

How far do you have to go to prove 'reasonable adjustments'?

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Mrs Wade worked for Sheffield Hallam University. Mrs Wade suffered from allergies which, for the purpose of disability

discrimination legislation, amounted to a disability.

During a period of absence from the business her role was made redundant. As part of the redundancy consultation process, Mrs Wade applied for an alternative post. The university advised that she would be required to attend a competitive interview but that if she met the criteria (and adjustments could reasonably be made to accommodate her disability) she would be appointed to the post.

The university interviewed Mrs Wade but she was unsuccessful. The university said that Mrs Wade did not demonstrate that she could fulfil the core competencies required for the role.

Mrs Wade brought various disability discrimination claims. In particular, she alleged that the university had failed in its duty to make reasonable adjustments by requiring her to participate in a competitive interview process.

In this case, the Employment Appeal Tribunal held that whilst the competitive interview process was a provision, criterion or practice that put Mrs Wade at a disadvantage (as a disabled person), the university had not failed in its duty to make reasonable adjustments by removing the need for a competitive interview. This would have meant the university appointing someone who was genuinely unsuitable for the role. The adjustment was not therefore reasonable.

Although employers should always consider making reasonable adjustments for disabled candidates when assessing their suitability for roles, this case confirms that they do not need to go above and beyond that. Employers need to strike a balance between reconciling the considerations of a disabled employee against the commercial value of obtaining the right candidate for the role.

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