

# **LINCOLN COLLEGE**

## **REASONABLE ADJUSTMENTS POLICY**

### **POLICY HR/PO/2**

#### **SPONSOR**

**Group Director of HR & Student Support Services**

## **EQUALITY AND DIVERSITY STATEMENT**

Lincoln College strives to treat all its members and visitors fairly and aims to eliminate unjustifiable discrimination on the grounds of age, disability, gender re-assignment, race, nationality, ethnic or national heritage, political beliefs or practices, marital status, family circumstances, sex, sexual orientation, maternity and pregnancy, spent criminal convictions, or any other inappropriate grounds.

**LINCOLN COLLEGE**  
**REASONABLE ADJUSTMENTS POLICY**

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# LINCOLN COLLEGE

## REASONABLE ADJUSTMENT POICY

### 1 PURPOSE

1.1 The college recognises that reasonable steps should be taken in the way that we support our workforce, especially those who are considered to have a disability in order to ensure that they are not disadvantaged in any way in comparison to our non-disabled workforce.

### 2 AIMS

2.1 This policy is not intended to cover how the college would deal with every case, as each is different. However, the aim is to set out the following:

- Our commitment to improving accessibility to our services
- Define what is considered to be a reasonable adjustment
- Explain our legal duty to provide reasonable adjustments for people with a disability, and
- Explain the considerations made when dealing with requests for reasonable adjustments.

### 3 OUR LEGAL DUTY

3.1 Under the Equality Act 2010, the college legally has to provide reasonable adjustments for disabled people. The Act defines disabled people as 'those who have a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.'

3.2 Under the Act the legal duty to make reasonable adjustments arises in three circumstances:

- 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.

## 4 DISABILITY DECLARATION

- 4.1 Lincoln College is a Disability Confident Employer and has an obligation to ensure that disabled people receive fair treatment throughout the recruitment and selection process and in their employment with us.

As part of our commitment to equality and diversity, we have made a pledge to improve employment opportunities for people with disabilities. We have undertaken to interview all applicants with a disability (who meet the essential short-listing criteria for a job vacancy) and consider them on their abilities.

The Disability Confident scheme supports employers to make the most of the talents disabled people can bring to the workplace.

By being a part of the Disability Confident scheme, we are aiming to:

- Challenge attitudes towards disability
- Increase understanding of disability
- Remove barriers to disabled people and those with long-term health conditions
- Ensure that disabled people have the opportunities to fulfil their potential and realise their aspirations.

- 4.2 We encourage employees who feel they may fall within the definition of a disabled person under the Equality Act 2010 to disclose their disability. Employees may prefer not to disclose the nature of their disability but it is important for the manager to know if adjustments are necessary in order to carry out their duties.

- 4.3 Members of staff who wish to declare their disability or ill health condition should inform the Human Resources department and their line manager and update their Equality Information on Access HR.

- 4.4 Disclosure may be beneficial because:

- the stress of not divulging a disability can exacerbate the employee's difficulties at work and place them at substantial disadvantage
- the employee and their manager can then determine together what adjustments, if any, can be put in place
- the employee can be provided with advice and support through Occupational Health or by accessing the Employee Assistance Programme.

- 4.5 You may be subject to disciplinary action if your reasonable adjustments application includes false or misleading statements, information, or evidence, which seek to create an unfair advantage.

## 5 REASONABLE ADJUSTMENTS

5.1 Employers should make reasonable adjustments for:

- Employees and workers
- Contractors and self-employed people hired to personally do the work
- Job applicants.

5.2 Employers should make reasonable adjustments when:

- They know, or could reasonably be expected to know, someone is disabled
- A disabled staff member or job applicant asks for adjustments
- Someone who is disabled is having difficulty with any part of their job
- Someone's absence record, sickness record, or delay in returning to work is because of, or linked to, their disability.

5.3 A reasonable adjustment can be to make a physical change to premises or to change working practices to avoid or correct the disadvantage to a person with a disability.

Examples of reasonable adjustments can include:

- Providing specialist equipment or additional support
- Welfare car parking
- Adaptation to workplace environment and/or workspaces
- Information being provided in alternative formats
- Extension of time limits/deadlines (where permissible)
- Amendment to working times
- Amendment to absence reporting i.e. discounting disability-related sickness absence, amending trigger points etc.

