Guidance on Staff Disability at Birkbeck
(Incorporating Code of Practice)

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1. Introduction

1.1 The Code of Practice on Disability in Employment (Appendix 1) sets out Birkbeck’s approach to accommodating disabled people’s needs (job applicants and current staff). The Code articulates the College’s intention to attract, recruit and retain disabled staff and promote disability equality in employment by removing barriers to access, tackling discrimination, victimisation and harassment, and implementing best practice employment initiatives.

1.2 The purpose of this accompanying Guidance to the Code is to help managers and staff at Birkbeck to understand their rights and obligations in respect of staff disability.

2. Disability definition

2.1 The Equality Act 2010 defines disability as a ‘physical or mental impairment’ that has a ‘substantial and long-term adverse effect on [a person’s] ability to carry out normal day-to-day activities’ (‘substantial’ is defined in the Act as ‘more than minor or trivial’).

2.2 A wide range of physical and mental conditions and illnesses may amount to a disability, depending on whether the effect of the condition on the person is substantial and long term.
2.3 The ‘day to day activities’ to which the Act refers are those that people do on a regular basis in their everyday lives, as opposed to work activities. Such activities can relate to:

- mobility
- manual dexterity
- physical co-ordination
- continence
- ability to lift, carry or move everyday objects
- speech, hearing or eyesight
- memory or ability to concentrate, learn or understand
- communicating or interacting socially with others
- understanding of the risk of physical danger

Examples include: shopping, reading and writing, washing and dressing, using the telephone, watching television, climbing stairs, getting in and out of a car.

2.4 An impairment is considered to have a long-term effect if:

- it has lasted for at least 12 months
- it is likely to last for at least 12 months, or
- it is likely to last for the rest of the life of the person

2.5 Disabilities can be visible, for example a mobility issue or visual impairment, or invisible, such as dyslexia or depression.

2.6 A mental impairment can be an impairment resulting from or consisting of a mental illness. Clinically recognised mental illnesses are covered. Other conditions are covered so long as the effects are substantial and long term e.g. learning difficulties.

2.7 Progressive conditions such as muscular dystrophy, Alzheimer’s disease and Parkinson’s disease are defined as a disability where there is a diagnosis and when the person’s day to day activities are affected, whether substantially or not, so long as the adverse effect is likely to become substantial in the future.

2.8 HIV, cancer and multiple sclerosis are deemed disabilities from the point of diagnosis, rather than from the point when the condition has some adverse effect on their ability to carry out normal day-to-day activities.

2.9 Conditions that are intermittent, or fluctuate in their effects, that count as a disability when present, will continue to do so even when in remission.
2.10 A condition may amount to a disability even if, as a result of medication or another form of support, e.g. a hearing aid, the person experiences no adverse effects.

2.11 In terms of legal protection for disability discrimination, there are a number of exclusions including addiction to drugs or substance misuse. However, whilst these may be excluded if, for example, the employee becomes depressed in the longer term due to these conditions, they may then be covered by the Act.


3. Legal considerations

3.1 Disability is a "protected characteristic" under the Equality Act 2010. It is unlawful to discriminate against a member of staff because of a protected characteristic, including disability.

3.2 An employer is liable for any act of disability discrimination by a manager or colleague if done in the course of employment. The motive is irrelevant. An individual employee may also be held liable.

3.3 Under the Equality Act employers must not:

- Discriminate directly
- Discriminate indirectly
- Discriminate for a reason arising from a disability
- Harass
- Victimise

3.4 Employers must:

- Make reasonable adjustments.

3.5 Direct disability discrimination is where an employer treats an employee or job applicant less favourably because of a disability than it treats those without a disability. The law also precludes direct discrimination (and harassment of) someone because of a perception that they are disabled (even if they are not), or because they associate with someone who is disabled, for example, an applicant being turned
down for a job because of a belief that they will need more time off to look after a disabled child.

3.6 Indirect disability discrimination is where an employer imposes a provision, criterion or practice – essentially has a particular policy or way of working - that has a worse impact on someone who is disabled than it has on people who are not disabled. For example, stating that staff must be able to drive to get to a new campus will have a worse impact on someone who is unable to drive because they have epilepsy. There will be no discrimination where the differential treatment is objectively justifiable. Objective justification is determined by whether the provision, criterion or practice is a ‘proportionate means of achieving a legitimate aim’. For example, it would be legitimate to ask a bus driver to have a driving licence.

