can we afford? Whether an adjustment is affordable is an organisational, not departmental decision. It is not acceptable to decline an adjustment request only based on localised budgets, and additional sources of support are available.
- Disruption: what, if any, disruption will be caused to the service? Disruption is expected, but is it undue disruption based on the needs of the employee and the service?
- Risk: is there a Health and Safety risk to the adjustment for the person involved or others, and has this been properly and objectively assessed?

6.4 Record Keeping: Reasonable Adjustments Passport

MWL LE and Host Managers must ensure that decisions around adjustments are clearly documented and shared with trainees. A Reasonable Adjustments Passport has been developed by MWL Lead Employer in consultation with the Staff Building Abilities Network and can be found in Appendix 1.

A Reasonable Adjustment passport is a living record of adjustments agreed between a Trainee with a disability or long-term condition and their line manager.

The purpose of the Reasonable Adjustments Passport is to:

- Ensure that both parties, the Trainee, and the manager, have an accurate record of what has been agreed
- Minimise the need to re-negotiate reasonable adjustments every time the Trainee changes jobs, is re-located, or assigned a new manager within the organisation

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- Provide the trainee and their line managers with the basis for discussions about reasonable adjustments at future meetings

Adjustments should be agreed and documented within 3 months of the disability or adjustment requirement being highlighted to MWL LE. The Reasonable Adjustments Passport is a live document and should be reviewed at intervals required by the trainee and when changes to the working environment occur by both the trainee and Host Manager and amended as appropriate by either side. The Reasonable Adjustments Passport can be used during the fit for purpose review which should be completed at least every 12 months.

Expert advice from third parties, such as Health, Work and Wellbeing, Access to Work or IT specialists may be needed before changes to agreed reasonable adjustments can be agreed and implemented.

If a host organisation has any concerns with regards to implementing reasonable adjustments, these concerns should be discussed with the Lead Employer HR Advisory team at the earliest opportunity.

The Reasonable Adjustments Passport allows the trainee to:

- Explain the impact of their disability at work
- Suggest adjustments that will make it easier for them to do their job
- Obtain further information from their doctor, specialist or other expert
- Request an assessment by HWWB , Access to Work or another expert
- Review the effectiveness of the adjustments agreed
- Explain any change in circumstances
- Be reassured that their host manager/supervisor knows what to do if the trainee becomes unwell at work and who to contact if necessary
- Know how and when their host manager/supervisor will keep in touch if the trainee is absent from work because of illness or a disability related reason.

The Reasonable Adjustments Passport allows the Host Manager to:

- Understand how a particular trainee’s disability affects them at work
- Explain the needs of the business or organisation
- Signpost to key policies including but not exclusive to; MWL Attendance Management, Lead Employer Flexible Working and the Lead Employer Reasonable Adjustments Policies
- Recognise signs that a trainee might be unwell and know what the trainee wants to do in these circumstances including who to contact for help
- Know how and when to stay in touch if the trainee is off sick

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- Consider whether or not the trainee needs to be referred for an assessment by Health, Work and Wellbeing or another adviser to help both parties understand what adjustments are needed
- Review the effectiveness of the adjustments already agreed including the continuing need for such arrangements.

6.5 Review of Fitness for Purpose

It is important to remember that adjustments that have worked effectively for many years may need to be reviewed in the event of the person's disability or long-term condition, personal circumstances, or the nature of the work changing. It is equally important to remember that two people with the same condition may require different adjustments to be made

It is recognised that in some cases an adjustment may be put in place, which the person with the responsibility to do so believes is effective, but which the trainee with a disability feel is not adequate.

In this situation, the following action should be taken:

- Review the effectiveness of the adjustment to identify concerns (if any)
- Discuss alternatives that could address the barrier
- Seek specialist advice from internal and external sources (e.g. Health, Work and Wellbeing, The Trusts ED&I Lead, a disability employment advisor at Jobcentre plus, etc.)
- Implement new reasonable adjustments if relevant
- Review the effectiveness on a regular basis.

A review must take place at least every 12 months or more frequently if required. The trainee concerned has a responsibility to co-operate with this process as required.

Where MWL LE and/or Host Manager makes an adjustment for a trainee, but the trainee considers that the adjustment is not working, then the trainee should inform their host manager and the Lead Employer HR Advisory Team of their concerns. The host manager should review the adjustment, discuss the concerns with the trainee and the Lead Employer HR Advisory Team, and then take appropriate action to address the concerns.

