

Reasonable adjustments policy

Introduction

- 1 This policy sets out our legal obligations and reasonable adjustment process for external customers. Reasonable adjustments that are required for internal staff are covered in our HR policies. It is vital that people with disabilities such as members of the public, referrers, registrants or witnesses or any other customers, are able to use our services.

What is a disability?

- 2 The Equality Act 2010 (The Act) gives rights to people who are, who have, or have had, a disability which makes it difficult for them to carry out normal day-to-day activities. A disability may be visible or hidden, may be permanent or temporary and may have a minimal or substantial impact on a person's abilities. The term 'disability' covers learning difficulties, physical and mental impairments that have a substantial and a long-term effect on the person's ability to carry out normal day-to-day activities. A long-term effect is one that has lasted, or is expected to last, at least 12 months or the rest of the person's life.
- 3 HIV, multiple sclerosis and cancer are deemed to be disabilities from the date of diagnosis. People with severe disfigurements are also deemed to be disabled by the Act, as are people who are registered as blind or partially sighted with their local authority or an ophthalmologist.
- 4 In addition to these conditions, the Act's definition of a disability is broad enough to cover people with a range of common impairments such as hearing, visual and speech impairments as well as other conditions such as dyslexia, arthritis, depression, diabetes, asthma and back problems.
- 5 Mental illnesses are a very broad category covering some very different conditions. In particular, it primarily and significantly affects how a person feels, thinks, behaves, or interacts with other people. There is a huge range of type and severity of mental illness such as anxiety, depression, bi-polar disorder and panic attacks.
- 6 In light of this, it is best practice that we do not to make judgments on who will meet this legal definition. If a person informs us that they have a disability, long-term injury or health condition and they are finding it difficult to access our services, we should not try to decide whether they are covered by the definition of a disability. Instead we should focus on exploring whether a reasonable adjustment would remove the disadvantage that they are experiencing.
- 7 Similarly, we do not need to request medical evidence of a person's disability. It is best practice to accept that the person is disabled and focus on exploring what adjustments would make it easier for them to interact with us effectively. In most cases, we would not require medical advice to make an adjustment because the disabled person would advise us on their requirements.

What are 'reasonable adjustments'?

- 8 Reasonable adjustments are changes to the way we offer our services to prevent people with disabilities from being placed at a substantial disadvantage and ensure people with disabilities have a fair and equal chance of accessing our services. Examples might include:
- 8.1 permitting a person with a visual impairment to make a referral over the telephone rather than in writing;
 - 8.2 making sure that venues are accessible to individuals with a variety of impairments;
 - 8.3 providing written materials on coloured paper for a person who has dyslexia;
 - 8.4 providing a copy of the NMC guidance in an electronic format for a person who is blind;
 - 8.5 changing the time of a hearing to help a person manage the effects of anxiety;
 - 8.6 providing an ergonomic chair for a person with a hip problem;
 - 8.7 sourcing a BSL interpreter and electronic note taker for a witness, during a hearing, who is deaf;
 - 8.8 preparing information in large print for a person with a visual impairment, or
 - 8.9 providing information in easy-read format for a person who has a learning difficulty.

Regulatory framework

- 9 Under the Act, we must make sure that reasonable adjustments are provided to prevent people with disabilities from being placed at a substantial disadvantage. This is an 'anticipatory duty' which means we must anticipate the needs of people with disabilities accessing our services.

Example

We have widened walkways and lowered reception counters in anticipation of the needs of wheelchair users. However, a person who is a wheelchair user is still not able to reach the buzzer at the front entrance because he has limited movement and cannot lift his arms. A further reasonable adjustment for this customer would be for a member of staff to meet the witness at the front door.

- 10 As a service provider, we do not divest our obligations towards people with disabilities when we outsource aspects of our work to another organisation. This means that if our suppliers discriminate against a disabled person whilst acting on our behalf, we will be legally responsible. Therefore, it is essential that our

suppliers demonstrate they not only understand and share our values on equality and disability related issues but also possess the technical know-how to be able to meet the specific needs of people with disabilities.

