



Bracknell Forest Council

Reasonable Adjustments

Last reviewed: January 2023

Introduction

Bracknell Forest Council is committed to providing clear, reliable and accessible services. We recognise that some people may have particular issues in accessing our services due to a variety of circumstances as a result of, for example, language, literacy, mental health, physical and hidden disabilities.

This guidance on providing 'reasonable adjustments' covers Bracknell Forest Council's policy and procedure on managing requests from service users with mental health and/or physical disabilities and those with long-term health conditions and impairments, who may find it difficult to access and use services via the council.

Additionally, third party organisations assisting the council in its duties and responsibilities, must assess and manage their services to adhere to requests for 'reasonable adjustments'. We will encourage all third party organisations assisting the council in its duties and responsibilities to adhere to their own legal requirements under the Equality Act 2010 relating to the 'anticipatory duty to provide reasonable adjustments'.

This guidance covers 'reasonable adjustments' for service users wishing to access and communicate with Bracknell Forest Council employees and third parties representing the council.

Under the Equality Act 2010, there is a duty to make 'reasonable adjustments' to ensure people with disabilities can use a service, as closely as it is reasonably possible, to the standard usually offered to people without a disability: www.legislation.gov.uk/ukpga/2010/15/section/20.

The duty is 'anticipatory' meaning Bracknell Forest Council (plus public and private sector service providers) cannot wait until a person with mental health and/or physical disabilities wants to use our services. Instead, the council must think in advance (and on an ongoing basis) about what people with disabilities, or with a range of impairments might reasonably need. For example, people with a visual, hearing, mobility, mental health, learning or a hidden (Autism, speech, etc) disability.

The duty requires a positive and proactive approach to prevent discrimination and remove barriers restricting access and communication with the council.



Definition of mental health, learning and hidden disabilities

Bracknell Forest Council (with other public and private sector service providers) is not expected to anticipate the needs of every individual who may use their services. However, they are required to assess the needs of people with disabilities and take steps to remove barriers, which may impede people with different kinds of disability (e.g. people with Autism, dementia, visual, hearing, mobility and/or mental health disabilities may face different types of barriers).

Some disabilities do not have physical signs, which means we cannot always recognise the disability. They are known as 'hidden disabilities' and include Autism, mental health, acquired/traumatic brain injury, sensory processing, multiple sclerosis, epilepsy, partial sight and hearing loss. For example, a person with Autism may need some extra time and space to process what is around them or someone with partial sight may need help reading signs. There are many other examples of hidden disabilities which require auxiliary aids.

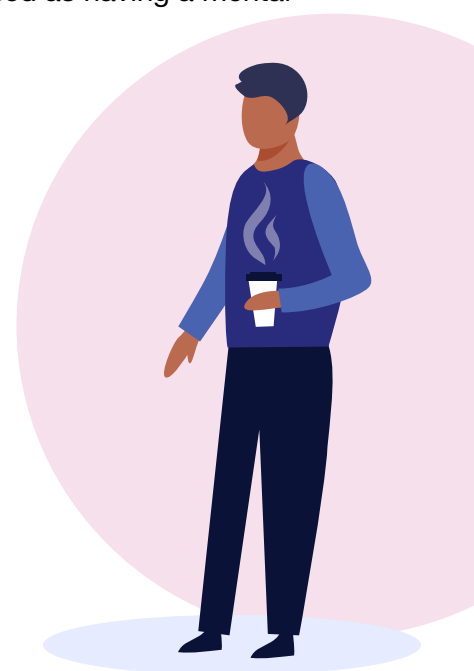
Disability has a wide meaning, defined as a physical or mental impairment which has a substantial and long-term adverse effect on the ability to conduct normal daily activities. 'Substantial' means more than minor or trivial. 'Impairment' covers, for example, long-term medical conditions such as asthma and diabetes, and fluctuating or progressive conditions such as rheumatoid arthritis or motor neurone disease.

A mental impairment includes mental health conditions, 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 law. People with severe disfigurement are protected as disabled without needing to show that it has a substantial adverse effect on day-to-day activities.

Approximately one in four people in the UK have a diagnosable mental health issue or distress in any given year. These often become persistent, severe and lead to long-term disability. Many of these episodes of distress are made worse by anxiety and stress. Mental health issues cover a wide spectrum of conditions such as depression, anxiety, post-traumatic stress disorder, obsessive compulsive disorder, eating disorder, bipolar disorder and schizophrenia. People diagnosed as having a mental health disability may have visual or auditory hallucinations, delusions and thoughts which need medical assistance and support to ease.

Most mental health disabilities are likely to have an effect on providing information because of the variety of patterns of behaviour, and overthinking the outcome of giving incorrect information. It is important for a service provider to consider the best means to obtain the required information, accurately. Therefore, it is beneficial to create a caring and stable environment to assist the person with mental health and hidden disabilities to maintain their stability and not be thrown off balance either emotionally or mentally, which could cause sudden distressing experiences for them.