The Lead Employer HR Advisory team must be informed of any reasonable adjustments agreed locally between the trainee and the host organisation, this is to ensure that trainees are supported throughout the entirety of their training programme. Similarly, if the Host Manager does not feel that it is necessary to make an adjustment on the grounds that it would not be reasonable to, they should discuss their concerns with the Lead Employer HR Advisory Team.

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If a trainee or applicant feels they have been discriminated against, it may be preferable for them to talk to the Lead Employer HR Advisory Team first to try to resolve the issue informally. Having a discussion can often help those involved to understand the issues and concerns and help to resolve the matter quickly.

In the event that the concerns raised by the trainee cannot be resolved informally, they remain dissatisfied after reasonable adjustments have been put into place and attempts to resolve issues locally have not worked, trainees can raise their concern via the Lead Employer Grievance Policy and Procedure.

There may be circumstances whereby the adjustments required result in the trainee genuinely being unable to do the job for which they are employed, or any other job that might be reasonably offered, or when reasonable adjustments to the workplace are either impracticable or demonstrably beyond the resources available to the Trust. In such circumstances the Lead Employer will discuss the implications of this with the trainee.

In addition to the Equality Act 2010 the Trust is required to adhere to Health and Safety legislation. The Trust has a duty of care to ensure the safety of their staff.

7. External Support

External support is available to help with the implementation, cost and supply of reasonable adjustments via government schemes. Please see Appendix 4

7.1 Access to Work

Access to Work was introduced in June 1994 and is a government-run programme delivered by Jobcentre Plus to help overcome barriers that people with a disability come across when moving into or retaining employment.

It is provided where the trainee requires support or adaptations beyond those “reasonable adjustments” which The Trust is legally obliged to provide under the ‘Equality Act 2010’ It is not there to duplicate funding available from other sources. It is a flexible programme that focuses on the needs of the trainee.

7.2 Remploy Workplace Mental Health Support Services

This free and confidential service, delivered by Remploy and funded by the Department for Work and Pensions is available to any trainees with depression, anxiety, stress or other mental health issues affecting their work. Specialist advisors provide:

- Tailored work-focused mental health support for six months
- Suitable coping strategies
- A support plan to keep trainees in, or return to work

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- Ideas for workplace adjustments to help trainees fulfil their role
- Practical advice to support those with a mental health condition.

8. Disability Leave

Disability leave is not the same as Sick Leave or Special Leave. Disability leave is a 'reasonable adjustment' under the Equality Act (2010) and is distinct from sickness absence as it includes time when an individual is well but absent from work for a reason related to their disability.

Consideration and granting of disability leave is on a case by case basis, supported by Health, Work and Wellbeing advice. Any disability leave that is afforded to a trainee can be requested per annual leave year and should be monitored and recorded appropriately. It should be noted that this time can be taken in hours or days, where appropriate and can include travel time.

A Disability Leave request form (Appendix 2) must be completed and sent to your host manager copying in the Lead Employer HR Advisory Team. Managers may wish to seek advice from the Lead Employer HR Advisory Team when considering requests for Disability Leave and please refer to Appendix 3 Frequently Asked Questions for further information.

Some examples of reasons for planned disability leave (but are not limited to leave that is associated with their disability for the following:

- Hospital, doctors, or complementary medicine practitioner's appointments (by accredited practitioners)
- Hospital treatment as an outpatient
- Assessment for such conditions as dyslexia and dyspraxia etc.
- Hearing aid tests
- Training with a guide dog or hearing dog
- Counselling/ therapeutic treatment
- Physiotherapy/Occupational therapy/Speech & Language therapy
- Patient education
- The adjustment/mending of technical aids.

Where disability leave is being accessed for a medical appointment trainees are required to bring evidence of such appointments to their Host manager.

There may be exceptional occasions where a trainee requires a period of unplanned disability leave for a longer period than the amount initially agreed as part of management, HR and Health, Work & Wellbeing discussions. Some examples may include (but are not limited to):

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- A period of time off while reasonable adjustments are made at work
- To allow a trainee with either a newly acquired disability, or where there has been a significant change in the condition, to make changes inside and outside work, in order to accommodate their disability where there is a need for substantial changes to be made.

In such circumstances the trainee can submit a disability leave request form (Appendix 2) to their manager for an extended period of disability leave. Such cases will be approved at the discretion of the Host Manager with advice from the Lead Employer HR Advisory Team and Health, Work & Wellbeing.

