
WORK HEALTH ASSESSMENTS

Importance of work health assessments

Work health assessments (previously known as pre-placement health assessments) play an important part in enabling employers to consider an applicant's health, ability and fitness to perform a particular role.

In line with health and safety obligations and equality law, employers also have a duty of care to their employees to ensure that they, and their workplaces, are safe and healthy.

What is a work health assessment?

A work health assessment aims to identify early on:

- any health condition or disability that may require adjustments in the workplace, to enable the individual to safely carry out the specific duties of the job they are being engaged to do
- any health condition or disability that may require certain restrictions being placed on their role, for example exposure prone procedures (EPP's) which may impact on workers who have a blood-borne virus.

The extent of any health assessment will need to be determined against the requirements of the role and any risks identified that might impact either the individual's health and well-being or a patients.

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

Minimum requirements

When carrying out work health assessments employers must take into account the requirements of the Equality Act. Section 60 of the Act makes clear the circumstances under which an employer can legally ask questions about an individual's disability and health prior to offering an appointment (whether this be a conditional or unconditional offer).

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

Who to check and when

A health assessment should be carried out for all individuals applying for NHS positions, regardless of whether this is in a paid or voluntary capacity. This includes when:

- an individual first takes up their position (whether or not this is preceded by a period of training)
- a member of staff moves to a new job with a different NHS organisation
- an existing member of staff moves to a new position internally within the same NHS organisation and where the new role significantly changes, for example:
 - the **nature of the work** they will be undertaking i.e. moving from a non-clinical role into a clinical, or where the new role requires them to undertake exposure prone procedures (EPPs)
 - their working environment
- there is a change in an employee's health i.e. they are returning to work after a serious illness or injury. An assessment will need to be done to ensure the individual can safely undertake the duties of the role. The type and degree of any further health assessment should be proportionate to the risks associated with the medical condition and the type of activities they will be undertaking in that role.

Assessments should take place after any offer of appointment (whether conditional or unconditional) but prior to the commencement of their employment/placement or training, except for individuals on work experience.

It is unlawful for employers to ask an individual to fill in a work health questionnaire (formerly a pre-employment health questionnaire), or to ask questions about their health and disability as part of the application or interview process prior to any offer of employment, other than in the exceptional circumstances outlined in the Equality Act. Further information about the Act and the exceptions can be found in [appendix one](#).

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

Where agency staff have had a work health assessment under a framework agreement, a further assessment would not normally be required unless there is a significant change in the nature of the work being undertaken, their working environment, or there are changes in the individual's health (as outlined in the section above). The requirement for an additional health assessment should be proportionate to any risks identified.

The process for assessment

The following two statements provide wording which employers may wish to use in a form to accompany a conditional letter of employment. The form should be separate to the offer letter and advise the applicant that once completed it should be returned to the occupational health department.

Employers should invite all prospective employees to indicate which of the following two statements apply to them (i.e. tick either A or B)

- 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.

If the potential employee has indicated that statement B is applicable, then a suitably trained recruiting manager or occupational health practitioner (depending on local protocol), should explore the type of reasonable adjustments or restrictions that may be necessary.

In more difficult or complex cases, the potential employee should always be referred to an occupational health service to carry out the necessary assessment.

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

- the individual can start work
- the individual can start work with reasonable adjustments being made
- the individual's immunisation and EPP clearance (where applicable to the position being recruited to).

If occupational health have identified adjustments or restrictions, employers should carry out the appropriate risk assessment and consider what actions might be deemed reasonable and appropriate to ensure the individual's safety and wellbeing - see section below.

If no such recommendations have been made, the process should end here and the appointment decision confirmed with the applicant.

Risk assessment

Alongside their duty of care to all employees, employers have a responsibility under the Health & Safety Act 1974 to protect staff from risks from activities in the workplace.

Employers are legally required to carry out risk assessments to effectively manage the health and safety of staff and others on their premises. A risk assessment should include:

- identifying the hazards that exist in a workplace
- assessing how likely these hazards are to cause harm to workers and others
- deciding what prevention or control measures are needed.

For more information on managing risk visit the [health and safety section](#) of the NHS Employers website.

Assessing the need for reasonable adjustments

Under the disability provisions, in the Equality Act 2010, employers have a duty to make reasonable adjustments for job applicants or employees who have a disability.

The aim of making reasonable adjustments is to remove, or reduce as much (as possible), any significant disadvantages presented to an individual that would not affect an able-bodied person. This may include reviewing how the employment is structured, removal of physical barriers and providing additional support for the individual. In the majority of cases, any adjustment would be inexpensive. Making reasonable adjustments may include:

- making adjustments to 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.

Employers may wish to consider the Access to Work Scheme to help them decide what steps they might need to take. If financial assistance is available from the scheme it may also make it reasonable for an employer to take certain steps which would otherwise be unreasonably expensive.