3.7 Discrimination for a reason arising from a disability is where a member of staff is subjected to unfavourable treatment, not because of the disability itself, but because of something that arises ‘in consequence of’ their disability. Examples of things that may arise in consequence of a disability might include: sickness absence, hospital appointments, the need for regular toilet or rest breaks. Examples of unfavourable treatment in these cases might include: dismissing someone for disability related absence, selecting someone for redundancy because of the amount of time they have had off for hospital appointments, not allowing someone the rest breaks they need. Discrimination for a reason arising from a disability is different from direct discrimination, in that the member of staff does not have to compare their treatment to how someone without a disability is treated. It is therefore a broad claim, which is quite easy to come within. However, it is balanced by the ‘discriminator’ having the right to try and justify its actions i.e. it is not unlawful if it can be objectively justified.

3.8 Harassment and victimisation are forms of discrimination. The law defines harassment as 'unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.' Examples include:

- derogatory, demeaning or humiliating remarks
- name-calling or ridicule
- offensive or patronising language
- insults
- threats and intimidation
- invasion of personal space
- unnecessary touching
• unwanted comments about appearance or disability
• intrusive questioning about disability
• offensive jokes, banter
• abusive verbal or written comments related to disability
• offensive emails
• cyberbullying, using the Internet, interactive and digital technologies or mobile phones to threaten, bully or intimidate

3.9 Harassment can also include behaviour that individuals find offensive, even if it is not directed at them, and even if they do not have the relevant protected characteristics themselves – for example, derogatory comments about disabled people.

3.10 Victimisation refers to adverse treatment directed towards someone who has made, or is believed to have made or supported, a complaint under the Equality Act – for example, not promoting someone on the grounds that they have made discrimination claim.

3.11 Reasonable adjustments are explained in Section 5.

Public Sector Equality Duty

3.12 As a public authority Birkbeck also has a responsibility under the Public Sector Equality Duty of the Equality Act 2010 to eliminate discrimination, harassment and victimisation, to promote equality of opportunity and foster good relations. This provides disabled people with protection from discrimination in a range of areas including that:

• Employers make reasonable adjustments to accommodate a worker with a disability
• Disabled employees are protected from harassment at work
• Employers have policies in place to prevent discrimination

4. College workforce charter commitments

Disability Confident

4.1 Birkbeck is a Disability Confident Employer. Disability Confident is a framework which helps employers to achieve a positive equalities impact on disabled staff, in relation to recruitment and ongoing employment. The College is committed to using the Scheme to improve practice in relation to the recruitment and employment of disabled staff.
4.2 As part of our commitment to being a Disability Confident Employer, the College guarantees to interview all disabled applicants, provided they meet the essential criteria for the job, subject to any limits on the overall number of interviews. To be considered under the Guaranteed Interview Scheme, applicants will need to answer ‘yes’ to the Disability Confident question on the job application form.

Mindful Employer

4.3 Birkbeck is a signatory to Mindful Employer, a Charter for Employers who are Positive about Mental Health. We are committed to creating a supportive and open culture, where colleagues are able to talk about mental health. We are also committed to ensuring that our employees feel safe in disclosing any mental health conditions and confident that they will be properly supported and offered reasonable adjustments when required.

4.4 Mindful Employer provides some helpful online resources, for both staff and line managers, to support themselves and their staff with managing stress, anxiety, depression or other mental health conditions.

https://www.mentalhealthatwork.org.uk/organisation/mindful-employer/

5. Reasonable adjustments

5.1 The College has a legal duty to make reasonable adjustments where any physical feature of the employer’s premises, or any practices, policies or criteria made by the employer, places a person with a disability at a substantial disadvantage compared to a person without a disability. This applies at all stages of the employment relationship, including recruitment, selection and employment. Reasonable adjustments are practical ways to remove the disadvantage. They are specific to the needs of the individual and should be made as soon as practicable once a disability has been disclosed.

