



# Reasonable Adjustments Policy

Honiton Town Council

## 1. Introduction

Honiton Town Council is committed to promoting equality, diversity and inclusion for all our employees and for everyone who uses our services. This includes taking positive action to support individuals experiencing physical and mental health challenges.

This policy does not form part of an employee's contract of employment, and the organisation reserves the right to amend it at any time.

This policy should be used in conjunction with the organisation's other relevant policies including the Absence Management Policy.

## 2. The Law

### 2.1. Definition of a Disability

Under the Equality Act 2010, a person is considered to be disabled if they have a physical or mental impairment that has a 'substantial' and 'long-term' impact on their ability to carry out day-to-day activities.

'Substantial' is more than minor or trivial e.g. it takes much longer than it usually would to complete a daily task like getting dressed.

'Long-term' means the impairment must last for at least 12 months or has been diagnosed as likely to last for at least 12 months e.g. a breathing condition that develops as a result of a lung infection, or its likely to last for the rest of their life.

'Day-to-day activities' includes anything someone would normally be able to do if they did not have a health condition e.g. getting dressed, shopping, reading or writing.

Mental health can affect how individuals think, feel and behave and can:

- happen suddenly, because of a specific event in someone's life
- build up gradually over time
- be hard to spot because everyone has different signs and signals

- be hidden because many people find it difficult to talk about their mental health
- fluctuate over time which means that an employee's ability to cope with the demands of the job might change

## **2.2. Definition of Reasonable Adjustments**

Reasonable adjustments are changes that an employer makes to remove or reduce a disadvantage related to someone's disability. Reasonable adjustments are specific to an individual person. They can be for physical or mental health conditions. They can cover any area of work (see section 4.4).

## **2.3. Employers' responsibilities**

The Equality Act 2010 says that employers must make reasonable adjustments for:

- employees and workers
- contractors and self-employed people hired to personally do the work
- job applicants

The Equality Act 2010 also says that employers are required to make reasonable adjustments when:

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

Employers must also:

- make reasonable adjustments for anything linked to someone's disability
- make sure other people do what's needed for a reasonable adjustment to work.

Honiton Town Council is aware that not all physical and mental health conditions will be classed as a disability. Where the condition does not constitute a disability, the employer is not legally required to make reasonable adjustments.

However, Honiton Town Council is committed to creating a work environment that supports the wellbeing of its employees and as such it aims to consider

requests for support from all employees experiencing physical and mental health challenges.

### **3. Examples of Reasonable Adjustments**

Reasonable adjustments are specific to an individual person. However, they can cover:

- changes to someone's physical working environment e.g. changing someone's work base, allowing someone to work from home to manage distractions or engage in activities that allow them to manage their mental health or relocating someone's workspace to a quieter area to reduce sensory demands
- changing someone's working arrangements e.g. changing someone's working pattern or contracted hours
- finding a different way to do something e.g. giving someone more time to undertake a piece of work or test during an interview, providing accessible formats
- providing equipment, services or support e.g. providing adapted equipment such as chairs or phones.
- changing someone's roles and responsibilities (and hence salary) e.g. reviewing tasks or deadlines to help someone have a reasonable workload while managing their mental health or breaking down work into short term tasks to reduce the complexity of someone's work and to provide structure to the working day
- reviewing working relationships and communication styles e.g. agreeing a preferred communication method to help reduce anxiety.

### **4. Implementing Reasonable Adjustments**

#### **4.1. Requesting a meeting**

Honiton Town Council recognises that everyone's experience of physical and mental health is different and can fluctuate over time. This means that identifying, agreeing, and monitoring reasonable adjustments can take time. It also relies on employers and employees talking openly so that everyone's needs are met.

If an employee wishes to discuss any reasonable adjustments, they should arrange to meet with the Town Clerk. If the individual feels unable to talk to the Town Clerk, they should speak to the Chair of the HR Committee.

If a request for reasonable adjustments has arisen during an absence review process, then the monitoring periods set out in the Absence Management

Policy would continue to apply, unless otherwise agreed. Any requests for reasonable adjustments would then be considered alongside any absence reviews being carried out.

#### **4.2. Preparing for the meeting**

Honiton Town Council understands that some people may find it hard to talk openly about their health. Therefore, prior to the meeting the employee may find it helpful to:

- think carefully about what they want to disclose about their health
- consider how their health affects their work
- think about what reasonable adjustments may help them
- write down notes which can be referred to during the conversation

#### **4.3. During the meeting**

During the meeting, the Town Clerk and the employee should discuss any proposed reasonable adjustments and agree a plan.

The meeting might include:

- the employee explaining why they are requesting reasonable adjustments
- the employee explaining which reasonable adjustments they want to make
- discussing whether the suggested adjustments are reasonable (see section 4.4)
- agreeing the reasonable adjustments or adjourning to enable the adjustments to be considered further
- discussing the length of time the reasonable adjustments may be needed
- agreeing a plan to review and monitor the reasonable adjustments
- look at what ongoing support is available.

Where possible, notes should be taken during the meeting and kept as a record for both parties to refer back to.

#### **4.4. Deciding what is ‘reasonable’?**

The test of whether the requirements requested by a disabled employee/applicant are reasonable is an objective test. It is not about what an individual might personally think is reasonable.

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When deciding if an adjustment is reasonable, the Equality Act 2010 sets out the following factors which the organisation must take into consideration:

- Will the adjustment remove or reduce the disadvantage?
- Is the adjustment reasonable for the Council's business?
- Is the adjustment practical to make?
- Is the adjustment affordable?
- Could the adjustment harm the health and safety of others?

#### **4.5. After the meeting**

After the meeting has taken place, the Town Clerk should put in writing to the employee details of what was discussed during the meeting. This should include details of any plan / agreements made and a date for monitoring.

#### **4.6. Monitoring**

Honiton Town Council recognises that an employee's health can change over time. Therefore, the Town Clerk will regularly monitor any agreed reasonable adjustments whilst considering the needs of the employee and the organisation in case anything needs to change.

The Town Clerk will also keep a record of any changes made over time.

#### **4.7. Permanent Changes**

Employees who require a permanent change to their working arrangements, such as changing contracted hours, should refer to the organisation's Flexible Working Policy.

## **5 Occupational Health**

At any stage of discussing reasonable adjustments for an employee's health the employer may seek support from an occupational health professional who may be able to give advice on what adjustments might be suitable.