

Reasonable Adjustments Policy

October 2024

1 Introduction

The Council recognises that it must take reasonable steps in the way that we work with those with disabilities to ensure they are not disadvantaged in comparison to people who are not disabled.

There are legal requirements under the Equality Act 2010 to make reasonable adjustments which are often different depending on the nature of a person's individual circumstances. This guidance does not seek to explain how we will approach every situation, it is intended as a general statement to:

- Confirm our commitment to improving accessibility for everybody that we provide services to
- Set out some of the basic principles of our legal duty to provide reasonable adjustments for disabled people
- Set out the factors that we will take into account when responding to requests for reasonable adjustments.

2 What is a disability?

The general definition of disability for the purposes of the Equality Act 2010, is a physical or mental impairment which has a 'substantial' and 'long-term' adverse effect on a person's ability to carry out normal day-today activities.

The Act defines:

- 'Long-term' in this context as having lasted, or being likely to last for at least 12 months or the rest of the person's life
- 'Substantial' is defined as more than minor or trivial
- there are special rules about recurring or fluctuating conditions e.g. arthritis

A progressive condition is one that gets worse over time. People with progressive conditions can be classed as disabled. People with cancer, HIV and multiple sclerosis automatically meet the disability definition under the Equality Act 2010 from the day of diagnosis.

3 What is a reasonable adjustment?

Under section 20 of the Equality Act 2010, there is a legal duty to make reasonable adjustments and arises in the following three circumstances:

- Where there is a provision, criterion or practice which puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled
- Where a physical feature puts a disabled person at a substantial disadvantage in comparison with persons who are not disabled
- Where a disabled person would, but for the provision of auxiliary aid be put at a substantial disadvantage in comparison with persons who are not disabled.

The Council recognises that bringing about equality for disabled people may mean adjusting the way in which services are delivered, providing extra equipment and/or the removal of physical barriers. A reasonable adjustment involves making a change to the way that we usually do things to ensure that we are fair to disabled people.

We may depart from our usual practice if we find it places disabled people at a substantial disadvantage. Many of the arrangements that we offer for disabled people may also be made available for those who don't have disabilities. For example, an older person may find it easier to read our information leaflets in a larger than usual font or in an easy read format.

4 Our legal duties

The Equality Act 2010 under section 20 places a 'duty on the Council to make reasonable adjustments'. A duty is something someone must do, in this case because the law says they must. The duty to make reasonable adjustments aims to make sure that a disabled person can use an organisation's services as close as it is reasonably possible to get to the standard usually offered to non-disabled people. If an organisation providing goods, facilities or services to the public or a section of the public, or carrying out public functions, finds there are barriers to disabled people in the way it does things, then it must consider making adjustments (in other words, changes). If those adjustments are reasonable for that organisation to make, then it must make them.

The duty is 'anticipatory'. This means an organisation cannot wait until a disabled person wants to use its services, but must think in advance (and on an ongoing basis) about what disabled people with a range of impairments might reasonably need, such as people who have a visual impairment, a hearing impairment, a mobility impairment or a learning disability. An organisation is not required to do more than it is reasonable for it to do. What is reasonable for an organisation to do depends, among other factors, on its size and nature, and the nature of the goods, facilities or services it provides, or the public functions it carries out. The Council will use best efforts to agree in advance with the individual in question the reasonable adjustments that we are able to make and provide reasons when it may not be possible.

5 How we decide what is 'reasonable'

The Equality Act 2010 does not define 'reasonable' so when deciding whether an adjustment is reasonable we will consider:

- How effective the change will be in assisting disabled people in general or a particular resident or service user
- Whether it can actually be done
- The cost and the organisation's resources and size.

The aim of making adjustments is, as far as possible, to remove any disadvantage faced by disabled people and the test of reasonable is an objective one, not just what an individual may personally feel is reasonable or not.

6 The types of reasonable adjustment we can offer

While we will consider each request for reasonable adjustments individually, there are some common adjustments which we will offer as a matter of course and some other adjustments that we can make particular arrangements to provide. The adjustments will always be agreed with the person concerned to avoid making incorrect assumptions about their needs. When considering what reasonable adjustments we may make, we will consider reasonable variations to our processes, policies and procedures.

Some examples of the simple reasonable adjustments that can be made in service delivery (may include but are not limited to):

- Publishing information on our website and in documents that we produce in accordance with accessibility standards
- Providing documents or correspondence in a larger font size
- Providing documents on coloured paper or with a specific colour contrast, which can often help people with conditions such as dyslexia
- Allowing a person who has a learning disability or mental health problems more time than would usually be allowed to provide further information, except where there is a statutory deadline which we have no power to change
- Using email or the telephone in preference to hard copy letters where appropriate
- Speaking clearly to the people who we deal with and offering additional time to cover the issues they need to discuss; this will help everyone understand our processes and procedures
- Using plain English appropriate to the person we are dealing with and avoiding jargon
- Some other arrangements that we may provide include:
- Providing information on audio tape, either informally or through a specialist transcription agency
- Translating documents or correspondence and facilitating an appropriate translator or interpreter
- Communicating with people through their representative (whether or not this is a legal representative) or advocate, if requested and approved by them
- Helping someone who has mental health problems to understand and manage the action we are taking by arranging a single point of contact within the organisation
- Providing rest or comfort breaks in meetings

7 Requesting reasonable adjustments

The Council will not make assumptions about whether a resident or service user requires any adjustments or about what those adjustments should be. We will discuss the requirements with the person concerned and seek to reach agreement on what may be reasonable in the circumstances.

8 Our response to requests for reasonable adjustment

Customers can request reasonable adjustments in the following ways:

- In person
- In writing for example by email, by post
- By telephone

In the majority of cases, we will be able to agree and deliver reasonable adjustments with a minimum of delay. In some cases however, we may need to consider in more detail how best to overcome the difficulty a disabled person may be experiencing and this may take longer. If this is the case, the individual will be kept informed of progress.

9 Complaints

The Council is committed to providing a high standard of service, dealing with everyone in a way that is fair, and free from discrimination. If someone is dissatisfied with the arrangements we have made for providing reasonable adjustments, we will respond in accordance with the Council's complaints policy.