

Briefing

Managing sickness absence

Managing sickness absence

This briefing is not an authoritative statement of the law. While we have made every effort to ensure that the information we have provided is correct, Business Disability Forum cannot accept any responsibility or liability.

Contents

Introduction	4
Redundancy and disability	5
Case management approach	6
Health assessment	8
Reasonable adjustments	17
Sickness absence in practice	25
Regulatory framework	32
Further information	36
Business Disability Forum products and services	37
Further sources of reference	42
Contact us	52

Introduction

Managing sickness absence

This is one of a series of briefings, published by Business Disability Forum, which provide practical guidance for employers on specific topics relating to the employment of disabled people. It will be particularly useful for personnel or human resources managers, occupational health advisers, line managers and employment agencies.

This paper provides practical guidance for employers on managing sickness absence. It outlines the law and provides best practice guidance on how to manage sickness absence. Three main types of sickness absence which require specific managerial procedures are:

- Long-term sickness absence – known length.
- Long-term sickness absence – unknown length.
- Periodic sickness absences.

Guidance is given below on how to record disability-related sickness absence and making reasonable adjustments both to reduce the level of absence and to accommodate absences which can include making adjustments to sick pay.

Reasonable adjustments and sickness absence

Whenever an employer is told or could reasonably be expected to know that an employee might have difficulty doing a job because of a disability, they should investigate reasonable adjustments to the working environment or arrangements that could overcome the barriers faced by that person. Reasonable adjustments can reduce the time off sick an employee takes.

Managing sickness absence

However, it might also in some circumstances be a reasonable adjustment to accommodate a higher level of sickness absence from a particular disabled employee. Failure to make such adjustments could lead to unfavourable treatment of the person for because of their disability if, for example, they are disciplined or have their contract of employment terminated because of their attendance record.

It is important to remember that treating everyone the same does not mean that everyone is treated fairly. The law requires people to be treated differently according to their needs by making reasonable adjustments for them.

An employer who is concerned about an employee's sickness absence levels should always first discuss with the employee difficulties that they may be having doing their job. Then together the employer and employee should agree a plan of action that could include obtaining medical reports and identifying reasonable adjustments that might:

- Enable the employee to return to work or
- Reduce the number or length of absences or
- Help the employer to accommodate absences.

Remember that reasonable adjustments may prevent sickness absence in the first place, as well as enabling employees to carry out their jobs more effectively, e.g. adapted keyboards and voice- recognition software may help to prevent, or limit, repetitive strain injury (RSI).

Case management approach

Experiences of disability management in other countries such as Australia and Canada indicate that a case management or disability management approach to managing sickness absence results in:

- An increased rate of successful return after long-term absence.
- A reduction of costs associated with disability in the workplace.
- Improvements in employee morale.
- Increased productivity.

The crucial component is co-ordination of the many factors and personnel who may be involved. This is best accomplished by appointing a disability management co-ordinator.

The role of the disability management co-ordinator

The disability management co-ordinator is pivotal to the system, linking together opinions and expertise in assessment, operation and review (see 'key players' below). The human resources manager often takes this role.

A collaborative approach will be important, and there will be times when advisers need to work together as a team, especially on policy-making, in review and in resolution of disagreement. It is the co-ordinator who guides the process as a 'case manager'.

Managing sickness absence

The disability management co-ordinator might:

- Identify individuals who need disability management or support in return-to-work.
- Work with the person through assessment, planning, decision-making and review.
- Protect the individual's rights, assure confidentiality and explain these to the individual.
- Manage assessment, and commission specialist advice where needed (including medical opinion).
- Brief advisers thoroughly.
- Co-ordinate the functional analysis of particular jobs, to include core competencies and capability standards required.
- Gather reports for cross-disciplinary review to interpret assessment.
- Identify adjustments, such as, equipment, changes to environment or modifications to the job- supported as appropriate by staff training.
- Manage the redeployment process.
- Document the process in relation to each individual
- Manage the termination of employment where necessary.

Key players in disability management

The disability management team could involve any, or all of the following:

- Disabled individual.
- Disability management co-ordinator (possibly fulfilled by the human resources or occupational health manager).
- Line manager and also, as appropriate:
- Occupational health specialist.
- Human resources manager.
- An Access to Work (AtW) adviser at your nearest Access to Work (AtW) Operational Support Unit who can offer a range of practical and financial assistance in identifying and supplying reasonable adjustments.
- Health and safety officer.
- General practitioner (GP).
- Specialist medical adviser or paramedic such as occupational therapist, physiotherapist or a psychiatric nurse.
- Ergonomics expertise – corporate approaches vary and may involve several departments. A specialist design consultant may be brought in.
- Trade union representative.
- Other employee representatives.

Each key player in the process should be aware of their legal responsibilities to the employee and to the employer.

Health assessment

It is advisable to obtain appropriate medical reports when an employee's attendance is causing concern. In order for an employer to obtain a medical report or records from an employee's doctor they must first give their consent under the Access to Medical Reports Act 1988.

Once consent has been given the letter to the doctor (preferably a specialist if the employee has one) should specifically ask:

- Why they are unable to work at present.
- How long they are likely to be absent.
- Whether their return to work could be facilitated by reasonable adjustments such as part-time working, a phased return to work or any particular equipment.
- Whether they are receiving any treatment or medication that might impact on their ability to return to work.

In order for the doctor to answer the letter fully, you will need to provide details about the job and the tasks the person is required to fulfil, e.g. standing or sitting for long periods, using a computer, shift work, lifting etc. Including the job description with the letter may be helpful.

Under the Access to Medical Reports Act 1988 the employee must be told that they have the right to see any report on them. The report cannot be sent to the employer until the employee has given their consent. They also have the right to ask the doctor to amend their report.

Remember, you do not need to see an entire medical history about the person. A person's medical history is extremely personal and could contain information that the person is reluctant to share and has no relevance to the current situation.

You should also ask the employee to see an occupational health adviser to whom the Access to Medical Reports Act 1998 also applies. If it is your normal practice for your occupational health adviser to request a report from the individual's doctor then ensure that the adviser asks the above questions.

Managing sickness absence

The quality of the advice you receive from your occupational health adviser (or indeed from any doctor) will depend on the adviser's understanding of the individual's job. You should therefore provide them with a full job description and in particular:

- Specify the hours to be worked, the flexible hours possible and whether working from home is possible.
- State whether the employee is required to travel.
- Indicate physical requirements of the job, including strength and stamina.
- Describe the working environment including temperature, lighting and any other unusual or significant features of the environment.
- Note intellectual and emotional demands, including stress factors.
- Outline your expectations – the key outputs required for the job.
- Provide a record of sickness absences to date.