Further information about [access to work](#) can be found on the gov.uk website.

The decision about whether it would be reasonable to make a particular adjustment is dependent on a number of factors. Employers may need to consider:

- how effective the adjustment is in preventing the disadvantage
- how practical it is
- the financial costs and the extent of any disruption
- the extent of the employer's financial or other resources

- the availability to the employer of financial or other help to make the adjustment
- the size and type of organisation.

Further guidelines on making reasonable adjustments can be found on the [Equality and Human Rights Commission website](#).

Additional considerations

Immunisations: requirements for healthcare professionals

Employers have an obligation to ensure that healthcare workers do not pose a risk of infection to patients. Similarly, it is essential to ensure that staff are protected from infection by patients.

An individual's role in the workplace determines their risk of exposure to common communicable infections and biological hazards.

Employers will need to refer to the Department of Health's Green Book which sets the standards that determine which vaccinations are required for which healthcare staff.

Further information relating to infectious diseases and their prevention can also be found on the [NICE website](#).

Exposure prone procedures

The provisions under the Equality Act do not make any amendment to requirements for health care workers involved in Exposure Prone Procedures (EPPs), patient care, patient contact, or body fluid sample handling. Specific additional pre-placement screening for these groups of staff should be relevant to the job hazard and risk profile and must be undertaken in accordance with relevant guidance.

For roles involving exposure prone procedures (EPP), individuals have a professional duty to ensure that they are tested and assessed, for HIV, hepatitis B and hepatitis C. Should they acquire, or have risked acquiring these infections at any point, they should refrain from work that involves EPP and inform, in confidence, a member of their occupational health team.

Employers should note that all testing involves the professional's informed consent.



Further screening

Employers may choose to undertake further supplementary screening, dependent on their local needs. This must be proportionate to risk and undertaken in accordance with the Equality Act 2010, as outlined above.

Further guidance about supplementary health screening can be found on the [healthy workplaces section](#) of the NHS Employers website.

Decision making

The occupational health service's role is to provide specialist confidential advice to the employer and the applicant. The decision to appoint ultimately sits with the recruiting manager who must ensure that:

- the health clearance process has been completed with all relevant information considered
- a risk assessment has been undertaken in regard to any reasonable adjustments required for the post
- advice has been sought from HR, occupational health and health & safety in relation to reasonable adjustments required

It is important to recognise that the occupational health service has a duty not only to the potential employee, to whom they are providing a professional service, but also to the applicant's potential employer, patients and colleagues.

If the recruiting manager chooses to employ an applicant, but concerns are expressed by the occupational health service, the manager will need to be able to fully justify the decision.

Withdrawal of appointment

No applicant should be refused employment on health grounds unless:

- expert occupational medical advice has been sought
- the applicant has had the opportunity to discuss issues raised with an occupational health professional, or
- the employing manager has given full consideration of the facts.

Keeping and transferring health records

All health assessment information should be kept on the individual's occupational health record on ESR, or other relevant record system, which is accessed by the occupational health service. Any such information should not be recorded as part of the individual's personnel file.



Employers should refer to [Records Management Code of Practice](#) (Part 2 Second Edition, Annex D1: Health Records Retention Schedule specifically refers) which can be found on the Department of Health's website.

Further useful information

On the [NHS Employers website](#) you can find information, guidance and resources on sickness absence, protecting staff, preventing ill health and implementing health and well-being strategies.

NHS Health at Work is a network of occupational health teams offering advice, influencing and advising government and other bodies on occupational health in the NHS. For further information, visit the [NHS Health at Work website](#).



APPENDIX ONE: SECTION 60 OF THE EQUALITY ACT 2010

This appendix relates to Section 60 of the Equality Act 2010 only.

Section 60, which came into force from October 2010, specifically relates to when and what information should be obtained in regard to an individual's health or disability as part of the recruitment process. It also places a duty on employers to consider all reasonable adjustments (as far as is practical) to ensure that applicants who have a disability are not unfairly disadvantaged or discriminated against when being considered for a particular role.

Employers can download a full copy of the Equality Act from the [Office of Public Sector Information \(OPSI\) website](#).

The purpose of section 60

The purpose of Section 60 is to prevent disability or health information being used to disadvantage applicants without first giving them the opportunity to show that they have the skills to do the job in question.

Prohibited questions

The Act prohibits any enquiries by, or on behalf, of an employer about an applicant's disability and health during the recruitment process up to the point of a job offer being made. This is regardless as to whether the offer is conditional or unconditional.

It also prohibits employers from posing any verbal or written questions to applicants during the application or interview stage; or approaching their previous or current employer to seek information about their disability and health as part of a reference request – except in certain circumstances (see section below).

Further guidance about obtaining references can be found in our [Employment history and reference check standard](#). The standard also provides two useful templates which outline a range of questions that employers are legally permitted to ask referees as part of a reference request.

