Tendring
District Council

REASONABLE ADJUSTMENTS POLICY
April 2024

REASONABLE ADJUSTMENTS POLICY

Introduction

We are committed to ensuring all our customers have equal access to our services whatever their circumstances and one of the ways we do this is through reasonable adjustments to remove barriers or reduce any disadvantage.

This policy has been written in accordance with the Equality Act 2010 as well as the Housing Ombudsman Service's Complaints Handling Code and the Regulator of Social Housing's revised Consumer Standards.

Purpose of this policy

The purpose of this policy is to:

- confirm our commitment to improving access to our housing services
- set out how we define a 'reasonable adjustment'
- set out how a request for a 'reasonable adjustment' can be made
- set out the factors we will consider when dealing with requests for reasonable adjustments
- provide clear information about how we can adapt our services to meet the needs of customers
- ensure that we adopt a consistent approach in our response to any requests for reasonable adjustments to make sure that we provide equal access to our services
- improve customer understanding and satisfaction with our services
- set out how our performance will be monitored and reviewed
- set out how we will meet all statutory and regulatory requirements

This policy does not aim to explain how we will approach every circumstance where a reasonable adjustment is requested. It is a general statement of our commitment to ensure customers with disabilities are not at a disadvantage when accessing our services

Many of the adjustments we offer to our services can also be made available to our customers without disabilities.

Legal and Regulatory Context

- The Equality Act 2010

Under the Equality Act 2010 (The Act) a person is considered as having a disability if they have a physical or mental impairment that has a 'substantial' and 'long term' negative effect on their ability to carry out normal day-to-day activities.

The Act provides a legislative framework to protect the rights of individuals and to advance equality of opportunity for all.

Under the Act, we have a legal duty to make adjustments in the following three circumstances:

- Where there is a provision, criterion or practice which puts a person with a disability at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled;

- Where a physical feature puts a person with a disability at a substantial disadvantage in comparison with persons who are not disabled; and/or

- Where a person with a disability would, but for the provision of an auxiliary aid, be put at a substantial disadvantage in comparison with persons who are not disabled.

- Regulation of Social Housing

In accordance with the Regulator of Social Housing's Transparency, Influence and Accountability Standard, registered providers must take action to deliver fair and equitable outcomes for tenants and, where relevant prospective tenants in relation to the housing and landlord services they provide.

- Housing Ombudsman Complaint Handling Code

The Housing Ombudsman's Complaint Handling Code states that landlords must make reasonable adjustments for residents where appropriate under the Equality Act 2010. Landlords are also required to keep a record of any reasonable adjustments that are agreed as well as a record of any disabilities a resident has disclosed.

What is a reasonable adjustment?

A 'reasonable adjustment' is a legal term defined by the Equality Act 2010 and it refers to any change it is reasonable for us to make so that people with disabilities are not disadvantaged when it comes to accessing or using our services

An individual will be classed as disabled if they have a physical or mental impairment and the impairment has a substantial and long-term effect on their ability to carry out normal day-today activities.

The term disability includes hidden disabilities, which are disabilities with no physical signs and include learning difficulties and mental health conditions

A reasonable adjustment may be a physical alteration to one of our premises, for example, fitting a lift, wide doors or a ramp.

It may also be a change to one of our policies, procedures or services, for example, a comfort or rest break in a meeting or an extension of time limits (where lawful to do so).

It also includes adjusting how we communicate with our customers in order to meet their specific needs. For example, providing information in alternative formats or a sign language interpreter at workshops and events.

In all circumstances, the reasonable adjustment is being made to ensure all of our services can be equally accessed by customers with disabilities, as well as those who do not.

How can a tenant request a reasonable adjustment?

A reasonable adjustment can be requested from us in the following ways:

- In writing, explaining what the adjustment is and why it is needed. This can be done by letter or email;
- By telephoning us, explaining what the adjustment is and why it is needed;
- By referral from a local authority or other relevant agency;
- By a family member when we have been given permission for them to do so; and/or
- A member of staff may suggest for one to be made, when they are aware it will support the customer's needs.

We will make sure that our tenants know that we can make reasonable adjustments to our services and how these can be requested. We will do this by:

- Including a paragraph in written communications such as letters
- Asking you whether you might need a reasonable adjustment
- Including a note on our published documents to say that we can provide the document in an alternative format
- Publishing this policy on our website

In most cases we will be able to agree and deliver the required reasonable adjustment with a minimum of delay. However, in some cases it may be necessary for us to consider in more detail how best to overcome the difficulty a customer with disabilities is experiencing and/or seek advice from expert disability organisations that can assist with signposting and other forms of support.

We may also need medical evidence, for example to identify the effect or disadvantage that we will need to tackle or to confirm that a particular adjustment would be effective

We will treat all conversations with sensitivity, confidentiality and on a case-by-case basis. We will listen to a customer's needs and make every effort to meet requests for adjustments when it's reasonable to do so. Where we are unable to meet a request, we will explain why.

How do we define 'reasonable'?

The Equality Act does not define what is 'reasonable' but guidance from the Equality and Human Rights Commission suggests the following should be taken into account when we decide whether an adjustment is 'reasonable' or not:

- How effective the adjustment(s) will be in assisting a customer with a disability and in preventing or reducing the possibility of them being at a disadvantage;

- The practicality of making the adjustment(s);

- The cost of the adjustment(s) and whether this is possible within resources; and

- Any disruption to the service that making the adjustment(s) may cause.