It might be helpful to issue medical advisers with a pro forma to make sure that the report covers the necessary ground. Questions could include:

- Is this person capable of carrying out the duties of this particular job?
- Is there any reason why this capability might change over time?
- Would any reasonable adjustments such as altering working hours or providing equipment enable the person to continue in this role?
- If the person cannot continue in their existing role would they be able to return to an alternative post and, if so, what type of job?
- Could medical intervention, change of medication or specialist rehabilitation help the individual work to their full potential?
- If they are unable to return to work now, is it likely they will be able to do so in the foreseeable future?

You cannot, however, insist that an employee visit a medical adviser unless there is an express term in their contract of employment requiring them to do so at your request. Where there is such a term in the contract, you must still first explain the nature, purpose and extent of the examination.

If there is no such term in your contracts of employment the employee might still agree to see your occupational health adviser if you explain that the purpose is to determine if reasonable adjustments could help them to do their job or return to work.

Management and medical responsibilities

Human resources managers often ask a doctor to assess fitness for work when the employment of a person with a medical condition may give rise to risks. This does not mean that the decision on employability is a medical responsibility. The doctor's role is to assess the risks and present them as clearly as possible.

It is then the employer's responsibility to decide on the acceptability of risks after reasonable adjustments have been made under the Equality Act 2010 equality and health and safety legislation. Specialist occupational physicians, however, may be able to assist employers in deciding the level of risk that is acceptable.

For more information about the use of occupational health specialists see the 'disability management' and the 'medical adviser' briefings.

Legal case study – Brown v South Bank University

This case illustrates the need for the employer's own medical adviser to be properly briefed so that an employee is not retired on medical grounds when a reasonable adjustment would have enabled the employee to return to work.

Ms Brown, who has multiple sclerosis, had been off sick for three months. When she was due

to return to work she was seen by the employer's medical adviser who had been told that Ms Brown's position required her to work five days a week. Ms Brown could not work for this length of time and so the medical adviser recommended that she take early retirement on ill-health grounds.

The tribunal ruled that Ms Brown had not left work voluntarily; she only had a choice between dismissal and early retirement. She had been unjustifiably treated less favourably because of her disability. The Tribunal did not accept the employers' claim that attendance at work five days a week was necessary.

This case was decided under the DDA but the same principles apply under the Equality Act 2010.

Individual and competent risk assessments

An employer may have health and safety concerns, particularly if an employee returns to work with a recently acquired disability. In these circumstances the employer will need to conduct an individual risk assessment to determine whether the individual's particular disability presents any increased risks either to themselves or others when working in a specific role or environment.

An individual and competent risk assessment will provide the means of ensuring that any genuine concerns about a disabled employee or prospective employee can be addressed in ways which are rational, proportionate to the level of risk, and which do not unduly disadvantage the disabled person.

Such risk assessments must always be specific to the particular individual, job-role and working environment concerned. A general policy of excluding or restricting the career opportunities open to people with particular impairments may well be direct discrimination which cannot be justified.

Experts consulted in order to carry out a risk assessment could include occupational health practitioners, health and safety consultants and ergonomists. Whether or not an employee can continue to work safely in a particular role is, however, always a management and not a medical decision.

The employer should take advice and then assess whether, with reasonable adjustments, any risk can be reduced to acceptable levels. Employers cannot abdicate responsibility for making such decisions to medical or other experts.

If health and safety is put forward as the reason for refusing to allow an employee to return from a period of absence, it must be shown to be proportionate reaction to the level of risk involved, and it must not be possible to overcome the health and safety risk by making reasonable adjustments. Only then will the unfavourable treatment of that employee, in not being allowed to return to work, be justifiable, otherwise the employer may be in breach of the Equality Act 2010.

For more information on health and safety, see the 'health and safety and the Equality Act 2010' briefing.

Recording sickness absence

Disability-related sickness absence should be recorded separately from other types of absences.

On sickness absence self-certification forms every employee should be asked if the absence was related to a disability. The form should clearly state who will have access to this information, e.g. human resources, the line manager, occupational health.

An employee may tell you about a disability for the first time on such a form and so it is vital that this is followed up with a discussion with that employee. This may result in medical reports being sought and reasonable adjustments being identified.

Details of a disability is sensitive personal data for the purposes of the Data Protection Act. The self-certification form should, therefore, ask the employee to consent to the information being passed to the people listed by signing the form. You should make it clear on the form that the information will not be given to anyone else without the consent of the employee.

Disability-related sickness absences should then be recorded separately from other absences, for example:

- Non-disability related sickness absence.
- Disability leave (see page 15).
- Study leave.
- Compassionate leave.
- Carer's leave.

Discounting disability-related sickness absences as a reasonable adjustment.

Managing sickness absence

It might be reasonable in some situations depending on the individual circumstance to discount some or all disability-related absences when considering:

- Promotion.
- Training opportunities.
- Redundancy.
- Disciplinary procedures for poor attendance.
- Whether to reduce or end sick pay.

Remember that it may not be reasonable in every case to discount all disability-related absences. The following cases were decided under the DDA but the situations and principles are likely to carry over to the Equality Act 2010. In the case of Royal Liverpool Children's NHS Trust v Dunsby the Employment Appeal Tribunal (EAT) pointed out that the DDA does permit employers to dismiss employees for disability related absences where they are justified in doing so.

In O'Hanlon v HMRC the EAT noted that it was reasonable in this case for the employer to reduce the employee's sick pay by half and then to stop paying it because it had made all possible reasonable adjustments to enable Ms O'Hanlon to return to work. This case should, however, be contrasted with the case of Nottinghamshire County Council v Meikle (see page 17) where the employer had not made reasonable adjustments and so could not justify paying Ms Meikle half her sick pay after six months.

Recording disability related absences separately will make it easier to decide on when it would be reasonable to continue to pay sick pay and when an employer might be justified in ending sick pay or even the employee's employment.

Disability leave

Disability leave is not a legal term. It is, however, a useful way of categorising the type of leave an employee might need to adjust to changes in their life caused by a new or existing disability. Remember that time off for treatment or rehabilitation, which might be categorised as disability leave, is a reasonable adjustment that employers might have to provide under the Equality Act 2010.

Disability leave should facilitate rehabilitation, treatment for, or adjustment to, a disability and is for a fixed period, or periods, of time that the employer and the employee know about in advance. In other words, there is a fixed end date for the leave.

Disability leave is also suitable for absences of a short period of time that are needed on a regular basis.

The predictable and fixed nature of disability leave distinguishes it from disability-related sickness absence, which is unpredictable and for unknown periods of time. Recording such absences

as 'disability leave' as opposed to sickness absence means that it can be discounted where if

it is reasonable to do so when calculating the employee's entitlement to sick pay or triggering disciplinary proceedings for sickness absence.

