



Reasonable Adjustments Policy

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Approved by: Executive Team

Policy Owner: Equality,

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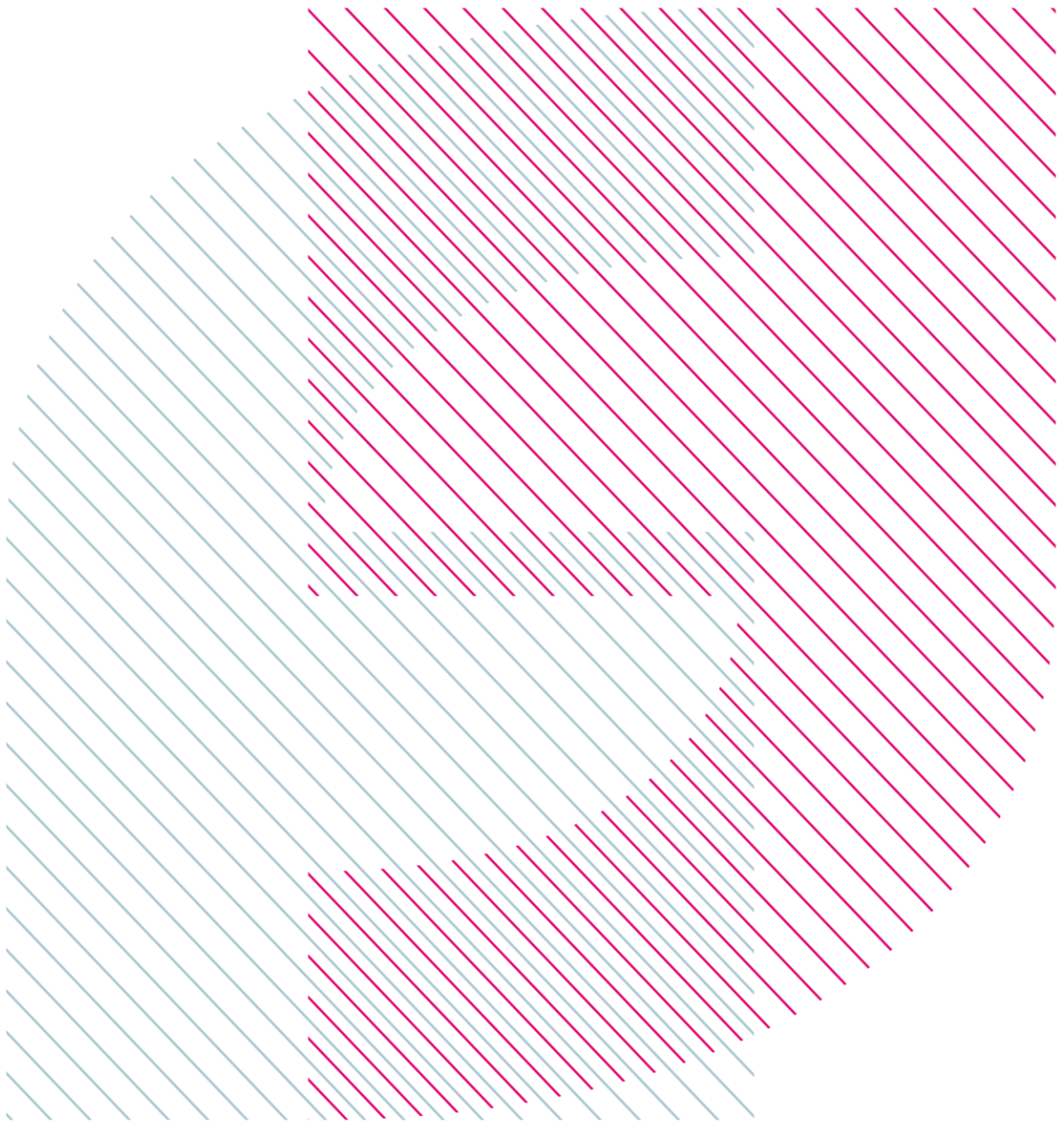


