



GUIDELINES ON THE FAIR TREATMENT OF DISABLED PEOPLE AT WORK IN BCUHB

Date to be reviewed:	28/09/2026	No of pages:	32
Author:	██████████	Author title:	██████████ ██████████
Responsible dept. / director:	Workforce and Organisational Development Director of Workforce & Organisational Development		
Approved by:	Workforce Policies & Procedures Working Group - 18/12/2022 Deputy Director of People & Organisational Development – 28/09/2023		
Date approved:	28/09/2023		
Date activated (live):	24/05/2024		
Date EqIA completed:	September 2022		

This document forms part of the implementation process for the Equality, Diversity & Human Rights policy. Staff should ensure they follow this procedure, with any deviation being risk assessed and escalated through their Department / Corporate Function escalation process.

Documents to be read alongside this document:	WP1 Policy for Safe Recruitment & Selection Practices WP1a Safe Recruitment Practice Guidelines WP5 All Wales Respect and Resolution Policy WP8 Equality, Diversity & Human Rights Policy WP11 All Wales Managing Attendance at Work Policy WP13 Flexible Working Policy & Procedure WP14 Leave Procedures
Review	Purpose of Issue / Description of current changes:
A	New guidelines to support the organisational strategy and Equality scheme. Review
B	Updated version to include the new Disability Confident Scheme.
C	A new section has been added to provide guidance for managers in the area of Dyslexia, and the section on reasonable adjustments has been aligned to the new All Wales Managing Attendance at Work Policy (WP11) No changes to EqIA
D	Further guidance has been included for managers in the area of Tailored and Reasonable Adjustments. Further information has been included for supporting neurodiverse staff. Out of date legal references taken out.
Summary: These guidelines are aimed at ensuring equality and complying with our statutory duties under the Equality Act in the employment of disabled people by	

providing managers with guidance and information on all aspects of the employment cycle from recruitment and selection, through to promotion, performance management, training and development, and including termination. It is the clear intention of the Health Board to ensure that no staff or job applicant receives less favourable treatment or suffers any detriment because of their physical or mental impairments through clear and consistent guidance on the rights of the individual and the responsibilities of the organisation.

First operational:	June 2011				
Previously reviewed:	Feb 15	Mar 19	Sep 22	date	date
Changes made yes/no:	No	Yes	Yes	Yes/no	Yes/no

PROPRIETARY INFORMATION

This document contains proprietary information belonging to the Betsi Cadwaladr University Health Board. Do not produce all or any part of this document without written permission from the BCUHB.

CONTENTS

- 1. AIMS OF THESE GUIDELINES..... 5
- 2. GUIDELINES STATEMENT..... 5
- 3. THE LEGISLATIVE FRAMEWORK..... 5
- 4. SCOPE 6
- 5. POSITIVE ACTION..... 6
- 6 MENTAL HEALTH ISSUES IN THE WORKPLACE..... 7
- 7. SUPPORTING NEURODIVERGENT COLLEAGUES 8
 - 7.1 MOST COMMON TYPES OF NEURODIVERSITY..... 8
 - 7.2 SOME OTHER TYPES OF NEURODIVERSITY..... 8
 - 7.3 FOSTERING NEURODIVERSITY IN THE WORKPLACE 8
 - 7.4 HOW CAN EMPLOYERS MAKE THEIR WORKPLACES MORE
NEURODIVERSITY-FRIENDLY? 9
 - 7.5 ADDITIONAL SOURCES OF SUPPORT 9
- 8. RECRUITMENT AND SELECTION..... 10
 - 8.1 ATTRACTING APPLICATIONS FROM DISABLED PEOPLE 10
 - 8.2 DRAFTING JOB ADVERTS, PERSON SPECIFICATIONS AND JOB
DESCRIPTIONS 10
 - 8.3 SHORT-LISTING PROCESS 11
 - 8.4 INTERVIEW ARRANGEMENTS 11
 - 8.5 INTERVIEWING DISABLED CANDIDATES 11
 - 8.6 MONITORING AND REVIEW 11
 - 8.7 PROMOTION OPPORTUNITIES 11
- 9. ENGAGING DISABLED STAKEHOLDERS IN POLICY DEVELOPMENT 12
- 10. DISABILITY RELATED SICKNESS ABSENCE 12
- 11. TRAINING AND DEVELOPMENT 12
- 12. REASONABLE/TAILORED ADJUSTMENTS 12
- 13. MAKING A COMPLAINT 14
- 14. CROSS REFERENCE 14
- Appendix A – Reasonable and Tailored Adjustments – Further Information and FAQ’s
..... 15
 - Employer Obligations and Reasonable Adjustments 15
 - Reasonable Adjustments in Recruitment and Selection 15
 - Reasonable Adjustments whilst in Employment 18
 - Particular cases or conditions: 18
 - Tailored Adjustments 20

Paper copies of this document should be kept to a minimum and checks made with the electronic version to ensure the version to hand is the most recent.

Examples of tailored adjustments	21
General approach	22
Declaration of a Health and Wellbeing Condition / Disability.....	22
Disability / Health and Wellbeing Condition Leave	23
Reasonable / Tailored Adjustment Agreement.....	23
Appendix B – NHS Wales Managing Attendance at Work Policy Reasonable / Tailored Adjustments Agreement Form	26
Appendix C – Disability Confident Scheme: Summary of commitments & actions	29-30
Appendix D Dyslexia: Guidance for Managers and Staff	31

1. AIMS OF THESE GUIDELINES

Betsi Cadwaladr University Health Board (BCUHB) aims to be an employer and workplace in which everybody feels valued and where their talents and potential are being fully utilised to meet organisational goals.

These guidelines are aimed at ensuring equality and complying with our statutory duties under the Equality Act in the employment of disabled people by providing managers with guidance and information on all aspects of the employment cycle from recruitment and selection, through to promotion, performance management, training and development, and including termination of employment.

It is the clear intention of the Health Board to ensure that no staff or job applicant receives less favourable treatment or suffers any detriment because of their physical or mental impairments through clear and consistent guidance on the rights of the individual and the responsibilities of the organisation.