Examples of disability leave:

- An employee attends a four-week residential course to be trained to use a new guide dog.
- An employee requires a period of adjustment and rehabilitation following an accident that has resulted in a mobility impairment (NB: this individual will have been on sick leave during initial medical care and treatment. Disability leave might be granted following discharge from hospital in order to allow time to adjust to the living environment).
- An employee needs three hours of physiotherapy every fortnight for a fixed and agreed period of time, e.g. Wednesday mornings for the next eight weeks.

Managing sickness absence

Disability leave should be agreed on a discretionary basis with the person's line manager, according to the individual needs of the employee. The employee should be paid for all or some, of the leave agreed for as long as it is reasonable for the employer to do so.

The size and resources of the employer as well as the expertise and length of service of the employee will determine whether and for how long it will be reasonable for the employer to provide paid disability leave.

It should be noted that:

- If an individual is absent from work because they are waiting for reasonable adjustments to be made, this is not sickness absence or disability leave. This employee is willing to work, but is unable to because the employer has not fulfilled its duty to make reasonable adjustments.
- When an employee is absent awaiting redeployment the individual should be on full pay, even if it is following a period of long-term sickness absence if the employee is now fit and ready to work.

Reasonable adjustments

Sick pay

If an employee is paid sick pay while waiting for reasonable adjustments to enable them to return to work, and sick pay entitlement is reduced or runs out after a certain period, this may constitute unfavourable treatment for a reason arising out of the individual's disability.

A reasonable adjustment in this case would be to continue to pay full rate sick pay. The safer and best practice option is not to count this as sickness absence at all.

Legal case study – Nottinghamshire County Council v Meikle

Ms Meikle is a teacher with a visual impairment and some mobility problems. She alleged that her employer had treated her less favourably and failed to make reasonable adjustments for her, such as providing large print documents and a classroom with adequate lighting and electrical sockets for her equipment.

She started DDA proceedings against her employer in 1999, and then in June 1999 she went off sick with eyestrain. Unsuccessful attempts were made to resolve the problems while she was off sick until May 2000 when she resigned.

She brought a second claim to the tribunal adding to the ongoing failure to make reasonable adjustments and less favourable treatment, claims for constructive and wrongful dismissal.

The Employment Tribunal (ET) found that she had been treated less favourably and that there had been a failure to make reasonable adjustments for her under the DDA under 11 separate headings of complaint.

The Tribunal also found that the school failed consistently to implement adequate temporary measures pending discussion or implementation of the above adjustments and that they adopted a negative and unhelpful attitude to her difficulties.

Managing sickness absence

The Tribunal, however, held that she had not been constructively dismissed for the purposes of either the Employment Rights Act (ERA) 1996 or under the DDA.

It also found that the employer was not in breach of its duty to make reasonable adjustments by failing to ensure that she remained on full pay while off sick. This was despite the fact that her employer's conduct was the cause of her absence. Finally, the tribunal held that putting her on half pay during her period of long-term sickness was not less favourable treatment for a reason relating to her disability. She appealed to the Employment Appeal Tribunal (EAT).

The EAT held that Ms Meikle had been constructively dismissed under both the Employment Relations Act (i.e. unfairly dismissed) and the DDA. The dismissal under the DDA was significant as there was no upper limit on compensation under the DDA (and this remains the case under the Equality Act 2010) as there is for unfair dismissal under the ERA.

Ms Meikle was off sick from June 1999 to May 2000 when she resigned. She received six months' full pay and then half pay. She argued that putting her on half pay placed her at a substantial disadvantage and that a reasonable adjustment to keep her on full pay should have been made. The Tribunal had rejected this assertion

The EAT, however, held that the employer had failed to make a reasonable adjustment by not continuing to pay her full pay and could not prove that this failure was justified.

It also went on to hold that putting her on half pay was also less favourable treatment for a reason relating to her disability. The employer accepted that it was less favourable treatment but argued that they were justified. Ms Meikle, however, maintained that had her employer made the adjustments she needed she would not have been off sick and so her employer would not have had a reason to put her on half pay. They could not rely on their own failure to make reasonable adjustments as justification for the less favourable treatment.

Nottinghamshire County Council appealed to the Court of Appeal but it upheld the EAT's decision.

This case was decided under the DDA but it is likely that the tribunal will come to the same conclusion under the Equality Act 2010 where reasonable adjustments have not been implemented to enable an employee to work.

What if the employee does not indicate that they have a disability but is nevertheless taking a great deal of sick leave?

If an employee is taking a lot of time off sick then you should treat him as if he were disabled and discuss whether any reasonable adjustments might help reduce his sickness absences as they are at an unacceptable level. Ask him to see your occupational health adviser and obtain medical reports. These might reveal that he might have a disability of which he is not yet aware or one that he does not wish to acknowledge, even to himself.

If talking to him and/or the medical reports reveal that he is having problems doing some aspects of his job you should discuss and implement reasonable adjustments to help improve his performance and attendance. This may prevent him from acquiring a disability, e.g. RSI, at a later stage.

Ultimately, if his attendance does not improve you can start disciplinary proceedings against him in the knowledge that you have treated him fairly and have done everything possible to improve his performance and attendance.

Reasonable adjustments to provisions, criteria or practices (including the provision of equipment and/or training) or to premises might enable an employee to return to their current post.

Access to Work (AtW) advisers, contactable through Access to Work (AtW) Operational Support Units, carry out workplace assessments and can suggest adjustments that may remove or reduce difficulties that the employee is having in carrying out his or her existing duties because of a disability. For more information about the Access to Work (AtW) scheme visit the Business Disability Forum website at www.businessdisabilityforum.org.uk

Knowing that there is a job to go back to can relieve the person's anxiety, aid rehabilitation and thereby enable the employee to return to work more quickly.

Redeployment as an adjustment

If the employee cannot return to their current position the employer needs to consider whether or not they can be transferred to a suitable alternative vacancy. This is a reasonable adjustment under the Equality Act 2010.

The employer needs to consider both the following questions:

- Is there another position in the organisation to which the employee could be transferred without any reasonable adjustments being made to that post?
- Is there another position to which the employee could be transferred with reasonable adjustments to that post?

Remember that reasonable adjustments, which the employer needs to consider to the new position, include:

- Equipment.
- Retraining, to help the person acquire new or different skills or learn new systems.
- Training to use equipment being used as an adjustment, e.g. voice recognition software.
- Allocating, to someone else, the non-essential parts of the new job which the employee cannot do because of their disability.
- Working part-time, perhaps as part of a job share.
- Working flexible hours or from home.
- Time off work to attend a medical appointment.

Following the House of Lords case of Archibald v Fife Council employers should note that it is a reasonable adjustment to transfer a disabled person to a suitable alternative vacancy, which could be at a higher grade to the one that they are currently on. It is not enough to notify the employee of internal vacancies for which they can apply. Disabled employees who need to be redeployed as a reasonable adjustment should not be required to take part in competitive interviews for vacant posts.

