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Managing Reasonable Adjustments

INFORMATION FOR MANAGERS

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Glossary



Disability:

A person has a disability if he or she has a physical, sensory or mental impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.

DDA The Disability Discrimination Act, 2005.

RA Reasonable Adjustment.

PMA People Management Advice Specialists – HR specialists.

SQE Safety Quality & Environment offers advice on making risk assessments in our working environment.

OH Occupational Health offers advice on health-related issues.

Introduction

The purpose of this guide is to explain how to manage Reasonable Adjustments and our duty around long term disabilities (i.e. over 12 months and disabilities as defined in the Disability Discrimination Act (DDA) 2005.

If, as a manager, you are attempting to accommodate someone who does not fall under the DDA, but still requires adjustments, these should be managed through either the Temporary Alternative Duties procedure, Flexible Working or Professional Train Operator Agreement (PTOA).

Managing reasonable adjustments means:

- assessing the situation
- making reasonable adjustments
- recording these on SAP
- regularly monitoring these reasonable adjustments

A 'reasonable adjustment' is a change that is made to a provision, criterion or practice applied by or on behalf of an employer or to any physical feature of premises occupied by the employer which places the disabled person at a substantial disadvantage in comparison to non disabled persons.

London Underground has a legal obligation under the Disability Discrimination Act to make reasonable adjustments for its staff where appropriate.

Furthermore, all reasonable adjustments should be recorded on SAP.

Employing managers are responsible for making reasonable adjustments and all requests for such adjustments from staff should be passed to the employing manager immediately – for operational roles, this will be the Centurion manager.

Reasonable adjustments also make sense for the company financially.

Most importantly, having a fair reasonable adjustments process is also the right thing to do for our staff.

It's important to note that the reasonable adjustments discussed under this process refer to staff with a disability or long term limiting illness as covered by the Disability Discrimination Act.

All other health issues should continue to be treated with the usual common sense approach.

Please note that the DDA does not provide a list of specific disabilities or illnesses that it covers.

The responsibility for making reasonable adjustments lies with employing managers, because:

- reasonable adjustments are a serious matter and need the attention of a manager who has the influence to make the necessary changes
- reasonable adjustments have legal implications under the DDA. Therefore the employing manager must be confident he/she has made the right decision at every step of the process.

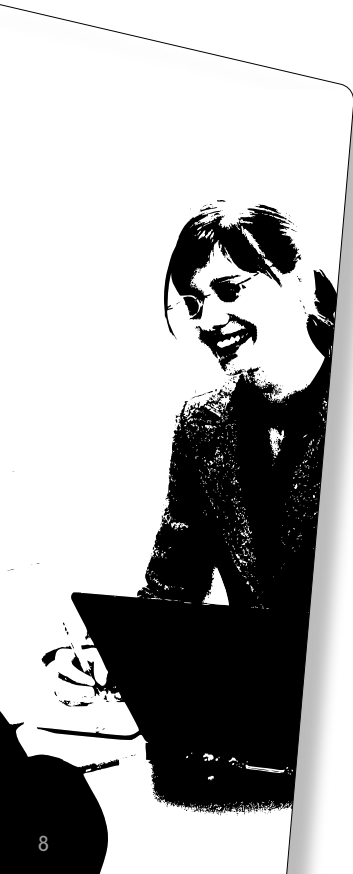


What is “reasonable”?

There is no precise definition as there are just too many factors in any given situation. However a handy rule of thumb would be “what a reasonable citizen would believe”.

According to the DDA, “what is ‘reasonable’ depends on factors such as:

- the employer’s resources
- how effective the adjustment is in preventing the disadvantage
- how practicable it is
- its financial and other costs
- how disruptive it is to day-to-day business activities



Why do we need reasonable adjustments at LU?

1) It is the law.

The DDA states:

“It is unlawful for an employer to treat a disabled person less favourably than someone else for a reason related to their disability unless there is a material and substantial reason.”

In addition, employers have a duty to make any reasonable adjustments to the workplace, or to the way work is done, which would ensure that a disabled employee or applicant is not substantially disadvantaged.

If London Underground’s processes for reasonable adjustments are not carried out properly then the disabled employee has the right to take their complaint to an employment tribunal.