2. GUIDELINES STATEMENT

BCUHB acknowledges that many people wishing to work for, or who are already working for, the Health Board have or may have an impairment, illness or long-term condition. We are committed to making all reasonable adjustments to provide an accessible and inclusive workplace and working environment (see Section 11. Reasonable Adjustments). If this is not possible then every effort will be made to redeploy people in employment based on their experience, knowledge, qualifications, skills and abilities.

BCUHB is committed to advancing equality of opportunity for all and to improving employment opportunities for disabled people. The Health Board recognises the benefits of recruiting and retaining a diverse workforce and the legal, moral and ethical imperatives for doing so. This will help us to achieve our aim of eliminating discrimination and harassment for disabled people. As part of this commitment, BCUHB will take whatever steps are practicable and reasonable to discharge their duties under the employment provisions of the Equality Act 2010.

3. THE LEGISLATIVE FRAMEWORK

The Equality Act 2010 introduces a single statutory General Duty on all public authorities that requires them to:

- eliminate discrimination, harassment, victimisation and any other conduct that is unlawful under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic (e.g. disability) and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

A person is disabled under the Equality Act 2010 if they have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on their ability to do normal daily activities.

Non-disabled persons are protected from disability discrimination and harassment only where they are perceived to be disabled or are associated with a disabled person. This may include carers.

Within the act, impairment is defined as physical or mental impairment including sensory impairments such as sight and hearing, or mental impairments. Conditions such as autism, dyslexia and mental illness are included. The focus is the impairment rather than a formal diagnosis.

The long-term adverse effect is defined as lasting more than 12 months or likely to last more than 12 months. Certain medical conditions such as cancer, HIV and multiple sclerosis are each expressly cited protections within the act.

Although not currently stated within the legislation, case law supports the supposition that Long Covid would meet the definition.

4. SCOPE

The provisions of this policy will apply to all staff who are, or become, disabled and to candidates who apply for posts within BCUHB.

The term 'staff' is used throughout this document and includes those people directly employed by BCUHB, and includes Bank Staff, Locums and students.

5. POSITIVE ACTION

BCUHB is committed to promoting positive action in support of the recruitment, training and development of disabled people who will be considered solely on their ability to do the job.

Positive action refers to a range of methods designed to balance the effects of past discrimination and to alleviate the negative impacts of stereotyping.

Positive action may include, for example, action taken to encourage people

from under-represented or minority groups to take advantage of opportunities for work and training.

The Health Board recognises that in some instances positive action will lead to the position where some disabled staff may benefit from arrangements not afforded (or not afforded to the same extent) by staff who are not disabled. This may include such things as accessible parking, or support with adaptations to the workplace. This is not preferable treatment, as it has to be considered in the wider context of reducing inequality of access.

Positive action in recruitment will be taken up to the point of selection to the post, or promotion to a higher band, at which time all applicants will then be considered on their merits, skills and ability to do the job.

6 MENTAL HEALTH ISSUES IN THE WORKPLACE

Mental health issues are not confined to the home, but affect all aspects of the lives of those concerned, including work and careers. It affects productivity, performance, attendance, emotional and physical health and wellbeing. 44% of NHS staff reported feeling unwell as a result of work-related stress in 2020, and poor mental health in the NHS equates to £1,759 - £2,174 per year per staff member.

The term mental health condition covers many different conditions. Mood problems are common involving both low mood (depression) and less commonly over excitable mood (or mania.) Anxiety is another common problem, as are more long standing personality disorder problems. Features of mental distress may include self-harm, eating disorders and addiction or substance abuse. This is not a complete list and there are varying degrees of severity.

Managers should be aware of some of the key indicators of mental ill health, and that mental ill health can influence the self-confidence of people who may be unable to confide in others or seek help. Managers should endeavour to support those experiencing mental ill health in a sympathetic, empathetic, non-judgemental and confident manner, and should seek advice from Occupational Health and Wellbeing as appropriate.

If they feel able to, staff can take basic steps to assist colleagues. By behaving in a supportive manner, an staff member can assist an affected colleague in gaining confidence to tackle the problems that they might experience.

There are a number of local and national key contacts for support and advice agencies available via the BCUHB Staff Support and Wellbeing Service. This

will allow those who wish to seek assistance to access to the most appropriate professional help available.

7. SUPPORTING NEURODIVERGENT COLLEAGUES

Neurodiversity describes the idea that people experience and interact with the world around them in many different ways; there is no one "right" way of thinking, learning, and behaving, and [differences are not viewed as deficits](#).¹

It is estimated that around 1 in 7 people in the UK have some kind of neuro difference.

7.1 MOST COMMON TYPES OF NEURODIVERSITY

- Autism, or Autism Spectrum Conditions
- ADHD: Attention Deficit Hyperactivity Disorder, or ADD: Attention Deficit Disorder
- Dyscalculia
- Dyslexia
- Dyspraxia, or Developmental Coordination Disorder (DCD)

7.2 SOME OTHER TYPES OF NEURODIVERSITY

There are a number of other examples of how brains can process information differently.

Neuro-divergent staff often bring unique skills and talents to their work. For example, depending on the individual, they might be particularly good at problem-solving, creativity, processing information quickly, data analysis, innovation, consistency, seeing things from a different perspective, thinking outside of the box, attention to detail, spotting patterns and trends, taking risks.

7.3 FOSTERING NEURODIVERSITY IN THE WORKPLACE

Stigma, a lack of awareness, and lack of appropriate infrastructure (such as office setup or staffing structures) can cause exclusion of people with neurodevelopmental differences. Understanding and embracing neurodiversity in communities, schools, healthcare settings, and workplaces can improve inclusivity for all people. It is important for all of us to foster an environment that is conducive to neurodiversity, and to recognize and emphasize each person's individual strengths and talents while also providing support for their differences and needs.