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Latest update

Version	Date (dd/mm/yy)	Summary of Changes	Actioned by (role)
1.0	17/12/21	Transferred to new template	EDI Manager

Purpose

The Legal Ombudsman recognises that it must take reasonable steps in the way that we work with people with a disability 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 policy does not seek to explain how we will approach every situation, it is intended as a general statement of our policy to:

- Confirm our commitment to providing a fair and flexible service that does not discriminate and can be accessed and used by all of our customers as stated in our [Inclusive Service policy](#);
- Set out some of the basic principles of our legal duty to provide reasonable adjustments for people with a disability; and
- Set out some of the factors that we will take into account in dealing with requests for reasonable adjustments.

Many of the arrangements that we offer for people with a disability may also be made available for those who don't have disabilities. For example, a person may find it easier to read our information leaflets in a larger than usual font, or may be going through a stressful situation, such as a bereavement, and may need more time to respond to us.

Scope

This policy applies to all the Legal Ombudsman's customers and stakeholders, including complainants and service providers.

Responsibilities

When dealing with complaints about service providers, the Legal Ombudsman is exercising a public function and is also acting as a service provider. In view of this, the Legal Ombudsman has a duty to make reasonable adjustments in these contexts and this will apply to all our enquiry and/or investigation work.

The Equality, Diversity & Inclusion Manager will review this policy annually
It will be the role of the Executive team to approve this policy.

1. Reasonable adjustments

1.1 What is a reasonable adjustment?

A reasonable adjustment involves making a change to the way that we usually do things to ensure that we are fair to people with a disability and they can access our services as easily as a non-disabled person. This can mean a physical change to premises, or a change to work practices to avoid or correct a disadvantage to a person with a disability. We may depart from our usual practice if we find it places people with a disability at a substantial disadvantage, for instance, by providing information in an alternative format or allowing more time than we would usually for someone to provide information that we need.

The Legal Ombudsman will not make assumptions about whether a person with a disability requires any adjustments or about what those adjustments should be. We will discuss the impact of any impairments with the person concerned and seek to reach agreement on what may be reasonable in the circumstances.

2. Our legal duties in relation to people with a disability

The Equality Act 2010 requires the Legal Ombudsman to provide reasonable adjustments for people with a disability, defined by the Act as those who have a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities. There is no need for a person to have a medically diagnosed cause for their impairment; what matters is the effect of the impairment, not the cause. This will, in some circumstances, mean that people with a disability receive more favourable treatment than non-disabled people, which is lawful in the context of disability.

3. Our duty to make adjustments as a public body and service provider

Under the Act the legal duty to make reasonable adjustments arise in three circumstances:

- The Legal Ombudsman has a duty to make reasonable adjustments if the way that we carry out our functions places a disabled person at a “substantial disadvantage” compared to someone who is not disabled. The duty also requires the Legal Ombudsman to consider what can be done to overcome any such disadvantage, and whether an adjustment can be made which is reasonable in all the circumstances of the case.
- 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 an auxiliary aid, be put at a substantial disadvantage in comparison with persons who are not disabled.

The Legal Ombudsman 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.

4. The disability equality duty

In addition to the duties we owe to disabled customers, the Legal Ombudsman also has a wider duty to actively promote equality of opportunity for people with a disability; often referred to as the disability equality duty.

The duty is ‘anticipatory’ which means we cannot wait until a disabled person wants to use our service. The Legal Ombudsman will think in advance, on an ongoing basis, about what people with a disability with a range of impairments might reasonably need, such as people who have a visual impairment, a hearing impairment, mobility impairment or a mental health/learning disability.

One of the ways that the Legal Ombudsman is working towards meeting its disability equality duty is by reviewing our policies and practices to identify possible barriers for people with a disability so that we can minimise those barriers and anticipate the reasonable adjustments that we may need to make. This review process is called an Equality Impact Assessment.

An example is the Equality Impact Assessment that we carried out on our complaints procedure: we identified that requiring people to submit their complaint to us in writing could present a barrier for some people with a disability and so we made sure that people could raise their complaint in a variety of ways.

