

How to ... Reasonable Adjustments and Driving

The Equality Act (2010) requires that employers make reasonable adjustments for disabled people. The duty applies in recruitment, during all stages of employment and includes potential applicants.

Chapter 6 of the [Employment Statutory Code of Practice](#) provides further information about the duty to make reasonable adjustments.

In addition, the [Equality Act 2010 \(Specific Duties\) \(Scotland\) Regulations 2012](#) requires the Council to assess the impact of applying a proposed new or revised policy or procedure **against the needs of the general equality duty**. The general duty being;

1. to eliminate unlawful discrimination, harassment and victimisation
2. advance equality of opportunity between people who share a protected characteristic and those who do not
3. foster good relations between people who share a protected characteristic and those who do not

The Council participates in the Guaranteed Job Interview Scheme and by guaranteeing an interview to any disabled applicant who can offer the skills and experience we consider essential for the job this is one way we can advance equality of opportunity for disabled people

Reasonable adjustments must be considered on a case by case basis and not unreasonably ruled out when a job is advertised.

Is Driving Intrinsic or Not?

There will be circumstances where driving is intrinsic to the work concerned. Therefore where the job profile indicates driving is required job recruiting managers should consider;

1. Whether driving is required in all circumstances or
2. Is it the ability to travel which is actually required, e.g. to travel to make client visits?
3. Could the work be carried out by someone who is unable to drive?
4. Would a reasonable adjustment be to remove this requirement for someone with the protected characteristic of disability who is unable to drive?

➤ When is it appropriate to ask applicants if they can drive?

If the job normally requires the job holder to drive, either because driving is the core function of the job or the jobholder is required travel as part of carrying out the work you may ask applicants if they hold a current driving licence. However, depending on the specific requirements of the job the following should be considered.

- In what way is driving intrinsic to the job?
- For multi occupancy posts how many of the job holders actually need to be able to drive and could the work be restructured to accommodate a non driver?
- Have all other ways of travelling been explored/ considered?
- How frequent is this requirement to drive, e.g. daily, weekly?
- Is the job holder expected to respond to emergency calls or are visits to other locations planned?
- If the job holder is expected to respond to emergency calls, in practice how frequently does this happen?
- If the job holder didn't have a licence but had access to some kind of support that allowed them to travel would they still be able to perform the work?
- If not please explain?
- Are there any circumstances in the past where a job holder has not had a driving licence or has lost their driving licence?
- If this has occurred how was this resolved?
- Do you ever use any other resources to cover duties on a temporary basis, e.g. agency workers?
- If you do use temporary resources is a driving licence always required?
- Are there any plans to review the way the work is structured which would enable you to implement a reasonable adjustment to remove the requirement to drive?

OUTCOME OF ASSESSMENT

1 Driving is a core function of the job

If driving is the core part of a job (e.g. minibus driver) the following application question should be selected.

a) Do you hold a current driving licence?

You should then shortlist for interview as usual, i.e. applicants who do not hold a current driving licence should not be shortlisted.

2 A driving licence is required to be able to carry out a function that is intrinsic to the work

Great care should be taken when assessing whether a driving licence is required to be able to carry out tasks or functions that are intrinsic to the job. As a recruiting manager you may be held to account for your actions if challenged. Therefore if you decide that a jobholder does require a driving licence it is important to keep a written record of your reasons.

If a driving licence is required the recruiting managers should select the application question which is in two parts, i.e. applicants are asked;

a) Do you hold a current driving licence?

b) If no is this due to a disability?

The following statement will then appear;

The Council is committed to making reasonable adjustments so if this job requires the jobholder to drive your application will still be considered if you are unable to drive due to a disability.

The shortlist for interview should include anyone;

a) Applying under the Guaranteed Job Interview Scheme who meets all the other essential criteria

b) Who chose not to apply under the Guaranteed Job Interview Scheme but state they are unable to drive due to a disability and are otherwise equally well suited as other applicants you shortlist for interview

Following interview the preferred candidate should be identified and contacted as usual. There is an expectation that reasonable adjustments should be possible, other than in exceptional circumstances.