5.4 There is no prescribed list of reasonable adjustments; each adjustment will be dependent on the individual's needs. In order to determine the appropriateness of a reasonable adjustment request, consideration will be given to medical information/reviews and a discussion with the individual to determine appropriate requirements. We will not make assumptions about whether a disabled person requires any reasonable adjustments or what the adjustments will be. A more comprehensive list of examples of reasonable adjustments can be found in appendix 1.

5.5 Access to work is a government scheme that can help people with a physical or mental health condition or disability to remain in work or get to work. Employees may be eligible for a grant to help pay for practical support. This is not a substitute for an employer's legal obligation to make reasonable adjustments.

### **5.5.1 How do we define what is reasonable?**

5.5.1i The Equality Act does not define what is 'reasonable', but guidance from the Equality Act suggests that the most relevant factors are:

- The effectiveness of the adjustment(s) in preventing or reducing the disadvantage for the disabled person
- The practicality of us making the adjustments
- The availability of our resources including external assistance and finances.

5.5.1ii An employer does not have to meet every request made by a disabled employee; there may be a reason(s) as to why an organisation is unable to implement an adjustment i.e. they don't deem this to be reasonable.

It is important to note that only an Employment Tribunal can determine if an adjustment would be considered reasonable or otherwise. As such, an employer may have made great efforts to assist a disabled employee, but if an Employment Tribunal decides that they have failed to make an adjustment which would have assisted the employee and which is reasonable, then an employer may lose a disability discrimination claim.

### **5.5.2 Implementing reasonable adjustments**

Implementing reasonable adjustments may take some time. For example, obtaining Occupational Health and [Access to Work](#) assessment reports which may form part of the actions taken. While the assessment is being undertaken, managers with support from HR should seek to agree temporary adjustments with the disabled employee until a full assessment has been completed.

Employees are required to contact Access to Work advisors directly when requesting support but it is advisable that line managers and HR are involved to ensure appropriate support is provided.

### **5.5.3 Recruiting new employees and reasonable adjustments**

5.5.3i The requirement to make reasonable adjustments is not just applicable to our staff, but potential new recruits as part of the recruitment process, to ensure that this process does not unreasonably disadvantage disabled people.

5.5.3ii It is not unlawful to offer an applicant a job that is conditional upon them undertaking a satisfactory occupational health check. However, if the results are that the individual has a disability that affects their ability to do the offered role, consideration should be provided to reasonable adjustments. If reasonable adjustments cannot be made, it would then be legitimate to withdraw the job offer on the grounds that the individual has not met the required condition.

The Equality Act refers to what you can or can't ask about a disability of an applicant when recruiting to ensure:

- Applicants can undertake all requirements of the interview process, including assessments/tests, or whether any adjustments are required to ensure they are not disadvantaged
- Applicants can undertake essential duties and responsibilities of the role, once having made any reasonable adjustments and to ensure health and safety
- Legitimate monitoring of the diversity of job applicant.

## **6 CAR PARKING – DISABLED & WELFARE SPACES**

6.1 The college recognises the importance of ensuring appropriate car parking spaces for disabled employees. Disabled and Welfare spaces are available as normal parking spaces may not be accessible for disabled people and may not meet their parking needs.

Dependent on the disability the individual has they may have different ways of entering and exiting their vehicle. They may also have different types of vehicles and mobility aids/equipment. Disabled/Welfare parking allows individuals more space to comfortably and safely navigate their vehicles after parking.

6.2 Further information on the following can be found in the Staff Car Parking Policy:

- Key responsibilities of all staff and Estates & Facilities department
- Car Park Locations
- Disabled Spaces
- Car Parking Guidelines and Implications

### **6.2.1 Welfare Spaces**

6.2.1i Where a provision, criterion or practice applied by an employer puts a disabled person at a substantial disadvantage in comparison with those who are not disabled, it must take such steps as it is reasonable to take to avoid the disadvantage. An employer will not breach the duty to make adjustments unless it fails to make an adjustment which is "reasonable".

Organisations should have in mind the particular disadvantage that is being relied on when deciding what is reasonable, ensuring that adjustments made address those disadvantages directly.

### **6.2.2 Applying for a Welfare Space**

6.2.2i Employers should consider the effect a particular disability has on that individual employee and to ensure that the particular disadvantage to the employee is adequately considered when deciding on adjustments.



It is important that employers consider the most recent OH reports and medical evidence when considering reasonable adjustments.

### Short-term/temporary space

Employees may require support on a temporary or permanent basis (reasonable adjustment) in relation to obtaining car parking spaces. For example, employees who are returning to work after a period of absence following an operation, or those suffering with musculoskeletal conditions or conditions that suffer from flare ups.