¹ [What is neurodiversity? - Harvard Health](#)

7.4 HOW CAN EMPLOYERS MAKE THEIR WORKPLACES MORE NEURODIVERSITY-FRIENDLY?

Offer small adjustments to a staff member's workspace to accommodate any sensory needs, such as

- Sound sensitivity: Offer a quiet break space, communicate expected loud noises (like fire drills), offer noise-cancelling headphones.
- Tactile: Allow modifications to the usual work uniform.
- Movements: Allow the use of fidget toys, allow extra movement breaks, offer flexible seating.
- Use a clear communication style:
- Avoid sarcasm, euphemisms, and implied messages.
- Provide concise verbal and written instructions for tasks, and break tasks down into small steps.
- Inform people about workplace/social etiquette, and don't assume someone is deliberately breaking the rules or being rude.
- Try to give advance notice if plans are changing, and provide a reason for the change.
- Don't make assumptions — ask a person's individual preferences, needs, and goals.
- Be kind, be patient.

7.5 ADDITIONAL SOURCES OF SUPPORT

- When colleagues disclose a long-term health condition with a view to discussing additional support required, managers may include their local People Services colleagues to ensure all parties are aware of the obligations and limitations of the Equality Act and employment. People Services colleagues can also advise in relation to reasonable adjustments or other changes in relation to the long-term health condition (as detailed in WP11).
- Occupational health should also be notified of a staff member's health needs, either by referral by the manager or by self-referral by the staff member to ensure the appropriate support is available, and the health condition recorded to ensure efficient support allocation in the future.
- Managers should also make staff aware of the range of Staff Wellbeing Support Service (SWSS) offerings.
- Trades Union partners provide a range of support to colleagues. Further details can be found at [Trade Union Partners - Home \(sharepoint.com\)](#).

8. RECRUITMENT AND SELECTION

(see also reasonable and tailored adjustments information – section 11 and appendix B)

8.1 ATTRACTING APPLICATIONS FROM DISABLED PEOPLE

BCUHB will take positive steps to encourage job applications from disabled people. This will include using the Disability Confident symbol (see Appendix D for more details) on all job advertisements and considering other ways in which more disabled candidates can be encouraged to apply, for example through targeted advertising.

The Equality Act 2010 limits the use of pre-employment health questionnaires prior to the point at which a job offer is made. Certain questions necessary to establish whether the applicant will be able to carry out a function that is 'intrinsic' or essential to the post, or to determine whether reasonable adjustments will be necessary, may still be asked. Both written and oral questions are subject to this clause so care will have to be taken, for example, in formulating interview questions or in seeking references before a job offer is made.

8.2 DRAFTING JOB ADVERTS, PERSON SPECIFICATIONS AND JOB DESCRIPTIONS

Unnecessary or inappropriate requirements in a job advert, person specification or job description can be potentially discriminatory. Managers must ensure that such documents are based on objectively justified criteria that are relevant to the role and responsibilities of the post.

Care will also be taken to ensure that any legitimate requirements are not written in such a way as to potentially discriminate against disabled people. An example of this would be the requirement to have a driving licence unless it is deemed as a Genuine Occupational Requirement (further information can be found within WP1a Safe Recruitment Practices Guidelines). Where there is a requirement for the staff member to travel to various locations, the requirement should be written in this way as disabled people who are unable to drive, may still be able to travel using alternative forms of transport.

Under the Equality Act 2010, disabled people are protected from indirect discrimination now applies to disabled people. This means that a job applicant could claim that a particular rule or requirement we have specified, disadvantages people with a particular disability. Unless we could objectively justify this requirement, it could be deemed unlawful.

Advice and assistance should be sought from Workforce and Organisational Development (W&OD) department or North Wales Shared Services Partnership (NWSSP).

8.3 SHORT-LISTING PROCESS

BCUHB is committed to the employment and career development of disabled people. To demonstrate this commitment, BCUHB are members of the UK Government Disability Confident Scheme (see Appendix D for more details). This Scheme includes a commitment that we guarantee to interview any disabled person whose application meets the **minimum** criteria for the post at short-listing stage and who identifies themselves as disabled during the application process.

8.4 INTERVIEW ARRANGEMENTS

Letters inviting candidates to interview will include the following paragraph:

“In accordance with current equality legislation, would you please advise me if you require any particular or additional arrangements to be made for your attendance at interview”

8.5 INTERVIEWING DISABLED CANDIDATES

BCUHB will ensure that interview panels focus on the candidate's ability to do the job, after making a reasonable adjustment if necessary.

Care must be taken not to treat a disabled candidate less favourably and if questions are to be asked about the applicant's health or fitness, or their disability, they must be sensitive and pertinent to the essential requirements of the post in question and capable of being objectively justified.

8.6 MONITORING AND REVIEW

The number and outcomes of applications from disabled candidates will be monitored and subject to regular review and reporting as part of the BCUHB equality monitoring process.

8.7 PROMOTION OPPORTUNITIES

Disabled staff will be considered fairly and properly for any promotional opportunities within BCUHB. The Health Board will monitor and report on access to promotional opportunities for disabled staff as part of its equality monitoring process.

9. ENGAGING DISABLED STAKEHOLDERS IN POLICY DEVELOPMENT

BCUHB acknowledges the importance of engaging with disabled people and involving them in the design of new and revised best practice workforce policies and practices. It will seek to work in partnership with the Equality and Human Rights Commission, Jobcentre Plus, local Access Groups, and appropriate, recognised disability groups.

10. DISABILITY RELATED SICKNESS ABSENCE

Where a disabled member of staff is experiencing absence related to their impairment(s), they should be managed in conjunction with the Health Board's [Managing Attendance at Work Policy](#) .

Consideration should be given to making reasonable adjustments and the development of a suitable return to work plan (if appropriate). This could include making reasonable adjustments to the application of Employment Policies and Procedures and/or Terms and Conditions of Service. Examples might include making changes to working hours and/or location, or granting time off during working hours for medical treatment.

Managers should refer disabled staff to Occupational Health and Wellbeing by providing details of their job for a medical opinion to be sought in accordance with the Managing Attendance at Work Policy.

11. TRAINING AND DEVELOPMENT

BCUHB will ensure that disabled staff have access to the same training and development opportunities as non-disabled staff. An impact assessment process will be undertaken in the planning and design of training programmes to ensure that training and development activities do not discriminate against disabled staff. BCUHB will also monitor and report on access to training and development opportunities for disabled staff as part of its equal opportunities monitoring process.