An employer is, however, under no obligation to create a new job for someone who cannot return to their original position (unless there is already a reorganisation going on), or be redeployed, after reasonable adjustments have been considered.

For further advice on making reasonable adjustments see the 'adjustments in employment' briefing.

Statement of Fitness for Work or 'Fit notes'

'Statements of Fitness for Work' or 'fit notes' were introduced on 06 April 2010 to replace sick notes issued by doctors.

The 'fit note' is intended to benefit employees and employers by helping people back to work as soon as possible, through the provision of more information about the person's condition and what they need in order to return to work. It is essential that line managers who receive these 'fit notes' know what to do, including how to contact a team member who is off sick, and how to implement adjustments needed to enable them to return to work.

A note of caution for employers

Employers should note that this guidance assumes that the employee being signed off does not have a disability, and so talks in terms of 'support' or 'workplace adaptations' that the employee might need to enable them to return to work. Employers are reminded that the 'fit note' does

not affect their obligations under the Equality Act 2010 and you should be aware that the recommended 'support' or 'workplace adaptations' could also be adjustments in law.

As 'fit notes' will only be provided to employees who are off sick for more than seven days, employers would be well advised to treat anyone with such a note as though they have a disability and consider the need for reasonable adjustments in every case. A doctor cannot tell you if someone meets the legal definition of disability, as it is a legal and not a medical definition. The legal definition of disability is also extremely wide and covers conditions that you and indeed, your employee and their doctor might not consider to be a disability, e.g. muscular skeletal problems, heart disease, diabetes, asthma, migraines and depression and anxiety.

The 'fit note' allows a doctor to tick boxes recommending the following adjustments (although they are called 'support' not adjustments):

- A phased return to work.
- Altered hours.
- Amended duties.
- Workplace adaptations.
- Space for further comments/other adjustments.

Doctors only have a short time in which to see their patient and will only know what the patient tells them about the working environment and practices. The doctor cannot know what is possible or reasonable in your organisation. It is up to employers to train managers who receive the 'fit note' to be proactive in discussing with the employee how their condition affects them at work and to think about reasonable adjustments that would enable them to return to work to do their job or be redeployed to another suitable job. Managers need to know where to go for help in making such adjustments and in deciding on what is reasonable.

For more information on reasonable adjustments see the 'reasonable adjustments – line manager guide' and the 'adjustments in employment' briefing.

Frequently asked questions

Is the Statement of Fitness to Work or 'fit note' binding on the employer?

No. The purpose of the fit note is to provide employers with more information than the current 'sick note' and to facilitate a conversation with the employee about what they can and cannot do. As an employer it is for you to decide what to do with the information provided by the doctor, e.g. seek further advice from an occupational health adviser, make the suggested or alternative adjustments or decide that it is not reasonably possible for the employee to return to work yet, e.g. there may be industry standards or regulations that the doctor does not understand that means the person cannot work. In this case you should explain your reasons to the employee and treat the Statement as if the doctor had advised that they were 'not fit for work'. The employee does not need to go back to their doctor for a new Statement or 'sick note' to confirm this.

Will we still be covered by our Employers' Liability Compulsory Insurance (ELCI)?

Your liability insurance should not prevent employees who 'may be fit for work' from returning or remaining at work. Employees do not need to be 100% fit in order to return to work. You do, however, need to carry out risk assessments as usual to ensure that it is safe for the person to be at work and to provide a safe working environment, which is often done by making reasonable adjustments. If you have any concerns you should contact your insurer.

How long do any amended duties or workplace adaptations/ adjustments have to last for?

On the statement the doctor will state the period of time their advice is for. When agreeing a return to work plan you should specify when any adaptations or adjustments are to be reviewed. In some cases the changes will be temporary, e.g. to accommodate someone who has broken a leg. In other cases the person's condition may be long term or permanent in which case they might need long-term adjustments, but these should be reviewed regularly to ensure that they are working well.

What should we do if an employee wants to return to work before the end of a 'not fit for work' statement?

Sometimes an employee will be able to return to work before the doctor has said that they will be fit. This could be because they have recovered faster than expected or because the doctor didn't know what the employer could do to enable the individual to return to work sooner. In this case you do not have to wait for the end of the statement period and the person can return to work if you both agree that they can work.

What if the employee disagrees with the doctor's assessment that they are fit to return to work

If you believe, given the advice from the doctor and your knowledge of the workplace and the possible adjustments that the employee could return to work, but they disagree, the first step is always to discuss the issue with the employee. You may need to arrange for transport for them to attend a meeting or go to see them at home. During your discussions you may find that there is an aspect of their condition or their workplace that hasn't been considered, which means that they cannot return to work. In other cases it may be necessary to refer the employee to an occupational health adviser in order to find out whether the person can return with adjustments.

Return-to-work interviews

Return-to-work interviews are critical tools in managing sickness absence. When an employee returns to work after a long period of sickness absence there should be a return-to-work interview.

This ought to be used to welcome the employee back, provide an update on work issues and discuss any reasonable adjustments. Employers should ensure managers are aware that return-to-work interviews are not recorded as a disciplinary or incapacity procedure. Such an interview should not be seen, nor recorded, as a disciplinary procedure.

Termination of contract

An employer may decide in some instances that it has no option but to terminate the employee's contract either because there is no prospect of the employee returning to work in the foreseeable future, or because the number of periodic absences is unsustainable.

Before doing so, the employer should ensure that good practice procedures and all possible reasonable adjustments have been considered which could have possibly enabled the person to continue to work for the employer.

The employer should always consult its legal advisers before terminating an employee's contract.

Sickness absence in practice

There are three distinct types of sickness absence.

The following procedures should be used as a guide. Before using them, managers should check their own company guidance to see if company procedures are already in place. Procedures may need to be reviewed in light of the Equality Act 2010.

1. Long-term sickness absence – known length

An employee is off work for a set period of time, e.g. waiting for, or recuperating from, an operation. As the length of sickness absence is known, the organisation could recruit a temporary replacement or temporarily reallocate duties within the team.

While the employee is absent, contact should be maintained and the employee kept up to date with developments in the organisation. Allowing an employee to be absent during working hours for rehabilitation, assessment or treatment is a reasonable adjustment that employers might have to make. These absences are relatively easy to manage, given that they can be planned with the employee beforehand.

Procedure:

1. The employee notifies the employer as early as possible that a fixed period of time off sick will be required.
2. The employer makes plans to cover the absence, e.g. recruiting temporary staff.

3. The employee returns from sick leave to their job after the specified period of time and has a return-to-work interview at which it is identified that:
 - a. No reasonable adjustments are necessary for them to continue in their job.
 - b. Reasonable adjustments will be needed to enable them carry out their existing duties.
 - c. A reasonable adjustment to their hours is needed to allow a phased return to work increasing their hours gradually either to the hours worked before or to permanently fewer hours.

