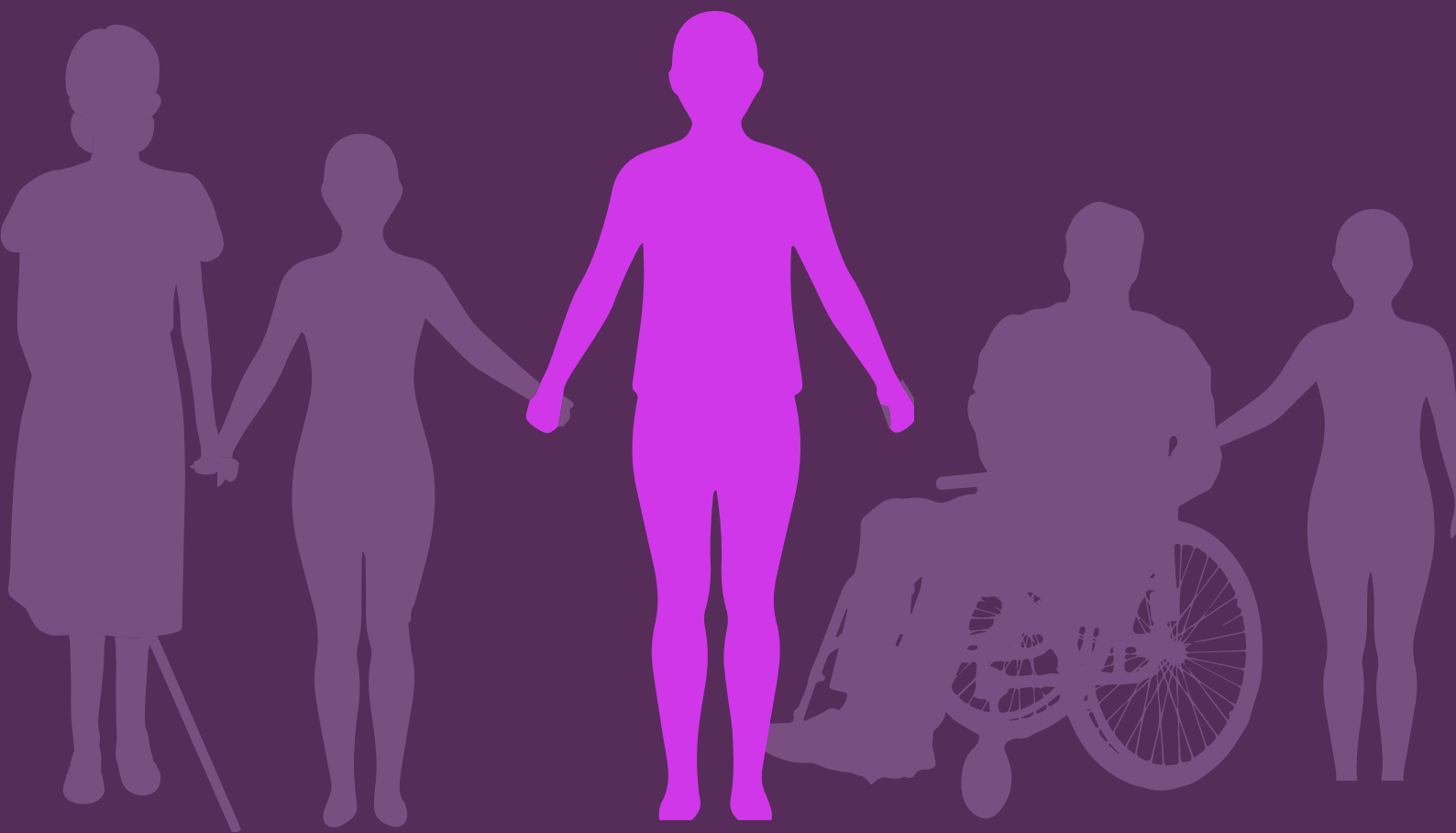




Reasonable Adjustments Policy

4-5 REASONABLE ADJUSTMENT POLICY

PRE-AMBLE

All barristers' chambers are required to make reasonable adjustments in respect of employees, service users, members, applicants for pupillage and pupils under the Equality Act 2010. The aim of making reasonable adjustments, in whatever context, is to ensure that the experience of the person with a disability who is either a service user, applicant for pupillage, pupil, tenant or employee is as close as possible to that of a person without a disability in those situations.

Chambers is committed to making reasonable adjustments in order to remove or reduce substantial disadvantage for disabled people working with chambers or receiving legal services.

