

A Guide to

Making Reasonable Adjustments

and / or Special Considerations

for Customers

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## Section 1: Introduction

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### 1.1 Purpose

This document is intended to serve as a guide for both managers and staff to ensure that they are aware of:

- The legal requirements to make reasonable adjustments for disabled customers in accordance with the Equality Act 2010
- Reasons for special consideration
- Sheffield City Council's procedures for making reasonable adjustments
- Who the key points of contact are and how they can help

The process of identifying and meeting individual needs is often straight forward and little more than common sense; however there will be times when it requires input from a number of sources. As with anything, the more often you make adjustments and the more familiar you become with the process, the more confidence you will have.

There are also guides in relation to making [reasonable adjustments for staff](#) and [disabled pupils](#) <http://intranet/managers/equality-diversity/reasonable-adjustments-for-disabled-people>

Guidance can also be found on the Equality and Human Rights Commission website, for e.g. "Creating Reasonable Adjustments for Disabled People":

<http://www.equalityhumanrights.com/private-and-public-sector-guidance/organisations-and-businesses/duty-make-reasonable-adjustments-remove-barriers-disabled-people>

### 1.2 Special Considerations

Reasons for special consideration could be temporary illness, injury or adverse circumstances at the time the service is being provided. Although there is no duty it is good practice to make special considerations if we can when requested.

### 1.3 Models of Disability

**The medical model** refers to a person as being disabled. This is reflected in the phrase "people with disabilities." Even though the word 'person' comes first, it suggests that they own the condition and should manage it. It focuses on what people can't do, rather than what they can.

**The social model** centres on the idea that it is the effect of the environment and attitudes that are *disabling* and uses the phrase "disabled people". It promotes a sense of shared responsibility for creating an accessible world.

**Sheffield City Council advocates the use of the social model** as it makes disability an everyday matter for all. All staff hold a responsibility for creating an accessible environment;

therefore language and behaviour is expected to promote the social model. However, as this guidance centres on the legal requirements of the Equality Act 2010, we have used *the legal definition* throughout.

## Section 2: Overview of the Equality Act 2010

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The Equality Act 2010 prohibits discrimination against all persons on the grounds of the protected characteristics that are specified in the Act. Disability is one of the specified protected characteristics. Protection from discrimination for disabled people applies to disabled people in a range of circumstances, covering the provision of goods, facilities and services, the exercise of public functions, premises, work, education, and associations. In addition to the duties we owe to individual disabled people, the Council also has a wider [Public Sector Equality Duty](#) to actively:

- Eliminate discrimination, harassment, victimisation
- Advance equality of opportunity
- Foster good relations

Having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

Our Equality Duty also applies to other characteristics protected by the Equality Act. Only those disabled people, who are defined as ‘disabled’ in accordance with section 6 of the Act (see below\*), and the associated Schedules and regulations made under that section, will be entitled to the protection that the Act provides to disabled people. However, the Act also provides protection for non-disabled people who are subjected to direct discrimination or harassment because of their association with a disabled person or because they are wrongly perceived to be disabled. In the vast majority of cases there is unlikely to be any doubt whether or not a person is or has been disabled, but this guidance should prove helpful in cases where the matter is not entirely clear. The law allows that in the context of disability, in some circumstances, disabled people receive more favourable treatment than non-disabled people.

**\*According to the Equality Act (2010) a person is defined as disabled if they have a mental or physical impairment that ‘has a substantial, (i.e. more than minor or trivial) long term (i.e. more than 12 months) effect on their normal day to day activities.’**

A person is also protected under the Act if they have been affected in this way in the past but have been ‘well’ for some time. Progressive conditions such as HIV and Cancer are covered from diagnosis onwards. If a condition is controlled by medication, it is the effect of the condition minus

medication that will be considered. Therefore someone who has Epilepsy that has been controlled for a number of years is likely to still be covered by the Act. There is full guidance available here: <https://www.gov.uk/definition-of-disability-under-equality-act-2010>.

