

Making Reasonable Adjustments

IPCC Casework and Customer Services Policy

May 2011

Foreword

The Independent Police Complaints Commission (IPCC) is committed to providing a fair, consistent and accessible service to all its customers.

It is recognised that some of our customers may have particular difficulties in accessing our service. Such difficulties might be as a result of, for example, language, literacy, disability or mental health issues.

It is therefore intended that this policy sets out the IPCC's approach to managing requests from customers with a disability who may find it difficult to access our service and to assist staff in assessing and managing these requests.

The main focus of this guidance is on reasonable adjustments that may be made in respect of customers wishing to access the complaints system to make a complaint or lodge an appeal.

1. Equality Act 2010

Generally, in the way they deliver their services and carry out their public functions, government departments and other public bodies are covered by equality law.

Under the Equality Act 2010 there is a duty to make “reasonable adjustments” to ensure a disabled person can use a service as closely as it is reasonably possible to the standard usually offered to non-disabled people. When the duty arises, there is a positive and proactive duty to take steps to remove or prevent obstacles that restrict accessing services.

It is important to note that this duty to make reasonable adjustments ONLY applies to people with a disability and not, for instance, to people with low literacy levels. However to fully embrace the new equality duties, consideration should be given to requests for non standard services.

Example:

A man wishes to appeal against a decision not to record his complaint. He experiences problems with literacy and is not able to complete the appeal form. If he does not have anyone who can help him to complete the form, consideration should be given to taking his appeal over the telephone, recording it verbatim and returning it to the appellant to sign as a true record.

In respect of disabled customers, there are three requirements to the duty, which can be summarised as follows:

- ◆ the first requirement involves changing the way things are done (equality law calls this a provision, criterion or practice). Consideration must be given to whether the Commission has rules or ways of doing things that present barriers to disabled people?
- ◆ the second requirement involves making changes to overcome barriers created by the physical features of premises, if these are open to the public or a section of the public.
- ◆ the third requirement involves providing extra aids and services such as providing extra equipment or providing a different, or additional, service (which equality law calls auxiliary aids or auxiliary services). The Commission must take reasonable steps to provide auxiliary aids or services if this would enable (or make it easier for) disabled people to make use of any of the services.

The overall aim should be, as far as possible, to remove any disadvantage. The duty is ‘anticipatory’. This means that we cannot wait until a disabled person wants to use our 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 or a learning disability.

We cannot prepare for every eventuality and there may be instances where a disabled person requests that an adjustment is made. A person may request any adjustment – the decision to be made is whether it is 'reasonable'.

2. Disability and making reasonable adjustments

What is a disability?

Disability has a broad meaning. It is defined as a physical or mental impairment that has a substantial and long-term adverse effect on the ability to carry out normal day-to-day activities.

‘Substantial’ means more than minor or trivial. ‘Impairment’ covers, for example, long-term medical conditions such as asthma and diabetes, and fluctuating or progressive conditions such as rheumatoid arthritis or motor neurone disease.

A mental impairment includes mental health conditions (such as bipolar disorder or clinical depression), learning difficulties (such as dyslexia) and learning disabilities (such as autism and Down’s syndrome).

Some people, including those with cancer, multiple sclerosis and HIV/AIDS, are automatically protected as disabled people by the Act. People with severe disfigurement will be protected as disabled without needing to show that it has a substantial adverse effect on day-to-day activities.

What is a reasonable adjustment?

When reviewing their service, a provider needs to ascertain whether:

- the way in which things are done
- physical features of premises, or
- an absence of an auxiliary aid or service

will put disabled people at a substantial disadvantage compared with people who are not disabled.

Anything that is more than minor or trivial is a substantial disadvantage. If a substantial disadvantage does exist, then the duty to make reasonable adjustments arises. The aim of the adjustments is to remove the substantial disadvantage.

But we only have to make adjustments that are reasonable to make ...

When deciding whether an adjustment is reasonable consideration should be given as to

- ◆ how effective the change will be in assisting disabled people in general or a particular customer, client or service user
- ◆ whether it can actually be done
- ◆ costs involved, and
- ◆ the organisation’s resources and size.

Any request needs to be balanced against all the factors.

3. Recording Requests for Adjustment

ALL reasonable adjustments requested, made and refused must be recorded and a log completed (see Annex A & B). This will enable us to:

- **make consistent decisions on requests**
- **identify good practice that can be shared across the IPCC**
- **provide a rationale as to why a decision has been agreed or refused.**

When a request for adjustment is received a Record of Reasonable Adjustment Request form should be completed and submitted to the Head of Casework for a decision. When a decision has been made, this form should be saved to the electronic case file held on TRIM.