4. They will not be able to continue in their existing position even with reasonable adjustments and so need to be redeployed as a reasonable adjustment.

Note that in scenarios b) and c) a disability management co-ordinator may need to be appointed.

If the employee cannot return to work on the date specified because they need further medical treatment, or a second opinion, it may be beneficial for the company to pay for this under a private healthcare scheme if it can rather than the person waiting for treatment on the NHS. This may enable the person to return to work sooner, with knowledge of the job still fresh.

This could be a more cost-effective solution when the employer takes into account the costs of recruiting temporary staff, recruitment, the loss of revenue/expertise, training costs, etc. This employee is now likely to be on long-term sickness absence of unknown length.

2. Long-term sickness absence – unknown length

An employee goes off sick and continues to send in statements of fitness to work, but is unable

to indicate a date for return. The employer could recruit a temporary replacement or temporarily reallocate duties within the team. While the employee is absent, contact should be maintained and the employee kept up to date with developments within the organisation.

Procedure:

1. A disability management co-ordinator is appointed.
2. The disability management co-ordinator asks the employee to consent to the employer requesting a doctor's report and to seeing an occupational health adviser.
3. If the employee is able to return-to-work (possibly with reasonable adjustments) then they should have a return to work interview and the procedure outlined above should be followed.
4. If the employee cannot return to work, the employer will have to decide how long it is able to accept sickness certificates to give the employee more opportunity to recover. In arriving at this decision the employer will need to take into account:
 - a. Whether, and for how long, other staff can cover the employee's workload.
 - b. Disruption caused by the employee's absence.
 - c. Whether or not a temporary replacement can be recruited and how much this will cost
 - d. The size and the resources of the organisation and therefore its ability to absorb the cost and disruption.
 - e. The length of time the employee has been with the organisation and the level of specialist skills the employee has.

Managing sickness absence

f. Cost of recruiting and training another employee.

g. Length of time for which the employee is still entitled to contractual sick pay.

An employer might wait longer for an employee who has a high level of expertise, or many years' experience with the employer, so that his or her abilities and the employer's investment in that employee are not lost to the organisation.

When the employee is due to come back there should be a return-to-work interview and the steps outlined above should be followed.

If the employee is unable to return to work at all, the employer may decide that it has no option but to terminate the employee's contract. If the employee has a pension scheme – held independently or company-led – the employer could discuss the possibility of early ill-health retirement.

Alternatively, if the employee has an income protection policy or is a member of their employer's income protection scheme, they may be able to make a claim. Employers should always consult their legal advisers at this stage and especially before any decision to terminate the employee's contract of employment.

3. Periodic sickness absences

There are two kinds of periodic sickness absence:

- Predictable absences.
- Unpredictable absences.

For predictable short-term absences the procedures for disability leave (detailed above) should be followed.

Unpredictable short-term absences should flag up that there is an issue that needs investigating, which may or may not be disability related. The employee may not be fully aware of an impairment (e.g. early onset of diabetes), or there may be other issues such as addiction or family problems which the employer needs to be aware of because of the impact on the employee's work and

the possibility of them leading to a disability in the future. Flexibility is crucial when dealing with sickness absences that are short, but unpredictable.

Procedure:

After a high level of absenteeism has been identified the employer should arrange a meeting to discuss why the employee has been absent so often. The employer should look out for any underlying illness or disability. A disability management co-ordinator may need to be appointed. The absences could relate to:

- An existing non-visible condition that has deteriorated or needs new controlling treatment.
- An as yet undiagnosed disability, but symptoms that are being investigated.
- A health-related condition that could lead to a disability, e.g. RSI discomfort.
- A non-disability and non-health related issue.

Managing sickness absence

The employer should consider whether any reasonable adjustments need to be made, as discussed with the employee. These could include:

- Accepting that the employee will need more time off sick than someone without their disability.
- Providing equipment or altering working arrangements as the workplace may be aggravating the condition and so contributing to the level of absences.
- Providing training for the employee. The employee's absences may be stress related, due to the volume or nature of the work. Training may help the employee to better manage their workload and time.
- Reallocating, temporarily or permanently, some of the employee's duties to other people. These could be duties that are urgent and cannot wait until the employee returns to work.
- Transferring the employee to a suitable alternative vacancy. A suitable alternative may be one where the employee's unpredictable absences may be more easily accommodated. Additional reasonable adjustments to the alternative job should also be considered.

Managing without the employee (whenever the person needs to be absent) by recruiting temporary staff at short notice or providing cover from existing staff. In arriving at this decision the employer will need to consider:

- Whether, and for how long, other staff can cover the employee's workload.
- The disruption caused by the employee's absence.
- Whether or not a temporary replacement can be recruited and how much this will cost.
- The size and the resources of the organisation and so its ability to absorb the cost and disruption.
- The length of service and any specialist skills the employee has should be considered when deciding how the employer can accommodate the absences so that the person's abilities and the employer's investment in the employee are not lost to the organisation.

Managing sickness absence

In some cases the employer may not be able to keep the job open or find a reasonable alternative vacancy or the absences could be a straight forward disciplinary matter. The employer may therefore, decide that it has no option but to terminate the employee's contract.

If the employee has a pension scheme – held independently or company-led – the employer could discuss the possibility of early ill-health retirement.

Alternatively, if the employee has an income protection policy or is a member of their employer's income protection scheme, they may be able to make a claim. In some cases the absences may not be disability or health related at all and so dealing with them will be a straightforward disciplinary matter.

Employers should always consult legal advisers before deciding to terminate an employee's contract for any of these reasons.

Regulatory framework

Disability discrimination under the Equality Act 2010

Direct discrimination

It is unlawful for an employer to treat a disabled job applicant, or employee, less favourably, simply because of their disability. This type of discrimination is known as direct discrimination. It is unlawful and cannot be justified.

Discrimination arising from disability

Discrimination arising from disability occurs when:

- An employer knows or could reasonably be expected to know that the person is disabled.
- The disabled person experiences unfavourable treatment which arises as a consequence of their disability.

There is no requirement for a comparator, i.e. the disabled person does not have to show that they have been treated or would have been treated less favourably than someone else.

An employer can justify detrimental treatment arising out of a disability if they can show that it is a proportionate means of achieving a legitimate aim.

Indirect discrimination

The Equality Act 2010 has introduced the new concept of indirect disability discrimination.

Indirect discrimination occurs when a seemingly neutral provision, criterion or practice that applies to everyone places a group who share a characteristic, e.g. a disability at a particular disadvantage. An example could be a requirement for every employee to drive or hold a driving licence which places some people who cannot drive because of their disability at a greater disadvantage than other people.