**Failure to make a reasonable adjustment is a discriminatory act.**

It is very important to keep a record of conversations, including dates and times so this information can be passed on to new Managers. It can also be used as evidence in a proceeding if needed.

Additional information on our Equality Duties is available for managers and Staff on the intranet

<http://intranet.sheffield.gov.uk/managers/equality-diversity>

## Section 3: Reasonable Adjustments: What to consider

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### 3.1 What is a Reasonable Adjustment?

The Equality Act says there's a duty to make reasonable adjustments if a person is at a substantial disadvantage because of a disability compared to non-disabled people or people who don't share your disability. Substantial means more than minor or trivial. This does not mean making all changes the customer requests but we have a duty to make an assessment on and provide what is reasonable to do so.

### 3.2 What is meant by reasonable?

Adjustments only have to be made if it is reasonable to do so. What is a reasonable thing to ask for depends on things like:

- the nature of the disability
- how practicable the changes are
- if the changes asked for would overcome the disadvantage that the customer and other disabled people experience
- the size of the organisation (not your service/team)
- how much money and resources are available
- the cost of making the changes
- the impact on others
- any changes that have already been made
- the extent of our Duty as a public sector organisation

Due to the size of the Council our Duty will be very broad

#### Example 1

A customer who is deaf is being interviewed at First Point. The customer's first language is British Sign Language (BSL) and needs an interpreter to communicate with the officer as s/he doesn't know BSL. The disabled customer's disability places them at a substantial disadvantage compared to someone who is not deaf and who can communicate in English. The officer should therefore use a BSL interpreter when interviewing the customer.

#### Example 2

A customer has a mental health condition which means they find it difficult to participate in meetings and they have been asked to attend an interview. Offer for them to have an advocate with them, make sure the person is fully aware of what will happen in meeting, how it will be conducted, who will be there, is at a time that is best for the customers participation and that they have additional time to prepare.

#### Example 3

If we are running a consultation event we have to make it is meaningful and make sure that the venue is accessible, materials provided in a range of formats, with as much notice as possible and with involving a wide variety of Sheffield's communities.

### 3.3 Should people have to pay for the adjustments?

The Equality Act says the customer should never be asked to pay for the adjustments. It will be the responsibility of each Portfolio to absorb any costs incurred from adjustments made within their approved budgets.

### 3.4 What happens if we do not cooperate with the Duty to make reasonable adjustments?

If someone does not cooperate with their Duty to make reasonable adjustments, the Equality Act says it is unlawful discrimination. The customer can ask organisation to make the necessary reasonable changes. If we refuse, the customer can make a discrimination claim in the County Court under the Equality Act. You must take steps as a manager to demonstrate you have considered all requests.

### 3.5 What do people or organisations have to do?

There are three different things people or organisations may have to do make it easier for customers or staff to access or do something.

#### i) Change the way things are done

Some people or organisations may have a certain way of doing things which makes it more difficult for some people to access or do something. This could be a formal or informal policy, a rule or a practice. It could also be a one-off decision. The Equality Act calls this a **provision**, **criterion** or **practice**. The organisation should change these things if they are a barrier, unless it is unreasonable to do so. We should not have any policies that state no exemptions.

#### **Example 4**

*The Council has a general policy of only allowing questions at meetings from people who are present in the meeting. A person's mobility is impaired which means they cannot leave the house / have difficulty leaving the house. This means s (he) is not able to attend meetings so would therefore be disadvantaged by that policy. A likely reasonable adjustment would be to contact the person to discuss the person's needs and suggest that someone else could attend the meeting and ask the question for them, or, s (he) can submit a written question which is read out in the meeting and a written response provided.*

#### **Example 5**

*A housing officer offers to come and meet a customer at home as the person has severe agoraphobia and finds it difficult to leave home. Normally, housing officers only make appointments at the office. The officer provides the customer with an extra service under their duty to provide reasonable adjustments*

#### ii) Change a physical feature

Sometimes a physical feature of a building or other premises may make it more difficult for a customer to access or use it. Whilst not exhaustive, here are some examples of physical features which it might be possible to change:

- steps and stairs
- passageways and paths
- entrances and exits
- internal and external doors
- toilets
- signs
- lighting, colour scheme and ventilation

Again, whilst not exhaustive, here are some adjustments which could be made, these include removing, changing or providing a way of avoiding the physical feature, where it is reasonable:

- providing ramps and stairway lifts
- making doorways wider, having two sets of door handles including lower height
- installing automatic doors
- providing more lighting and clearer signage
- reduce background noise in rooms
- changing paintwork so there is a colour contrast between walls and doorframes

### iii) **Provide extra aids or services**

Sometimes a customer may need particular aids or equipment to help him or her access or do something. Or the person may need additional services. The Equality Act calls this **auxiliary aids** and **services**. Here are examples of auxiliary aids and services which could be provided:

For deaf and hearing impaired people:

- Appropriate written information (such as a leaflet, booklet or guide)
- Qualified British sign language (BSL) interpreters
- A facility for taking and exchanging written notes
- Induction loops / Infrared transmission systems
- Subtitles or DVD's with sign language interpretation
- Information displayed on computer screens
- Text phones, telephone amplifiers, or teletext displays
- Audio-visual fire alarms

For blind and partially sighted people:

- Readers or Extra staff assistance
- Documents in large print, or Braille
- Information on memory stick/card reader
- Information on /CD/MP3 etc.
- Telephone services to supplement other information
- Spoken announcements or verbal communication
- information supplied without tables and in plain formatting

## Section 4: When to identify individual needs

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### 4.1 What the law says

The Duty around providing reasonable adjustments is '**anticipatory**'. This means an organisation cannot wait until a disabled person wants to use its services, but must think in advance (and 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, a mobility impairment, a learning disability or mental health condition. The Duty is also a continuing duty; it is not something which needs simply to be considered once and once only, and then forgotten.

As a Council we have to think in advance about the accessibility of our goods, facilities or services. We should be planning continually for the reasonable adjustments we think we need to make, whether or not we already have disabled customers. We have to legally anticipate the requirements of disabled people and the adjustments that may have to be made. This also means that important information for customers should be available in accessible formats.

We should also establish a means for letting disabled people know how to request adjustments. Furthermore, once the Council has decided to put auxiliary aids and services in place, it is important to draw their existence to the attention of disabled people. This ensures we are not only complying with the Act but are also adopting good practice.

### 4.2 Council Commitment

As part of our commitment to having an accessible city the Council is also supporting a new project called **Accessible Sheffield** where we are working in partnership with [DisabledGo](#), [Disability Sheffield](#) and the [Access Card](#). As part of this an access guide to Sheffield will be provided by DisabledGo and will soon be available to residents and visitors for free. Disability Sheffield will be providing support and guidance to venues and businesses across Sheffield whom are interested in improving their accessibility. In addition the Access Card will be made available for disabled residents, making services more accessible and personalizing deals and offers for you.

The access guide will cover 1000 venues, all of which will be visited and assessed by a DisabledGo surveyor who will look at a whole range of accessibility features from parking to accessible toilets. The guide will be available in 2015 at [www.disabledgo.com](http://www.disabledgo.com) and also be featured on [www.sheffield.gov.uk](http://www.sheffield.gov.uk). A shorter guide in booklet format will be produced for people who do not have access to the Internet

## Section 5: How to identify individual needs

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It is not always easy to identify that someone is disabled, indeed they may have a medical condition that is covered by the Equality Act but do not view it as themselves as disabled. In addition to this, a large percentage of impairments are hidden, such as autism, depression or diabetes. A hidden impairment is a condition/s which are not always apparent and which may or may not attract a diagnosis but which contribute to social difficulties. Therefore it is advisable to routinely discuss individual needs with customers in a pro-active manner, asking the person whether they need any reasonable adjustments – for example, ‘Do you have any additional requirements due to a disability or medical condition?’ Also some people may have more than one impairment or fluctuating conditions which will mean they need a range of adjustments.