If the employment complaint succeeds, the tribunal can award damages for financial loss and injury to feelings.

There is no limit on the amount of damages made.

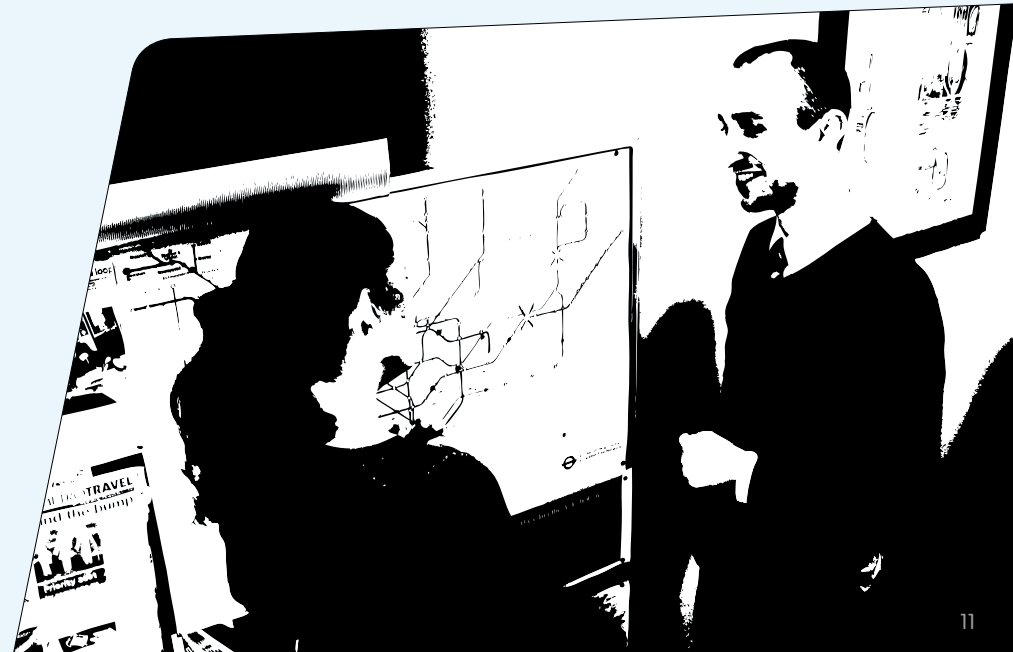


2) It makes sound business sense.

The reasonable adjustment process has the following benefits for the Business:

- **retention** of our employee’s valuable skills and experience to the company
- **reputation** of LU as a good and fair employer is enhanced
- **consistency / fairness** applied across the business when making adjustments
- **costs** in both human terms (e.g. the trauma and anxiety that an industrial tribunal causes) and in financial terms.

More importantly, reasonable adjustments are the right thing to do for our staff.



How the process works

- 1) If an employee has or develops a disability or long term limiting illness that requires a reasonable adjustment, they should tell their manager, even if they are off sick.
- 2) The employing manager * then:
 - records the process on SAP
 - contacts OH and a PMA as necessary.
- 3) It may be necessary for the employing manager to restrict the duties of the staff member at this point, or after point.
- 4) The employing manager then arranges an individual workplace risk assessment and personal emergency evacuation plan with their lead assessor (and contacts SQE if they need help or advice with this).
- 5) If required, the PMA provides information on fitness standards, the medical assistance programme, alternate duties etc, as necessary.



- 6) Once the employing manager has arranged the risk assessment and personal emergency evacuation plan (and liaised with SQE and a PMA if necessary), they fully consult the staff member on all options available (and update SAP accordingly). Clearly no adjustment will be considered that compromises safety.
- 7) If a local reasonable adjustment is possible at this point, the adjustment is made and details are entered on the SAP register. In operational areas, this will be logged by the Centurion's Administrator. For all other areas, the employing manager should contact HR Services on x1729.

Note: SAP will prompt the manager to review the reasonable adjustment with the member of staff after a specified timescale if this information is entered into SAP. This reminder will appear in the Managers Portal.
- 8) If a local reasonable adjustment is not possible, the employing manager updates SAP and arranges a case conference with the staff member, a PMA and a staff representative.

