

Minimum requirements

2.1 Complying with the Equality Act

2.1.1 When carrying out a work health assessment, employers must consider the requirements of the Equality Act. It is unlawful for employers to ask about an applicant's health or disability prior to making an offer of appointment, for any reason other than the exceptional circumstances outlined within the Equality Act.

2.1.2 The Act also places a duty on employers to consider any reasonable adjustments (as far as practical) to ensure that people with disabilities are not disadvantaged during the recruitment process and, are treated fairly when considering working arrangements and the working environment.

2.1.3 Further details on the Equality Act can be found in **Appendix 1**.

2.2 Who to check and when

2.2.1 A work health assessment should be carried out for all individuals doing any type of work or volunteering in the NHS, including all directly paid employees, temporary workers (supplied by an agency or any other external contractor), students, trainees, and volunteers. This includes when:

- an individual will be taking up their first NHS position (whether or not this is preceded by a period of training)
- an existing or returning NHS employee is moving to a new job within a different NHS organisation (employers should check information retained about the individual on their electronic staff record (ESR) to avoid any unnecessary duplication of immunisation/vaccination requirements)
- an existing member of staff is returning to work following a serious injury or illness and there is a need to assess whether they can safely return to their normal duties. Any assessment will need to be proportionate to the risks associated with the type of activities they will be required to undertake as part of their normal role

- an existing member of staff moves to a different job within the same organisation, and this significantly changes the environment they will be working in, or the nature of the work they will be undertaking, for example, they will be required to carry out exposure prone procedures (EPPs) for the first time.

2.2.2 Assessments should take place after an offer of employment but prior to the commencement of their employment / placement or training, except for individuals on work experience.

2.2.3 It is unlawful for employers to ask applicants to complete a pre-employment health questionnaire or to ask health or disability related questions as part of their application or interview process, unless circumstances are exceptional as outlined within the Equality Act.

2.2.4 Employers must make it clear to successful applicants that the offer of employment is conditional pending the completion of pre-appointment checks, including a relevant work health assessment.

2.2.5 All work health assessments must be carried out fairly, objectively and in accordance with equal opportunities legislation and good occupational health practice.

2.3 Agency/external contractor requirements

2.3.1 If a worker is supplied by an agency or other external contractor under a framework agreement, the work health assessment may be undertaken by a Safe Effective Quality Occupational Health Service (SEQOHS) accredited provider.

2.3.2 Employers must ensure that agencies are clear about what level of clearances, (including vaccination requirements) are required for different positions to avoid any unnecessary delays in making appointments. Written confirmation should be obtained from the agency to confirm that they have carried out an appropriate assessment, the worker is fit to start work, and what, if any, reasonable adjustments need to be considered.

2.3.3 Employers will only need to carry out a further work health assessment on agency workers if there is a significant change to the nature of work and/or working environment, or if there are changes to the worker's health, as described in section 2.2 above.

2.4 The assessment process

2.4.1 The two statements below provide suggested wording for employers to include in a separate form which can go out alongside the conditional offer letter of employment.

2.4.2 The offer letter should advise the individual to complete the form and return it to the occupational health department.

2.4.3 Employers should invite all prospective employees to tick which one of the following two statements apply to them:

A	I am not aware that I have a health condition or disability that might impair my ability to undertake effectively the duties of the position that I have been offered.
B	I do have a health condition or disability that might affect my work and may require special adjustments to my work or my place of work.

2.4.4 In all cases, it will be for the occupational health practitioner (or other suitably trained professional depending on local protocol) to ascertain whether there are any additional requirements or reasonable adjustments, that should be considered to ensure the safety and wellbeing of the individual and/or any patients they may be providing services to/or will have contact with. In more difficult or complex cases, successful applicants may need to be assessed by the occupational health service.

2.4.5 Occupational health will then process this information and send a clearance certificate to human resources to confirm the following:

- the individual can start work

- the individual can start work with reasonable adjustments being made
 - this will also include recommendations outlining what adjustments may need to be considered
- any immunisation and/or EPP clearance (where applicable to the role).

2.4.6 If no recommendations have been made by occupational health, the process should end at this point, and the appointment decision confirmed with the individual.

2.5 Considering reasonable adjustments

2.5.1 The Equality Act places a duty on employers to make reasonable adjustments for applicants or employees who have a disability.

2.5.2 The aim of making reasonable adjustments is to reduce as far as possible, any significant disadvantages that may be presented to an individual with a disability that would not affect an able-bodied person. This may include reviewing how the employment is structured, removal of physical barriers or providing additional support to the individual, such as:

- making practical adjustments to the premises
- altering the person's working hours
- allowing absences during working hours for medical treatment
- giving additional training
- providing special equipment or modifying existing equipment
- changing instructions or reference manuals
- providing additional supervision and support.

2.5.3 In most cases, adjustments will be easy and inexpensive to implement. Further information about the factors employers will need to consider can be found in Appendix 1. Additional guidance on making

reasonable adjustments can be found on the Equality and Human Rights Commission website and there are many examples of adjustments detailed in guidance available on the NHS Employers website.

2.6 Access to Work Scheme

2.6.1 Employers may also wish to consider the Access to Work Scheme to help them decide what steps they might need to take. In some cases, financial assistance is made available through the scheme which will help the employer take steps which may have otherwise been unreasonably expensive to consider.

2.6.2 Further information about Access to Work can be found on the gov.uk website.

2.7 Risk assessment

2.7.1 Employers are also legally required to undertake the necessary assessments to effectively manage any risks to the health and safety of employees, patients, and others on their premises, under the Health and Safety Act. A risk assessment should:

- identify any hazards that exist in a workplace
- assess how likely these hazards are to cause harm to workers, patients, and others on the premises
- identify any preventative or control measures that will need to be considered.

2.7.2 For more information on managing risk visit the health and wellbeing section of the NHS Employers website.