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DISABILITY, REASONABLE ADJUSTMENTS, AND AUSTERITY¹

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1. INTRODUCTION

The case law (e.g. Ministry of Justice, 2010) indicates a significant level of non-compliance with the employer's duty (now under the Equality Act 2010) to make reasonable adjustments for 'disabled' employees. In addition, the number of successful claims may well be a small percentage of the total number of incidents which, if brought to tribunal, would have been found to have been failures to make reasonable adjustments (Harwood, 2005: 3.2.2); and, as this paper suggests, non-compliance could be set to increase as central government spending cuts impact on the public sector.³ Against this background, the present study (which this paper presents some of the findings to date from) addresses the question: Why are adjustments made/ not made for disabled employees in UK public authorities?

After the 'Literature Review' and 'Methodology', the 'Findings' are set out under the headings - 'Organisational Characteristics', 'Employee Characteristics', and 'Manager

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³ This is not withstanding the fact that the extent of the employer's financial resources are in law matters to which regard might be had in determining whether it was reasonable for the employer to have had to make a particular adjustment.

Characteristics'. Consideration is given to how these characteristics appeared to influence adjustment decisions, and to interact (in doing so) with each other and with a number of more 'external' influences, including, in particular, equality legislation and government spending cuts. The final section summarises the findings and draws some conclusions.

2. LITERATURE REVIEW

Cunningham et al's (2004) analysis of research undertaken between 2000 and 2001, in four case study organisations (ibid: 277), identified "a number of factors that militate against the ability of line managers to comply with organisational policies on the provision of work places adjustments", including, for example, "weaknesses in training" (ibid: 273). While these identified factors suggest some important areas to explore, it cannot be assumed that the findings are (a decade on from the data collection) in large part still applicable. Goss et al (2000: table 2) found an association between the presence of a specialist HR manager and the likelihood of adjustments being made; and Jackson et al (2000: 126) 'concluded that a small but significant variation in willingness to make adjustments to the selection process is dependent upon knowledge of the DDA (Disability Discrimination Act) and positive employer attitudes towards' people with disabilities. The samples in Goss et al and Jackson et al, however, do not appear to have been representative; and, in addition, employer self-reports of willingness to make adjustments (relied upon in both studies) may not have closely reflected the pre-questionnaire likelihood of adjustments being made.

Other relevant reasonable adjustments research appears to principally consist of a handful of studies (e.g. Newton et al, 2007) which, on the basis of in-depth interviews with disabled individuals, suggest reasons why adjustments were not made in particular cases. Foster and Fosh's research, however, casts more general light on the role of negotiation, and work place representation, in the making/ not making of adjustments (Foster, 2007; Foster and Fosh, 2010); while Foster and Wass 'found evidence in two EAT cases ... to support the proposition that jobs are designed around notions of ideal occupants ...' and that 'There was insufficient flexibility built into these jobs to accommodate even mild levels of impairment' (2011: 26).

From the literature review, summarised above, it was concluded that the proposed research would help to fill a significant gap in understanding, and, in particular, in that it would bring some of Cunningham et al's findings up to date, but would look at a wider range of factors, across a larger sample of organisations (than in Cunningham

et al's research and in the other studies referred to above). It would also go onto to test some of the finding against a representative sample.

3. METHODOLOGY

Qualitative approaches appear better suited than quantitative ones to the observation of process (e.g. Maxwell, 2004), and were, therefore, chosen as the principal means of constructing a process model. This has consisted (in so far as the generation of the findings in this paper is concerned) of 49 in-depth, semi-structured telephone interviews, conducted during 2010-2011, with employees, line managers, HR, and union officers from two schools, 22 local authorities, 8 universities and colleges, and 4 museums.⁴ Organisations and interviewees were selected with the aim of maximising variation and chasing up ideas which appeared to be of relevance from preceding interviews; and, of course, on the basis of who would grant access. There has also been a qualitative analysis of HR policies and other documents (such as council committee minutes) from interviewee organisations.

Drawing upon critiques of grounded theory (relating, for example, to the inadequate attention it appears to give to context), the research data was analysed in part on the basis of interative movement between, what might be called, a 'contextual focus analysis', a 'generative focus analysis', and an 'evaluative focus analysis'. The generative focus analysis, for example, entailed generating 'starting' concepts throughout the research (rather than becoming committed early on to concepts which the research might then tend to confirm), but making explicit the epistemological status of those concepts (including, for example, setting out which parts of which documents indicated them).