* As stated before, for operational roles, the matter should be dealt with by the Centurion Manager.



How the process works

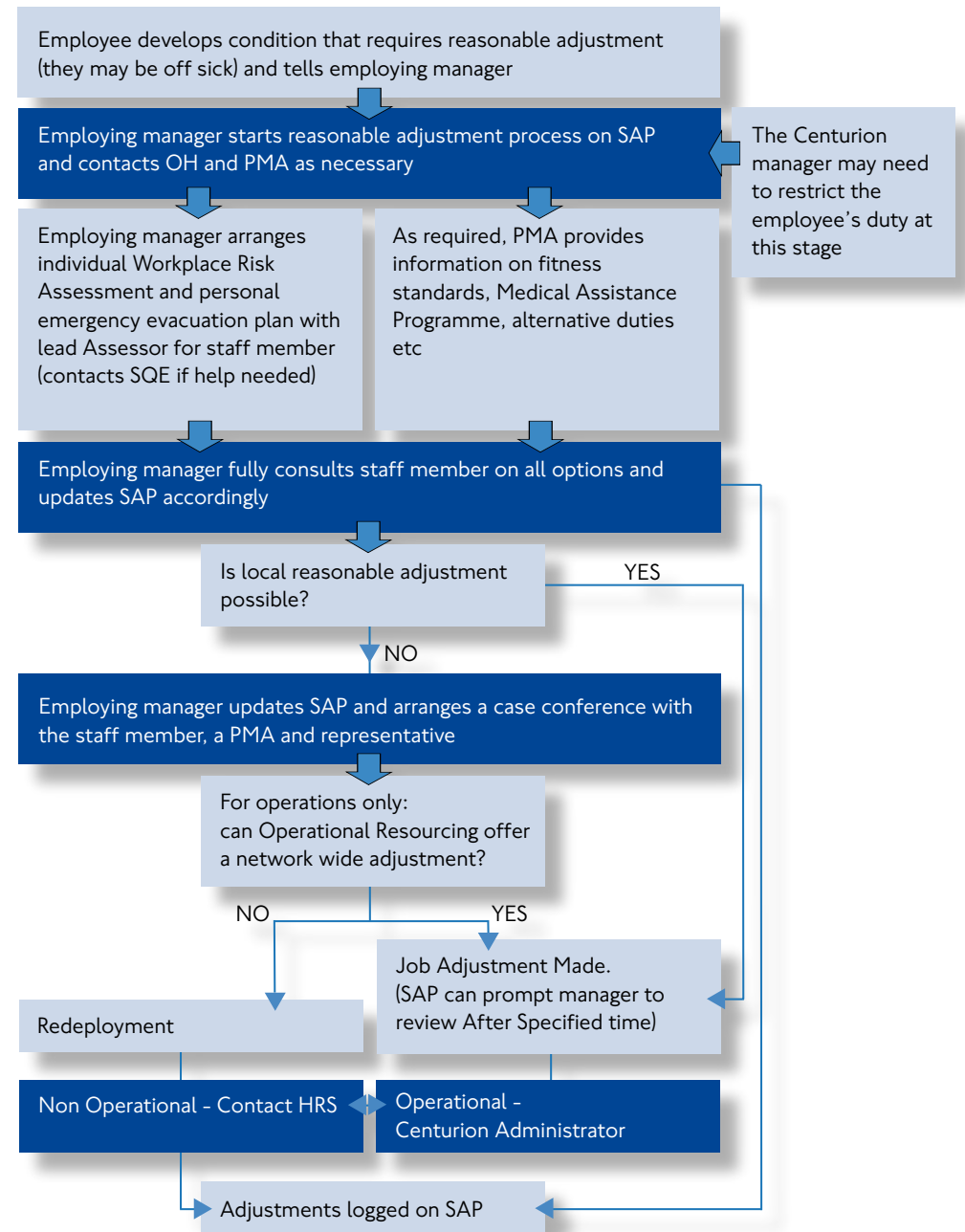
9) If a local reasonable adjustment is still not possible, Operational Resourcing may be able to offer a network wide adjustment. If so the adjustment is made and logged on SAP. If no reasonable adjustment options are available for the individual then the redeployment process must be considered at this point.