People with mental health or hidden disabilities may have highly sensitive emotions due to medication, which may lead to embarrassing side effects (e.g. sweating or tics). Therefore, it is vital to be respectful of their need for special care and protection, so they feel safe at all times.



Reasonable Adjustments

What is a reasonable adjustment?

Under the Equality Act 2010 there is a duty to make 'reasonable adjustments' to ensure a person with a disability can use a service as closely as it is reasonably possible to the standard usually offered to a person without a disability.

The duty requires a positive and proactive approach to prevent discrimination and remove barriers restricting access and communication with the council. Every person is different, and their needs and requirements will be unique, which is why adjustments need to be considered and deemed reasonable on a case-by-case basis. They do not, however, need to be complicated or costly for an organisation to implement.

What reasonable adjustments can we provide?

Bracknell Forest Council is able to provide various means to help people with disabilities to use our services independently, for example:

- forms in large print
- guidance in audio or easy read
- making hearing enhancement systems available
- listening to and understanding the needs of people with mental health and hidden disabilities
- ramps and lifts for people with physical disabilities to access our offices

Please note, the list above does not include everything Bracknell Forest Council can do to assist. We will always encourage people with disabilities to tell us how we can provide a reasonable adjustment to suit their needs to use our services.



How to provide and arrange a reasonable adjustment

Disabilities affect people differently; we will not always know the assistance which is required. It is the responsibility of the council and all staff to make sure, prior to a person with mental health or hidden disabilities accessing council services, we inform them how to contact us by phone, in person or in writing to discuss the reasonable adjustment they may require.

The council and all staff must ensure all internal and external communications include:

- a Bracknell Forest Council telephone number
- a Bracknell Forest Council email address
- and a Bracknell Forest Council office address

To help provide the best assistance and support, take into account how the person's disability affects them in various ways, including communicating and retaining information. Make sure to confirm to the person with the disability that all information is confidential and solely for Bracknell Forest Council to help consider how to provide a reasonable adjustment. The only way you can ensure you know what reasonable adjustments are required is by asking the question.

When reviewing how best to assist people with disabilities, Bracknell Forest Council needs to ascertain:

- if information is offered appropriately for blind and deaf people
- if assistance and support for people with mental health disabilities is available
- if the physical features of the premises are suitable

Anything that is more than minor or trivial is a substantial disadvantage. If a substantial disadvantage does exist, 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, therefore when Bracknell Forest Council decides whether an adjustment is reasonable, consideration should be given to:

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

Any request needs to be balanced against all the factors and focused on the needs of the person with disabilities.

Proactively implementing reasonable adjustments

It is vital all means of communication offer a reasonable adjustment to the public, especially potential service users with disabilities. Any reasonable adjustment provided must be recorded, for example, on the person's internal file or system. If rejected, a reason for the rejection must be recorded and shared with all relevant parties.

If a person with disabilities has reasonable adjustments approved, it is essential the following is prepared in advance to ensure no anxiety, concerns, distress or misunderstanding is caused:

- Allow a postponement if there are medical reasons they are not able to attend.
- Invite them to bring a family member or friend as support, thereby removing the possibility of any concerns, distress or misunderstanding.
- Offer time to review information and for it to be forwarded via email or letter, enabling them to seek additional support instead of feeling pressured to respond immediately.
- Provide clear instructions to take onboard information and/or requirements, instead of overwhelming them by giving them too many things to understand or do with a short deadline.
- Allow them more time to comply with any instructions or requirements, when possible.
- Agree a period of time to review progress and if necessary, offer additional support to enable them to find solutions or additional support to achieve a positive outcome.

If the person with disabilities requests a face-to-face meeting or telephone call (plus other means of communication, depending on the circumstances), staff may look to:

- Speak slowly, allow extra time for the individual to speak and/or answer any questions. (Repeating their last sentence shows you are listening and understanding their points).
- Confirm and take notes to show understanding of everything as a means to reduce any anxiety or misunderstanding.
- Be willing to change any aspect of communication or points in the meeting with them to ease into a positive conversation, thereby preventing anxiety, confusion or distress.
- Offer regular breaks during a meeting and/or telephone call to allow them to compose themselves.
- Offer to change the order of any points during the meeting to allow the person with disabilities to understand information or points in the easiest way for them.
- There may be circumstances when they may become progressively unwell during a meeting or telephone call. Their health is a priority, therefore postponing and rescheduling the meeting is appropriate to assist them, without adding any further distress.
- Demonstrating empathy and understanding, particularly if the individual becomes anxious, offers reassurance and shows you care about their health and wellbeing.



