



HILLINGDON
LONDON

London Borough of Hillingdon

Reasonable Adjustment Guidance

October 2020

1 Introduction

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

There are legal requirements to make reasonable adjustments which are often complex and 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 employ or provide services to;
- set out some of the basic principles of our legal duty to provide reasonable adjustments for disabled people; and
- set out the factors that we will take into account in dealing with 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-to-day 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.

Some people are deemed to be disabled for the purposes of the Act. For example, people with cancer, HIV and multiple sclerosis (protected effectively from the point of diagnosis) and people with mental health illness and people with lifelong developmental or learning difficulties.

3 What is a reasonable adjustment?

3.1 In service provision

The Council recognises that bringing about equality for disabled people may mean changing 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.

3.2 In employment

The duty to make reasonable adjustments arises in three situations:

- where a provision, criterion or practice applied by or on behalf of the employer,
- where a physical feature of premises occupied by an employer, or
- where the lack of an auxiliary aid, places a disabled person at a substantial disadvantage compared with people who are not disabled.

An employer has to take such steps as it is reasonable to take in all the circumstances to avoid that disadvantage.

The Council will not make assumptions about whether a staff member, 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.

3 Our legal duties

3.1 In service provision

The Equality Act 2010 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.

3.2 In employment

Where someone meets the definition of a disabled person in the Equality Act 2010 employers are required to make reasonable adjustments to any elements of the job which place a disabled person at a substantial disadvantage compared to non-disabled people.

Employers are only required to make adjustments that are reasonable. Factors such as the cost and practicability of making an adjustment and the resources available to the employer may be relevant in deciding what is reasonable.

The reasonable adjustment duty on an employer is not 'anticipatory'. This means that you are not expected to provide a range of adjustments to your premises in anticipation that one day you might employ a person with a specific disability.

In the case of employers, whether a duty arises will depend on the circumstances of each individual case. There is no duty owed to disabled people in general in an employment context.

4 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 staff member, 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.

5 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 take into account reasonable variations to our processes, policies and procedures.

5.1 In service delivery

Some examples of the simple reasonable adjustments that can be made in service delivery may include:

- 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, which may assist those with a vision impairment
- 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 into Braille
- 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 Legal Ombudsman
- providing access to a 'minicom' or 'text relay' service for those with a hearing impairment
- providing access to an 'Easyread' service for those with a learning disability
- communicating by post and/or email for those with a speech impairment

5.2 In employment

Some examples of the reasonable adjustments that can be made in employment may include:

- providing recruitment literature in large print;
- providing in interview situations extra equipment at a reasonable cost, removing movable barriers like furniture, or holding the interview in a different, wheelchair accessible room;
- allowing a guide or hearing dog into the workplace;
- purchasing specialist equipment, such as an ergonomic chair;
- discounting disability-related sickness leave for the purposes of absence management;
- providing additional supervisory guidance / support;
- including a disabled parking space in the car park;
- allowing different start and end times to the working day.

6 Requesting reasonable adjustments

6.1 In service delivery

The Council will let people know that we can provide reasonable adjustments in the following ways:

- by asking people directly in the first communication that we have with them if they have a disability and might need any adjustments;
- by including a note on our published documents indicating that we can provide the document in an alternative format on request;
- by publishing this guidance on our website; and
- by including a clear note on a relevant record, for example a case file, that alerts staff to an agreed reasonable adjustment.

6.2 In employment

Requests for adjustments will be considered and, where reasonable, implemented to remove any disadvantage faced by disabled people during the recruitment and selection process.

For example, applicants are required to apply via an online system, however, if someone cannot complete the online application because of a disability, then an application can be submitted by alternative means to the HR Resourcing team.

Recruiting managers will refer to management guidance and training and seek HR advice when considering the reasonableness of requested adjustments.

The Council, under the Disability Confident Scheme, offers the opportunity of a guaranteed interview for all disabled people who demonstrate in their application that they meet the minimum criteria outlined in the person specification for the role. There

is no limit to the number of guaranteed interviews that will be offered for any selection process.

In the course of someone's employment with the Council, should the need arise for reasonable adjustments to be made, these will be looked at and applied on a case by case basis.

7 Our response to requests for reasonable adjustment

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.

8 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 or through our internal grievance procedures.