- 11 If, however, even with the anticipatory adjustment, a disabled person is still substantially disadvantaged when using the service because of their disability, we must make a further adjustment specifically for that person.
- 12 Specifically, we must consider:
 - 12.1 providing equipment or other aids which make it easier for people with disabilities to access our services, if it is reasonable to do so. For example, an induction loop for a person who use a hearing aid, information in an alternative format, such as large print, for a person with a visual impairment or easy read for a person with a learning disability.
 - 12.2 changing any provisions or practices that place a disabled person at a substantial disadvantage. For example, a person with a learning difficulty is required to make a referral in writing.
 - 12.3 if the physical features of our premises place people with disabilities at a substantial disadvantage when accessing our services. For example, if a hearing or a meeting is planned to be held on the first floor and it is not reasonably possible to install a lift, either the meeting room be changed to the ground floor or a more accessible venue should be sought.
- 13 The most important adjustment, however, is how our staff engages with people with disabilities. All staff who provides services to our customers should know how to arrange reasonable adjustments to help a disabled person access our services.

Duty to promote equality of opportunity for people with disabilities

- 14 The Act also requires us to take positive action to promote disability equality when carrying out our functions. The Equality duty covers age, disability, gender reassignment, pregnancy and maternity, race, religion and belief, sex and sexual orientation.
- 15 The Equality duty recognises the role public authorities play in removing barriers (both physical and attitudinal) in the full economic and social inclusion of disabled and other disadvantaged groups of people.

The general equality duties

- 16 Under the general duty we must carry out our functions giving due regard to how we will:
 - 16.1 eliminate discrimination, harassment and victimisation or any other conduct prohibited by the Act in relation to the protected characteristics.
 - 16.2 advance equality of opportunity between all persons; and

- 16.3 foster good relations between groups of people sharing a protected characteristic and those that do not.

Deciding what is 'reasonable'

- 17 As there is no set definition of what constitutes 'a reasonable adjustment', a case-by-case approach is vital when we consider requests. We should make decisions about what is reasonable and if there is any doubt about the reasonableness of a request; it should be escalated to the Equality, Diversity and Inclusion Manager for consideration.
- 18 When deciding whether a particular adjustment is reasonable, we will consider the following factors:
 - 18.1 whether taking a particular step would be effective in overcoming the substantial disadvantage the disabled person faces in accessing an aspect of our processes;
 - 18.2 the extent to which it is practicable for us to take the steps;
 - 18.3 the financial and other costs of making the adjustment;
 - 18.4 the extent of any disruption which taking the steps would cause;
 - 18.5 the extent of our financial and other resources;
 - 18.6 the amount of any resources already spent on making adjustments; and
 - 18.7 the availability of financial or other assistance

Making it easy for people to request adjustments to aspect of the process

- 19 To maximise the chances of making adjustments in a timely manner, it is important to make sure that people with disabilities have the opportunity to request support at the earliest possible opportunity. In order to do this, all standard customer facing materials will contain the following statement.

<p>The NMC respects and values everyone for their contribution, celebrates peoples' differences and provides equality of opportunity for all. If you have a disability, long-term injury or health condition and require an adjustment, please contact (insert name, phone and email address)</p>

Asking about disability

- 20 It is also important that we include questions about adjustments in our standard interactions. For example:
 - 20.1 Case Investigation officers should ask all interviewees whether they need any adjustments in order to be able to participate;

- 20.2 Case officers should ask nurses and midwives if they require adjustments to any aspects of the FtP process;
- 20.3 a Hearings coordinator from the scheduling team should ask witnesses if they require any adjustments in order to participate in the hearing, or
- 20.4 providing readmission application forms in large print for an applicant who has a visual impairment.

Sharing information about a disability

- 21 The aim of this policy is to make sure that a disabled person is provided with the adjustments they require. It is preferable for staff to share relevant information with colleagues without divulging sensitive information about health or disability. This is possible by focusing on the adjustment required rather than the person's medical diagnosis. For example, recording that a witness will require regular rest breaks during a hearing is more relevant and less insensitive than recording that he or she has Crohn's disease.
- 22 It is still important, however, to ask for the disabled person's consent to share details of their adjustments with colleagues. As a service provider interacting with the disabled person, we should be clear about what information will be shared and how the information will be used.

Who should you share information about adjustments with?

- 23 We should share relevant information about the adjustments required, not the diagnosis of the disability, with colleagues who will need to be involved in implementing the adjustment. For example, the Procurement Team would need to be informed if an ergonomic chair was needed for a person with a back problem.