

### Note on Reasonable Adjustments

1. Please see E&D report of February 2018 for basic explanation of Reasonable Adjustments and their relevance to disability discrimination under s21 of the Equality Act 2010. This note is based on the statutory Services Code guidance .

2. A failure to make a reasonable adjustment which would have prevented unfair treatment, would make it difficult for an Association to show that the treatment was objectively justified. It may therefore amount to unlawful discrimination.

3. Reasonable adjustments can apply to rules and criteria as well as physical matters- e.g. it could be a reasonable adjustment to waive a particular rule or change a practice for a disabled person.

4. There are some limits to reasonable adjustments specifically relating to Associations;  
An Association is not required to take steps altering the nature of the Association itself (Sch 15 para 2)  
Access requirements for buildings do not apply to meetings held in the home of a member

5. The duty owed is to disabled people generally and is anticipatory ie failure to anticipate a need is not a defence, and knowledge of the particular persons disability is not necessary. However, the Association is not obliged to anticipate every need but only to take reasonable steps to overcome barriers for different types of disability. If a particular need of a member, associate or guest is pointed out to it, then it does need to make reasonable adjustments in respect of this need, and to keep the provision under review.

Reasonable steps is not defined any further and what constitutes this will depend on all the circumstances of the case . The guidance suggests looking at;

- the type of service
- nature and size of the Association
- Effect on the disability of the individual

and to consider the following factors;

- Effectiveness of particular steps in overcoming a substantial disadvantage faced by disabled people
- Practicability
- Costs-
- the extent of the Associations financial resources and
- other demands on resources (across the entire organisation)
- the amount of resources already spent on the making of adjustments
- availability of any financial or other assistance

6. The Act prohibits passing the cost of adjustments (or any part thereof) onto the person requiring those adjustments (s20(7))

7. The question of reasonableness in any particular situation is ultimately up to a court. The guidance says There are no hard and fast solutions.

The aim is to make the service as accessible to the disabled person as (reasonably) possible.

If there are genuinely no steps which could be taken to make services accessible this is unlikely to be a breach of the law but the issue needs to have been considered very thoroughly, and is likely to be rare.

8. Reasonable Adjustments in practice:

The Guidance suggests that the following measures may be helpful to avoid acts of discrimination and would constitute good practice in any event;

Planning in advance

reviewing current arrangements

Consultation (with the disabled person and possibly interest groups)

Publicising adjustments

use of auxiliary aids, maintaining those aids

Ensuring officers are aware of requirements