

## Reasonable Adjustment Policy

IMPRESS 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 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 improving accessibility for everybody that we deal with;
- 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.

Many of the arrangements that we offer for disabled people 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.

This policy applies to all IMPRESS's stakeholders, including complainants and publishers.

### **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 disabled people. We may depart from our usual practice if we find it places disabled people at a substantial disadvantage. For instance, by providing information in an alternative format.

IMPRESS will not make assumptions about whether a disabled person 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.

### **Our Legal Duties in Relation to Disabled People**

The Equality Act 2010 requires IMPRESS to provide reasonable adjustments for disabled people, 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. This will, in some circumstances, mean that disabled people receive more favourable treatment than non-disabled people, which is lawful in the context of disability.

### **Our Duty to Make Adjustments as a Public Body and Service Provider**

When dealing with complaints about publishers, IMPRESS is exercising a public function and is also acting as a service provider. In view of this, IMPRESS has a duty

to make reasonable adjustments in these contexts and this will apply to all our enquiry and/or investigation work.

IMPRESS 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 IMPRESS 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.

IMPRESS 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.

### **The Disability Equality Duty**

In addition to the duties we owe to disabled customers, IMPRESS also has a wider duty to actively promote equality of opportunity for disabled people; 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. IMPRESS will think in advance, 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 or a mental health disability.

One of the ways that IMPRESS is working towards meeting the disability equality duty is by establishing policies and practices to identify possible barriers for disabled people so that we can minimise those barriers and anticipate the reasonable adjustments that we may need to make. This review process is called equality impact assessment.

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

### **Requesting Reasonable Adjustments**

IMPRESS 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 policy on our website;
- by working with key representative groups and others to raise awareness of this policy; and,
- by including a clear note on a relevant record, for example a case file, that alerts staff to an agreed reasonable adjustment.

### **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.

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

- 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;
- 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; and,
- 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, 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 IMPRESS;
- 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; and,
- 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.

### **Our Response to Requests for Reasonable Adjustment**

In most 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.

### **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 IMPRESS to make the adjustment(s);
- the cost and availability of resources, including external assistance and finance; and,

- the extent to which making the adjustment(s) would disrupt IMPRESS's activities.

**Will the adjustment help in overcoming the difficulty that the disabled person 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 disabled person if there are other requirements that need to be overcome e.g. the customer also has a hearing impairment.

**How practical is it to provide the adjustment?**

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

**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, resourcing is not just about the cost and may involve other factors such as 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 IMPRESS 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 IMPRESS, 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.

**Would the adjustment 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.

**Monitoring**

IMPRESS will 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.

**Approved by the Board on 9<sup>th</sup> November 2017**