Indirect discrimination may, however, be justified if it can be shown that the provision, criterion or practice is a proportionate means of achieving a legitimate aim, for example if driving is an essential part of the job.

Reasonable adjustments

An employer has a duty under the Equality Act 2010 to make reasonable adjustments (which includes providing auxiliary aids such as a support worker or information in alternative formats) to prevent a disabled employee from being placed at a substantial disadvantage by any physical feature of the premises, or by any provision, criteria or practice of the employer.

The duty applies to all aspects of employment, including recruitment and selection, training, transfer, career development and retention and redundancy. Failure to make a reasonable adjustment to a provision, criteria or practice, or to a physical feature of the workplace where this is placing a disabled person at a substantial disadvantage compared to people without a disability, is unlawful and cannot be justified. Examples of reasonable adjustments for people with asthma are given throughout this briefing.

When deciding whether or not an adjustment is reasonable an employer should consider the:

- Effectiveness of the adjustment in preventing the disadvantage.
- Practicality of the adjustment.
- Financial and other costs of the adjustment and the extent of any disruption caused.
- Extent of the employer's financial or other resources.
- Availability to the employer of financial or other assistance to help make an adjustment, for example through the Access to Work (AtW) scheme and the support of Jobcentre Plus.

Equality Duty

Public authorities and those carrying out public functions are required by the Equality Act 2010 to promote equality of opportunity for disabled people. This includes ensuring that third parties, such as recruitment agencies which provide services to the authority, do not discriminate against disabled people and that they positively encourage disabled candidates to apply for jobs within the authority. The duty also means that authorities need to think in advance about the needs of both disabled employees and potential disabled employees. Authorities should bear this in mind when reading this briefing.

As well as the Equality Act 2010, there is also a “statutory” Code of Practice on Employment. “Statutory” means that it is produced under the legislation, it is admissible as evidence and must be taken into account by courts and tribunals where relevant.

What is a disability?

The Equality Act 2010 gives rights to disabled people who have, or have had, a disability which makes it difficult for them to carry out normal day-to-day activities. The term ‘disability’ covers both physical and mental impairments that have a substantial and a long-term (i.e. has lasted or is expected to last for at least 12 months) adverse effect on the person’s ability to carry out normal day-to-day activities. “Substantial” means more than minor or trivial.

Medical or other treatment and aids, including therapeutic treatments such as psychotherapy, which alleviate or remove the effect of the impairment are to be disregarded when assessing whether the impairment has a substantial adverse effect on normal day-to-day activities. Thus people with conditions such as insulin dependent diabetes, epilepsy or depression may be protected.

The only exceptions are people who wear spectacles or contact lenses – the effect on them must be assessed while the person is wearing the spectacles or contact lenses. However a person who is registered as blind or partially sighted with an ophthalmologist or their local authority is deemed to be disabled.

Progressive conditions, which have a slight effect on day-to-day activities but are expected to become substantial, are covered, as are conditions that have a substantial effect for short periods but are likely to recur. However, HIV, multiple sclerosis and cancer are deemed to be disabilities from the point of diagnosis. Severe disfigurement is also classed as a disability if it is long term.

Managing sickness absence

People who have had a disability in the past which had a substantial adverse effect on their normal day-to-day activities for a period of at least 12 months are also protected by the Act. This is the case even if their disability existed before the Equality Act 2010 or its predecessor the Disability Discrimination Act (DDA) came into force and they have now fully recovered.

People associated with a disabled person and people who are wrongly perceived to have a disability are also protected from direct discrimination and harassment. The duty to make reasonable adjustments, however, does not extend to people associated with a disabled person or who are perceived to be disabled.

There is always a level of risk of both litigation and loss of reputation for an employer who fails to follow the requirements of the law because they assume that an employee will not meet the definition of disability. Remember that the purpose of a reasonable adjustment is to enable an employee to perform to the best of their ability and to make a valuable contribution to your organisation.

If you are uncertain whether an individual is covered by the law, it would be prudent to assume that they are covered, and to consider what adjustments, if any, are necessary for them to do their job.

Someone on long-term sick leave or who has periodic sickness absences may not, at first, appear to meet this definition of disability. However, because the definition is so broad and because it is difficult to predict whether the absences may become disability related in the future, our guidance on sickness absence is for the employer to act on the side of best practice.

It is always better to treat an employee who is off sick for a long period of time or has periodic sickness absences as though they are disabled and may therefore need reasonable adjustments.

Further information

Contact Business Disability Forum

Business Disability Forum

Nutmeg House, 60 Gainsford Street,
London SE1 2NY.

Telephone: **+44-(0)20-7403-3020**

Textphone: **+44-(0)20-7403-0040**

Fax: **+44-(0)20-7403-0404**

Email: **enquiries@businessdisabilityforum.org.uk**

Website: **businessdisabilityforum.org.uk**

About Business Disability Forum

Business Disability Forum is a not-for-profit member organisation that makes it easier and more rewarding to do business with and employ disabled people.

We have more than twenty years experience of working with public and private sector organisations, formerly as the Employers' Forum on Disability.

Our 400 members employ almost 20% of the UK workforce and together, we seek to remove the barriers between public and private organisations and disabled people. We are a key stakeholder for both business and government. We have contributed to the establishment and development of meaningful disability discrimination legislation in the UK.

Business Disability Forum provides pragmatic support by sharing expertise, giving advice, providing training and facilitating networking opportunities. This helps organisations become fully accessible to disabled customers and employees.

If you would like further information, contact Business Disability Forum's advice service on **+44-(0)20-7403-3020** or **advice@businessdisabilityforum.org.uk**.

Business Disability Forum products and services

Line manager guides

- Performance management
- Non-visible disabilities
- Reasonable adjustments
- Attendance management and disability
- Working with disabled colleagues
- Mental health at work

The line manager guide series, plus other best practice and etiquette guides, are available to purchase as electronic toolkits, in hard copy or licensed for your organisation's intranet. Please contact the team on **+44-(0)20-7089-2410** or email **publications@businessdisabilityforum.org.uk**.

Business Disability Forum membership enables you to:

- Access specialist advice and training on disability legislation and related employment regulations.
- Enhance your reputation with disabled people, employees, customers and government.
- Improve your business performance, enabling you to become a disability-smart organisation that has access to the widest possible talent and customer base.

Other Business Disability Forum products and services:

Advice service

Our Members and Partners receive access to our free and confidential advice service. Our team of expert disability consultants are proud of the prompt and professional service they provide. They are available during normal working hours and will aim to respond within 24 hours or as quickly as possible in more complicated cases.

In addition to dealing with queries the service will review Members' and Partners' specific policies. This service is limited to two hours per policy and is by appointment only.