1 Disability Confident guidance states, “It is important to note that there may be occasions where it is not practicable or appropriate to interview all disabled people that meet the minimum [essential] criteria for the job. For example: in certain recruitment situations such as high-volume, seasonal and high peak times, the employer may wish to limit the overall numbers of interviews offered to both disabled people and non-disabled people. In these circumstances the employer could select the candidates who best meet the minimum criteria for the job rather than all of those that meet the minimum [essential] criteria, as they would do for non-disabled applicants.
A failure to comply with the duty to make reasonable adjustments constitutes discrimination under the Equality Act 2010, unless the employer could not reasonably have known about the disability. Therefore, whilst there is no obligation to do so, individuals seeking a reasonable adjustment also have a responsibility to disclose their disability and how this affects them at work.

What is reasonable?

Whether or not an adjustment has to be made depends on how ‘reasonable’ it is, and that is something that will hinge on the individual circumstances of each case. What is reasonable in any particular case will depend upon:

- The cost of the adjustment and available organisational resources
- The practicality of the adjustment
- The effectiveness of the adjustment in preventing the disadvantage
- The disruption to business and the effect on others caused by the adjustment
- Health and safety considerations

It is a common misconception that adjustments are necessarily expensive and inconvenient. Adjustments are often simple and inexpensive, and sometimes cost nothing, enabling an individual to continue to be effective in the post. Where a cost does apply, this should not be passed on to the employee.

Advice on funding reasonable adjustments may be sought from Human Resources.

Adjustments for job applicants

At all stages of the recruitment and selection process, if the job applicant has indicated a disability in the application, the College becomes aware of it, or the applicant asks for reasonable adjustments, then the College must establish with the applicant what, if any, reasonable adjustments are needed, and provide them.

The College must only ask a disabled applicant what reasonable adjustments are needed:

- for any part of the recruitment process and, once those are in place, whether they are suitable; and/or
- to determine whether the applicant could carry out a function essential/intrinsic to the role with the adjustment in place.

College applicant guidance invites potential candidates to contact Human Resources if they have a disability that makes applying online difficult, and alternative
arrangements, according to need, will be discussed. Human Resources will then work in partnership with the recruitment panel chair.

5.9 Examples of adjustments in the recruitment and selection process include:

- Allowing an individual to submit an application in a different format
- Changing the location of the interview or adapting the environment, for example to enable wheelchair access or to dim down the lights for someone with epilepsy
- Modifying selection tests, for example, giving a person with restricted manual dexterity an oral, rather than a written, test or providing a person with dyslexia with more time to compete a written test than other candidates
- Provide an interpreter, for example for a candidate who communicates using sign language

**Adjustments for staff**

5.10 After an applicant accepts a job offer, and the manager is aware of the disability, they will need to work with the individual to ascertain the support and adjustments that are required, respond promptly and actively put them in place. A process for identifying and implementing a reasonable adjustment is set out in Section 5.

5.11 The sorts of adjustments that disabled people need are wide ranging; there is no definitive list. They may be adjustments to the physical features of the workplace or they may be adjustments to working arrangements or the way the job is carried out.

5.12 Examples of adjustments to the physical features of the workplace are:

- Building ramps where stairs currently exist
- Putting in automatic doors
- Fitting adjustable desks or widening doorways.

5.13 Examples of adjustments to working arrangements include:

- Allowing a phased return to work
- Changing an individual’s working hours
- Arranging home working, providing a safe environment can be maintained
- Allowing a reasonable amount of time off for remedial therapy and assessment in connection with the disability

5.14 Examples of adjustments to the way the job is carried out include:
• Providing new or modifying existing equipment and tools
• Providing additional training
• Modifying instructions or reference manuals
• Modifying work patterns and management systems
• Arranging telephone conferences to reduce travel
• Providing a buddy or mentor
• Providing supervision
• Reallocating work within the employee’s team
• Providing alternative work
• Allowing a guide dog or hearing dog into the workplace

5.15 Information to help consider reasonable adjustments for mental health conditions can be found at:
https://www.mentalhealthatwork.org.uk/?s=reasonable+adjustment

Process for identifying and implementing adjustments

1. Identify the need for a potential adjustment

All employees who have a responsibility for staff management have a duty to make a reasonable adjustment as soon as they know that someone defined as having a disability may need one. Not asking whether a reasonable adjustment is needed is no defence in law for not knowing. It is the employer’s duty to take steps to find out whether adjustments are needed.

