



Leaflet 3

Reasonable adjustments & disability

Reasonable adjustments:

Determining how the doctor with a long-term condition/disability is to be accommodated in clinical settings is potentially dependent on the doctor's consent to have issues about their disability disclosed to others.

An employer's obligation to make reasonable adjustments comes into force when it knows (or is reasonably expected to know) that the employee has a disability and is likely to suffer from a substantial disadvantage as a result.

The duty to make reasonable adjustments is found in section 20 **Equality Act** [2010] Section 20 - Duty to make adjustments.

Section 21 **Equality Act** [2010]. clarifies that a failure to comply with this requirement constitutes discrimination.

The General Medical Council (GMC):

In the GMC document, "*Approving changes to curricula, examinations and assessments: equality and diversity requirements*", the GMC advises that where a person with a disability is at a substantial disadvantage in comparison with people with no disability, there is a duty to take reasonable steps to remove that disadvantage¹ by:

- changing provisions, criteria or practices
- altering, removing or providing a reasonable alternative means of avoiding physical features
- providing auxiliary aids.

Organisations must consider all requests for adjustments, but only have the obligation to make the adjustments which are reasonable.

Factors which may be considered when assessing if an adjustment is reasonable²:

- whether the adjustment will actually overcome the identified difficulty
- how practicable it is to make the adjustment
- the financial and other costs involved
- the amount of disruption caused
- the money already spent on adjustments
- the availability of financial or other assistance

This means it is essential for you to recognise the fact that you will have to take the lead (and be sure of your rights) in getting useful reasonable adjustments, keeping them and making sure they are observed and changed when necessary.

You may also find it helpful to refer to some of the examples of reasonable adjustments cited in Welcomed & Valued resources which can be found on the GMC website.

¹ https://www.gmc-uk.org/-/media/documents/20151218_Appving_chngs_curric_exams_assmnts_equal_div_reqmnts_V_2_0.pdf_63985659.pdf

² <https://www.bma.org.uk/advice/work-life-support/your-wellbeing/reasonable-adjustments>

You may also, in addition, wish to speak to a solicitor specialising in employment law, private occupational health physician or human resources/employment organisation who are specialists in this field to understand your rights and options.

Considerations when requesting adjustments:

- *Flexibility in your rota:* Many people with fluctuating conditions find that flexibility in their rota or job plan can help to keep them as well as possible.
- *The “Bradford formula/factor”:* Your Trust may use the Bradford formula in assessing sick leave absence which may inherently disadvantage people with fluctuating conditions. Unplanned, unexpected and irregular absences are difficult for departmental work.
- *Adjustment implementation:* Adjustments need to be implemented as well as agreed. Arranging reasonable adjustments in time for placements, when regularly moving posts, can be difficult or inefficient.

Prognosis of disability:

The life course of disability has a complex nature inherently, comprising ageing, social and environmental factors, and medical conditions.

This is relevant to anticipating the needs of people with disabilities. It is important to study prognosis of disability, as the dynamic nature of disability may enable intervention on modifiable (prognostic) factors to alter its course to a more favourable outcome.

This leaflet is a summary of our more extensive Factsheet 3. For more in-depth information on the following topics, please refer to this document which can be found on the NHS Practitioner Health and the Disabled Doctors Network websites

-  Reasonable adjustments
-  The Equality Act 2010
-  The GMC
-  Considerations when requesting adjustments: rota flexibility, the Bradford factor, adjustment implementation
-  Prognosis of disability
-  Advice for older doctors
-  Mood disorders
-  Acute pain
-  Myalgic Encephalomyelitis (ME)/Chronic Fatigue Syndrome (CFS)

www.practitionerhealth.nhs.uk

www.disableddoctorsnetwork.com