



## SUCU is Supporting Staff Returning to Campus: Negotiating Flexible Working and Reasonable Adjustments

Disability equality - this document is based on the TUC's Manifesto for Disability Equality which sets out policies to achieve real equality for disabled people.

## The Law

The law around disability and reasonable adjustments demonstrates to employers that a disabled person is usually made disabled by the environment they are placed in. Employers have a legal duty under the Equality Act 2010 (section 20) to provide conditions whereby all employees can carry out their work.

Removing barriers to disabled people at work - this document examines exactly what the law says, looks at some examples and case studies, and discusses how UCU reps can best approach negotiating reasonable adjustments for members.

## What is a Reasonable Adjustment?

A reasonable adjustment is an alteration an employer could make to enable a disabled person to continue to carry out their duties without being at a disadvantage compared to others. Further information can be found here.

## What is meant by 'Reasonable'?

Employers are not under any obligation to implement changes that may be considered unreasonable due to factors such as:

- its effectiveness in overcoming the disadvantage;
- its practicability in terms of finance and disruption;
- the availability of financial and/or other assistance;
- the nature of the employer's activities and whether it enables the person to carry out their work.

The university's process for identifying and implementing reasonable adjustments can be found here.

## Examples of Reasonable Adjustments

- Making adjustments to premises
- Reallocation of duties or job transfer
- Altering their working hours
- Allowing absence for rehabilitation or for treatment
- Arranging or giving extra training
- Acquiring or modifying equipment
- Modifying instructions or reference manuals
- Modifying procedures for testing or assessment
- Providing a reader or interpreter
- Providing supervision

## Getting support

If you are disabled or have a physical or mental health condition that makes it hard for you to do your job and you need a reasonable adjustment;

- talk to your line manager about making changes
- approach your dept rep for support
- get extra help from 'Access to Work', including mental health support (see below).

### Access to Work funding scheme

The Access to Work scheme is a government funded scheme that provides a grant to support your disability, neurodiversity, health or mental health condition. The grant can pay for: special equipment, adaptations or support worker services to help you do things like answer the phone or go to meetings; help getting to and from work; etc.

Access to Work also has information on flexible working and work-life balance. It gives practical advice and guidance on how to apply for flexible working. You can also check the UCU guide to Access to Work

Disability Leave - useful definitions, guidance and links around what disability leave is and how it differs from regular sick leave. A person with a disability should have their disability-related leave counted as a distinct and separate leave, and it can be argued for as a **reasonable adjustment**. The university identifies guiding principles on disability leave and provides support for disabled staff.

Making Adjustments Work - having a hidden or visible disability will often require an adjustment that removes or reduces barriers in the workplace that you face. This Adjustment Passport is a live record of agreed adjustments between you and your manager to support you at work due to a health condition, impairment or disability.

Disability Awareness Toolkit - this toolkit provides support for members seeking reasonable adjustments. It includes information, examples and resources on your right to reasonable adjustments and how to negotiate for them.

This toolkit on Mental Health Conditions and Issues aims to provide practical guidance to reps in dealing with mental health issues, and is a companion to other UCUs publications, such as the "1 in 4" Briefing on mental health at work.

The Stress at Work Toolkit provides resources (including research, guidelines and model risk assessments) to help tackle stress in the workplace. Increasing workloads, poor management culture, excessive audit and inspection, job insecurity and poor facilities have all contributed to rising levels of stress among staff.

## Return to Campus / Flexible working FAQ

### Am I entitled to ask for flexible working arrangements?

Yes, provided you have at least 26 weeks' continuous service and have not made a similar flexible working request in the previous 12 months.

If you do not meet these criteria, the university still has discretion to consider your request. Review the University's Flexible Working Guidance, Processes and Request Form [here](#).

Remember that adjustments can lead to permanent contractual changes. Sometimes a short-term informal arrangement can be more flexible.

### Can a flexible working request include a request to work from home?

YES, ACAS has produced [guidance](#) around making a flexible working request and government guidelines suggest that employers must deal with requests in a 'reasonable manner'.

### Can the university refuse my request?

YES, there are only limited reasons why the university can refuse your *statutory flexible working* request. For instance, because the business would be adversely affected. Under law, there are 8 '[good business reasons](#)' for refusing a request.

If you make a *non-statutory flexible working* request and your employer refuses, they do not need to give you a reason. However, your employer is not allowed to discriminate against you when making a decision. Further information on the difference between a statutory and non-statutory request can be found [here](#).

### I have been working from home due to extended lockdowns. Can I use this as evidence that there is no good business reason to refuse my request?

NO, the university may still refuse your request, even if you have been working from home during lockdown. However, the university should explain which of the 8 'good business reasons' set out in the law apply now but did not apply during lockdown. For example, the university may not accept that staff can do certain aspects of their job effectively from home.

### Can I appeal this refusal?

YES, there is an established university [appeals procedure](#). Do seek further advice from the UCU and seek casework support if your appeal is unsuccessful.

### Can I take time off to care for a dependent or family member?

YES, there is good UCU guidance on [caring for the carers](#) with specific case study examples to support. There is also UNISON [guidance](#) on taking compassionate leave to care for a dependant.

### Can I enter into a flexible working arrangement on a "trial period"?

YES, the university flexible working arrangements may be subject to a "[trial period](#)".

### What responsibilities do institutions have regarding my health?

It is an employer's duty to protect the health, safety and welfare of their employees and other people who might be affected by their business.

Employers must do whatever is reasonably practicable to achieve this. This means making sure that you and others are protected from anything that may cause harm, effectively controlling any risks to injury or health that could arise in the workplace.

Employers have duties under health and safety law to assess risks in the workplace. Risk assessments should be carried out that address ALL risks that might cause harm in your workplace.

Employers must give you information about the risks in your workplace and how you are protected, as well as instructing and training you on how to deal with the risks.

Employers must consult employees on health and safety issues. Consultation must be either direct or through a safety representative that is either elected by the workforce or appointed by a trade union.

If you have doubts about any aspects of your department's plans for returning to Campus, you should raise your concern directly with your manager and make sure your local UCU branch representative is copied in.

### I am on a casual contract, what are my rights if classes do not take place?

Non-salaried staff are sometimes not paid if for any reason their classes do not take place or they fall sick. UCU has called for all staff in this situation to be paid as normal based on their regular patterns of work. This is not only fair but will also assist in limiting the spread of the virus. See also: [Protecting precarious workers](#)

### I am an academic-related/professional services staff (ARPS) member required to attend my workplace, what should I expect my employer to do to ensure my health & safety?

UCU is aware that some ARPS staff in areas such as IT and facilities will need to attend on-site as part of skeleton staffing teams, to ensure that their institution can continue to function and to provide and maintain essential services eg, IT support for online teaching and learning. [Please read our guidance for ARPS members here. \[259kb\]](#)

### The current pandemic presents additional challenges and barriers for UCU members with disabilities and there is some specific advice here [120kb]