12. REASONABLE/TAILORED ADJUSTMENTS

In order to be able to recruit and retain disabled people in employment and in accordance with the requirement under the Disability Discrimination Acts 1995 and 2005 (as amended by the Equality Act 2010), BCUHB will consider reasonable adjustments in all discussions with disabled staff

Reasonable / tailored adjustments are a way of “levelling the playing field” for people and depend on the type of work and the nature of the specific impairment.

BCUHB has a legal duty to make reasonable adjustments where its working practices or premises place a disabled person at a substantial disadvantage when compared to a non-disabled person.

The Health Board will aim to make reasonable or tailored adjustments to working practices and premises to overcome the practical barriers that disabled people can face when:

- a disabled person applies for a job;
- an existing staff member develops a disabling condition;
- the effects of a disability change or increase;
- there is a change to the disabled persons’ workplace, equipment or activities; or
- a disabled person requires any form of training.

These adjustments may include (but are not necessarily limited to) the following:

- making adjustments to premises (such as lowering light switches to place them within reach of a wheelchair user or redecorating the interiors of rooms to provide a better colour scheme for people with visual impairments);
- re-allocating part of a job to another staff member without detriment to the disabled staff member;
- redeploying the disabled staff member to fill an existing and suitable vacancy;
- altering the staff member’s working hours and/or days;
- moving the staff member to a different place of work;
- allowing absences during working hours for rehabilitation, medical treatment, assessment or training;
- providing additional training where appropriate;
- acquiring special equipment or technology, or modifying existing equipment;
- modifying instructions and reference material and presenting information in a more suitable format;
- modifying procedures for testing or assessment;
- providing a reader, interpreter or other support worker in collaboration with other agencies;
- providing additional support by joint agreement e.g. for a specified / temporary period.

BCUHB will seek the support and guidance of the Disability Employment Adviser (DEA) at local Job Centres or any other relevant organisation to assist with individual cases. Occupational Health and Wellbeing can also be consulted for advice on whether or not a particular illness/disability is likely to be covered by the provisions of the Equality Act 2010.

The DEA will also be able to provide advice on whether assistance in the provision of special support or equipment can be provided through the Access to Work scheme. For example, Access to Work might pay towards a support worker or for equipment needed at work. It can also pay towards the cost of getting to work if a staff member cannot use public transport.

If a disabled person needs a communicator at job interviews, then Access to Work may be able to pay some or all of the communicator costs. Appendix B contains further guidance on making Reasonable/Tailored Adjustments in the workplace, and a template document for managers to agree reasonable adjustments is contained in Appendix C.

13. MAKING A COMPLAINT

Where a staff member believes that they have been subject to less favourable treatment on the grounds of disability, they should inform the appropriate line manager. The provisions of the WP5 All Wales Respect & Resolution policy will apply in such circumstances but every practicable effort should be made to resolve the issue(s) informally and without recourse to the formal procedure. The process will be supported by Workforce colleagues who will advise on the courses of action available to the staff member, and this may include a mediated approach to resolving the complaint.

In some circumstances, staff may wish to report in confidence to Speak Out Safely which provides confidential support for staff to raise concerns.

14. CROSS REFERENCE

For additional guidance in specific areas, the following may prove useful sources of information and advice:

- [Equality Act 2010](#)
- [All Wales Respect and Resolution Policy](#)
- All Wales [Managing Attendance at Work Policy \(WP11\)](#)
- [Policy for Safe Recruitment & Selection Practices \(WP1\)](#)

Appendix A – Reasonable and Tailored Adjustments – Further Information and FAQ’s

Employer Obligations and Reasonable Adjustments

Employers are legally responsible for ensuring that discrimination does not occur in the workplace. This includes the need to consider reasonable adjustments for disabled people. It is unlawful to discriminate against disabled people by treating disabled staff less favourably for a reason related to their disability.

As an employer, BCUHB is required to make 'reasonable adjustments' to recruitment processes, work arrangements and the working environment in order to accommodate disabled people. An employer who fails to comply with this duty will be guilty of discrimination, and it is not possible for the employer to show justification.

Employers are only required to make adjustments that are reasonable. Factors such as the cost and practicability of making an adjustment and the resources available to the employer may be relevant in deciding what is reasonable.

Employers must not discriminate against a disabled person when recruiting, while they are doing the job (including career development and promotion), and when applying redundancy or dismissal procedures.

Within the Equality Act 2010, the duty to make reasonable adjustments includes the requirement to provide an auxiliary aid where it is necessary to ensure that a disabled person is not placed at a substantial disadvantage compared to non-disabled people.

When does the reasonable adjustment duty apply?

The duty to make reasonable adjustments arises in three situations:

- Where a provision, criterion or practice applied by or on behalf of the employer,
- Where a physical feature of premises occupied by an employer, or
- Where the lack of an auxiliary aid, places a disabled person at a substantial disadvantage compared with people who are not disabled. An employer has to take such steps as it is reasonable to take in all the circumstances to avoid that disadvantage – in other words, the employer has to make a 'reasonable adjustment'.

Reasonable Adjustments in Recruitment and Selection

Reasonable adjustments are a key element of the range of measures intended to eliminate barriers to access and participation for disabled people.

What about before I employ a disabled person - does the reasonable adjustment duty apply to my recruitment practices as well as to the arrangements for my existing staff?

Yes. The reasonable adjustment duty on an employer is not 'anticipatory'. This means that you are not expected to provide a range of adjustments to your premises in anticipation that one day you might employ a person with a specific disability. However, the built environment of newer premises will have been constructed with some of the needs of disabled people in mind.

Some application processes may involve assessment tests or interviews. These processes should not unreasonably disadvantage disabled people.

Section 60 of the Equality Act is particularly important as regards what you can and cannot ask about the disability of an applicant when recruiting:

- You can ask questions about disability at an early stage in the application process, so that you can establish whether an applicant will be able to comply with a requirement to undergo an assessment test, or to establish whether you must make reasonable adjustments for an applicant in relation to an assessment. For example, if you require applicants to sit an assessment on a desktop computer you can ask if they are able to do that or whether they require any auxiliary aids to do so (if they can be reasonably provided).
- You can ask questions about whether the applicant will be able to carry out functions that are intrinsic to the job (having made any reasonable adjustments), for example, whether an applicant has the necessary physical capabilities or physical fitness to do the job, or whether their health meets certain standards for legitimate safety reasons.
- You can also ask questions about disability in other limited situations, for example, for legitimate monitoring of the diversity of job applicants or if you need someone with a specific disability to do the job.
- However, aside from those circumstances you cannot ask questions about the health of an applicant before offering him or her the job.

