

# ICO Reasonable adjustments policy

<b>Document name/title</b>	ICO Reasonable adjustments policy
<b>Version number</b>	V2.0
<b>Status</b> (draft, published or superseded)	Published with trade union approval
<b>Department/Team</b>	Human Resources
<b>Relevant or related policies</b>	Accessibility and reasonable adjustments at work policy
<b>Distribution</b> (internal or external)	Internal
<b>Author/Owner</b> (if different name both)	Human Resources
<b>Approved by</b>	SLT and Trade Unions
<b>Date of sign off</b>	April 2021
<b>Review by</b>	June 2023
<b>Security classification</b>	Official

## 1. Purpose

- 1.1 This policy is intended to help all staff to understand and put into practice the formal duty placed on the ICO to make reasonable adjustments to remove or reduce those barriers, including attitudinal and communication barriers, which can place disabled persons at a disadvantage when accessing our services. It also provides guidance on meeting individual needs which may not be covered by the Equality Act (2010) through appropriate and reasonable adjustments which support our commitments to deliver high standards in customer service and those set out in our Equality objectives and relevant policies.
- 1.2 The policy is supported by a number of more detailed operational procedures covering different areas of ICO's activities. These include procedures relating to;
- Customers, their carers and advocates
  - Visitors to our premises
  - Suppliers
  - Current and potential staff

## 2. Legal Requirements

- 2.1 As a public authority and a provider of services to the public, the ICO is subject to the Equality Act (2010), including the Public Sector Equality Duty. This places on us a legal duty to make reasonable adjustments to ensure that disabled persons' access to our services is as close as it is reasonably possible to the standard usually offered to non-disabled persons. In addition, we have an obligation to ensure that we make reasonable adjustments for disabled job applicants and employees to remove, reduce or prevent those obstacles which may place them at a disadvantage compared to non-disabled job applicants.
- 2.2 Under the Equality Act (2010), the duty to make reasonable adjustments comprises a series of responsibilities falling into three areas:
- (i) changing or adapting our ways of working, including changes to our working practices, policies and procedures;
  - (ii) providing additional auxiliary aids and services; and
  - (iii) overcoming a physical feature which is a barrier to access by altering or removing the feature, or providing the service by an alternative method.

2.3 In summary, all staff should be aware of the following key points:

- The ICO's duty is to disabled people in general as well as addressing the needs of individuals. The ICO has a duty to anticipate the needs of disabled people when designing our workplaces, policies, procedures and systems.
- If we fail to design in inclusivity or make a reasonable adjustment, and the effect of the failure is to make it impossible or unreasonably difficult for a disabled person to make use of our service, we may be committing unlawful discrimination;
- Unreasonable difficulty includes not just physical barriers, but also communication and attitudinal barriers, the time, inconvenience, effort, discomfort, anxiety and loss of dignity entailed in accessing the service
- It is possible to commit unlawful disability discrimination even when unaware of a person's disability if we have not made reasonable efforts to establish whether a disability exists. For example, withdrawal of our service from someone using bad language could be unlawful if the person had Tourette's Syndrome, and we failed to ask if they had any special needs or circumstances. Similarly, we may be unlawfully discriminating if we ought to reasonably have known of the person's disability. For example, if an applicant submits a freedom of information request and asks for the information to be provided in a specific format, this may be due to a disability.

### 3. What is a Reasonable Adjustment?

3.1 Reasonable adjustment is a legal term introduced under the Equality Act (2010). It means that the ICO has a duty to make reasonable adjustments where a disabled person suffers a detriment or is put at a substantial disadvantage in comparison with persons who are not disabled.

3.2 It is not possible to provide an exhaustive list of reasonable adjustments since an adjustment can only be determined as reasonable or not in relation to a specific set of circumstances. However, the Equality Act's Code of Practice suggests that, when deciding whether an adjustment is reasonable, we should consider the following issues:

- (i) the **effectiveness** of any adjustment: for example, providing signers at a conference where there are BSL users will only be effective if the BSL users have a clear and uninterrupted view of a signer during each session;

- (ii) the **practicability** of the adjustment: for example, it would not be practicable or necessary to install a wheelchair accessible toilet on every floor of the office, providing that at least one such toilet is easily accessible to wheelchair users;
- (iii) the financial and other **costs** of any adjustment: for example, if a customer living in a distant location is unable to put a complaint in writing and requests a home visit so that a staff member can take down the details of the case for them, it might be reasonable to refuse on grounds of cost, provided that a different adjustment can be made – for example, taking down the details by telephone and sending them to the customer for checking;
- (iv) the extent of **disruption** caused: for example, where visits by wheelchair users are rare, it would be reasonable to have a portable ramp available rather than altering every area of the building where there is a step;
- (v) the extent of our financial and other **resources**, and the amount of resources already spent on adjustments: any adjustment would need to be proportionate, taking account of ICO's size, funding and function; and
- (vi) the availability of financial or other **assistance**: for example, grants such as Access to Work funding may be available for adapted technology for a disabled prospective and current employees.

#### 4. Adjustments Not Covered by the Equality Act (2010)

- 4.1 In addition to fulfilling our legal obligations, the ICO is committed to maintaining a high standard of accessibility and experience of our service for all those with whom we come into contact. We should therefore extend our approach to reasonable adjustments to embrace not just disability, but any special need or circumstance.
- 4.2 While it is not possible to list all such circumstances, some examples of areas where we may make reasonable adjustments not covered by the Equality Act are as follows:
- providing information in different languages, or translation and interpreting services for people whose first language is not English;
  - providing additional support to people with literacy problems;
  - providing additional support to people who need it because of physical, emotional or mental infirmity;
  - providing additional support to people who have communication or learning difficulties; and

- providing support to carers and advocates for people with special needs.

## 5. General Guidance

5.1 As a general rule, ICO staff should use the following approach:

- (i) **Ask – don't assume.** Remember that many disabilities or special needs are not necessarily visible or obvious. We should therefore ask people routinely whether they need additional support. Such questions need not be intrusive – for example, during an initial conversation we should explain how we would normally deal with the 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.
- (ii) **Listen.** Most people 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.
- (iii) **Be flexible.** Remember that people in similar sets of circumstances may have different ways of dealing with them – just because people have a similar disability, it does not mean that they will require the same support. For example, one deaf person may use British Sign Language and another may lip read.
- (iv) **Be honest.** If someone asks for an adjustment which you are not sure we can provide, explain that you will need to check on what support is available and get back to them.
- (v) **Seek help.** You should then discuss with your manager and the Head of department how best to proceed.

## 6. Specific Guidance

- 6.1 Specific guidance is available for staff in different operational areas of the ICO in the operational procedures included at paragraph 1.2, which can be found on the staff intranet.
- 6.2 For reasonable adjustments for existing members of staff or new starters, please refer to the Accessibility and Reasonable

Adjustments at work policy, which can be found on the staff intranet.

<b>Version</b>	<b>Changes made</b>	<b>Date</b>	<b>Made By</b>
<b>1.0</b>	<b>Published</b>	May 2015	Human Resources
<b>2.0</b>	<b>Published</b>	April 2021	HR, SLT, TU & EDI Networks