10) As more reasonable adjustments are logged on SAP, this provides more help and guidance for employing managers and PMAs when making future adjustments.

As this process demonstrates, every reasonable adjustment requested must be properly investigated and documented. If an adjustment is denied because the manager decides for example that it is not practicable, he or she will need to record a very robust reason, after seeking PMA advice, as to why the request could not be met.

 Indicates SAP Interaction

Process flowchart



Examples of Reasonable Adjustments

The DDA gives examples of reasonable adjustments which employers may have to make. It's important to have a good idea of what constitutes a reasonable adjustment as when an employee requests a reasonable adjustment they probably will not use this actual term.

Some examples are:

- making adjustments to premises or staff accommodation
- swapping some of the disabled person's duties with another team member
- transferring the disabled person to fill an existing vacancy
- altering working hours
- assigning the disabled person to a different place of work
- allowing absence during working hours for rehabilitation, assessment or treatment
- giving or arranging training
- acquiring or modifying equipment
- modifying instructions or reference manuals
- modifying procedures for testing or assessment
- providing a reader or interpreter
- providing supervision.



Changing someone's work could involve taking an element of the job that they find difficult because of their disability (e.g. a dyslexic member of staff writing on whiteboards) and swapping it with a similar sized element of another member of the team's duty.

Making a reasonable adjustment to the working environment could range from buying an orthopaedic chair for someone with a bad back, to building a ramp to allow access for a member of staff who uses a wheelchair.

Situation	Outcome
Operations	
Revenue Collection Inspector with diabetes reported that the shifts affect his blood sugar level and he is not eating at consistent intervals.	It was arranged for employee to be given regular meal breaks to help control his blood sugar levels.
Train Driver failed hearing test.	Fitted with company approved hearing aid through the Hearing Process. Employee now drives trains again, otherwise could have had employment terminated on medical grounds.
Station Supervisor is HIV Positive and on regular medication.	Given private section of a fridge to store medication.
SAMF with chronic spinal condition.	Provided with fully adjustable chair and agreed regular movement away from work station.
Train Operator with persistent and significant pain in his right shoulder.	Found a train operators post on the Bakerloo line where the rolling stock could be operated with the left hand.
Station Assistant with severe Dyslexia.	Taught to recognise relevant signs and safety symbols and is given instruction manuals on training in audio.

Situation	Outcome
Non-Operations	
Testing & Proving Analyst who is partially sighted and experiencing a rapid decline in her eyesight which will eventually render her blind.	<p>She has been allocated a desk that minimises the impact of light on her, the overhead lighting has been removed. As a further adjustment a cubicle like area was erected around her desk to further block light.</p> <p>During team meetings a specific room is utilised, the blinds are pulled and she is assigned a seat which protects her best.</p> <p>She has voice recognition software to assist her with emails and various other IT system systems which assist partially sighted individuals.</p> <p>A braille has been purchased to assist her with written correspondence.</p>
Customer Information Advisor with Diabetes Type 2.	<p>The job involves shift work. Employee reported that the shifts affect his blood sugar level and he is not eating at consistent intervals.</p> <p>Adjustment - While shifts are mandatory he was assigned a working pattern that removed the need for shifts thus enabling him to control his blood sugar levels.</p>
Project Manager who is hearing impaired.	Provided with portable hearing loop to make it possible for him to take part in meetings.
Double leg amputee Development Manager.	Took chair away, ensured lower shelves on cupboard were hers and allowed computer processor on desk.



What about when a reasonable adjustment affects the whole team?

Sometimes making a reasonable adjustment for one member of a team may have an affect on every member of that team.

For example if a member of staff has an illness which means they are restricted to desk work and can't cover incident duties, other members of the team may have to cover those duties.

The Employer's Forum on Disability gives the following advice in their briefing paper 'A practical guide to adjustments in employment'

If making an adjustment is likely to result in substantial discomfort or inconvenience to other employees or prevent other employees from being able to perform their roles, this should be taken into account, from a business perspective, by an employer when considering whether it is reasonable

However, employers are advised to remember that the duty to make reasonable adjustments is only owed to disabled employees, not to their non-disabled colleagues.

When an employer makes an adjustment for a disabled employee they are not required to replicate similar measures for the rest of their non-disabled workforce.