

Ref: <b>GN 20</b>	Date of Issue: April 2019
Guidance note for:	<b>All</b>
Relating to:	Equalities Act 2010
Background:	<p>Public authorities and service providers have a duty to disabled people to make reasonable adjustments to the way they do things, if that puts disabled people at a disadvantage. This duty is in the Equality Act 2010. The duty to make reasonable adjustments only applies if the person who is disadvantaged and asking for a change, meets the Equality Act definition of disability.</p>
Issue	<p><b>What is the definition of disability</b></p> <p>The Equality Act 2010 gives a specific legal meaning to disability and only gives protection against discrimination if the participant can show that they meet that definition.</p> <p>It states that someone has a disability if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. This means it will include visible disabilities such as the need to use a wheelchair. It can also include 'invisible' disabilities - like diabetes and depression or temporary illnesses or injuries such as severe back disorders.</p> <p><b>What is meant by reasonable adjustment</b></p> <p>Adjustments only have to be made if it's reasonable to do so. What's a reasonable thing to ask for depends on things like:</p> <ul style="list-style-type: none"> <li>• the disability</li> <li>• how practicable the changes are</li> <li>• if the change requested would overcome the disadvantage disabled people experience</li> <li>• the size of the organisation</li> </ul>

- how much money and resources are available
- the cost of making the changes
- if any changes have already been made.

### **What adjustments might we be required to consider**

- Allowing more time when someone makes an appeal/application to us or respond to our enquiries – we cannot accept an appeal made out of time but all other timescales could be adjusted if reasonable.
- Offering assistance in completing appeal forms or other submissions
- Offering an alternative if they are unable to use online systems
- Holding an oral session if party involved has difficulty with providing written submissions
- Offering alternative or specific times of the day for a hearing or inquiry to take place
- Ensuring that a venue has suitable access and facilities for their needs
- Arranging travel where parties may find public or other local transport means are unsuitable or unavailable
- Agreeing a single person or representative that they might wish to manage their communication with us.
- Using their preferred way of communication where we can i.e email/telephone/hard copy or audio tape
- Providing information in a format that is easier for them to read
- Involving someone who is supporting them

### **Who pays for reasonable adjustment**

The Equality Act confirms that the disabled person should never be asked to pay for the adjustment.

### **Good practice for staff**

- Do not make assumptions about the effects of an impairment. The

	<p>participant is the person who best knows the effect of his/her condition.</p> <ul style="list-style-type: none"> <li>• If a participant confirms that they have a disability that falls within the terms of the Equality Act, we should take this at face value. We should not specifically ask what the disability is. However if the participant offers this information and any supporting information, such as medical reports, to help us make adjustment we should accept this. Any information provided should be treated confidentially.</li> <li>• Where the participant does not identify him/herself as having a disability, but is telling you about disadvantage, explain the broad coverage of the Equality Act. And raise the possibility of him/her falling within the Equality Act definition with sensitivity.</li> <li>• Ask questions sensitively, particularly if you are asking about what the participant has difficulty in doing or cannot do.</li> <li>• Be aware that some participants may “play down” the effects of their disability or attempt to complete actions beyond their usual ability in order to effectively participate in the process. Make it clear to them that they have the right to adjustments and that these will not prejudice their participation.</li> <li>• Do not simply ask what the participant is unable to do at all. Ask him/her if there is anything that is painful or tiring to do or which they would need assistance with.</li> </ul>
<p>Actions</p>	<p>The Head of Performance and Administration should be consulted with regard to any request that we make reasonable adjustment in respect of the Equality Act to any aspect of our casework.</p>