

# **Our commitment to people with disabilities**

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## 1 Introduction

Ombudsman Services is committed in taking reasonable steps to ensure that disabled people who use our service are not disadvantaged. This affirms our commitment to improving accessibility for all complainants we deal with, sets out some of the basic principles of our duty to provide reasonable adjustments for disabled people, and sets out the factors we will take into account when dealing with requests for reasonable adjustments.

We recognise that we must take reasonable steps in the way that we provide our service to disabled people to ensure they are not disadvantaged in comparison to people who are not disabled. There are legal requirements to make reasonable adjustments which are often complex and different depending on the nature of a person's individual circumstances.

This document does not advise how we will approach every situation; it is intended as a general statement of our promise to:

- confirm our commitment to improving accessibility for everybody that we deal with;
- set out some of the basic principles of our legal duty to provide reasonable adjustments for disabled people; and
- set out the factors that we will take into account in dealing with requests for reasonable adjustments.

Many of the arrangements that we offer for disabled people may also be made available for those who do not have disabilities. For example, a person may find it easier to read our information leaflets in a larger sized font.

This document applies to all Ombudsman Services customers, including complainants and participating companies.

## 2 Our legal duties in relation to disabled people

The Equality Act 2010 requires Ombudsman Services to provide reasonable adjustments for disabled people, defined by the Act as those who have a physical or mental impairment which has a substantial and long term adverse effect on that person's ability to carry out normal day-to-day activities. This will, in some circumstances, mean that disabled people receive more favourable treatment than non-disabled people, which is lawful in the context of disability.

### **3 Our duty to make reasonable adjustments as a service provider**

When dealing with complaints, Ombudsman Services is providing a public service. We have a duty to make reasonable adjustments in these contexts and this will apply to all our enquiry and investigation work.

We have a duty to make reasonable adjustments if the way that we carry out our functions places a disabled person at a 'substantial disadvantage' compared to someone who is not disabled. The duty also requires that we consider what can be done to overcome any such disadvantage, and whether an adjustment can be made which is reasonable in all the circumstances of the case.

We will use best efforts to agree in advance with the individual in question the reasonable adjustments that we are able to make and provide reasons when it may not be possible.

### **4 The disability equality duty**

In addition to the duties we owe to disabled customers, Ombudsman Services also has a wider duty to actively promote equality of opportunity for disabled people; often referred to as the disability equality duty.

The duty is 'anticipatory' which means we cannot wait until a disabled person wants to use our service. Ombudsman Services will think in advance, on an ongoing basis, about what disabled people with a range of impairments might reasonably need, such as people who have a visual or hearing impairment, or a mental health disability.

Ombudsman Services is working towards meeting the disability equality duty by reviewing our policies and practices to identify possible barriers for disabled people so that we can minimise those barriers and anticipate the reasonable adjustments that we may need to make.

### **5 Requiring a reasonable adjustment**

Ombudsman Services will let people know that we can provide reasonable adjustments in the following ways:

- by proactively asking complainants directly in the first communication that we have with them if they have a disability and might need any adjustments;
- by including a note on our published documents clearly indicating that we can provide the document in an alternative format on request;
- by publishing this document on our website; and
- by including a clear note on a relevant record, for example a case file, that alerts staff to an agreed reasonable adjustment.

## 6 The types of reasonable adjustment we can offer

While we will consider each request for reasonable adjustments individually, there are some common adjustments which we will offer as a matter of course and some other adjustments that we can make particular arrangements to provide.

The adjustments will always be agreed with the person concerned to avoid making incorrect assumptions about their needs. When considering what reasonable adjustments we may make, we will take into account reasonable variations to our processes, policies and procedures.

Some examples of the simple reasonable adjustments that we can make may include:

- providing documents or correspondence in a larger font size;
- providing documents on coloured paper or with a specific colour contrast, which can be helpful for people who are visually impaired or with conditions such as dyslexia;
- allowing a person who has a learning disability or mental health problems more time than would usually be allowed to provide further information;
- using email or the telephone in preference to hard copy letters where appropriate, which may assist those with a visual impairment;
- using plain English appropriate to the person we are dealing with and avoiding jargon;
- translating documents or correspondence into Braille;
- communicating with people through their representative if requested and approved by them;
- helping someone who has mental health problems to understand and manage the action we are taking by arranging a single point of contact within Ombudsman Services;
- providing access to a 'Minicom' text phone or 'text relay' service for those with a hearing impairment; and
- communicating by post and/or email for those with a speech impairment.

A small number of requests may require more detailed consideration and our approach to these requests is discussed in the section below.

## 7 Our response to requests for reasonable adjustment

In the majority of cases we will be able to agree and deliver reasonable adjustments with a minimum of delay. In some cases, we may need to consider in more detail how best to overcome the difficulty a disabled person may be experiencing. For example, where the adjustment requested may be difficult to provide or where it may interfere with our legislative obligations.

## 8 How we decide what is ‘reasonable’

The Equality Act does not define what is ‘reasonable’ but it is expected that, until regulations are introduced for this purpose, the statutory guidance which had been available under the Disability Discrimination Act will continue to apply. We will therefore rely on this to help us in the more difficult cases.

The consideration of whether an adjustment is ‘reasonable’ is judged against the following:

- the effectiveness of the adjustment(s) in preventing the disadvantage;
- the extent to which it is practical for Ombudsman Services to make the adjustment(s);
- the cost and availability of resources, including external assistance and finance; and
- the extent to which making the adjustment(s) would disrupt Ombudsman Services activities.

The adjustment should be designed to fully address the disadvantage it is meant to overcome. For an adjustment to be reasonable, it should be effective. However, it is important to remember that an adjustment, which is deemed effective, may not be considered reasonable. For example around issues of resourcing. Resourcing is not just about the cost, but may involve other factors, for example recruiting additional staff with specific skills.

In terms of the use of our resources for making adjustments, the ‘reasonableness’ of an adjustment will be evaluated against the resources available to Ombudsman Services as a whole.

However, even if an adjustment has a significant cost associated with it, careful consideration to any long term benefit that it may provide to Ombudsman Services, our staff and customers will be given. In practice, many reasonable adjustments involve little or no cost or additional resourcing requirements and are relatively easy to implement.

It would not usually be reasonable for an investigation officer to cease work on other cases and devote all of their time to one person, as others will inevitably suffer. The amount of extra time provided must therefore be ‘reasonable’ in all the circumstances.

## 9 Monitoring

Ombudsman Services will record and monitor the reasonable adjustments that have been requested and made. This will allow us to review the services we provide and help us identify whether there are any wider steps that we can take to improve our services.

## **10 Dealing with complaints about our service**

Ombudsman Services is committed to providing a high standard of service dealing with everyone in a way that is fair, and free from discrimination. If a person is dissatisfied with the arrangements that we have made for providing reasonable adjustments, we will respond in accordance with our service complaints policy.