Every effort should be made not to delay the return of a trainee who is fit to return to work.

Trainees must be clear that the Trust is entitled to expect a reasonable level of attendance from all trainees. Although the Equality Act will be considered when managing sickness absence, it will not automatically prevent a trainee from progressing through the levels of the Lead Employer Attendance Management Policy and Procedure.

If a trainee is absent due to disability leave and it becomes clear that they should now be on a period of sickness absence, advice will be sought from HWWB and the trainee may resume to a period of sickness absence.

Time spent on Disability Leave is counted as continuous service for all contractual benefits, including accruing annual leave, sick leave, parental leave and pay and pension rights. Trainees should liaise with NHSE regarding how disability leave may impact upon their training time and CCT in a similar way to any other leave taken.

Disability leave must not be included for the purposes of assessing performance, promotion, attendance, selection for redundancy, and similar issues. To do so might discriminate against the trainee with a disability.

Disability leave should be recorded by managers separately as ‘disability’ and ‘non disability-related’ absences. Appendix 2 must be completed and signed by managers then recorded onto the Electronic Staff Record system (ESR).

* For host managers / ESR – to record on to ESR, select the following:

- Absence Type: Special Increasing Balance
- Absence reason: Disability leave

Host Managers are expected to keep a record of the number of ‘Disability Leave’ days taken throughout the leave year.

Appeals about the amount of disability leave allowed should be dealt with through the Lead Employer Grievance Policy and Procedure.

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If a trainee does not believe they are disabled, or does not wish to be included under the definition then disability leave does not apply.

9. Action to be taken when Health & Safety advice conflicts with this Policy

It is recognised that sometimes advice given from a Health and Safety perspective may conflict with this policy. Whilst the Health and Safety at Work Act 1974 and related regulations are prioritised above the Equality Act (in that The Trusts are not expected to place disabled and other staff at inappropriate risk), The Equality Act does require consideration of any potential Reasonable Adjustments that, if implemented, might lessen the risks posed.

All advice has to be reviewed carefully to ascertain the extent to which an adjustment might mitigate or reduce risk, and even apparently hazardous situations may be managed with reasonable adjustments by, for example, adapting procedures, purchasing equipment or providing additional training. The risk assessment process itself may provide opportunities to consider and, where possible, implement reasonable adjustments to remove or reduce unacceptable risk.

If, after attempting all Reasonable Adjustments, it is found that unacceptable risk still remains and a risk assessment is required, it is important to ensure that it:

- Focuses upon facts and not assumptions
- Assesses the trainee and avoids blanket assumptions
- Involves the trainee in discussions to identify how any risks may be overcome
- Applies best medical evidence on prognosis, and associated hazards and risks as this impacts upon the trainee
- Relates to the trainee and the requirements of the job
- Considers all relevant occupational factors
- Identifies the actual duration and frequency of hazardous situations.

Where a risk remains substantial in spite of any control measures and adjustments being implemented, an alternative 'reasonable adjustment' may be redeployment to another suitable alternative training placement where the risk does not arise. Any such decision, however, must be in consultation with the trainee, Host Organisation, NHSE, the Lead Employer HR Advisory team and Health, Work and Wellbeing. The trainee with a disability has the right to request representation if he/she wishes.

If the risk is insubstantial in that there is no adverse impact on others and only to a minimal degree on the person with a disability him/herself and the trainee states that they are happy to continue working, their wish should be respected where possible.

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MWL LE is expected as far as is reasonably practical to do all it can to eliminate risk in the workplace, but the law does recognise that all risks cannot be removed absolutely. In this instance, explicit informed consent in writing by the disabled trainee is essential, and a copy of this must be kept in his/her personal file, with signatures of the trainee, his/her manager and HR representative.

10. Confidentiality

Colleagues who are made aware of a trainee's disability or long-term condition in confidence are encouraged to:

- Advise the trainee to discuss their needs with their host manager, and the Lead Employer HR Advisory team drawing their attention to this policy and other appropriate documents and corporate commitments
- Advise the trainee of other sources of support available (such as union representatives, staff networks and counselling services via Health, Work & Wellbeing) Further information including contact numbers can be found at Appendix 4
- Discuss options regarding confidentiality (such as if, how and on what terms any aspect of the disclosed information might be brought to the attention of management, whether information might be shared anonymously, etc.)

10.1 Permissible Breach of Confidentiality

A trainee's breach of confidentiality can only occur where the trainee with a disability'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. Please see the Trust Information Governance Policy for more information.