Employees who require a welfare space as a temporary measure are required to submit a [Welfare Parking form](#) (annex 1) completed by their GP. Where by it is the medical opinion that the employee may require the space for more than 3 months, a further review will be required by the organisation's Occupational Health provider.

### Long term/permanent adjustments

Employees who require a welfare space long term (exceeding 3 months), will be referred for an Occupational Health Assessment to assess suitability. In addition, welfare spaces that are allocated as a reasonable adjustment will be reviewed annually by Occupational Health to reflect any changes in the employees' condition and assess the suitability of the adjustments in the workplace.<sup>1</sup> Staff who are considered disabled are encouraged to apply for a blue badge.

## **6.2.3 Breaches of policy in relation to welfare spaces**

- 6.2.3i It is imperative that only those employees who have been granted the use of a welfare space should use the space. Under no circumstances should the employee loan the space to another employee or individual or misuse the space in anyway.

Employees who are permitted to use a welfare space will be notified by the HR Unit and Estates and Facilities will have been made aware of the allocation arrangements, including car park location, car registration and days required. It is the responsibility of the employee to notify Estates and Facilities via email ([facilitiesadmin@lincolncollege.ac.uk](mailto:facilitiesadmin@lincolncollege.ac.uk)) in periods where their space is not required i.e. periods of sickness, annual leave, TOIL, Special Leave of absence and changes in their working pattern/location.

Employees should continue to display the windscreen permit clearly in the vehicle and park in their designated spaces only. In the event of improper parking the actions as detailed within clause 6.8 of the Staff Parking Policy will apply.

Repeat Offences of misuse of the welfare space may result in the space being removed for the individual and the college reserves the right to take disciplinary action against both the individual with the allocated welfare space and any associated employees.

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<sup>1</sup> Welfare spaces deemed to be a reasonable adjustment will be reviewed each Academic Year to establish if they are still required. Effective September 2023.

## 7 MONITORING OF REASONABLE ADJUSTMENTS

- 7.1 We will record and monitor reasonable adjustments (via the Access system) that have been requested and approved; this will allow us to review the services we provide and help us identify whether there are any wider steps that we can take.
- 7.2 Employees can complete an Individual Workplace Adjustment plan via Access HR Self-service. This plan details the adjustments they already have in place, how this suits their needs, information for their manager to be aware of in terms of fluctuations with their condition(s), information and advice that may be helpful before adjustments are agreed, Personal emergency evacuation plan details etc.

## 8 DISPUTES

- 8.1 A member of staff who is dissatisfied can raise their concerns via the Staff Grievance Policy and Procedure.

## 9 RELATED POLICY AND ASSOCIATED DOCUMENTATION

- Example reasonable adjustments in practice - [Reasonable adjustments in practice | Equality and Human Rights Commission \(equalityhumanrights.com\)](https://www.equalityhumanrights.com)
- [Access to Work](#) - Specialist disability service delivered by Jobcentre Plus, which provides practical advice and support to disabled people in employment and their employers to help them overcome work related obstacles resulting from disability.
- [Remploy](#) - It is provided where an individual requires support or adaptations beyond the reasonable adjustments which an employer is legally obliged to provide under the Equality Act.
- Equality Act 2010 – [Duty on employers to make reasonable adjustments for their staff](#)

To support effective implementation and understanding the following policies are signposted for additional guidance.

- [Dignity at Work Policy](#)
- [Disciplinary Procedure](#)
- [Grievance Procedure](#)
- [Equality and Diversity Policy](#)
- [Health and Safety Policy](#)
- [Recruitment & Selection Code of Practice](#)
- [Special Leave Policy](#)
- [Flexible Ways of Working Policy](#)
- [Staff Parking Policy](#)

## ANNEX 1



### WELFARE CAR PARKING SPACE REQUEST FORM

Guidance notes on the back of this form should be consulted when completing this form.

