



1. Introduction

When performance issues are raised with individuals, you should consider whether they may be related to a disability and, if they are, what reasonable adjustments could be made to support the individual in performing to the required standard.

2. Definition of Disability

Under the Equality Act, a worker will be considered disabled if they can show that they suffer from a long-term (ie 12 months or more) physical or mental impairment which has a substantial (ie more than trivial) effect on their ability to carry out day-to-day activities. See Disability Definition at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/570382/Equality_Act_2010-disability_definition.pdf for more information.

3. Reasonable Adjustments

The duty to make reasonable adjustments aims to remove disadvantages that a disabled employee has identified at work. This could include making changes to working arrangements, making physical adaptations and/or providing additional equipment and support. Many adjustments needed to help remove disadvantage may not be particularly expensive.

The following factors should be considered when assessing the reasonableness of an adjustment:

- How effective the change will be in removing the disadvantage
- Its practicality
- The cost
- The University's/particular department's resources and size
- The availability of financial support

Reasonable adjustments can include making adjustments to a Capability Improvement Plan. If there is a capability issue because of a disability or performance issues arise as a consequence of disability, there should be further exploration ahead of any capability warning being imposed and reasonable adjustments should have been considered.

This does not mean ignoring the capability issue, but could instead mean, for example, exploring the possibility of giving a disabled employee more time to complete tasks, transferring them to an alternative role, providing modified equipment and/or providing additional support to assist them. It will usually be helpful to seek an opinion from Occupational Health to better understand the impact of the disability and reasonable adjustments that may be able to be considered in these circumstances.

Determining what a reasonable adjustment is depends on the circumstances of the individual, the nature of the role and the ability of the employer to make those changes. There is a requirement to consider reasonable adjustments, but this does not mean that as a manager you have to agree to requests of the employee. If the adjustments requested are either too extensive, or not evidently not going to help the employee achieve the standards required then you may need to consider whether the employee is able to do the duties of the role.



4. Ill Health

If ill health is the cause of poor performance, the general principles of reasonableness still apply. If the employee is at work then it may be necessary to investigate whether they are well enough to carry out the role. If they are not at work due to sickness then the University's Sickness Absence Procedure should be followed.

Case Study

You have observed that one of your long-serving employees Mr Smythe is struggling to perform his day-to-day duties.

There have been a few times when he has become very anxious and suffered from panic attacks. In particular, you have seen some significant changes recently in the way he interacts with colleagues and how he approaches tasks.

Before you start a capability procedure, you consider whether the performance issues are related to a disability and, if so, what reasonable adjustments can be made.

Mr Smythe goes to Occupational Health who confirms that he is suffering from panic attacks and anxiety. It is confirmed it is likely to last for at least 12 months and has a significant adverse impact on the way he carries out his daily work tasks.

You consider what reasonable adjustments you can put in place. Mr Smythe has said he is anxious about working in an open plan office and this is affecting his ability to concentrate and focus on tasks. You agree to relocate his desk space to a quieter area of the office and provide a walled partition.

This reassures Mr Smythe and he is able to perform to the standard expected and you take no further action.

5. Additional Resources Links

- [HR Policy Finder](#)
- [HR ER and Performance Management Team](#)
- [EDI Pages](#)
- [HR Services People & Culture](#)