To facilitate the production of valid generalisations, the existence of a small number of phenomena (indicated in the process model) are being tested across a representative random sample of local authorities (with reasons for selecting local authorities including, for example, problems with determining the sample population for museums and universities/ colleges). This testing has, in particular, consisted of using content analysis to begin investigating the extent to which, if at all, local authority redundancy procedures make provision for reasonable adjustments. The

⁴ Reasons for researching 'public authorities' (within the meaning of the equality duties) included the author's pre-existing interest in those duties; and because public authorities (including on account of the Freedom of Information Act) appeared more likely, than private and voluntary sector organisations, to provide sufficient access to enable identification of the major relevant processes.

findings from this more quantitative phase will be made available once the analysis is complete.

4. FINDINGS

Interview details

To help protect anonymity, the interviewee 'initials' shown do not reflect their real initials. The 'T' after the 'initials' (in the main text) denotes that it is the second interview with the interviewee. For example, ZHT denotes the second interview with ZH. In addition, one or two (fairly incidental) details in two of the quotes have been changed (so as to help protect anonymity).

DWG: Disabled Workers Group. LA: local authority.

interviewee	organisation type	post/ role	interview dates
AB	council	union branch chair	sum 11
AR	council	DWG member	sum 10
BB	council	union branch secretary	sum 11
BE	council	DWG member	win 10
CG	primary school	teacher	sum 10
CW	council	HR officer	aut 10
DA	council	equalities officer	win 10; spr. 11
DD	pre-92 university	HR officer	aut 10
DF	pre-92 university	lecturer	sum 10
ER	council	line manager	sum 11
EW	pre- 92 university	equality unit (non-HR)	sum 11
FG	council	HR officer	aut 10
FS	primary school	teaching assistant	sum 10.
GL	council	line manager	sum 11
GM	council	DWG member	aut 10, sum 11
HJ	council	union officer	sum 11
HM	national museum	Head of HR	win 10
HH	council	Head of HR	aut 10
IJ	pre-92 university	HR officer	win 10
IX	council	DWG member	win 10
JD	council	HR admin officer	sum 10
JH	council	chair of DWG	win 10
KB	council	HR manager	aut 10; sum 11
KM	national museum	Head of HR	aut 10
LC	council	occ. health manager	aut 10
LT	council	union officer	sum 11
MM	council	union branch secretary	sum 11
MS	council	HR officer	aut 10
MV	primary school	school governor	sum 10
NN	national museum	Head of HR	win 10
NS	council	union branch secretary	sum 10
OC	pre-92 university	equality officer (HR+)	aut 10
OT	pre-92 university	equality manager	win 10
PK	council	HR officer	win 10

PX	primary school	chair of governors	sum 10
QM	national museum	HR manager	spr 2010
QW	council	union branch secretary	sum 11
RE	council	union branch secretary	sum 11
RP	council	HR manager	aut10. spr 11
SA	primary school	head teacher	spr 10
SG	museum	HR officer	spr 11
SL	pre-92 university	union branch president	win 10
TR	council	HR manager	aut 10, sum 11
UL	council	DWG member	aut 10
UR	council	HR officer	aut 10/ sum 11
VK	college	union branch secretary	sum 11
YU	college	union branch chair	sum 11
YY	pre-92 university	union member	win 10
ZH	council	DWG	win 10; spr 11

4.1 Organisational characteristics

4.1.1 Politics, norms and climate

Politics

It appeared from the interviews that the political make-up of some of the councils could have a substantial impact on their personnel policies and practices (including in relation to reasonable adjustments). This might, in particular, be as result of different party positions on organisational change. For example, ZHT (DWG/ LA) suggested that the outcome of the Council Ahead (name changed) plan would 'depend upon who gets in', and she continued:

Its very much what I would see as a conservative policy in the sense that its is reducing the council right down to a few hundred workers basically and everything else being outsourced... I would be worried for disability issues if it went ahead ... because you can't have ... the same level of care for your disabled employees and that level of checking about reasonable adjustments and equality if they're outsourced to a private company...

It also seemed, however, that the political perspectives (whether presented as such or as, for example, common sense) of school governors, and those on boards of trustees, could also impact on personnel policies and practices (eg MV; PX; SA; NN).

Organisational norms

A number of HR officers appeared to articulate a belief in the existence of, and a personal commitment to, a local authority (eg PK, HM; FG), or public sector (HM), equality ethos. For example, when asked about the impact on her council of the forthcoming Single Equality Duty, FG (HR officer/ LA) replied - 'I think as a local authority and the largest employer in our area we try to go beyond that. So I'm not concerned by the new provisions'. In addition, a number of union reps appeared to

suggest that their councils or colleges, in general, followed good equalities practice (eg RE/ union rep/ LA). QW (union rep/ LA), for example, stated, with reference to his council and the Disability Discrimination Act (DDA), - 'I wouldn't say that they were an authority that made any discrimination'.