Employers should not only seek reasonable adjustment information through formal processes e.g. occupational health, but also be alert to signs and symptoms that could have reasonably lead them to suspect an individual may have a disability, which the employee has not disclosed, or which has not yet been diagnosed.

Managers need to bear in mind that there may be a variety of reasons why an individual has not disclosed a disability, including:

• They don’t think of themselves as disabled
• They don’t think they need a reasonable adjustment
• They are worried about the reaction of the College
• They fear harassment, bullying or resentment from colleagues.

Managers should be alert to signs in an individual that may be linked to a disability, such as:

• Their attendance is poor or deteriorates
• Their performance at work deteriorates
• Their behaviour at work changes and they become angry, withdrawn, tearful, forgetful or aggressive
• They appear to be in pain
• They are absent from work on sick leave.

It is important not to make assumptions, because signs such as these could be linked to other problems or circumstances. However, managers should consider the possibility that they are disability related.

Once the manager has identified the need for a potential adjustment, they will need to arrange to meet with the individual to discuss what, if any, adjustment may be appropriate. The aim of the meeting will be to understand how the impairment affects the individual’s everyday activities; what, if any adjustment may help them to carry out their role; and what, if any, adjustment may help to remove any substantial disadvantage.

It is recommended that the suggestion of a meeting is made face-to-face.

Ultimately, an individual is under no obligation to disclose the nature of their disability, but it is important to explain that their disclosure will assist the College in offering the most effective reasonable support possible.

2. Prepare to meet with the individual

Before the meeting the manager should encourage the individual to consider what is causing the difficulty e.g. physical surroundings, ability to perform an element of the job, ability to participate in training or meetings, and how this may be addressed e.g. adjusting the way things are done, adjusting physical features of the workplace or providing extra equipment.

Managers should advise the individual that advice may be sought from Human Resources and the College’s occupational health service to enable the College to determine the most effective adjustment. Remember though, that the individual will often be the best expert at managing their own condition.

Managers should advise also that, if they would find it helpful, the individual may bring a companion to the meeting e.g. a work colleague or union representative.

Making Work Work is a form designed to enable and support discussions about how stress, anxiety, depression and other mental health conditions affect people at work.
3. **Meet and explore the nature of the adjustment**

When meeting with the individual, explore what impact they feel their impairment has on their ability to undertake the duties of the role and seek their views on what changes to working practices, premises or auxiliary aids would support them with this.

Give full and fair consideration of all potential reasonable adjustments, taking account of the considerations in paragraph 5.3 above, and including what action will need to be taken, by whom and to what timescale.

Advice on the reasonableness of any proposed adjustment and any further sources of information and support, including any Occupational Health referrals, may be sought from Human Resources.

4. **Implement**

Managers must discuss with the individual the nature of the reasonable adjustment and who it will be appropriate to inform about it. It is also important to agree what information, if any, the individual wishes to share in relation to their disability. This may include sharing information with staff who have a role in ensuring the adjustment is made. The individual’s wishes regarding confidentiality should be adhered to.

5. **Review**

Managers should undertake regular reviews of reasonable adjustments to make sure that they are still the most appropriate in removing the barriers faced by the disabled individual. PDRs/Academic Reviews, regular one-to-one reviews and return to work interviews after sickness absence are useful points to check on arrangements.

6. **Record**

Managers should maintain a dated and confidential written record of discussions about reasonable adjustments and the resulting support put in place for the individual. If the individual says that they do not need any reasonable adjustments then it is important also that this is noted.

It is helpful also to maintain a record of who to contact if the employee is not at work and has not followed the notification procedures, or how work will be covered if the employee is away on disability-related matters. Creation of this record facilitates an open discussion with the individual and a shared understanding of any arrangements that are put in place. Also, it can act as a guide when an individual gets a new line manager, whether in their
current post or if they move to another post within the College, though it should only be shared with the individual’s agreement.

Access to Work

5.16 Access to Work is a Government run scheme that provides personalised support to disabled people.

5.17 It can help with advice and, depending on the circumstances, a grant to pay for some costs e.g. a contribution towards adjustments such as special equipment, a support worker and fares to work if the employee cannot use public transport. It also includes mental health support from a trained professional, whether or not the individual has a diagnosed condition.

