

Diversity in practice: Employment – a focus on reasonable adjustments



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Disability and reasonable adjustments

Recognised as a 'cornerstone' of the Equality Act 2010 (EA), the duty to make reasonable adjustments requires employers to take positive steps to ensure that those with disabilities can access and progress in employment. This duty arises where a disabled person is placed at a disadvantage compared to those without disabilities.

Many employers find navigating this area of law challenging. Here we have set out our top five tips for getting reasonable adjustments right.

1. Get the basics right

You may have physical features in your workplace, or certain provisions, criteria or practices that impact on disabled employees and trigger the duty to make reasonable adjustments. You need to understand what is impacting on the employee and how this can be adjusted to avoid any disadvantage.

It is essential to establish and maintain open lines of communication with the employee and accurately record your discussions. This will enable you to properly understand the problem the individual is facing and prevent incorrect assumptions.

You need to keep records of your reasoning and how you arrived at a particular decision.

2. Prevention is better than cure

Employers need to have systems in place that will identify when you might need to make adjustments, such as return to work interviews, appraisals and surveys. Provide line managers with training and tools to identify any steps that can be taken at an early stage. We also advise you to regularly check that your policies are updated and well publicised to your employees.

3. A methodical approach

A systematic approach will help you to consider appropriate adjustments and identify the measures that you can reasonably implement. First, consider the nature of the employee's disability, then the feature, provision, criterion or practice that is in place. Next identify how this puts the employee at a disadvantage. Then consider the potential adjustment: does it actually address the disadvantage and is it reasonable?

4. Occupational Health Reports

Clinicians are well placed to provide a definitive diagnosis and prognosis. You

should not accept vague or unclear reports. Make sure you have complete records that provide a clear background and consider the information you need when setting out the questions for the expert. Once you have received the report, work through the suggested adjustments – either assigning them for action or explaining (and documenting) to the employee any that are not reasonable to implement.

5. Pre-employment health checks

Employers are prohibited from asking potential recruits questions about their health, other than for prescribed reasons or to establish whether you need to make reasonable adjustments for the recruitment process. You should not ask questions about reasonable adjustments needed for the job itself until after you have made a job offer, unless they relate to a function that is intrinsic to the job.

Our employment team is here to assist with any queries you have about employment and diversity. Please feel free to [get in touch](#).



READ MORE: In this blog, Katie Exell, who co-leads a Bates Wells network dedicated to enhancing support for people with disabilities, neurodiversity, and/or caring responsibilities, highlights practical tips from the recent “Legally Disabled?” Covid-19 survey. [Read blog](#)