However, the interviews also provided a substantial number of examples of what appeared to be poor equalities practice (some of which are referred to below), and a number of negative comments about general organisational approach, with, for example, YU (union rep/ college) stating, with reference to her college - 'I think their commitment to equalities is very poor actually'. Indeed, it seems possible that the belief that public authorities are naturally good on equalities could lead to some failure to address shortcomings. For example, FG's (HR officer/ LA) suggestion (referred to above: 4.1.1) that she is 'not concerned by the new provisions' of the Single Equality Duty might appear complacent in that (assuming that the list of 'completed equality impact assessments' on the council website was a list of all those completed) the council appeared to have impact assessed few of its in-force HR policies (thus falling short of what appears to have been a requirement under the General Disability Equality Duty to impact assess all policies). In addition, ZH (DWG/ LA), stated - 'I think there's possibly a perception that disability or equality is a luxury that may be they can't afford at a time when they're thinking about having to cut statutory services...'

There were also, in some interviews, a number of what might be characterised as being less positive attitudes towards disability. These included the idea that making adjustments entailed the organisation 'carrying' the employee in question (RPT; RP; CW; MU); and a focus on fraudulent claims - in the sense of what HM (HR manager/ museum) called 'swinging the lead' i.e. taking unjustified sick leave, and also in the sense of requesting adjustments that were not needed. RP (HR manager/ LA), for example, seemed to suggest that employees might quite often lie to their GPs about what was needed, as 'Obviously somebody going to their GP, its just the employee's word what they choose to say'. There were also indications that the cuts were relevant to at least some of these less positive attitudes; with, for example, it appearing to perhaps be implied that 'carrying' employees was less acceptable when others were being made redundant (CW/ HR officer/ LA).

None of this is to suggest that such less positive attitudes were not justified in particular cases. Presumably, for example, some employees were 'swinging the

lead'. It is more to speculate on some of the perspectives from which some managers might sometimes regard claims for adjustments. The number of interviews in each organisation was so small that it would perhaps be unwise to even speculate on whether particular expressed perspectives reflected group or organisational norms. However, there was, for example, a suggestion from one interviewee, with reference to reasonable adjustments, that the team she was in regarded her as 'troublesome ... as someone asking for special treatment as they would see it' (ZHT/ DWG/ LA); and, as discussed below (4.1.2), it appeared that some departments might have had more negative attitudes than others.

Organisational climate

It was suggested in a number of interviews that there might be fears, arising from the threat to jobs, around taking sick leave (VK/ union rep/ college); asking for adjustments (ZH/ DWG/ LA); or complaining about harassment (AB/ union rep/ LA). For example, referring to managers harassing staff, AB said that there were instances where 'staff are too frightened to take action .. especially now because you think your job might be at risk...'. However, while QW (union rep/ LA) referred to how, with the cuts, employees were 'looking over their shoulders', there was just one other direct reference (additional to the aforementioned in VK, ZH, and AB) to fear, and it was DF's (lecturer/ university) comment that he did not think employees 'would need to fear the employer if they ... acquire an impairment'.

4.1.2 Funding, size, and central budgets

As discussed across this paper, it appears that cuts in government grant have and/ or could have an impact on reasonable adjustments; and, indeed, a number of interviewees suggested that this was the case. Of particular note, some HR officers indicated that, under the influence of the cuts, some adjustments might no longer be considered 'reasonable' (eg CW, RP). For example, RP (HR manager/ LA) stated:

You've got to look at ... what its actually costing you as an organisation the adjustment and if they become unreasonable in the current climate current budget ... we can't carry people who aren't going to perform a function.

Other interviewees suggested that the cuts had led to delays in adjustments being agreed 'while everybody and his brother gets consulted on where the budget is going to come from' (NS/ union rep/ LA); that there was more having to 'shout up' (GMT/ DWG/ LA) to get an adjustment; that cuts to Access to Work funding would affect

reasonable adjustments (eg JH/ DWG/ LA); or simply that there 'will be less adjustments made' (UL/ DWG/ LA).

However, some interviewees indicated that the cuts had not lead to a reduction in adjustments (eg DAT/ equality officer/ LA; AB/ union rep/ LA); with BB (union rep/ LA), for example, stating - 'they seem to be just as willing as before'. Further, when asked whether the increase in the employer contribution to the first £1,000 of the cost of Access to Work 'will make a difference to the adjustments that you determine you can afford', TRT (HR manager/ LA) replied - 'below a £1,000 when you're talking the size of an organisation like ours I think that would be deemed reasonable ...'. However, some of those who said that the cuts were not impacting on reasonable adjustments, indicated that the cuts were having a detrimental impact on those with health problems and disabilities, including in ways which, to the author, appeared to entail adjustments being cuts (as discussed below in the case of the interview with AB: 4.1.3). In addition, a number of interviewees predicted that there could be much worse to come (e.g. ZH/DWG/ LA; NS/ union rep/LA).