That said, it is not unlawful for you to offer an applicant a job that is conditional upon him or her passing an occupational health check. In this situation, if the results are that the successful candidate has a disability that affects his or her ability to do the job, the question will then be whether a reasonable adjustment can be made to deal with that. If a reasonable adjustment cannot be made, it would then be legitimate to withdraw the job offer on the grounds that the applicant has not met the required condition.

Does the disabled person need to make clear what adjustment is needed?

In a situation where you may be under an obligation to make a reasonable adjustment, you and the disabled person obviously need to discuss their circumstances so that you can establish what is needed. However, the question of what is a reasonable adjustment is an objective one. It does not mean you must comply with every requirement asked of

you by the disabled person. The issue will be what you can *reasonably* do to avoid any disadvantage entailed by his or her disability. For example, a disabled staff member might request that you build a special ramp for wheelchair access to your offices. Having considered this you might decide it to be unfeasible in cost and practical terms to make structural alterations to the building, but you might decide that you can have a temporary ramp available and someone ready to assist with entry and exit to the building. In doing so, you would have complied with the law because you provided a workable solution that is *reasonable* in the circumstances.

Equally, if it is clear that there isn't an adjustment that can *reasonably* be made to avoid a disadvantage, then you can lawfully decline the request.

What adjustments might I have to make?

The Act does not list the sorts of adjustments that you or your organisation might have to make, but examples might be:

- Providing recruitment literature in large print;
- Providing in interview situations extra equipment at reasonable cost, removing movable barriers like furniture, or holding the interview in a different, wheelchair accessible room;
- Allowing a guide or hearing dog into the workplace;
- Purchasing specialist equipment, such as an ergonomic chair;
- Discounting disability-related sickness leave for the purposes of absence management;
- Providing additional supervisory guidance / support;
- Including a disabled parking space in the car park;
- Allowing different start and end times to the working day.
- Job descriptions / person specifications: It is good practice to include only those tasks required to accomplish the job - unnecessary requirements could lead to discrimination.
- Application Forms: Include an option for people to apply using different formats e.g. Email / audio / braille.
- Selection tests: You may need to adjust your selection tests. For example, candidates may need longer to read questions.
- Providing interview questions in advance, for example one hour up to one day in advance.
- Allowing an advocate to accompany a candidate

What if I can't afford to make a particular reasonable adjustment, or if it is not practical for me to do it?

You are only required to make adjustments that are reasonable in all the circumstances. Factors such as the cost and practicability of making an adjustment and the resources available to you may be taken into account in deciding what is reasonable. Ultimately, it would be for an Employment Tribunal to decide, in the event of a claim of alleged unlawful disability discrimination, what adjustment should be made for a particular

disabled staff member, and whether you were correct to decline to make an adjustment on grounds of practicality or cost.

What if I do not know my staff member, or the person I am recruiting, has a disability?

You are not subject to the reasonable adjustment duty if you do not know, and could not reasonably be expected to know, that an individual has a disability.

Reasonable Adjustments whilst in Employment

Examples may include:

- Giving or arranging training and equipment e.g. speech browser software installed onto computer.
- Providing a reader or interpreter e.g. sign language interpreter for meetings.
- Providing additional support by joint agreement e.g. support worker.
- Acquiring or modifying equipment e.g. a specifically designed chair.
- Modifying instructions or reference manuals e.g. oral instruction may be provided.
- Altering working hours e.g. a person who takes medication, which has side effects that are worse in the morning, is allowed to start work later in the day.
- Allocating some of the disabled person's duties to another person e.g. a librarian cannot return books to high shelving - a colleague assists with this aspect of the work.
- Transferring the disabled person to fill an existing vacancy e.g. a sales rep has to give up driving. They are transferred to a vacant post requiring computer skills for which they are given training.
- Assigning the disabled person to a different place of work e.g. allowing home working during a period of rehabilitation.
- Allowing absence during working hours for rehabilitation assessment or treatment Staff may need time off for counselling sessions.
- Modifying assessment procedures e.g. giving a people longer to complete selection tests.
- Adjusting premises e.g. the direction in which a door opens is altered for a wheelchair user.

Particular cases or conditions:

Severe disfigurements

Severe disfigurement meets the acts definition for disability as severe disfigurement is treated as having a substantial adverse effect on the ability of the person to carry out normal day-to-day activities, but it still has to be long term for it to constitute as a disability.

If, however, the disfigurement consists of a tattoo which has not been removed, nonmedical body piercing, or an object attached through such a piercing, regulations have the effect of ensuring that this would not be treated as a disability.

WP27 - Guidelines on the Fair Treatment of Disabled People at Work in BCUHB -V4.0 Page 18 of 33

Impairments helped by treatment or artificial aids

Medication or equipment (such as an artificial limb) which helps an impairment, is not taken into account when considering whether an impairment has a substantial effect. For example, a person who wears a hearing aid to improve their hearing is considered to have the hearing loss that would exist without the use of the aid. An exception is when people wear glasses or contact lenses - it is the effect on the person's vision, while wearing their glasses or contact lenses that is considered.

If, however, the treatment is likely to cure the impairment, this should be taken into account in assessing whether the impairment is long-term.

Genetic predispositions

The Act does not cover people with a gene that causes a disability unless they develop the disability. For example, people with the gene that causes Huntington's chorea are not covered if they do not have the condition. People are covered as soon as the first effects on normal day-to-day activities appear.

Past disabilities

The definition covers people who have had a disability in the past. If a person once had a disability which is covered by the Act, they are still protected if they have recovered. This applies even if they recovered before the Act came into force.