Chambers are only required to make adjustments that are reasonable. Essentially the key elements for consideration in making a reasonable adjustment are:

- 1) Effectiveness;
- 2) Practicability; and
- 3) Resources, including cost.

The **3 core objectives** of this policy are as follows:

- 1) To set out Chambers' commitment to making reasonable adjustments as required on both an individual case-by-case basis and on an anticipatory basis;
- 2) To set out the procedure by which an individual may request reasonable adjustments on a case-by-case basis (paragraph 4.1 below); and
- 3) To set out the types of adjustment that may be made as a guide for individuals who consider that adjustments may be necessary in their particular case.

Attached to this policy at **Annex A** is a checklist of suggested considerations with regard to assessing anticipatory adjustments (at least **annually** and on an ad hoc basis as required) that may be required to be made by Chambers.

Attached to this policy at **Annex B** is a checklist of suggested considerations with regard to assessing individual adjustments that may be required in particular circumstances.

1. Statement of Policy

1.1 4-5 Gray's Inn Square Chambers is committed to making reasonable adjustments in order to remove or reduce substantial disadvantage for disabled people working in Chambers. This policy covers all employees of Chambers and all members, associates, academics, and trainees. There are separate policies for applicants and visitors.

1.2 This policy is circulated to all members, associates, academics, employees, trainees, and those who are required to read and understand it. They should also read and understand the policies applicable to applicants and visitors.

1.3 For the avoidance of doubt, this policy applies to disabled persons only. There may be circumstances in which adjustments to normal practices may be appropriate to assist persons who are not disabled but otherwise have particular difficulties or needs. If so, those matters should be raised with the person's line manager, trainee supervisor or practice team, or the Chief Executive /Head of Chambers.

2. Definitions

2.1 For the purposes of this policy, the definition of disability follows that set out in section 6 of the Equality Act 2010. A person is disabled if they have a physical or mental impairment which has a substantial and long term adverse effect on their ability to carry out normal day to day activities. "Substantial" means more than minor or trivial and "long term" means 12 months or more.

2.2 The duty to make reasonable adjustments arises where a provision, criterion or practice, or a physical feature, or the lack of an auxiliary aid, places disabled people at a substantial disadvantage compared with persons who are not disabled. The duty is to take such steps as it is reasonable to have to take to avoid the disadvantage.

2.3 The duty to make reasonable adjustments in respect of employees applies to the employer, i.e. Chambers. The duty to make reasonable adjustments in respect of members, trainees, associates or academics applies to each individual member or employee who has responsibility for any disadvantage to the disabled person if the adjustment is not made.

3. Considering and requesting reasonable adjustments

3.1 The extent to which Chambers can consider or make reasonable adjustments will depend upon the extent to which the individual in question consents to the disclosure of their disability and its effects and of information about the particular disadvantage and how it might be alleviated. Normally, it will only be possible to make reasonable adjustments if the person or persons with responsibility for the function in question have sufficient information to enable them to make an informed decision. However, Chambers will be sensitive to issues of confidentiality and, in cases in which individuals do not wish details of their disability to be disclosed, will seek to identify alternative ways in which decisions might be made.

3.2 Within a reasonable time after any person, or a person known to be disabled accepts an offer to join Chambers as a pupil, member or employee, an appropriate person at Chambers should ask whether they require any reasonable adjustments. This question should also be asked in any offer letter sent to any new employee, tenant or pupil. An appropriate person should normally consider what, if any, reasonable adjustments they require and what, if any, steps might be required to identify such adjustments. The appropriate person will normally be in the case of an employee, their line manager or the Chief Executive; in the case of a pupil the Chief Executive or their first pupil supervisor, if known; in the case of a member, the Chief Executive. The appropriate person should consult with the disabled person and the Equality and Diversity Officer(s). Consideration should normally be given to whether an occupational health assessment should be carried out.

3.3 However, a disabled person working for Chambers or at Chambers may make, and should feel free to make, a request for a reasonable adjustment at any time. Such requests should be made to their line manager, their pupil supervisor, the Chief Executive or the Equality and Diversity Officers. A disabled person may also request an occupational health assessment at any time.

3.4 All requests for reasonable adjustments or occupational health assessments will be considered on a case by case basis with the advice and assistance of Chambers Equality and Diversity Officers. The person(s) responsible for the decision will depend on the nature of the step requested and the extent to which the disabled person has consented to disclosure (as to which, see what is said above). In some cases, it may be necessary to request additional evidence whether medical or otherwise from the disabled person.