It seems possible that central funding of adjustments could reduce the departmental temptation to cut them. Of particular note, according to OC (equality officer/ university), whose university was looking to establish a central reasonable adjustments fund:

It may be ... disability isn't looked upon favourably within their certain sort of department ... So it might be a case ...that departments are reluctant to provide the reasonable adjustments because ...it will be cut out of their ... department budget. ... We're trying to have a central resource ... where staff can come and access the reasonable adjustments without having to sort of feel that ... putting their departments out ...

However, in the case of the organisation that already had such a central fund, it appeared that it might have tended to fund the more minor of the adjustments made (ZH/ DWG/ LA). In addition, of course, central funds might themselves be cut.

4.1.3 Policies and procedures

The written policies

The majority of the absence management policies seen so far, from the interviewee organisations, appeared to provide explicit encouragement to make reasonable adjustments (eg Council A: para. 9) but the majority of capability procedures did not (eg Council B). In addition, most of the policies which referred to reasonable adjustments appeared to indicate that less was required, in relation to adjustments, than would

appear to be the case in law. For example, most of the references to reasonable adjustments, seen so far, set out a requirement to 'consider' adjustments without indicating that there will also sometimes be a requirement to make them (eg University A: para. 2). Some interviewees (URT; VK; LT; RP) suggested that the cuts had, in URT's words (HR officer/ LA), led to 'a general tightening up of (personnel) procedure'. Others, however, said that they had seen no changes to written policies arising from the cuts (eg GL/ line manager/ LA; VK/ union rep/ college).

Equality Impact Assessments

A number of problems with the conduct of Equality Impact Assessments (EIAs) appeared to be undermining their effectiveness in improving policies in the interviewee organisations. To begin with, where organisations provided lists of EIAs completed, it appeared, as in the case of FG's council referred to above (4.1.1), that the majority of their HR policies had not been impact assessed. In addition, the EIAs that had been conducted did not seem to have led to changes to the policies (eg DA/ equalities officer/ LA; SL/ union rep/ university; council C). Indeed, the head of HR at one council (HH) said:

I think in many cases its retrospective process ... and its a tick box exercise essentially to say you've done one. But the learning from an equality impact assessment, I don't think necessarily feeds into the policy development.

The equality manager (OT) at one university, however, indicated that his university was now taking a more robust approach to EIAs, with, for example, 'a series of staff development sessions planned on impact assessments'.

Implementing policies

It appeared that there was quite often a substantial gap between policies and practices. CG, for example, explained that her school's annual appraisals proforma required that a question be asked about adjustments but that she had never (in her four years at the school) been asked such a question. In some of the organisations, policy-practice gaps seem to have arisen in part from a lack of clarity in the wording of the policies (e.g. SB/ DWG/ LA) and/ or from some of the manager characteristics discussed below (4.3).

A number of interviews indicated that the cuts had led to personnel policies being implemented more strictly (GL/ line manager/ LA; URT/ HR officer/ LA; AB/ union rep/ council), including through managers being clamped down on for not clamping down

on employees (eg ER/ line manager/ LA; EW/ union rep/ university). In some cases, stricter implementation appeared to mean that allowances not explicitly provided for in a policy (including those which might be required under the reasonable adjustments duty) were being reined back on (e.g. AB/ union rep/ LA). According to VK (union rep/ college), for example, she had sought, as a reasonable adjustment, time off for treatment for a member 'under the DDA', and that management 'just said we're not dealing with that, we're dealing with their attendance and they're attendance can't be supported... '.

Indeed, AB (union rep/ LA), appeared to indicate that seeing policies through, without allowances, might have been used as a means to make dismissals without these being taken to be redundancies. She explained:

HR seem to be having an awful lot of ... hearings on sickness and capability. They will follow it through, which they don't seem to have done up until now... (I)instead of making people redundant, they've been looking to weed people out that are easy to get out. So if you've got a sickness record that they can actually get into their capability procedure then they will use that ... (W)e've got one ... what they're actually saying is that they don't like the way the person is trying to deal with their issues which could involve counselling and one day off a week...

As, for example, time off for counselling might well be a reasonable adjustment, this 'following through' would appear to involve potential cuts in adjustments, arising in part from the cuts; notwithstanding that, as recorded above (4.1.2), AB had indicated that the cuts were not having an impact on adjustments.