Impairments which are excluded

The following conditions are not to be treated as impairments for the purposes of the Act:-

- Addiction to or dependency on alcohol, nicotine or any other substance (unless the addiction resulted from the substance being medically prescribed).
- Seasonal allergic rhinitis (e.g. hay fever) except where it aggravates the effect of another condition.
- A tendency to set fires.
- A tendency to steal.
- A tendency to physical or sexual abuse of others.
- Exhibitionism
- Voyeurism

Does the duty to make reasonable adjustments apply to a disabled individual or to disabled people generally?

In the case of employers, whether a duty arises will depend on the circumstances of each individual case. There is no duty owed to disabled people in general in an employment context.

What might happen if I do not make a reasonable adjustment when requested to do so?

If you fail to make a reasonable adjustment when you are under a duty to do so, the Equality Act 2010 treats that as discrimination. This means the organisation could become liable to pay damages were a successful claim to be brought in the Employment Tribunal.

What if I get taken to a Tribunal over a reasonable adjustment?

A job applicant or staff member who believes they have been unlawfully discriminated against because of disability can lodge their claim with an Employment Tribunal, usually within three months of the alleged act of discrimination taking place.

The Tribunal will hear evidence from both the disabled person and from the employer. If you find yourself in this situation, you would have the opportunity to explain why you did not think it was reasonable to make an adjustment for the disabled person. For example, your defence might be that you did not have the financial resources to pay the cost of a particular adjustment, or because you did not think that an adjustment would actually enable the disabled person to do the job in question.

A decision is made in the light of the particular circumstances of each disabled person and each employer.

Other useful information can be accessed here:

[Reasonable adjustments in practice | Equality and Human Rights Commission \(equalityhumanrights.com\)](https://www.equalityhumanrights.com/en/employment-and-work/adjusting-workplaces)
[Office for Disability Issues - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/organisations/office-for-disability-issues)

Tailored Adjustments

Not all illnesses are disabilities, however, if a staff member is asking for support with a health and wellbeing condition, it is best to provide support accordingly, assuming it is proportionate to do so. There are many benefits of this including supporting the staff member back into work and to remain in work.

Tailored adjustments are short to medium term changes that can help support the health and wellbeing of the staff member. Tailored adjustments should be considered and where possible implemented at the earliest opportunity to help a staff member. This can be arranged through discussion between a manager and a staff member that is having difficulty with a known health and wellbeing condition. Tailored adjustments could include changes to working hours for a short period, changes to duties etc.

Why should managers make work based adjustments?

Beyond legal requirements for disabled staff, evidence has shown that good work is beneficial for health and wellbeing and that work can aid recovery for staff with physical and mental health conditions. The proactive management of staff members' mental and physical health can produce a range of benefits including greater staff member engagement and productivity, reduction of sickness absence and reduced staff member turnover. Making small adjustments (reasonable / tailored adjustments) to enable a staff member to remain in work during personal difficulties or when experiencing mild or moderate conditions that impact upon health and wellbeing in work.

Tailored adjustments are changes which can be agreed for varying reasons and periods of time based on individual needs that can be agreed through discussion between the manager and staff member.

We recognise that managers should have a good understanding, and be familiar with the individual needs of their staff and any associated health and wellbeing conditions or disabilities that may affect their work. To support staff, reasonable / tailored adjustments should be considered and where possible implemented at the earliest opportunity to help an staff member remain in work or reduce the need for sickness absence / aid an earlier return to work after a period of absence.

Managers should consider such options when assessing a staff member's health and wellbeing in situations where there is a reasonable expectation of improvement or where reasonable / tailored adjustments may prevent a deterioration. This proactive approach should enable a staff member to maintain wellness at work and reduce the need for sickness absence.

Examples of tailored adjustments

In many cases, simple and cost-effective workplace adjustments can make a big difference and enable people with health conditions and disabilities to remain in work and live healthy and productive lives. The adjustment needed could be a change in practice or workload. Some examples of reasonable / tailored adjustments might include:-

- allowing additional breaks for a staff member with a musculoskeletal difficulty to undertake self-management exercises
- temporarily reduced duties to enable a staff member with anxiety to manage their working day effectively
- changing a staff member's equipment, for instance providing an adapted keyboard if they have arthritis or providing a specialist chair because of back problems.

The aim of the adjustment is to minimise or reduce the impact of the health condition for the staff member and enable them to carry out their job / duties. Contacting Workforce or Occupational Health may be required to discuss any conditions and a referral to

Occupational Health should be considered if a specialist opinion is required, further information is available on the [Occupational Health BetsiNet pages](#).

General approach

Wherever possible, the organisation will support staff that have a known health and wellbeing condition or disability. This support may be a legal requirement under the Equalities Act 2010, or good practice in supporting staff with mild/moderate health conditions. A disabled staff member, or one who has a health and wellbeing condition can expect:-

- a discussion with their manager
- for the matter to be dealt with confidentially and sensitively
- everything that is relevant to be considered
- all possible options and outcomes to be considered
- implementation of the identified and appropriate options, where they are reasonable and proportionate
- regular reviews.

Declaration of a Health and Wellbeing Condition / Disability

Where a disabled staff member or one with a health and wellbeing condition reports that they are experiencing health difficulties it is important to respect their right to confidentiality and ensure on-going discussion.

The manager should meet with the staff member in order to discuss their condition(s). The manager should seek to put in place any short term reasonable / tailored adjustments to ensure that the staff member is not placing themselves at risk.

This may include conducting a risk assessment in order to identify any potential short term adjustments. Completion of the Reasonable / Tailored Adjustment Agreement should be undertaken at this stage (Appendix C).

If following the implementation of reasonable / tailored adjustments agreement, or where specific advice is required, the manager may consider making a referral to Occupational Health. The referral should include details of the discussion with the staff member and a copy of the tailored adjustment agreement that has been put in place. A copy of the referral to [Occupational Health](#) should be discussed with the staff member prior to submission.

On completion of the Occupational Health referral, the manager will receive a report advising in respect of any further suggested restrictions or adjustments that need to be considered. The manager should then meet with the staff member in order to discuss and consider the Occupational Health report to enable a more informed discussion to be undertaken.