MWL LE recognises that in some situations other colleagues may become aware of a trainees impairment or health condition that requires a reasonable adjustment to be made (regardless of whether or not there will be an outcome of a reasonable adjustment). Should this be the case the information must be treated as confidential and cannot be forwarded to a third party without the consent of the trainee. This is because the impairment /health condition of the trainee is classed as 'special category data' under the General Data Protection Regulation (GDPR) (EU) 2016/679 and the Data Protection Act 2018.

11. Training and Resources

MWL LE acknowledges the importance of awareness and skills training for colleagues to ensure the effective implementation of this Policy. Ongoing support can be sought from the Lead Employer HR Advisory Team who will support with the practical application of this policy.

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12. Monitoring Compliance

12.1 Key Performance Indicators (KPIs) of the Policy

| No | Key Performance Indicators (KPIs) Expected Outcomes |
|----|---|
| 1 | Procedural documents on the intranet are in date |
| 2 | Procedural documents on the intranet are in the correct style and format (according to approval date) |
| 3 | Procedural documents contain all the appropriate sections |
| 4 | All procedural documents are subject to analysis of the effects on equality |
| 5 | Consultation process is appropriate |
| 6 | Approval process is appropriate |
| 7 | Archive process is appropriate |

12.2 Performance Management of the Policy

| Minimum Requirement to be Monitored | Lead(s) | Tool | Frequency | Reporting Arrangements | Lead(s) for acting on Recommendations |
|--|--|---|--|--|--|
| Audit of at least 3 procedural documents | Assistant Director of Governance / Policy Governance Group | Random review of procedural documents to be agreed by the Policy Governance Group | Monthly review of sample of 3 procedural documents | Policy Governance Group and Quality Committee | Author(s) Policy Governance Group Members |
| 95% of procedural documents on the intranet are within review date | Quality & Risk Office Manager / Assistant Director of Governance | Monthly report to be submitted to Policy Governance Group showing compliance | Monthly | Policy Governance Group and Quality Committee (annually) | Author(s) Policy Governance Group Members Lead Executive Director(s) |

13. References

| No | Reference |
|----|-----------|
| 1 | |
| 2 | |
| 3 | |
| 4 | |
| 5 | |

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14. Related Trust Documents

| No | Related Document |
|----|------------------|
| 1 | |
| 2 | |
| 3 | |
| 4 | |
| 5 | |

15. Equality Analysis Form

The screening assessment must be carried out on all policies, procedures, organisational changes, service changes, cost improvement programmes and transformation projects at the earliest stage in the planning process to ascertain whether a full equality analysis is required. This assessment must be attached to all procedural documents prior to their submission to the appropriate approving body. A separate copy of the assessment must be forwarded to the Patient Inclusion and Experience Lead for monitoring purposes. Cheryl.farmer@sthk.nhs.uk. If this screening assessment indicates that discrimination could potentially be introduced then seek advice from the Patient Inclusion and Experience Lead. A full equality analysis must be considered on any cost improvement schemes, organisational changes or service changes which could have an impact on patients or staff.

| Equality Analysis | | | |
|---|--|---|---|
| Title of Document/proposal /service/cost improvement plan etc: | | Lead Employer Reasonable Adjustments Policy | |
| Date of Assessment | 08/02/2023 | Name of Person completing assessment /job title: | Chelsea Houghton |
| Lead Executive Director | Choose an item. | | Head of HR Business Partnering |
| Does the proposal, service or document affect one group more or less favourably than other group(s) on the basis of their: | | Yes / No | Justification/evidence and data source |
| 1 | Age | No | Click here to enter text. |
| 2 | Disability (including learning disability, physical, sensory or mental impairment) | No | Click here to enter text. |
| 3 | Gender reassignment | No | Click here to enter text. |
| 4 | Marriage or civil partnership | No | Click here to enter text. |
| 5 | Pregnancy or maternity | No | Click here to enter text. |
| 6 | Race | No | Click here to enter text. |
| 7 | Religion or belief | No | Click here to enter text. |
| 8 | Sex | No | Click here to enter text. |
| 9 | Sexual Orientation | No | Click here to enter text. |
| Human Rights – are there any issues which might affect a person's human rights? | | Yes / No | Justification/evidence and data source |
| 1 | Right to life | No | Click here to enter text. |
| 2 | Right to freedom from degrading or humiliating treatment | No | Click here to enter text. |
| 3 | Right to privacy or family life | No | Click here to enter text. |
| 4 | Any other of the human rights? | No | Click here to enter text. |
| Lead of Service Review & Approval | | | |
| Service Manager completing review & approval | | Click here to enter text. | |
| Job Title: | | Click here to enter text. | |