4.1.4 Personnel structure and functions

Interviewees who commented upon the matter appeared to indicate that it was the line-manager's role to take the lead in making reasonable adjustments (e.g. KB/ HR manager/ LA). There appeared to be considerable variation, however, between situations and councils, in the extent to which line-managers made decisions without HR involvement. For example, KB stated that 'on a local basis they wouldn't need to access HR advice...'; whereas CW (HR officer/ LA) stated - 'We would expect them to involve us, certainly if there's an ill-health problem or a disability problem'. In the case of decisions with 'massive budget implications', ZH (DWG/ LA) suggested that the line manager 'may want to talk to their manager'.

In addition, a number of interviewees referred to the role of equality officers (e.g. DAT/ equalities officer/ LA), albeit perhaps sometimes informal. ZH, for example, referring to

their involvement in reasonable adjustment cases, explained - 'that's not their job to do that. They do step in because they're lovely people'. Where adjustments are turned down, it seems that others might be involved in making decisions on appeal. For example, ZH (DWG/ LA) stated that 'if it (a reasonable adjustments request) goes to a reasonable adjustments review group it seems to be the case that it will go in favour of the employee ...'.

It appeared that the cuts might be contributing to changes in personnel structures and functions, including, for example, in some cases, further devolution of personnel decision making to line-managers (RPT/ HR manager/ LA); a more centralised HR (DFT/ lecturer/ university; RPT); cuts in HR staff (GMT/ DWG/ LA); shared HR services (AB/ union rep/ LA) and partnerships with the private sector (TRT/ HR manager/ LA); and threats of HR being contracted out (NS/ union rep/ LA; VK/ union rep/ college). It also seems that some of these changes could impact upon reasonable adjustments decision making. For example, ZH (DWG/ LA) indicated that their contracted out HR department, which had been contracted out before the prospect of the cuts, 'aren't the traditional HR department where they will give the managers advice... HR will just point them in the direction of the intranet where it gives the policy'; which might, of course, be a problem if individual managers have inadequate knowledge around reasonable adjustments (a matter returned to below: 4.3.2).

The change of greatest potential significance for individual employees, however, is, perhaps, the contracting out of entire council services of which they are part (such as, for example, housing). This is, in particular, because - whereas contracted out HR would still be required to follow council HR policies and HR practice would still be subject to the equality duties - this would not be the case with HR in a contracted out service. In addition, union interviewees suggested that employment practice among private contractors, including in relation to equalities, was considerably worse than that in public authorities. For example, referring to contractors she had been dealing with as a union rep, VK stated - 'The first thing they say is the business case... And often they have very little interest in the individual'. However, she did add, perhaps of relevance to the local authority ethos discussed above (4.1.1), - 'Unfortunately that is the way local authorities are going as well'. It is also worth noting that HJ (union rep/ LA) indicated that equalities practice was quite good among several of the council's arms length organisations.

4.1.5 Occupational health

The occupational health (OH) service appeared to have a significant or substantial influence on reasonable adjustment decisions in all the interviewee organisations (albeit far from on all reasonable adjustment decisions). However, whether OH recommendations were implemented appeared to depend, to a large degree, upon the attitude of the line-manager. ZH (DWG/ LA), for example, recalled, with reference to occupational health recommending adjustments for her, - 'So that then came back to the manager ... and then they kind of umed and ahred about it for a while and eventually agreed to it'. It also seemed that advice from occupational health, while, in general, appearing to be regarded as important (e.g. KM; QM), might sometimes be considered impracticable, with JD (HR admin/ LA) explaining, with reference to an occupational health report, - 'it advises that the person doesn't drive for more than 25 or 30 miles a day ... Now, unfortunately the job that this person does involves a lot of driving... (T)hat's been passed over to the personnel section'; with her appearing to imply that passing to personnel (in these circumstances) is what happens when dismissal is imminent.

In a couple of cases, interviewees suggested that, in part as a result of the cuts, their councils were initiating occupational health referrals a lot more quickly (RPT/ HR manager/ LA; LT/ union rep/ LA). It seemed, however, in the case of RP, that some of these quicker appointments might have been aimed at facilitating dismissal or ill health retirement, rather than adjustments. In addition, it seemed that, in some cases, the cuts might mean later assessments. Of particular note, UR (HR officer/ LA), referring to sending employees, who had been on sick leave for 30 days or more, to occupational health, stated - 'now because of costs at the moment we don't always do that'.

