



Accessibility

If you require this document in a different format please send your request by email to Headoffice@judicialombudsman.gov.uk and we will consider your request and get back to you in 5 working days.

Reasonable Adjustment Policy for Judicial Appointments and Conduct Ombudsman Service Users

Introduction

The Judicial Appointments and Conduct Ombudsman (JACO)'s office is committed to ensuring that people with disabilities and long-term conditions are not disadvantaged in accessing our services. To this end we will make Reasonable Adjustments to ensure our services are fully inclusive and accessible to all. The purpose of this document is to explain, in general terms, our policy and:

- Confirm our commitment to improving accessibility for everybody that we deal with.
- Set out some of the basic principles of our commitment to provide Reasonable Adjustments for people with disabilities or long-term conditions.
- Set out the factors that we will take into account in dealing with requests for Reasonable Adjustments.

Scope

This policy applies to all JACO Service Users. Arrangements that we offer for people with disabilities and long-term conditions can also be made available for those who do not have disabilities but may benefit from the adjustment. For example, provision of documents in larger print than our usual font or taking complaints in meetings rather than requiring them to be submitted in writing. This forms part of a person-centred approach for all JACO Service Users.

The Equality Act 2010

The Equality Act 2010 (the Act) provides a legislative framework to protect the rights of individuals and to advance equality of opportunity for all. Although not specifically listed as a public body under the Act, as a provider of services to the public the JACO Office commits to comply with the provisions for public bodies under the Act.

Under the Act the legal duty to make reasonable adjustments arises in three circumstances:

- Where there is a provision, criterion or practice which puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled.
- Where a physical feature puts a disabled person at a substantial disadvantage in comparison with persons who are not disabled.
- Where a disabled person would, but for the provision of an auxiliary aid, be put at a substantial disadvantage in comparison with persons who are not disabled.

Substantial disadvantage is defined in the Act under s.212(1) as 'more than minor or trivial'.

The JACO understands that best practice and the most inclusive approach is to make reasonable adjustments for any service user who is experiencing a barrier or difficulty when accessing our services. The JACO's focus is, therefore, on what barriers or difficulties a person is having when using our services and the adjustments needed. This is the most effective way of delivering an accessible and inclusive service for all service users.

Whilst the JACO will not ask intrusive questions about the nature of a person's condition, there may be circumstances in which it is necessary to provide medical evidence to support any reasonable adjustment requests made.

The JACO remit and reasonable adjustments

To make an adjustment means to make a change to the way that we deliver our services to service users with a disability or long-term condition. This might include changing work practices to avoid or correct the disadvantage to a person with a disability.

The JACO and the JACO Office is a complaint handling organisation, dealing with complaints about the Judicial Appointments process and the Judicial Conduct Investigation process. In order to access the JACO service people need to be able to:

- Understand the JACO remit.
- Submit a complaint under the JACO remit.
- Understand the JACO's decision.

They may also need to respond to queries raised by the JACO Office and understand updates or other information provided by the JACO Office during the investigations.

In practice the vast majority of Reasonable Adjustments would be designed to avoid or correct disadvantages that a person with a disability or long-term condition might face in these regards.

Reasonable Adjustment

An example of this would be allowing more time than we would usually do for someone to provide information that we needed.

Requesting Reasonable Adjustments

We must proactively ask service users if they need any support or reasonable adjustments when accessing/using our services. This should be done in the following ways:

- By including a paragraph in written communications (e.g. acknowledgement letters) that proactively asks if adjustments or support are needed.
- By asking whether a reasonable adjustment might be required over the telephone.
- By including a note on our published documents indicating that we can provide the document in an alternative format on request. The JACO Office is to undertake a review, and update of all published documents on the website to include an accessibility statement.
- By publishing our policy on our website.

Types of Reasonable Adjustment we can offer

We have done our best to anticipate the type of reasonable adjustments that might be required to access our services.

However, there is no prescribed list of Reasonable Adjustments; adjustments will depend on

- The individual's needs.
- The barriers / difficulties the person is facing when accessing JACO's services.
- What is reasonable for JACO provide.

Some service users will tell you what adjustments they need but some may not. The duty to make adjustments and deliver accessible services rests with JACO. This is why it's important to ask all service users if they need any support or adjustments to access the Ombudsman's service.

We will also consider correspondence with a view to identifying whether it might be necessary to offer a Reasonable Adjustment where it is not explicitly requested.

We will discuss the requirements with the person concerned and make reasonable adjustments to ensure the service user has a fully inclusive and positive experience of our service. We will not make assumptions about whether a person with a disability or long-term condition requires any Reasonable Adjustments nor about what those adjustments should be. Some examples of the adjustments that staff can make include:

- Provision of auxiliary aids – such as hearing loops in meeting rooms or allowing assistance dogs.
- Provision of information in appropriate alternative formats (e.g. large print, appropriately justified, coloured paper).
- Extension of time limits.
- Communicating with people in their chosen format (such as email, telephone etc).
- Provision of information and complaint form in Easy Read format; and
- Communication through a representative or intermediary.

Our response to requests for Reasonable Adjustments

In the majority of cases we hope to be able to agree and deliver the required Reasonable Adjustment with a minimum of delay. However, in some cases, we may need to consider in more detail how best to overcome the difficulty a disabled person is experiencing, or seek advice from expert disability organisations that can assist with signposting and other forms of support.

How do we decide what is reasonable?

The Equality Act does not define what is 'reasonable' but guidance from the Equality and Human Rights Commission suggests that the most relevant factors are:

- Effectiveness – how well does the adjustment in question remove or at least minimise the disadvantage?
- Practicability – how practical is the adjustment? For example, how long will it take to implement, will anyone need extra training, etc?
- Cost – for example, how much will it cost, what financial resources are available to JACO?
- Disruption – how disruptive to JACO, to others, and to our business needs would it be to make this adjustment.
- Risk – would making this adjustment cause any risk to others? (Note: An adjustment will not be 'reasonable' if anyone's health and safety would be compromised by making that adjustment.)

The Reasonable Adjustment should be designed to fully address the disadvantage or barrier it is meant to overcome. For example, providing an audio version of documents may not properly overcome the barriers faced by a person with a disability or long-term condition if there are other requirements that need to be overcome, for example the service user also has a hearing impairment.

For an adjustment to be reasonable, it should be effective. However, it is important to be aware that an adjustment which is deemed effective, may not be considered reasonable. For example, resourcing is not just about the cost, but it may involve other factors for example recruiting additional staff with specific skills. Adjustments which cost a significant amount are more likely to be reasonable for organisations with substantial financial resources available.

- The JACO Office has eight members of staff and an annual budget of approximately £454,000 (2021/22 figures).
- Approximately 95% of the JACO Office budget relates to staff costs.

The reasonableness of an adjustment will be evaluated against the resource available to our service. In changing policies, criteria or practices we would look to avoid or correct disadvantages that a person with a disability might face in accessing the JACO service but would not change the basic nature of the service we offer.

For example, Investigating Officers typically manage a caseload of between 8 and 15 cases. It would not usually be reasonable for an Investigating Officer to cease work on all other cases and devote all their time to one person as others will inevitably suffer. The amount of additional time devoted to providing a Reasonable Adjustment must therefore be 'reasonable' in all the circumstances.

Monitoring

We 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.

Dealing with complaints about our service

We are committed to providing a high standard of service, dealing with everyone in a way that is fair and free from discrimination. If a Service User is dissatisfied with the arrangements we have made for providing Reasonable Adjustments, concerns will be addressed by the Head of Office.