There is further guidance available in the Hidden Impairments Toolkit, it focuses on specific hidden impairments including:

- Attention Deficit Hyperactivity Disorder
- Developmental Coordination Disorder
- Dyslexia
- Autistic Spectrum Condition
- Specific Language Impairments
- Dyscalculia

The general guidance section of the toolkit may be useful across other hidden impairments:

<http://intranet/managers/equality-diversity/hidden-impairment-toolkit>

There are also many other hidden impairments such as mental health conditions. The term mental health condition covers many different issues. Mood problems are common involving both low mood (depression) and less commonly over excitable mood (or mania.) Anxiety is another common problem, as are more long standing personality disorder problems. Features of mental distress may include self-harm or eating disorders. This is not a complete list and there are varying degrees of severity. There is a guide of [definitions of disability](#) available.

You should discuss adjustments as soon as possible, with a view to having all the necessary requirements in place quickly. If a condition is newly acquired, or the person hasn't accessed the service/ Council before, they may not be fully aware of how the condition/ service will affect them. Therefore you may need to get advice from your manager or the Equality Lead Officer in your Portfolio, [see contacts for details](#) . It is important to utilise all support available as appropriate. Consideration should be given to the Data Protection Act and also individual privacy; an example may be useful to illustrate this point.

*You do not have to give the customer's name when asking for advice, only share what is required to be able to provide the support needed.*

Help with handling information is available <http://intranet/ict/handling-council-info>.

## Section 6: Organising a British Sign Language Interpreter

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British Sign Language (BSL) is a language in its own right; this means that you should identify if and when a Deaf customer requires an interpreter.

Council services needing help with translation or interpretation must buy support through Language Line Solutions. Language Line provides a telephone interpretation service in over 200 languages, 24 hours a day, 7 days a week, 365 days a year. Telephone and face to face interpreters can be booked for a range of languages that are commonly used in Sheffield.

Language Line also provides British Sign Language, Braille and document translation. Please note that there is a particular demand issue with qualified BSL interpreters, and that short notice requests are not guaranteed to be fulfilled. In order to ensure you get the service you require, please give Language Line as much notice as possible if you require a BSL interpreter. <http://intranet/structure/resources/customer-services/ti>

For Housing follow the link for the procedure <http://homesintranet.net/resources/enquiry-guidance/customer-care-knowledge-library-/personalising-service--translation-and-interp>

For all Council services, the best way is through the web booking system, as this allows you to track your booking. Language Line can set you up with this service and advise you on how to use it (to set this up call the number below and press option 4). Alternatively, you can call Language Line each time you want to make a booking – call freephone **0800 456 5930**.

You can also book a face-to-face or BSL interpreter [online](#)

## Section 7: Who else can help?

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### **Council Wide**

Social Justice and Inclusion Manager - [Adele Robinson](#)

Human Resources Service Manager Policy and OD - [Michele Hassen](#)

Legal Services - Assistant Director (People) [Steve Eccleston](#)

Consultation - Head of Elections, Equalities and Involvement [Michael Bowles](#)

### **Portfolio Equality, Diversity and Inclusion Leads**

Children, Young People and Families - [Bashir Khan](#)

Communities - [Phil Reid](#) and [Kate Register](#)

Policy, Performance and Communications (PPC) - [Adele Robinson](#)

Place - [Ian Oldershaw](#) and [Annemarie Johnston](#)

Resources - [Michelle Hawley](#)

For issues relating to development and planning and accessibility of buildings

### **Access Officers**

[Brian Messider](#) and [Simon Ovenden](#)

There are also some online resources to be found on the website

### **Reasonable adjustments for staff**

<http://intranet/managers/equality-diversity/reasonable-adjustments-for-disabled-people>

### **Hidden Impairments Toolkit**

<http://intranet/managers/equality-diversity/hidden-impairment-toolkit>

### **Guidance in relation to Disabled Pupils**

<https://www.sheffield.gov.uk/your-city-council/policy--performance/how-we-will-deliver/other-strategies-plans-and-policies/equality-and-diversity/our-workforce/reasonable-adjustments.html>

### **Guidance on consultation**

<http://intranet/managers/consultation>