4.1.6 Membership of good practice schemes

It seems possible that membership of good practice schemes, such as the Equality Framework for Local Government, could encourage good practice in relation to reasonable adjustments. However, the value of the Disability Symbol (DS) scheme appeared to be questioned during, or questionable from, a number of the interviews. Of particular note, those who referred to what the DS scheme involved gave the impression that it was just about the Guaranteed Interview Scheme⁵ (e.g. DA/ equalities officer/ LA); whereas it includes six other commitments. There was also some doubt expressed as to whether the Guaranteed Interview Scheme 'encourages

⁵ This involves guaranteeing an interview to all candidates who are considered to meet the essential criteria for the job

people to apply for a job' (UR/ HR officer/ LA); and, when asked whether there was 'ever any concern that declaring a disability' to get a guaranteed interview 'might adversely influence the outcome of an interview', DA's reply included - 'you know there might be suspicion ... "do they think I'm going to be capable of doing the job? "'. The HR manager of a museum (NN), however, said that she thought 'there's still a lot of value in having the two ticks symbol'.

There were indications that activity around good practice schemes could be affected by the cuts. Of particular note, when asked about the Equality Framework, CW's (HR officer/ LA) reply included - 'I'm going to say money's an issue there because we were going to go for the next level up this year. With the 25% cuts that the government have promised, we're thinking we can't afford that now... '. When asked whether she thought not going for the next level 'could have a material impact on meeting the equality objectives', CW replied - 'Yeah certainly ... a lot of things like IIP (Investors in People), the nice to do things which fall by the wayside ... when you just haven't got any money'.

4.2 Employee characteristics

4.2.1 Nature of the impairment

Whether DDA disabled

In general, HR officers and line managers appeared to stress that they would make adjustments which were 'reasonable', whether or not the person was regarded as meeting the legal definition of disabled (KB; HK; RP; LC; FG; GL; DD). For example, KB (HR manager/ LA) explained - 'we'd be tying ourselves up in knots if we're trying to determine ...whether or not they met the DDA kind of definition ... If something reasonable then ... we'd seek to kind of put it in place'.

There were, however, some indications that in practice whether some one was thought to meet the definition of disabled could make a difference. For example, some occupational health reports (e.g. LC/ occ health manager/ LA) stated whether the person was considered DDA disabled; some of the personnel procedures provided the DDA definition (Council D); KB indicated that whether someone met the definition could make a difference when an adjustment would involve a 'largish amount of money'; and (as discussed in the next paragraph) a particular mental health condition not being accepted as a disability did appear to have caused problems.

Mental or physical

A number of interviewees indicated that reasonable adjustments might be less likely to be made, and/ or need to be pushed harder for, in the case of mental health conditions (e.g. BB; ZH; UL). For example, UL (DWG/ LA) explained that reasonable adjustments for her mental health condition were delayed because 'They didn't recognise it as being a disability... they were so focussed on physical disability'. It also appeared that, on account of concerns around stigma, those with mental health problems might be more reluctant to declare a disability or ask for help. Of particular note, VK (union rep/ college) explained - 'they often think that they won't get another job if they tell somebody they've got stress, anxiety or depression'.

It might be speculatively wondered whether - with the strong emphasis, in some organisations, on staff counselling help lines (e.g. LC; FG; FS) - mental illness tended to be regarded as principally a problem with individual coping mechanisms, and thus not necessarily requiring adjustments to working arrangements. However, interviewees did give examples of adjustments for mental health problems (e.g. KB/ HR manager/ LA). In addition, it seems that the focus on those with mental health problems could, in some cases, have lead to earlier support, as was perhaps implied when DA (equalities officer/ LA) stated, when discussing adjustments, - 'anything that involves someone being off with stress or depression ... is picked up really quickly by HR'.

It appeared that the stress arising from the threat of redundancies could be causing or aggravating some mental health conditions (e.g. SL/ union rep/ university; UL/ DWG/ LA); and thus, perhaps, increasing the need (including, in some cases, the unmet need) for reasonable adjustments.

Duration of an impairment and absence

Being absent and the absence being long term seemed, in general, to contribute to the likelihood of adjustments being made. For example, policies looked at appeared to provide more encouragement for adjustments when an absence was long term (up to the point, perhaps, at which dismissal was becoming the preferred option) (eg University B: para. 12). It was clear, however, that adjustments were often made when employees were not on sick leave (eg MS/ HR officer/ LA). It also seems that absences and impairments might some times be judged too long term for adjustments, in the sense that the organisation does not feel that it can wait as long as appears to be required before the employee can return to work with adjustments, and in the sense that adjustments might be required for too long to be sustainable. RP (HR manager/

LA), for example, stated - 'if somebody's comeback and their capacity is down at the 20, 30% of what it should be and its not improving, you know we can't afford to carry that long term'.