The purpose of the discussion is to consider the advice and what further reasonable / tailored adjustments could be put in place to enable the staff member to continue undertaking the duties and responsibilities of their role and whether the adjustments are deemed reasonable.

Where there are barriers to progress, all parties have a duty to consider how these may be overcome; support from Workforce, Trade Union representatives, Equality Advisors and Occupational Health may be required. Ultimately it is the decision of the manager to determine whether any proposed reasonable / tailored adjustment can be accommodated.

Disability / Health and Wellbeing Condition Leave

Disability / Health and Wellbeing Condition leave is reasonable paid time off for a reason related to someone's known health and wellbeing condition and /or disability as part of a programme of care. Disability / Health and wellbeing condition leave is not disability related sickness absence. Effectively, it is a form of special leave and will usually be requested by the staff member and approved by the manager in advance.

Disability / Health and wellbeing condition leave (Special leave) should be recorded on ESR. Typical examples of Disability / Health and wellbeing condition leave (Special leave) may include regular hospital and medical appointments / treatments / follow up assessments in respect of a known disability / health and wellbeing condition. Disability leave will typically apply to part, or the whole, of one working day.

Reasonable / Tailored Adjustment Agreement

The Reasonable / Tailored Adjustment Agreement is an on-going record of tailored adjustments agreed between a staff member with a disability / health and wellbeing condition and their manager. In the case of reasonable adjustments it is anticipated these will continue to apply if the staff member changes roles wherever possible.

The purpose of this agreement is to:-

- Ensure that the staff member and the manager, have an accurate record of what has been agreed.
- Minimise the need to re-negotiate reasonable adjustments every time the staff member changes jobs, is re-located or assigned a new manager.
- Provide the staff member and their manager with a basis for discussion about tailored adjustments at future meetings.

This is a live document and should be reviewed regularly by both the staff member and manager and updated as appropriate. Specialist advice from third parties, such as Occupational Health and other practitioners may be needed. Managers who need help in deciding whether or not an adjustment is reasonable can contact Workforce for advice.

New managers of staff with agreed reasonable / tailored adjustments should accept the adjustments outlined in the agreement as reasonable and ensure that they continue to be implemented unless this causes significant operational difficulties, in which case further discussion will be necessary.

Reasonable / Tailored Adjustment Agreement will need to be reviewed and amended when changes occur. Where staff are moving to new roles / departments, they should make their new manager aware of any agreement in place and be prepared to discuss it.

The agreement allows the staff member to:-

- explain the impact of the disability / health and wellbeing condition on them at work
- suggest adjustments that will make it easier to do their job
- explain any change in their circumstances.

The agreement allows the manager to:-

- understand how a staff member's disability / health and wellbeing affects them at work
- explain the needs of the Organisation
- review the effectiveness of the adjustments already agreed
- explain any change in the employer's circumstances.

Advice on Reasonable / Tailored Adjustment Agreements are available from Workforce.

What is the difference between Tailored Adjustments and Reasonable Adjustments?

Tailored adjustments are an option managers can consider and if reasonable implement to support a staff member with a known health and wellbeing condition/disability to remain in work during a period of difficulty. Reasonable Adjustments are a legal obligation on an Organisation.

Do staff need to tell their employer that they have a health and wellbeing condition / disability?

There is no obligation on a staff member or a job applicant to disclose their disability to their employer. However, when supporting staff with their absence or a health and wellbeing condition a manager should make reasonable enquiries to find out if a staff member has a disability.

A manager could do this through discussion with the staff member and if required with support from Occupational Health. Even if a staff member is not classed as a disabled person, considering and implementing tailored adjustments will help staff members to maintain wellness and remain in work.

Does the Reasonable / Tailored Adjustment agreement apply to staff who do not have a health and wellbeing condition that is considered as a disability?

The manager can consider and implement appropriate tailored adjustments to staff to help support their health and wellbeing.

What does a manager do if they cannot support specific Tailored Adjustments that have been suggested?

Where possible these adjustments should be supported and full consideration given to their implementation. However, if it is considered by the manager not to be reasonable, then further discussion with the staff member is necessary to consider if there are any alternative adjustments that could be put in place as an option to aid the staff member. The justification for not accommodating the request should be documented. People Services colleagues can provide further advice.

What happens if a staff member is no longer able to do their current job because of their health and wellbeing condition/ disability?

If a staff member is no longer able to do their job even with all possible reasonable/tailored adjustments in place, please contact People Services colleagues for advice.



Appendix B – NHS Wales Managing Attendance at Work Policy Reasonable / Tailored Adjustments Agreement Form

Staff member's Name	
Job title	
Department	
Manager's name	
<p>Reasonable / Tailored Adjustments</p> <p>Requests for reasonable adjustments must be considered for staff who have conditions which could potentially be defined as a disability under the Equality Act 2010. Tailored adjustments should be considered to support staff with a health and wellbeing condition which may not be a disability as described above. Wherever possible, agreed adjustments should be implemented at the earliest opportunity to help the staff member maintain wellness, remain in work and reduce the need for sickness absence. They may also aid an earlier return to work after a period of absence.</p> <p>The purpose of this agreement is to:</p> <ul style="list-style-type: none"> • help a staff member maintain wellness, remain in work, reduce the need for sickness absence and may aid an earlier return to work after a period of absence; • ensure that both the staff member and the employer have an accurate record of what has been agreed; • minimise the need to renegotiate reasonable / tailored adjustments every time the staff member changes job, is relocated or is assigned a new manager within the organisation; and • provide the staff member and their manager with the basis for discussions about reasonable / tailored adjustments at future meetings. <p>This agreement may be reviewed and amended as necessary with the agreement of both parties:</p> <ul style="list-style-type: none"> • at any regular one-to-one meeting; • at a return to work meeting following a period of sickness absence; • at six-monthly and / or annual PADRs; • before a change of job, duties or work location, or the introduction of new technology or ways of working; or • before or after any change in circumstances for either party. 	



Staff member

My health and wellbeing condition and / or disability* in the workplace is:

*you are not obliged to give details of your disability, impairment or health and wellbeing condition, only how this affects you in your working life.