| Employee Information: |  |           |  |
|-----------------------|--|-----------|--|
| Name                  |  | Job Title |  |
| School/Unit           |  | Date      |  |

| Details of Request:   |
|---|
| I am requesting the allocation of a welfare parking space due to the following reason(s): |
| I require a welfare space on the following days/times:                                    |
| My preferred welfare space location is:   |

| I declare the following:   |
|--|
| I am aware that it is my responsibility to notify Facilities Admin of periods of annual leave, sickness and changes in working pattern, in order to ensure that my welfare space can be released when not required. <input type="checkbox"/> |
| I will not knowingly allow another staff member to use the welfare parking space under any circumstances and confirm that I understand my space may be revoked as a result of repeat misuse. <input type="checkbox"/>                        |

| GP Authorisation  |
|---|
| I confirm that further to a consultation with the employee, I am recommending a welfare space be allocated and agree with the employee's declaration i.e. unable to park within the normal college spaces, which are available on a first come first served basis/use public car parks, which are within a 0.3-mile radius of the college. <input type="checkbox"/> |

| If yes, how long do you anticipate the member of staff will require the provision of a welfare parking space?   |
|---|
| 1-2 Weeks <input type="checkbox"/> Up to 1 Month <input type="checkbox"/> 1-2 Months <input type="checkbox"/> 3+Months (Maximum) <input type="checkbox"/> |

| Additional Relevant Information: |
|----------------------------------|
|                                  |

| GP Information |  |                  |  |
|----------------|--|------------------|--|
| GP Name        |  | Date             |  |
| GP Signature   |  | Medical Practice |  |

#### Additional Information:

#### Car Parking Facilities:

Lincoln College have 4 on-site car parks and also benefits from local car parks, which are available on a first come first served basis. There are also a number of public car parks, which are within a 0.3 mile radius of the college.

### **Allocation of Welfare Spaces:**

Staff Welfare Parking Spaces are allocated in accordance with the college's statutory duty to make reasonable adjustments where a *provision, criterion or practice* (PCP) puts a disabled person at a substantial disadvantage in comparison with persons who are not disabled. Only where the definition of disability is met will the college afford welfare spaces on an indefinite basis. This is demonstrated via either occupational health, GP or other medical evidence

### **Equality Act 2010 Definition of Disability:**

For the purposes of defining who may require a parking space under the Equality Act 2010 the following definition will be applied when making decisions:

*"A person has a disability for the purposes of the Act if he or she has a physical or mental impairment and the impairment has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities that lasts or is expected to last for 12 months or more".*

### **Blue Badge:**

People with hidden disabilities, including anxiety disorders or a brain injury, have been able to apply for a Blue Badge for the first time from 30 August 2019. For further information on Blue Badge eligibility, see: <https://www.gov.uk/government/publications/blue-badge-can-i-get-one>.

### **Short Term Welfare Space:**

The provision of a welfare space on a short-term basis (for example to aid an employee to return to work sooner than they would have without a space or to support an employee's return to work following a period of absence) are fully considered and approved (or otherwise) by HR on a case by case basis - with appropriate medical evidence.

### **Absence from Work:**

Please note that welfare spaces **cannot** be allocated to any other workplace colleague. Welfare space holders are obliged to inform Facilities Admin ([Facilitiesadmin@lincolncollege.ac.uk](mailto:Facilitiesadmin@lincolncollege.ac.uk)) when they are absent from work (sickness or annual leave) or where their working patterns change so that these spaces can be released accordingly to all staff on a first come first served basis.

### **Review of Welfare Spaces:**

The HR Unit review the allocation of welfare spaces on an annual basis and therefore you may be required to provide further medical evidence etc. at a later date.

### **Contacts:**

If you have any additional questions, please contact a HR Officer.

## **Appendix 1**

List of potential reasonable adjustments which can be implemented:

### **Role/Duties**

- being flexible by altering working patterns (e.g. not travelling in rush hour, part-time working, allowing breaks for medication and rests as required).
- allocating some of the disabled employee's duties to another person.
- alteration of working hours e.g. phased return.
- modification to the disabled employee's duties to assist them to perform effectively in their role. Alternations to the location of the work or premises (e.g. making changes to buildings or providing disabled car parking spaces).

### **Communication support**

- acquiring additional or making alternations to existing, equipment or materials (e.g. Braille, Large Print, speech recognition software, hands free telephone or text phone).
- producing material in alternative formats (e.g. Large Print, Easy-read versions, Braille, Material printed on pink paper).
- providing a reader, interpreter or support worker (e.g. BSL interpreter for meetings or training sessions).
- supplying additional training to meet disabled employees' needs.
- ensuring disabled colleagues are treated respectfully by others (e.g. be sensitive when approaching others with hearing loss or who are deaf or when accompanying colleagues with mobility conditions).
- assign a buddy.
- modification to recruitment and selection activities.

### **Physical Access**

- changes to fixtures, furnishings and furniture.
- installing disabled amenities.
- installing a ramp.