4.2.2 Role, status, and value to organisation

It seems possible that the (perceived) value of an individual to an organisation will some times influence whether the organisation will make adjustments (eg UL). Of particular note, when asked whether she thought there were 'factors that determine whether adjustments get made', BE (DWG/ LA) replied - 'a lot of it is how the line manager sees the importance of getting that person fully equipped to do their job properly'; and later added - 'I think that does make a certain difference ... whether you're temporary or casual, the role you're in... . I've not actually ... heard of anybody on a temporary or casual basis actually having any of these things looked at'.

It also seems that certain types of post might be less amenable to particular kinds of adjustments. For example, RP (HR manager/ LA) suggested that manual workers might be harder to redeploy, explaining that - 'if they're not fit to do manual work, a lot of them ... don't have the skills to do office work etc'. In contrast perhaps, according to another interviewee, an office based employee had been made redundant as he was only offered redeployment to roles involving heavy lifting, which he was unable to do on account of his condition (IX/ DWG/ LA).

The influence of role, status, and value might have increased and/ or be set to increase with the cuts. RP, for example, appeared to suggest that toleration for redeployed staff not being fully employed might be less now. In particular, having been asked about the impact of the cuts, he replied:

A road worker in the past, we may have said OK he can work the JCP all the time... But realistically ... there's only so much time when they're using a JCP. So they're probably sitting unproductive for significant periods of time. Its not a practical option for us long term.

4.2.3 Knowledge, attitude, fight and resources

Some of the interviewees, perhaps not surprisingly, referred to managers or HR discussing their proposals for adjustments with employees (e.g. MS; UR). It also seemed that some employees would, unbidden, suggest particular adjustments to managers (e.g. RP; ZH: LC; UL). However, there was little indication from the interviews, or the policies, that employees were encouraged to suggest particular

adjustments. In addition, the employee suggestions for particular adjustments, referred to in the interviews, appear to have, in general, met with some resistance (e.g. UL; ZH; RP).

Employee influence on adjustments appeared to depend in part upon employee characteristics, including, in particular, knowledge, motivation, preparedness to fight, and/ or support. UL (DWG/ LA), for example, wanted a change in hours as a reasonable adjustment, but, as referred to above (4.2.1), the council would not recognise her mental health condition as a disability. UL explained that she 'had to get more evidence ... to give to HR', with her role in the council helping in that it gave her 'knowledge anyway of disability and the Disability Discrimination Act'; and, importantly it seems, she had support from her line manager. In ZH's (DWG/ LA) case, however, she appeared to suggest that successfully pushing for adjustments might have contributed to her being made redundant, in that (as referred to above: 4.1.1) it had made her appear 'troublesome'.

ZH also made the point that an impairment could impact upon the ability to fight. She explained:

take it to tribunal is such a stress on an individual who is already under a lot of stress ... If they're lucky, and got a great union rep who will fight with them, then maybe they'll get a result but if they don't have that, if they don't have the strength to do that, then no.

Indeed, the interviews with unions reps suggested that union support, when provided, could be important in getting adjustments. It also appeared that the Disabled Worker Groups could play an important role, albeit, it seemed, more in terms of providing information to members than advocating on their behalf (e.g. JH/ DWG/ LA; AR/ DWG/ LA).

4.3 Manager characteristics

4.3.1 Managerial discretion and variation

A good deal of the personnel function (including in relation to adjustments) appeared (as touched upon above: 4.1.4) to be devolved to line-mangers; who appeared to be granted considerable discretion in undertaking that function. The interviews, however, also suggested that there was substantial variation in how line managers exercised their discretion (eg ZH; WL), including, perhaps, for some of the reasons given below. Taking in some of these possible reasons (but also suggesting that the

line manager might not always have the last word), BE (DWG/ LA), when asked about who would decide whether adjustments should be made, replied:

its usually the line manager is the first port of call and it does depend very much on that individual line manager - their understanding, their knowledge, their empathy level as to whether that is taken forward or not or whether that individual has got to fight their corner...

4.3.2 Knowledge, guidance, and training

It seems possible that some of the variation, in-line manager practice, will have arisen from variation in knowledge. For example, the two line managers interviewed from the same council appeared to have quite a good understanding of adjustments (GL; ER), not surprisingly perhaps since they had responded to a request to be interviewed about the management of impairments; whereas ZH (DWG/ LA) said, referring to line managers, that in her 'experience they don't really know about reasonable adjustments'. In general, interviewees appeared to understand (at least) the general gist of what was required under the reasonable adjustments duty, and all HR, line manager, and union officer, interviewees seemed to regard it as having an important impact on their practice.