3.5 The person responsible for the decision will decide whether or not it is reasonable to take the step requested, taking into account all the circumstances including the extent to which the step would be

likely to address any disadvantage, the cost of taking the step as well as the available funding options, and the impact of taking the step on the efficient and effective operation of Chambers and on other persons. If not, alternatives will be discussed with the disabled person where this is viable.

3.6 The Equality and Diversity Officers are responsible for considering whether or not disabled employees, members, associates, academics or pupils require assistance during an emergency evacuation and if so whether or not a personal emergency evacuation plan is required for the individual/s concerned. If so, the plan will be developed in partnership with the individual concerned in order to ensure that adjustments to the emergency evacuation procedure may be made. **4. Types of**

Reasonable Adjustment 4.1 It is not possible to provide an exhaustive list of the reasonable adjustments that Chambers may make. However, some of the types of adjustment that may be made, if considered reasonable, are listed below.

In relation to employees:

- Adjusting working hours, or reallocating certain duties:
- Providing the employee with a mentor or some other form of additional Support:
- Acquiring or modifying equipment and
- Providing training for the disabled person or any other person.

In relation to members/associates/academics/pupils:

- Adjusting briefing practices, for example to ensure the member/associate/academic/pupil is briefed with sufficient time to make arrangements at the Court for any necessary adjustments;
- Adjusting work allocation and practice management systems to reflect shorter working hours or other modes of practice;
- Providing support mechanisms such as mentoring or practice supervision;
and
- Providing training for the disabled person or any other person.

Generally:

- Provision of information in alternative formats (e.g. large print, Braille etc);
- Provision of accessible conference room facilities, and
- Provision of a reader or interpreter when needed.

ANNEX A: annual checklist in respect of anticipatory adjustments

Although there is no legal obligation to comply with an anticipatory duty in relation to chambers membership, it is good practice to consider adjustments in advance. This is important in relation to pupillage in particular.

Chambers should consider its:

- (a) physical circumstances;
- (b) online presence; and
- (c) its policies in relation to service users.

Key considerations are as follows:

Are there accessible toilet facilities throughout chambers?

Can chambers' website be accessed by somebody using a screen reader, or other assistive technology, or does its design prevent this?

Could a wheelchair user access chambers?

Some other examples of the types of question to ask are as follows:

- 1) What is chambers' analysis of how it provides its services?
- 2) For each service or facility, break it into its component parts and ask: (a) is this accessible; or (b) do we need to make reasonable adjustments to make it accessible?
- 3) What are the means employed by chambers to provide information to services users?
- 4) How does chambers elicit information from services users?
- 5) Is there any physical feature of chambers' premises (toilets, entrances, lighting, telephony) that puts a disabled person at a disadvantage which is more than minor or trivial?
- 6) Could chambers provide any kind of 'auxiliary aid' to make it possible for disabled people to use the service in the same way that non-disabled people without that disability can e.g. an induction loop.

PHYSICAL FEATURES

Where a physical feature puts disabled people using a service at a more than minor or trivial disadvantage, you are obliged to take reasonable steps to:

- 1) remove the feature;
- 2) alter it so that it no longer has that effect;
- 3) provide a reasonable means of avoiding the feature; or
- 4) provide a reasonable alternative method of making the service available to disabled people.

ANNEX B: Case-by-case adjustments

Remember that the types of adjustments that it might be reasonable to make may alter as technology becomes available or chambers' circumstances change. Thus, the increase in the use of remote technology for conducting conferences might make a difference to whether other adjustments are reasonable to make. **The question which should be considered in each case is whether the adjustment sought or proposed gives the service user the closest approximation to the use of the service that a non-disabled person would have.**

In order to determine what adjustments might be reasonable in the case of a particular disabled person, you will need:

- clear and easy to use means of communication with the person;

- chambers should actively ask all clients (via solicitors or directly) whether any adjustments might be needed;

- an agreed process for sharing the data received (compliant with GDPR requirements);

- a means of ensuring that the more than minor or trivial ("substantial") disadvantage, which the person might otherwise experience, is understood by you so as to give you adequate information on the basis of which you can decide whether a particular adjustment or series of adjustments is/are reasonable;

- a means of consulting with the person concerning any proposed adjustment; and

- a complaints system to enable problems or matters arising to be addressed at an early stage.

AUXILIARY AIDS

Apart from those which may affect a large number of disabled people (such as an induction loop for the deaf and hard of hearing), it will be important to consult with the individual disabled person as to what might assist them to use your services.

For example, a barrister might agree to record what would otherwise be a written advice and provide it by way of an electronic file format which could be read by the disabled person's technology. The duty can include a duty to provide an auxiliary service, such as agreeing to provide advice in conference at the solicitors' office or client's home, if appropriate.



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