The advice service can be reached by telephone: **+44-(0)20-7403-3020**, email: **advice@businessdisabilityforum.org.uk** or textphone: **+44-(0)20-7403-0040**

Telephone surgeries

Legal

Bela Gor, expert in disability law and Business Disability Forum Legal Director runs free monthly in-house telephone surgeries. The surgeries are for members with questions on topical legal issues.

The surgeries aimed at lawyers, HR and diversity managers and employee representatives. Surgeries are limited to 20 minute slots and must be booked in advance by emailing: **events@businessdisabilityforum.org.uk** or by telephoning: **+44-(0)20-7403-3020**.

Disabled Employee Networks

Kate Nash OBE, a Business Disability Forum Associate, hosts a telephone surgery for Disabled Employee Network managers on the last Monday of every month. This advice is free for Partner Group members.

Surgery slots can be up to one hour long but must be booked in advance by emailing: **events@businessdisabilityforum.org.uk** or by telephoning: **+44-(0)20-7403-3020**.

Training and networking

Training

We develop and deliver tailored in-house disability training. Your organisation will benefit from our knowledge, experience and speakers from our network of disability experts.

Our experience of workplace disability issues, in both the private and public sectors, allows us to readily understand your training requirements and offer the right mix of training. We focus on providing value to your organisation.

Networking

We organise a comprehensive programme of events. All our events are based on promoting and sharing best practice and helping members to learn from each others experience.

You can contact our events team on:

Tel: +44-(0)20-7403-3020

Textphone: +44-(0)20-7403-0040

Email: events@businessdisabilityforum.org.uk

Our events are either free or discounted to Members and Partners. Paying events are open to non-member organisations and individuals.

Publications

The Business Disability Forum library is a unique source of accurate, authoritative and up-to-date information on business and disability. The briefings, toolkits and line manager guides cover every aspect of bringing organisations and disabled people together from recruitment and retention to reasonable adjustments and disabled employee networks. They provide practical advice to help organisations recruit and retain disabled people and serve disabled customers.

More than eight million copies of our publications are in circulation, used by forward-thinking organisations across the private and public sectors.

Members receive a free set of our world-leading publications on joining.

Consultancy

Our consultants are skilled at analysing your business performance on disability against the framework of the Disability Standard and can provide you with a detailed insight of where you are on disability, where you need to be and how to get there.

We;

- Review, audit and evaluate your processes and policies across the business including recruitment, customer services and workplace adjustments.
- Carry out gap analysis of what is working well for disabled customers and employees, identify where there are concerns and highlight any legal risks.
- Provide pragmatic and effective help with planning and implementation to bring about real change.

To discuss your consultancy needs and what we can offer please contact us on tel: **+44-(0)20-7403-3020**, or email **consultancy@businessdisabilityforum.org.uk**

Other benefits popular with members include:

- Free e-check for your intranet or website.
- Free two-hour document review service.
- Participation in Business Disability Forum's Disability Standard, the authoritative measure of how disability-smart an organisation is, providing a way to improve customer and employee experiences.
- Member-only content on our Disability Standard website (which can be accessed by all employees).

Further information on joining Business Disability Forum's membership and a comprehensive list of our Partners can be downloaded from www.businessdisabilityforum.org.uk/become-a-member

Business Disability Forum

Nutmeg House, 60 Gainsford Street, London SE1 2NY

Telephone: +44-(0)20-7403-3020

Textphone: +44-(0)20-7403-0404

Fax: +44-(0)20-7403-3020

Email: enquiries@businessdisabilityforum.org.uk

Website: businessdisabilityforum.org.uk

Further sources of reference

Useful organisations

National Register of Access Consultants (NRAC)

Fourth Floor, Holyer House, 20-21 Red Lion Court, London, EC4A 3EB

Tel: **+44-(0)20-7822-8282**

Email: **info@nrac.org.uk**

Website: **nrac.org.uk**

The National Register of Access Consultants (NRAC) is an independent register of accredited Access Auditors and Access Consultants who meet professional standards and criteria established by a peer review system. It is a UK-wide accreditation service for individuals who undertake access auditing and access consultancy.

Centre for Accessible Environments (CAE)

4th Floor, Holyer House, 20-21 Red Lion Court, London EC4A 3EB

Tel/textphone: **+44-(0)20-7822-8232**

Fax: **+44-(0)20-7822-8261**

Email: **info@cae.org.uk**

Website: **cae.org.uk**

The CAE is an information and training body which has been the leading authority and resource in the UK, for over 30 years, on inclusive design and access to the built environment for disabled and older people.

Equality Advisory Support Service (EASS)

Freepost equality advisory support service FPN4431

Telephone: **+44(0)-808-800-0082**

Textphone: **+44(0)-808-800-0084**

Website: **equalityadvisoryservice.com**

EASS provides information advice and support on discrimination and human rights issues to individuals in England, Scotland and Wales, recognising the constitutional, legal, social and policy differences.

The Equality and Human Rights Commission (EHRC)

Website: **equalityhumanrights.com**

EHRC has a statutory remit to promote and monitor human rights; and to protect, enforce and promote equality across the nine "protected" grounds - age, disability, gender, race, religion and belief, pregnancy and maternity, marriage and civil partnership, sexual orientation and gender reassignment.

Equality Commission for Northern Ireland

Equality House, 7 - 9 Shaftesbury Square, Belfast, BT2 7DP

Telephone: **+44(0)-28-90-500-600**

Textphone: **+44(0)-28-90-500-589**

Fax: **+44(0)-28-90-248-687**

Email: **information@equalityni.org**

Website: **equalityni.org**

The Commission promotes equality and challenges discrimination in Northern Ireland.

Access to Work

London

Telephone: **+44(0)-20-8426-3110**

Textphone: **+44(0)-20-8426-3133**

E-mail: **atwosu.london@jobcentreplus.gsi.gov.uk**

Scotland

Telephone: **+44(0)-141-950-5327**

Textphone: **+44(0)-845-602-5850**

E-mail: **atwosu.glasgow@jobcentreplus.gsi.gov.uk**

Wales

Telephone: **+44(0)-2920-423-291**

Textphone: **+44(0)-2920-644-886**

E-mail: **atwosu.cardiff@jobcentreplus.gsi.gov.uk**

Website: **gov.uk/access-to-work/overview**

Access to Work (AtW) is a government scheme run by Jobcentre Plus that covers the financial cost of providing disability solutions that would otherwise not be considered a "reasonable adjustment".

Jobcentre Plus

Website: **gov.uk/contact-jobcentre-plus**

Jobcentre Plus supports people of working age from welfare into work and helps employers to fill their vacancies.

ACAS

Euston Tower, 286 Euston Road, London NW1 3JJ.

Telephone Helpline: **+44(0)-8457-38-37-36**

Text Relay: **+44(0)-8457-47-47-47** (Monday-Friday 8am-8pm, Saturday 9am-1pm) 18001 08457 474747

Website: **[acas.org.uk](https://www.acas.org.uk)**

ACAS provides independent advice on employment disputes for employers and employees.