5.18 Access to Work funding is decided on a case-by-case basis. If a grant is approved, and for employers such as Birkbeck with 250 or more staff, it will cover 80% of the costs between £1,000 and £10,000 for individuals who have been in their jobs for six weeks or more. For new staff with less than six weeks’ service, it may cover 100% of the costs over a set capped amount. The scheme would normally cover all additional costs over £10,000, subject to a cap. It is advisable to check current Government guidance on Access to Work for the latest advice on funding levels.

5.19 Government guidance indicates that Access to work will only pay the cost of items or services over and above the cost of reasonable adjustments, which are the responsibility of the College (although Access to Work can also advise on reasonable adjustments). However, what is reasonable in any individual circumstance is a matter of judgement, taking into account a variety of factors (see section 5 above). Therefore, in any circumstance where the cost of an adjustment may be over £1,000, it is advisable to contact Access to Work to find out what they will provide.

5.20 The individual makes the initial application, after which an Access to Work adviser will contact them to discuss what help is needed. An adviser may also contact, and possibly visit, the College to discuss and determine what help may be provided.

5.21 Note that applications are more likely to be successful where they are made within six months’ of the start of the individual’s employment with the College, and preferably at the start.

5.22 Further details can be found at www.gov.uk/access-to-work.
Appendix 1

Staff Disability Code of Practice

Scope

The Code applies to all disabled staff and job applicants, including those who become disabled whilst in employment.

Core Principles

The following set of core principles will provide the framework and parameters within which the Code of Practice will operate. The College is committed to:

- Equality of opportunity for all through policy and service provision
- Ensuring fairness during recruitment, access to development and promotion opportunities for disabled people
- Recognising and valuing differences by creating a supportive working environment that demonstrates our commitment as an employer of choice
- Reflecting good practice in initiatives that support best practice
- Supporting and retaining staff
- Creating a supportive environment to encourage disclosure
- The provision of appropriate services to meet the needs of staff and students

Recruiting and Supporting Disabled Members of Staff

Every effort will be made to remove barriers faced by disabled people at all stages of the employment cycle, including recruitment and selection, induction, probation, appraisal (PDR or Academic Review), staff development, promotion, redundancy, disciplinary and grievance procedures. This will apply to job applicants and current members of staff.

Advertising for a post

Recruitment and selection decisions should be made on the basis that the person who best meets the criteria for the job will be selected. Job descriptions and person specifications should include only those criteria that are entirely necessary for undertaking the duties and responsibilities of the job concerned. They should avoid requirements which are not essential or are marginal to a particular post, for example, insisting on a particular level of educational qualification, even though it is not necessary or significant for the job, or inserting in job descriptions physical requirements (e.g. mobility) from candidates when it is not necessary or significant for the job.

To encourage applications from disabled candidates, the College recruitment web pages and job packs highlight our commitment to Disability Confident (see section 4 above).
**Shortlisting**

Shortlisting and selection decisions should be made on the basis of who is the best person for the job, as measured by how closely they meet the requirements of the person specification.

If a candidate is disabled then the College must, subject to any limit on the number of interviews, interview all disabled applicants who meet the essential criteria for the post (see section 4 on Disability Confident). In times where you need to limit the overall number of interviews, it’s important to select the disabled and non-disabled applicants who best meet the minimum criteria for the job.

**Interview arrangements**

In the recruitment materials sent out, applicants are asked if they have a disability and what sort of arrangements would be necessary for an interview. The College will make every reasonable effort to accommodate a candidate’s requirements.

**Selection**

In general, an employer should not ask applicants about their health or disability during the application process or during an interview. However, questions can be asked about the person’s disability e.g. reasonable questions about any changes that may need to be made to the workplace prior to the interview.

The criteria used in interviews and selection tests should only relate to what will be required of the future post-holder e.g. it would be inappropriate to require someone with learning difficulties to complete a numeracy test where the job entails very little numerical work and is not part of the person specification or the job description.

Additionally, where selection tests are used, the type of test should not substantially disadvantage a disabled candidate and adjustments should be made when needed. Adjustments to selection tests could include: giving candidates a reader or scribe; allowing candidates a longer time period; accepting a lower pass rate; allowing the use of an adapted keyboard or other such adjustment.