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Appendix 1 – Reasonable Adjustment Passport and Guidance



Health
Passport.docx

NB: Please note that this Reasonable Adjustments Health Passport template is advised but optional for trainees to use.

| | | | |
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Appendix 2 – Disability Leave Request Form for Completion by Employee

| | | |
|--|-----|----|
| Name: | | |
| Specialty and NHSE Regions: | | |
| Number of days/ hours requested: | | |
| Date(s) of Requested Absences: | | |
| Number of days taken to date in the current year (April to March): | | |
| Reasons for current request: | | |
| | | |
| Signed: | | |
| Date: | | |
| For Completion by Line Manager | | |
| Disability Leave requested above granted | Yes | No |
| Recorded on Special Leave Record Sheet/ESR Self Service | Yes | No |
| If declined, please give reason: | | |
| | | |
| Total number of paid hours granted: | | |
| Previous entitlement taken: | | |
| | | |
| Name of the manager | | |
| Job Title | | |
| Signed | | |
| | | |
| Date | | |

If you have any queries please contact the Lead Employer HR Advisory team in the first instance for support/advice.

Copies of the completed form should be sent to your host manager and the Lead Employer.

Appendix 3 – Frequently Asked Questions

Q1. What is a reasonable adjustment? A reasonable adjustment is an alteration that is made to the working environment that would enable a person with a disability to continue to carry out their duties without being at a disadvantage compared to others. Under the Equality Act 2010, there is a legal duty on MWL LE to make these reasonable adjustments for disabled trainees.

Q2. How do I know if I am a person with a disability according to the law? The Equality Act 2010 says that a disability is a physical or mental impairment, which has a substantial and long-term adverse effect on your ability to carry out normal day-to-day activities. This definition includes impairments or medical conditions such as Cancer, HIV or MS.

Q3. What does a reasonable adjustment include? A reasonable adjustment may include 'provisions, criteria and practices', 'physical features' and 'provision of auxiliary aids'. The code of practice for (employment) for the Equality Act gives the following examples of reasonable adjustments:

- Making adjustments to premises
- Allocating some of the person with a disability's duties to another person
- Transferring them to fill an existing vacancy
- Altering their working hours
- Allowing absence for rehabilitation, absence or treatment
- Arranging or giving extra training
- Acquiring or modifying equipment
- Modifying instructions or reference manuals
- Modifying procedures for testing or assessment
- Providing a reader or interpreter
- Providing supervision

- This is not an exhaustive list

Many adjustments will be simple and inexpensive. Some examples might include:

- a special chair because of back problems
- a special keyboard because of arthritis
- a ramp for a wheelchair user
- changing working hours or patterns of work
- a phased return after sick leave
- access to a disabled parking bay
- sickness absence triggers – please refer to the Trust's Sickness Absence Policy
- modifying performance targets.
- This is not an exhaustive list

Q4. What is the purpose of an adjustment? The purpose of implementing an adjustment for you is to ensure that you are able to perform to the best of your ability. This applies to whether an adjustment is made during the recruitment process or in the workplace itself.

Q5. What type of support is available to me if I have a disability? MWL LE offers a wide range of support to disabled members of staff. The extent of this support would be dependent on the needs and circumstances of the trainee, who would be consulted on any reasonable adjustments which may need to be made.

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Two people with the same disability are not likely to need the same adjustments, as everyone is different, therefore adjustments would be made on a case by case basis. In some cases, it may be possible to involve Access to Work, who are able to assess an trainee within the workplace and recommend reasonable adjustments.

These will not always be physical adjustments to the workplace. If you feel you require adjustments or any other type of support, please contact your line manager or HR representative.

Q6. What happens if my condition changes? It is likely that your condition will change over time, and consequently your support needs. It is important that you continue to be open and honest about what you require and to engage in the relevant discussions to fulfil your role.

Q7. What is Access to Work? Access to Work is a scheme which is run by Jobcentre Plus. It can provide disabled people with financial support to help with increased costs for things such as travelling to work by taxi instead of using public transport, paying for a support worker, paying for specialized equipment or for physical alterations to the Trust's premises. Access to Work may also be able to help if a person with a disability needs a communicator or BSL interpreter at a job interview.