Most, however, appeared to underestimate what was required. Of particular note, this seemed to involve an everyday understanding of the term 'reasonable' in reasonable adjustments (e.g. DD/ HR officer/ university); and an assumption that what was 'reasonable' was what the council (and perhaps the individual manager) considered reasonable, rather than (as would appear to be the case in law) it being an objective question that ultimately a tribunal would need to determine. This was, perhaps, apparent, for example, in the use (where reasonable adjustments appeared to be being referenced) of the phrase - 'reasonable efforts to help them where we can' (FG/ HR officer/ LA).

Manager training would appear to be of potential relevance to improving reasonable adjustment knowledge. However, while some HR interviewees said that such training covered disability (e.g. RP; IJ; PK), it was not clear that it covered reasonable adjustments; and there were indications that it might sometimes squash all equality strands into one session. For example referring to training for staff, IJ (HR officer/ university) said - 'it is an overview so I doubt it goes into great detail. It certainly gives some generic employment law'.

4.3.3 Attitudes and relationships

In some cases at least, it appeared that the relationship between the manager and the employee, and/ or manager attitudes (including to disability issues but also perhaps attitudes, such as level of empathy, which might be better characterised as personality traits) could well have had a greater influence, on whether adjustments were made, than knowledge of reasonable adjustments. In the case of LC (occupational health manager), for example, it seemed possible that an apparent willingness to make adjustments might have arisen in part from empathy with those needing adjustments; with, of particular note, her reply, when asked about adjustments, including - 'there are lots of people who need a helping hand, and you and I might be one of them one day'.

5. CONCLUSIONS AND DISCUSSION

5.1 Conclusions

The analysis of the in-depth interviews, and organisational documents, suggested that a number of organisational characteristics (including organisational politics, norms, climate, structure, and policies), employee characteristics (including nature of the impairment, role and value to the organisation, knowledge and resources, and willingness to fight), and manager characteristics (including level of discretion, training and knowledge, attitudes, and relationship with managed employees), influenced whether adjustment were made. In relation to employee 'role', for example, a Disabled Workers Group member said that she had never heard of an adjustment being made for someone working 'on a temporary or casual basis'. The analysis also suggested possible interactions within and between organisational, employee, and manager characteristics, and between each of these and more external influences, including, in particular, equality legislation (including, of course, the reasonable adjustments duty) and government spending cuts. For example, a number of HR officers indicated that, under the influence of the cuts, some adjustments might no longer be considered 'reasonable'.

There were, however, some clear limitations to the study. In particular, while the interviewees were not intended to be a representative sample, the degree of variation aimed for has not yet been achieved. It has proved difficult, for example, to find non-management interviewees from museums. In addition, the over-riding research aim of protecting participant anonymity led to the partial abandonment of a number of approaches which had been regarded as making important contributions to reliability and/ or validity. In relation to reliability, for example, it had been planned (as part of an 'open grounding' approach) to enable the reader to challenge the findings against

large chunks of research data (but this might have given too much of a 'clue' as to who the interviewees were). In relation to validity, it was decided that indicating (as a form of triangulation) where interviewees from the same organisation agreed/ disagreed with each other would have risked revealing each of these interviewees to the other.

5.2 Discussion

The impression gained was that there was a quite strong disability equality ethos across the interviewee organisations; that all the managers, HR personnel, and union reps, felt that the reasonable adjustments duty had a substantial impact upon their practice; and that all the employees with impairments felt that the duty had significantly or substantially improved their situation. Further, there appeared to be a consensus, amongst those who commented on the matter, that practice was, in general, a good deal worse in the private sector.

However, the interviews provided a significant number of examples of what appeared to be poor equalities practice. In addition, it appeared that breaching the disability equality duty (in relation to equality impact assessments) was standard; that the majority of HR officers underestimated what was required under the reasonable adjustments duty; that employees often had to fight to get adjustments (while some, including on account on ill-health, were unable to do so); and that some officers had a particular focus on adjustments as 'carrying' the employee (as opposed to, for example, reasonable adjustments enabling employees with disabilities to make an equal contribution).

It also appeared, from some of the interviews, that cuts in government grant have lead to fewer adjustments, delays in adjustments being made, and employees having to fight harder for them. Further, it might be wondered whether - under the combined pressure of the cuts, an official nod towards side-stepping 'regulations', and the portrayal across the media of the disabled as fakes and fraudsters (the results of which appear to be spilling over into the work place) - the future of the public sector disability equality ethos might be in some doubt. And, of course, while it seems unthinkable that the Equality Act will be savaged as a result of the Red Tape Challenge ...

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