We also review our main website regularly to make sure we continually consider the needs of people with a disability.

5. Requesting reasonable adjustments

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

- Asking people directly from the first communication that we have with them and throughout the customer journey if they have a disability and might need any adjustments; this includes verbal and written communication.
- Including a note on our published documents indicating that we can provide the document in an alternative format on request.
- Publishing this policy on our website.
- Working with key representative groups and others to raise awareness of this policy; and
- Including a clear note on a relevant record, for example a case file, that alerts staff to an agreed reasonable adjustment.

6. The types of reasonable adjustments 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.

Some examples of the simple reasonable adjustments that staff can make may include:

- Providing documents or correspondence in a larger font size.
- Using numbered paragraphs in our correspondence and ensuring page numbers are included on all of our letters.

- 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 be usually 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 can provide may include:

- Providing information on audio tape or audio recording, either informally or through a specialist transcription agency.
- Translating documents or correspondence into Braille or another language.
- 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.

A small number of requests may require more detailed consideration and our approach to these requests is discussed in the section below.

7. Our response to requests for reasonable adjustments

In the majority of cases, we will be able to agree and deliver reasonable adjustments with a minimum of delay. In some cases, we may need to consider in more detail how best to overcome the difficulty a disabled person may be experiencing. For example, where the adjustment requested may be difficult to provide or where it may interfere with our legislative obligations.

8. How we decide what is 'reasonable'

The Equality Act does not define what is 'reasonable' but it is expected that, until regulations are introduced for this purpose, the statutory guidance which had been available under the Disability Discrimination Act will continue to apply. We will therefore rely on this to help us in the more difficult cases.

The consideration of whether an adjustment is 'reasonable' is judged against the following:

- The effectiveness of the adjustment(s) in preventing the disadvantage.
- The extent to which it is practical for the Legal Ombudsman to make the adjustment(s).
- The cost and availability of resources, including external assistance and finance.
- The extent to which making the adjustment(s) would disrupt the Legal Ombudsman's activities.

8.1 Will the adjustment help in overcoming the difficulty that the person with a disability may have?

The adjustment should be designed to fully address the disadvantage it is meant to overcome. For example, providing an audio version of documents may not properly overcome the barriers faced by the person with a disability if there are other requirements that need to be overcome if, for example, the customer also has a hearing impairment.

8.2 How practical is it to provide the adjustment?

For example, it may not be possible for the Legal Ombudsman to provide additional time to customers where there are legislative deadlines for the organisation to meet.

8.3 What are the resource implications of making the adjustment?

For an adjustment to be reasonable, it should be effective. However, it is important to remember that an adjustment, which is deemed effective, may not be considered reasonable. For example, there may be around issues of resourcing. Resourcing is not just about the cost but may involve other factors, for example recruiting additional staff with specific skills.

In terms of the use of our resources for making adjustments, the 'reasonableness' of an adjustment will be evaluated against the resources available to the Legal Ombudsman as a whole.

However, even if an adjustment has a significant cost associated with it, careful consideration to any long-term benefit that it may provide to the Legal Ombudsman, our staff and customers will be given.

In practice, many reasonable adjustments involve little or no cost or additional resourcing requirements and are relatively easy to implement.

8.4 Would the adjustments cause disruption to others?

For example, it would not usually be reasonable for an investigator to cease work on other cases and devote all of their time to one person, as others will inevitably suffer. The amount of extra time provided must therefore be 'reasonable' in all the circumstances.

9. Monitoring

The Legal Ombudsman will obtain permission to record and monitor the reasonable adjustments that have been requested and made. This will allow us to review the services we provide and help us identify whether there are any wider steps that we can take to improve our services.

10. Related documents

Equality Act 2010 <https://www.legislation.gov.uk/ukpga/2010/15/notes/division/3/16/19>

Equality Act 2010 Code of practice

https://www.equalityhumanrights.com/sites/default/files/servicescode_0.pdf

11. Dealing with complaints about our service

The Legal Ombudsman 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 our service complaints process.

Further information about our service complaints is available [here](#).