

New Acas guidance on mental health reasonable adjustments

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Acas has issued new guidance to support employers and employees in respect of reasonable adjustments for mental health at work.

The non-statutory guidance:

- offers guidance on responding to mental health conditions
- provides examples of possible reasonable adjustments
- sets out the process it recommends employees and employers follow when considering reasonable adjustments
- recommends employers have a reasonable adjustment policy

Background

Pursuant to the Equality Act 2010, employers are under a legal obligation to make reasonable adjustments to remove or reduce disadvantage suffered by workers, contractors/the self-employed who are hired personally to do work and job applicants in connection with employment or the employer's premises where that disadvantage is related to their disability. This duty only arises where an employer knows, or could reasonably be expected to know, about an individual's disability. A disability is a physical or mental impairment which has a substantial and long-term adverse effect upon the individual's ability to perform day-to-day activities.

Acas guidance

The new Acas guidance underlines the importance of treating mental health conditions with the same care as physical illness, noting that mental health affects workers' emotional, psychological and social wellbeing. Acas points out that making reasonable adjustments can assist with the recruitment, retention and training costs of employees, in addition to potentially reducing absence and increasing productivity.

The guidance outlines practical steps employers can take when deciding whether to make reasonable adjustments in connection with a worker's mental health, recommending that employers convene a meeting with affected workers to discuss potential adjustments and to agree a plan, obtain occupational health advice and put in place an ongoing review. It also proposes potential adjustments employers could consider including:

- changing an individual's physical working environment or working arrangements
- finding a new way to do something
- adapting the way the employer's policies are applied
- providing additional support, including equipment or services

Although it is not a statutory requirement, Acas also recommends that employers should consider making reasonable adjustments even where the disadvantage suffered by a worker does not relate to a disability.

The guidance does not create any new legal obligations but it is a helpful guide for both employers and employees in respect of supporting employees with mental health conditions in the workplace.

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