What is reasonable will depend on a number of factors which include but are not limited to the following:

- The disadvantage caused

- The difference the adjustment would make

- If the adjustment is what is needed to make the difference or if it is more than is necessary

- What will put the resident the same position as others using the service

- The cost of the adjustment

In practice, some reasonable adjustments involve little or no cost or additional resourcing requirements and are easy to implement. However, in circumstances where we are unable to make a reasonable adjustment due to cost or resources, we will work with the customer to identify the most appropriate alternative solution for them.

In relation to changing policies or procedures, we are not required to change the basic nature of the service we offer but are expected to learn any lessons about how we can strengthen our approach to equality diversity and inclusion, wherever possible.

Types of reasonable adjustments we can offer

There is not a definitive or exhaustive list of reasonable adjustments as these will depend on an individual's needs. We will discuss the requirements with the person concerned and will seek to reach an agreement on what may be reasonable in the circumstances. We will not make assumptions about whether a disabled person requires any reasonable adjustments, or about what they should be, and will instead have sensitive and confidential discussions when required.

Examples of adjustments we can make include:

- Providing information in alternative formats, for example in large print, braille or on coloured paper

- Giving you more time to do something (if this is allowed by law)

- Communicating with you by email or phone instead of letter

- Dealing with a family member, friend or representative (if you have given us permission to do so)

- Providing breaks in meetings

- Carrying out small repairs that would ordinarily be a tenant's responsibility but may be challenging for them to undertaken due to their circumstances.

However, what is reasonable in one situation might not be reasonable in another. If we cannot make a reasonable adjustment due to cost or resources, we will work with you to find the most appropriate alterative solution

In some circumstances, we may provide reasonable adjustments for tenants who are not disabled but may have a special need. These include but are not limited to:

- Providing translation services or interpreters for customers whose first language is not English

- Providing extra support for customers with literacy problems

If a tenant is dissatisfied with the arrangements or decisions we have made regarding a reasonable adjustment, we will respond in accordance with our Complaints Policy.

Keeping a record of a customer's needs

At the beginning of their tenancy, we will ask our tenants whether they have any support needs and/or any communication preferences.

These will be recorded onto our internal systems and will be used in order to meet their specific needs throughout the duration of their tenancy.

We will proactively check that we have the appropriate information recorded on our systems and will amend this where information is missing or requires updating.

Any agreed reasonable adjustments will be kept under active review.

We are committed to ensuring that individuals' privacy is protected and will only collect, use and store their personal data in line with the Data Protection Act 2018 and General Data Protection Regulations 2018. If we need to use their personal data for an unrelated purpose, we will notify them, and we will explain the legal basis which allows us to do so.

Reasonable adjustments to our complaints process

We will make reasonable adjustments to our complaints service where necessary, ensuring tenants with a disability are not at a disadvantage when accessing the service.

Examples of the reasonable adjustments we will make are:

- Using the customer's communication preference throughout the duration of the complaint;

- We will not request a complaint to be made in writing where this presents a barrier or disadvantage to the customer due to their disability or additional needs;

- Extension of any time limits (where it is lawful to do so); and

- Provide information in alternative formats eg. Braille, large print or on coloured paper.

In the circumstance where we are unable to make a reasonable adjustment due to cost or resources, we will work together with the tenant to find the most appropriate alternative solution for them.

Training

We will ensure that all housing staff have training to raise their awareness of what reasonable adjustments can be made and how these can be requested

This will include:

- Induction and refresher training will be provided for all staff to raise ~~and~~ awareness of, and create a good understanding of, reasonable adjustments

- Ensuring that all staff are aware of this policy and have the skills and knowledge to comply with it and its associated procedures

Guidance

As a general rule, we ask all our staff to follow the guidelines below:

Ask – don't assume. Remember that many disabilities or special needs are not necessarily visible or obvious. Therefore, we should ask our customers routinely whether they need additional support. We don't need to be intrusive –we should explain how we would normally deal with an issue the person has raised and then ask: "Do you need any additional support, for example because of a disability or other special circumstance?" That leaves the way open for the person to tell you as much or as little as he or she chooses about the circumstance whilst still requesting the support they need.

Listen. Most customers with disabilities or special needs will know what support they need and will tell you how you can help them. Try to meet their request where it is reasonable to do so.

Be flexible. Customers in similar sets of circumstances may have different needs or requests – just because people have a similar disability, it does not mean that they will require the same support.

Website

We want as many people as possible to be able to use our website. For example, that means you should be able to:

- Change colours, contrast levels and fonts
- Zoom in up to 300% without the text spilling off the screen
- Navigate most of the website using just a keyboard
- Navigate most of the website using speech recognition software

- Listen to most of the website using a screen reader (including the most recent versions of JAWS, NVDA and VoiceOver)

We have also made the website text as simple as possible to understand.
On most of our web pages you will see a ‘Listen' link underneath the title of the page. This service will read out the text of the web page. This can help many people, including people with visual impairments, people with dyslexia, low literacy, or people whose first language is not English.

Equality Impact Assessments

We will complete an equality impact assessment each time we develop or review a policy, procedure or service. The assessment is to help us make sure our decision making is fair and does not present any barriers or disadvantage to customers from any protected group (including disability) under the Equality Act 2010.

Appeals

If a customer is dissatisfied with the arrangements or decisions we have made regarding a reasonable adjustment, we will respond in accordance with our Complaints Policy.
If necessary when reviewing our decision, we will seek advice from specific expert disability groups.

Review of this policy

The policy will be reviewed every three years in consultation with tenant representatives, staff, ~~and~~ other stakeholders, including the Portfolio Holder responsible for Housing, unless there are any reasons, such as legislative or regulatory changes, requiring that it be reviewed earlier.