Exceptional circumstances when health-related questions are permitted prior to any offer of employment

- Ascertaining whether reasonable adjustments are necessary as part of the interview process i.e. to allow ease of access to the building or interview room. Or asking questions to establish if the individual may have any special

needs that may impact on undertaking an assessment as part of the interview process.

- Ascertaining whether the applicant can carry out a function which is intrinsic to the job being applied for, including asking a specific disability or health related question which would determine whether or not such a person could carry out this function with reasonable adjustments in place. Any question asked must be relevant to the position being offered. For example:
- Mary applies for a job as a nurse on an elderly ward. As part of the role she would be required to help lift and physically support patients. The employer would be permitted to ask Mary questions relating to her health or disability in order to assess if she is capable of lifting and physically supporting patients, an essential part of the job role.
- Taking positive action in relation to disabled people. For instance asking questions which ask if a person is disabled so they can benefit from any measures aimed at improving disabled people's employment rates. It is essential that you make absolutely clear to the applicant that any such questions are to assess their eligibility for schemes targeted at helping people with disabilities.
- Where you can legitimately demonstrate that a job has an occupational requirement for a person with a specific disability or impairment, then you may ask about a person's health or disability to establish that the applicant meets those requirements.
- Monitoring diversity – any data obtained as part of any monitoring process should be collected and recorded separately from the application.

There are very few situations where a question about a person's disability and health would be considered appropriate prior to making an employment offer.

The employer's duty to make all reasonable adjustments

The duty to make reasonable adjustments is intended to reinforce positive steps to ensure that disabled people can access and progress in employment. This goes beyond simply avoiding treating disabled workers and prospective employees less favourably than those who are not disabled. It outlines an employer's duty to take all reasonable steps to which non-disabled workers and applicants are not entitled.

The duty to make reasonable adjustments comprises three requirements as outlined below.

1. Avoid the substantial disadvantage where a provision, criterion or practice applied by or on behalf of the employer puts a disabled person at a significant unfair disadvantage compared to those who are not disabled.

For example, this would include the provision of any formal or informal policies, rules, practices, arrangements, criteria, conditions, prerequisites, qualifications or provisions which cannot be objectively justified.

A provision, criteria or practice may also include decisions to do something in the future, such as a policy or criterion that has not yet been applied, as well as a 'one-off' or discretionary decisions.

2. Remove or alter a physical feature or provide a reasonable means of avoiding such a feature where it puts a disabled person at a substantial disadvantage compared to those who are not disabled. The Act defines this as:
 - any feature of the design or construction of a building
 - any feature of an approach to, exit from, or entrance to, a building
 - a fixture or fitting, or furniture, furnishings, materials, equipment in or on the premises
 - any other physical element or quality of the premises.

All these features are covered, whether temporary or permanent.

Physical features will include (but is not exclusive to), steps, stairways, kerbs, exterior surfaces and paving, parking areas, building entrances and exits (including emergency escape routes), internal and external doors, gates, toilet and washing facilities, lighting and ventilation, lifts and escalators, floor coverings, signs, furniture and temporary or moveable items.

3. Provide an auxiliary aid or service where a disabled person would, if it wasn't for the provision of that auxiliary aid or service, be put at a substantial disadvantage compared to those who are not disabled. For instance, this might include providing information in an accessible format e.g. providing letters, training materials or recruitment forms in Braille or on audio-tape.

Reasonable steps

The Act does not specify any particular factors that should be taken into account. Ultimately, the test of 'reasonableness' falls to the employer to assess on a case by case basis. Any such steps need to be assessed against what adjustments could practically be considered to help the individual to overcome the disadvantage.

Effective and practicable adjustments for disabled workers often involve little or no cost or disruption to services. Even where an adjustment has a significant cost associated with it, it may still prove to be cost-effective compared to having to recruit and train a new member of staff.

Employers will need to take the following factors into account when determining what might be deemed as a reasonable step to take.

- Whether taking any particular steps would be effective in preventing the substantial disadvantage.
- The practicality of the step.
- The financial and other costs of making the adjustment and the extent of any disruption caused.
- The extent of the financial or other resources.
- The availability of financial or other assistance to help make an adjustment, such as advice through Access to Work.
- The type and size of the organisation.

Failure to comply with duty

The Act does not permit an employer to justify a failure to comply with the duty to make a reasonable adjustment. An employer will only be in breach of this duty if the adjustment in question is one that would be deemed reasonable for the employer to make.

Where the duty applies, the question of 'reasonableness' determines whether or not the adjustment has to be made.

If an employer does not comply with the duty to make reasonable adjustments they will be committing an act of unlawful discrimination and a disabled worker may have the right to make a claim to the Employment Tribunal based on this.

Further guidance about the disability provisions and employer responsibilities under the Equality Act can be found on the [Equality and Human Rights Commission website](#).

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