My disability and / or health and wellbeing condition has the following impact on me at work:

I require the following agreed reasonable/ tailored adjustments:
• *Detail what adjustments are required:*

Date Manager agreed / implemented:

Where reasonable / tailored adjustments requested cannot be agreed and implemented, the reasons should be recorded below:



Reasonable / tailored adjustment requested	Reason if cannot be accommodated

I will let you know if there are changes to my disability / health and wellbeing condition that have an effect on my work and / or if the agreed reasonable / tailored adjustments are not working. We will then meet confidentially to discuss any further reasonable / tailored adjustments or changes that should be made.

If you notice a change in my performance, behaviour or attendance at work or feel that these reasonable/tailored adjustments are not working, I would be happy to meet you confidentially to discuss what needs to be done.

Staff member's signature	
Date	
Manager's signature	
Date	



Appendix C – Disability Confident Scheme: Summary of commitments and actions

Theme 1 – Getting the right people for our business	
Core Actions We Commit To	
We are actively looking to attract and recruit disabled people	
We provide a fully inclusive and accessible recruitment process	
We offer an interview to disabled people who meet the minimum criteria for the job	
We are flexible when assessing people so disabled job applicants have the best opportunity to demonstrate that they can do the job	
We proactively offer and make reasonable adjustments as required	
We encourage our suppliers and partner firms to be Disability Confident	
We ensure staff have appropriate disability equality awareness	
Activities (Examples)	
1.	Providing work experience
2.	Providing work trials
3.	Providing paid employment (permanent or fixed term)
4.	Providing apprenticeships
5.	Providing a traineeship
6.	Providing paid internships or supported internships (or both)
7.	Advertising vacancies and other opportunities through organisations and media aimed particularly at disabled people
8.	Engaging with Jobcentre Plus, Work Choice providers or local disabled people’s user led organisations (DPULO) to access support when required (or both)
9.	Providing an environment that is inclusive and accessible for staff, clients and customers
10.	Offering other innovative and effective approaches to encourage disabled people to apply for opportunities and supporting them when they do

Theme 2 – Keeping and developing our people
Core Actions
We promote a culture of being Disability Confident
We support staff to manage their disabilities or health conditions
We ensure there are no barriers to the development and progression of disabled staff
We ensure managers are aware of how they can support staff who are sick or absent from work
We value and listening to feedback from disabled staff
We review this Disability Confident employer self-assessment regularly

Activities (Examples)	
1.	Providing mentoring, coaching, buddying and or other support networks for staff
2.	Including disability awareness equality training in our induction process
3.	Guiding staff to information and advice on mental health conditions
4.	Providing occupational health services if required
5.	Identifying and sharing good practices
6.	Providing human resource managers with specific Disability Confident training

Appendix D Dyslexia: Guidance for Managers and Staff

What is Dyslexia?

Dyslexia is best described as a combination of abilities and difficulties that may affect learning, literacy and numeracy. Dyslexia also relates to difficulties with organisation, sequencing and memory.

Dyslexic people often demonstrate an ability to think and work differently; this enables them to produce innovative and creative solutions to problems.

Dyslexia is a recognised difficulty under the Equality Act 2010. The Act requires that employers ensure that disabled people are not treated unfavourably and are offered reasonable adjustments or support.

Being dyslexic does not mean that a person cannot read, nor does it mean that their intelligence is impaired, but it can make learning more challenging depending on the degree of the problem. Unless these challenges are addressed it is very likely that individuals will experience low self-esteem and a lack of confidence. Many adults who have struggled with complex and misunderstood difficulties all their lives have found enormous relief in a diagnosis of dyslexia which begins to answer some of their questions and anxieties about themselves and the barriers to learning that they have experienced.

What are the signs of Dyslexia?

Signs of dyslexia usually become apparent when a child starts school and begins to focus more on learning how to read and write.

A person with dyslexia may:

- Experience difficulties in pronouncing unfamiliar words
- read and write very slowly or have poor or inconsistent spelling
- confuse the order of letters in words
- put letters the wrong way round – such as writing "b" instead of "d"
- understand information when told verbally, but have difficulty with information that is written down
- find it hard to carry out a sequence of directions
- struggle with planning and organisation

What Does This Mean In The Workplace?

Many people in the workplace have not been assessed as dyslexic. Some may even be unaware that they have dyslexic difficulties. Others will have been assessed at some point, possibly at school, but prefer to keep things to themselves, for fear of

discrimination. There is no legal requirement to disclose a disability. However once the employer has been informed of an staff member's dyslexia or been given a copy of an assessment report, they should understand that they have a duty under the Equality Act 2010 and may need to consider reasonable adjustments.

The best employers recognise that everybody is different, and that putting in the right support will bring out the best performance.

Why Focus on Dyslexia?

- Many leading employers are using every means possible to develop their workforce to meet targets and increase competitive advantage.
- Research has established that 10% of the population is dyslexic to some extent / degree. This is a significant part of our workforce and client base.
- By supporting our dyslexic colleagues we will benefit all staff in the organisation.
- The motivation, morale and efficiency of our workforce will be enhanced by dyslexia-wise initiatives.
- Dyslexic people may be more susceptible than many to workplace stress; better support will make our organisation a healthier place for all, especially dyslexics.
- Becoming a dyslexia-wise employer will help us to make 'reasonable adjustments' and meet the requirements of equality legislation.

So What Should We Be Doing?

The British Dyslexia Association (BDA - <https://www.bdadyslexia.org.uk/>) suggests a number of ways in which employers can become more "Dyslexia-Wise", these include:

Understand what dyslexia is – Dyslexia is widespread across most workforces. Issues with reading may be one of the many challenges which face dyslexic people at work.

Ensure access to information – Using a variety of communication tools to disseminate information to the workforce.

Identify the issues in the workplace – Assess situations which may place dyslexic staff at a disadvantage, impede their performance or limit their potential. Carry out an audit to ensure there is a balance between written and non-written communication. Consider how to improve alternative ways of communicating in our organisation; for example, meetings not memos.

Create a culture of confidence – Provide mechanisms so that dyslexic staff can be open about their dyslexia. Work with the Trade Unions and other staff side organisations to enable them to enhance their performance.

Guidance to support dyslexic staff