Once a decision has been made, the Reasonable Adjustment log should also be filled out. This can be found on the Casework and Customer Services SharePoint site.

4. Making a complaint

In accordance with the Access Strategy, we will encourage complainants to make complaints direct to their local Police force.

Where this is not possible, or the complainant does not wish to contact their local force a complaint may be made direct to the IPCC. We would normally expect a customer to make us aware of any specific communication needs and we are able to provide as standard:

- Information in formats including easy read, large print, audio, Braille and British Sign Language (BSL)
- Acceptance of a complaint over the telephone, via e-mail, text phone, via the website or by post

The various complaint routes set out above are such that, generally, this will provide reasonable access to the complaints system for complainants.

Whilst individuals may *prefer* to lodge their complaint at a face to face meeting, this may not be necessary and the options outlined above should be offered and fully explored first.

On occasion, a complainant may specifically request a face to face meeting or request that another adjustment is made to facilitate them making a complaint.

In these instances, all requests should be decided on a case by case basis by the relevant Head of Casework taking into account;

- the particular circumstances that necessitate such an adjustment
- previous contact with the complainant
- whether there is a better way forward.

Regard should also be made to health and safety issues and time and costs involved in facilitating such a meeting.

Example:

A complainant requests a face to face meeting to lodge his complaint. He states that this is a reasonable adjustment as he has an acquired brain injury which means he has poor handwriting. He does however have access to a computer and is a prolific e-mail correspondent. In these circumstances, it would be reasonable to expect him to send his complaint via e-mail or via the on-line form.

Remember all requests for a reasonable adjustment (whether in relation to disability or not) MUST be recorded whether approved or rejected.

5. Lodging an appeal

Appeals can be made to us in writing or via the online forms available on the website. We also, generally expect complainants to send us (or be able to send us) any relevant evidence and/or further information in written format.

We are however committed to taking reasonable steps to ensure that those who find this difficult are able to use our service.

Where a complainant requires help to make their complaint and/or complete an appeal form, we will normally refer them to the Citizens Advice Bureau or other advice agency for advice and assistance. All complainants and appellants are also given the opportunity to appoint a representative if they wish to (although we will not pay the costs of engaging a representative such as a solicitor or advocates as this could compromise our independence).

However, in some circumstances, we may;

- make an appointment to take an appeal by telephone and then send this to the customer for agreement and signature. The appeal would be taken verbatim with no advice or comment made on the content. In such circumstances, no further action to deal with the appeal will be taken until signed agreement is received.
- record details of the appeal (via the telephone system) and use this as the grounds for appeal saving the actual recording of the call as proof of content.
- arrange to accept the appeal via typetalk or minicom

These solutions will be facilitated via the Customer Contact Centre.

Again, any requests for a face to face meeting should be decided on a case by case basis by the relevant Head of Casework taking into account;

- the reasons why the appellant cannot make their appeal in writing, on-line or by telephone
- any relevant health and safety concerns
- time and costs involved in arranging a meeting

The IPCC has processes in place to consider requests to extend the 28 day timeframe for making an appeal due to exceptional circumstances. Exceptional circumstances could include the impact of a disability. The IPCC's standard validity assessment process (as detailed in the IPCC Operational Manual)_should be applied to requests of this type. Decisions should be recorded and the complainant and appropriate authority informed in the normal way. These decisions do not need to be submitted to the Head of Casework and do not need to be recorded on the Reasonable Adjustments log.

Remember all requests made under this policy MUST be recorded whether approved or rejected.

ANNEX A
Record of Reasonable Adjustment Request

Date:		Region:		
CTMS Reference				
Name of person making the request:				
Name of person requiring the adjustment (if different):				
Details of adjustment requested:				
Details of any alternative adjustment offered :				
			Yes	No
Request Granted?				
Issues to consider				
1.	Would the adjustment solve the difficulty?			
2	Is there an alternative that would be better, easier to provide or less expensive? If yes, it is reasonable to offer the alternative. However, this must be suitable for the individual concerned in the specific circumstances that have arisen.			
3.	Would the adjustment prevent you from offering a service to other users? If yes – it is reasonable to refuse to make the adjustment. Please give a brief summary of circumstances below.			
4.	Is it practicable to make the adjustment? If no, it may be reasonable to refuse to make the adjustment. Please give a brief summary of the circumstances below.			
5.	Does the proposed adjustment mean that independence is compromised? If yes, it may be reasonable to refuse to make the adjustment. Please give a brief summary below.			
Please discuss any cases that you are unsure of with your Head of Casework				
Reason for refusing the adjustment (see 3.4 & 5 above)				
Has the customer been made aware of the reasons for refusal (if applicable)?				
Additional comments :				
Person completing		Date		
HOC		Date		