Citizens Advice Bureau

England: **+44(0)-8444-111-444**

Wales: **+44(0)-8444-77-20-20**

TextRelay: **+44(0)-8444-111-445**

Website: **[citizensadvice.org.uk](https://www.citizensadvice.org.uk)**

The Citizens Advice Bureau advises on employment and benefits issues, including access to legal advice.

Disability guidance

Two Ticks or disability symbol

The two ticks scheme is a recognition given by Jobcentre Plus to employers based in Great Britain who have agreed to take action to meet five commitments regarding the employment, retention, training and career development of disabled employees.

Tailored adjustment agreement

Website: **[businessdisabilityforum.org.uk/talent-recruitment](https://www.businessdisabilityforum.org.uk/talent-recruitment)**

This is a live document recording the reasonable adjustments that have been agreed for an employee.

Employment resources

Society of Occupational Medicine

Hamilton House, Mabledon Place, London WC1H 9BB

Tel: **+44(0)-20-7554-8628**

Fax: **+44(0)-20-7554-8526**

Email: **admin@som.org.uk**

Website: **som.org.uk**

Society for doctors providing occupational health services in the workplace, the armed services and academic institutions in the UK.

Gov.UK

Website: **gov.uk**

The government's website has information about disability rights and employment.

Employment Tribunal (ET)

Open from 9.00am to 5.00pm Monday to Friday.

Enquiry Line: **+44(0)-845-7959775**

Textphone: **+44(0)-845-7573722**

Website: **justice.gov.uk/tribunals/employment**

Provides individuals with the opportunity to pursue employment and discrimination complaints against their employer.

Employment Appeal Tribunal (EAT)

Website: **justice.gov.uk/tribunals/employment-appeals**

Provides individuals with the opportunity to appeal against Tribunal decisions regarding employment and discrimination complaints against their employer.

Legislation

Data Protection Act 1998

If you handle personal information about individuals, you have a number of legal obligations to protect that information under the Data Protection Act 1998.

The Information Commissioner's Office also has guidance for organisations on handling personal data on their website: www.ico.gov.uk/for_organisations/data_protection.aspx Equality Act 2010

Equality Act 2010

Website: legislation.gov.uk

The Equality Act came into force from October 2010 providing a modern, single legal framework with clear, streamlined law to more effectively tackle disadvantage and discrimination.

The Health and Safety Executive (HSE)

Website: hse.gov.uk

HSE is the national independent watchdog for work-related health, safety and illness. They are an independent regulator and act in the public interest to reduce work-related death and serious injury across Great Britain's workplaces.

The Health and Safety at Work Act 1974

Website: hse.gov.uk

The Health and Safety at Work Act 1974, also referred to as HSWA, HSW Act or HASAWA, is the primary piece of legislation covering occupational health and safety in Great Britain. The Health and Safety Executive with local authorities (and other enforcing authorities) is responsible for enforcing the Act and a number of other Acts and Statutory Instruments relevant to the working environment.

The Management of Health and Safety at Work Regulations 1999

Website: legislation.gov.uk

The Management of Health and Safety at Work Regulations have been put in place in order that organisations take care of everyone they work in conjunction with – employees, contractors, clients or customers. The aim of the regulations is to reduce damage by assessing all potential risks and to create action plans for emergencies.

Workplace (Health, Safety and Welfare) Regulations 1992

Website: legislation.gov.uk

The Workplace (Health, Safety & Welfare) Regulations 1992 cover any premises or part of premises (excluding domestic premises) which are made available to any person as a place of work. They cover a wide range of basic health, safety and welfare issues.

Code of Practice on Employment

Website: equalityhumanrights.com

Provides guidance to individuals, businesses, employers and public authorities with the information

they need to understand the Equality Act, exercise their rights and meet their obligations.

Equality duty

Website: equalityhumanrights.com

The public sector equality duty consists of a general equality duty, which is set out in section 149 of the Equality Act 2010 itself, and the specific duties which came into law on the 10th September 2011 in England and 6 April in Wales. The general equality duty came into force on 5 April 2011.

Flexible Working Regulations 2006

Website: legislation.gov.uk

Under the terms of this act employers are obliged to consider requests for flexible working from

those who care for certain adults.

Disability awareness training

Business Disability Forum

Nutmeg House, 60 Gainsford Street, London, SE1 2NY

Telephone: **+44-(0)20-7403-3020**

Textphone: **+44-(0)20-7403-0040**

E-mail: events@businessdisabilityforum.org.uk

Business Disability Forum offers a wide range of in-house training courses which can be tailored to an organisation's specific needs. Our organisation has over 20 years of experience and access to an extensive network of disability experts, which can benefit your business.

Enhance the UK

171, Narbeth Drive, Aylesbury, HP20 1PZ

Telephone: **+44(0)-7930-289-162**

E-mail: info@enhancetheuk.org

Website: enhancetheuk.org

Enhance the UK - are a user-led charity aiming to educate society about disability and assist those with a disability in playing a full and active role in society. Their aim is to remove the embarrassment of social interaction when working with disabled people by teaching simple hints and tips in a fun interactive learning environment. They provide a range of training targeted to the needs of individual organisations and companies.

Royal National Institute of Blind People (RNIB)

RNIB Access Consultancy Services, PO Box 173, Peterborough, PE2 6WS

Telephone: **+44(0)1733-37-53-70**

E-mail: **accessconsultancy@rnib.org.uk**

Website: **rnib.org.uk**

Royal National Institute of Blind People (RNIB) is the leading charity offering information, support and advice to almost two million people with sight loss. They offer training for customer facing teams to help them to identify and meet the needs of customers with disabilities.

Equo Limited

38 Alexandra Road, Lowestoft, Suffolk, NR32 1PJ

Telephone: **+44(0)845-250-0617**

E-mail: **training@equo.co.uk**

Website: **equo.co.uk**

Equo Limited offers disability awareness training as an online module, with the aim of helping people be more confident in their day-to-day dealings with disabled people.

© 2018 This publication and the information contained therein are subject to copyright and remain the property of Business Disability Forum. They are for reference only and must not be reproduced, copied or distributed without prior permission.

Business Disability Forum is committed to ensuring that all its products and services are as accessible as possible to everyone. If you wish to discuss anything with regard to accessibility, please contact us.

**Company limited by guarantee with charitable objects.
Registered Charity No: 1018463.
Registered in England No: 2603700.**



Contact us

Business Disability Forum
Nutmeg House
60 Gainsford Street
London
SE1 2NY

Tel: +44-(0)20-7403-3020

Fax: +44-(0)20-7403-0404

Email: enquiries@businessdisabilityforum.org.uk

Web: businessdisabilityforum.org.uk