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2 Disability Confident guidance states, “It is important to note that there may be occasions where it is not practicable or appropriate to interview all disabled people that meet the minimum [essential] criteria for the job. For example: in certain recruitment situations such as high-volume, seasonal and high peak times, the employer may wish to limit the overall numbers of interviews offered to both disabled people and non-disabled people. In these circumstances the employer could select the candidates who best meet the minimum criteria for the job rather than all of those that meet the minimum [essential] criteria, as they would do for non-disabled applicants.”
Retention
When a member of staff becomes disabled, the College will make every effort to ensure they can stay in their current job, or an alternative one. Retaining an employee who has become disabled or whose existing condition worsens, means keeping their valuable skills and experience and will save on the cost of recruiting a replacement.

Promoting an enabling and supportive environment that encourages staff to disclose their disability will help to establish/inform on the specific needs of the disabled staff member and enable any reasonable adjustments to be put in place.

Should an employee become disabled whilst in employment or their condition worsen they should raise this issue with their Manager. In such cases the ‘Process for identifying and implementing reasonable adjustments’ set out in the guidance to this Code should be followed.

Managers should refer to the Sickness Absence Staff Policy when dealing with cases of disability related sickness absence. The policy seeks to provide ‘appropriate support to facilitate staff retention and return to work after illness, for example through phased returns, counselling, occupational health, flexible working, reasonable adjustments and in some cases redeployment’.

In a redundancy situation, where staff doing the same or similar work are placed in a pool, and managers develop relevant criteria for selecting members of the pool for redundancy, reasonable adjustments to the selection criteria should be put in place to remove any disadvantage that a disabled member of staff will otherwise face. Equally, where offers of redeployment are made to disabled staff facing redundancy, reasonable adjustments may be necessary to enable a disabled individual to take up a new position.

Service provision
As an employer and education provider, the College must ensure that appropriate services are in place to meet the needs of staff and students; and promote disability equality by removing barriers to access, tackling discrimination and implementing good practice. Consultation and engagement with disabled staff will be undertaken through the Equality and Diversity Committee.

Development and learning
Induction and support is an important part of the recruitment process for all new employees, but this may be more so for disabled people. The induction of disabled employees should cover the following:

- Human Resources support to line managers and new employees
- Mentoring and buddy schemes for new disabled staff
- Line manager’s support and induction of new disabled staff
- Disability related guidance for managers and all staff
- Human Resources support for managers
- Reasonable adjustment arrangements
- Access to work
- Clear signage on how to access ITS, Assistive Technology and Health & Safety

The College is committed to the provision of equalities training for all staff.

**Responsibilities**

All staff have a responsibility to ensure fair and equal treatment of disabled people at work.

Staff members have a responsibility to alert their Manager to changes in their medical condition.

Staff members with specific responsibility for managing staff with disabilities have a duty of care to:

- ensure that they are aware of the Code of Practice requirements and that these are carried out
- ensure that all staff are made aware of the Code of Practice and accompanying Guidance
- ensure that they themselves do not discriminate against disabled people

Managers should raise any issues and discuss support needs for disabled staff during their PDR/Academic Review.
## Reasonable Adjustments: Record of Discussion Form

This form should be used as a written record of discussions between a line manager and a member of staff about reasonable adjustments, in the following circumstances.

- A new member of staff has advised us of a disability or medical condition
- A current member of staff has developed a disability or medical condition since starting at Birkbeck
- A current member of staff’s disability or medical condition has deteriorated and their requirements have changed.

Birkbeck encourages staff disclosure of disability and medical conditions, so that appropriate support can be provided.

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<tr>
<th>Line manager name and job title:</th>
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<tr>
<td>Staff member name and job title:</td>
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<tr>
<td>What prompted the discussion about reasonable adjustments?</td>
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<tr>
<td>What adjustments are in place already, if any?</td>
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<tr>
<td>What advice has been received e.g. from HR, GP/specialist, College occupational health service, Access to Work adviser?</td>
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<tr>
<td>What reasonable adjustment(s) have been agreed? If there are no support needs, or no additional needs, please note this here.</td>
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<tr>
<td>When will any adjustment start?</td>
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<tr>
<td>Any other comments (both the line manager and member of staff may insert comments here).</td>
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Line manager signature: Date:  
Staff member signature: Date:  

**Completed forms must be retained by the line manager and a copy sent to the HR Business Partner for your School.**