Q8. Am I eligible for Access to Work? If you are disabled and feel that you may need help through Access to Work you will need to be:

- Already working in paid employment
- Unemployed and about to start a new job
- Unemployed and about to start a Work Trial
- Self-employed.

Your impairment must stop or prevent you from being able to do parts of your job or the job you have applied for. It may be that your impairment does not have a big effect on what you can do every day but it must be a long- term effect rather than something short-term like a broken arm.

Q9. How do I contact Access to Work? If you feel that your employment is likely to be affected by your impairment and that this impairment is likely to last for at least 12 months, you should contact your regional Access to Work contact centre, your line manager or HR Advisor.

Q10. What adjustments is MWL LE legally required to make for disabled candidates and trainees? StHK LE has a duty to make 'reasonable adjustments'. What is deemed reasonable depends on the trainee case and circumstances, including how necessary the adjustment is, how practical it is, and the financial or other resources of the organisation.

Q11. Who is responsible for implementing adjustments during the recruitment process? Organising for adjustments to be made during the recruitment process is the responsibility of both the organisation and the trainee. The organisation cannot be expected to guess what someone requires and the applicants cannot expect the organisation to guess what they need. Both parties have to communicate. The more open, honest and timely the communication, the more efficient the implementation process will be.

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Q12. Do I have to tell my Host Manager/ MWL LE that I need an adjustment? It is understandable that you may not wish to talk about the nature of your disability to your Host Organisation. However, in return, you must understand that it is difficult for your Host to provide what you need if you don't tell them.

Should you not wish to disclose the nature of your, disability you could instead only discuss the impact of your condition on your ability to undertake your role. Whilst the Host would encourage you to share so that maximum support can be offered, there is no obligation on you to disclose either the nature of your condition or its impact.

We recognise that some trainees may find such discussions with their Host Organisation difficult, if this is the case you may discuss your disability and/or the adjustments you may require with the Lead Employer, who can support you with these conversations with your Host Organisation as required.

Q13. Who pays? The law forbids MWL LE from making a disabled worker pay for any of these adjustments, and financial assistance may be available from the Government for the Trust under access to work funding if the person with a disability qualifies for it (see contact details for Access to Work in Appendix 5).

Q14. What is Disability leave? A person with a disability should have their disability-related leave counted as a distinct and separate thing, and it can be argued for as a reasonable adjustment.

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Appendix 4 – Signposting to External and Internal Support

| | |
|---|---|
| Access to Work | Website: https://www.gov.uk/access-to-work |
| Remploy Workplace Mental Health Support Service | Website: https://www.remploy.co.uk/staff-member/finding-work-and-support-work |
| Disability Confident Scheme | Website: https://www.gov.uk/government/collections/disability-confident-campaign |
| Learning Disability Employment Programme | Website: https://www.nhs.uk/the-trusts.org/retention-and-staff-experience/diversity-and-inclusion/policy-and-guidance/disability/creating-a-diverse-workforce-learning-disability/pledge-functionality |
| The Trust Time to Change | Website: https://www.time-to-change.org.uk/get-involved/get-your-workplace-involved/The-Trust-pledge |
| Mersey and West Lancashire Teaching Hospitals NHS Trust - Workforce ED&I Lead | Dr Laura Marks Laura.Marks@sthk.nhs.uk |
| Lead Employer HR | Lead.employer@sthk.nhs.uk 0151 478 7777 |
| Health, Work and Wellbeing | Email: Hwwb.admin@sthk.nhs.uk Extension Number – 1985 |

Appendix 5 - Disability Related Leave examples

The following are some examples of Disability Leave. This list is not exhaustive, and each instance will be considered on a case by case basis.

- Treatment related to an employee's disability such as hospital, doctors, or complementary medicine practitioner's appointments, hospital outpatient appointments associated with managing a disability
- Auxiliary aid assessments and fittings
- Assessment for conditions such as dyslexia
- Training with guide or assistance dogs
- Counselling/therapeutic treatment attendance at Workplace Wellbeing
- Recovery time after blood transfusion or dialysis treatment
- Physiotherapy.
- Dose Adjustment for Healthy Eating (DAFNE) course generally recommended for people with type 1 diabetes
- Blood tests for diabetes, cancer or other conditions and treatment or tests and recovery time
- Diabetes Education and Self-Management for On-going and Newly Diagnosed (DESMOND) generally recommended for people with type 2 diabetes.
- Dialysis treatment
- Having equipment serviced or fitted

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