Examples of reasonable adjustments

Example 1:

A service user experiences problems with literacy and is not able to complete forms without assistance. If they do not have someone to help them complete the forms, a reasonable adjustment should be given to assist completion of the form verbally, (in person or by phone) and having the person with a disability sign the completed form.

Example 2:

A service user requests a face-to-face meeting asking for a reasonable adjustment as they have a mental health disability, meaning they have poor understanding of information shared via emails and letters. They do have computer access and receive emails. A reasonable adjustment might be to offer verbal communication in order to explain information and then also share it via email or letter - so both parties have a paper trail.

Example 3:

A customer with a mental health disability has a council tax account, but lost control of their finances and incurred bank charges. Due to anxiety, they struggle to communicate easily with the department by phone. The member of staff offers to call them back and talks through the customer's concern, making notes whilst ensuring the customer is genuinely understood by repeating key points to resolve the concerns. With matters resolved, the member of staff confirms with the customer and asks if there are any other concerns needing to be addressed. They also offer to register the customer for future reasonable adjustments due to their disability and prevent any vulnerability. The member of staff and council have adhered to the reasonable adjustment duty and acted reasonably to prevent further distress regarding future council tax bills.

Example 4:

The council offers people with mental health, learning and hidden disabilities the option to have a family member or friend as support to assist or interpret information during appointments or telephone calls, enabling customers to feel comfortable with information shared. By offering this service as a reasonable adjustment, it increases accessibility and effectively meets the communication needs of certain disabled customer groups. The council can expand this approach by offering to extend time for decisions to be made or other reasonable adjustments to assist the customer.

Reasonable adjustment checklist

Have you asked if a reasonable adjustment is required?

- Make sure all communications (emails, letters, documentation, telephone calls and face-to-face meetings, etc) ask and inform people with disabilities of their rights to a reasonable adjustment. Check your email/letter signature, voicemail, webpages and all council documentation to make sure reasonable adjustments are offered from the start. By asking prior to the person with disabilities needing to use the council's services, they feel able to communicate openly about their disabilities, concerns, experiences and makes it easier for you to communicate and seek a proactive solution to challenges.
- Make sure once the person with disabilities confirms they require a reasonable adjustment, they are given the opportunity to explain what they require or provide their needs via their family, carer or advocate. Clear understanding from the initial communication can eliminate any potential distress or issues later. Plus make sure all information is transparent relating to challenges or concerns being resolved appropriately.
- A reasonable adjustment enables people with mental health, learning and hidden disabilities to speak up and take notes. Repeating important information during communications highlights that you are focused on their needs. Therefore, repeat any important points to build confidence and trust in seeking a solution to a concern.

Are you recording the reasonable adjustment needs to make sure they are offered in future?

- It is easy to remember the reasonable adjustment needs of a person with disabilities during their initial request. Are you recording their reasonable adjustment needs for future communication or interaction with other council departments or services though?
- It is important for the council to listen and record all reasonable adjustment requests, though vital to not get defensive, if mistakes are made in seeking to assist and support a person with disabilities. If open communication is sought then equally being open about mistakes is required and shows the council is willing to provide solutions previously not offered to assist a person with disabilities.
- By the council offering reasonable adjustments, listening, recording and understanding the needs of people with mental health, learning and hidden disabilities; they empower and build confidence in the person to feel welcome and part of the community.

Thinking in advance or an ongoing basis to enhance reasonable adjustments?

- Bracknell Forest Council and its staff must adhere to the ‘anticipatory’ duty to provide reasonable adjustments. This requires everyone to think in advance and on an ongoing basis about improving means for people with mental health, learning, hidden and physical disabilities to obtain assistance, access and support via a reasonable adjustment. Therefore, creating a monthly or quarterly review per service on how to improve services for people with disabilities will increase the knowledge and insight for the council, staff and people with disabilities.
- By learning and recording information on all reasonable adjustments offered, Bracknell Forest Council and its staff must take an open approach to feedback, concern or potential complaint from people with disabilities. Changes to a policy and/or procedure should improve services with the ultimate aim of providing better assistance and support. Therefore, each reasonable adjustment offers insight on improving services.
- Additionally, services improve by working with the people that use them. Carrying out quarterly or bi-annual surveys to obtain insight from people with disabilities offered reasonable adjustments will identify particular successes in helping people with a wide spectrum of disabilities. Remember, that not every person with a disability requires the same reasonable adjustment and listening and learning is key for all.



Five top tips to provide a reasonable adjustment

There are five simple ways to ensure you offer a reasonable adjustment to all people with disabilities:

1. Promote reasonable adjustments to everyone in all communications

- The Equality Act 2010 has an anticipatory duty to provide reasonable adjustments, which means all service providers must make the public aware of their rights to a reasonable adjustment.
- In every communication (emails, letters, bills, telephone calls, at the start of a conversation, etc.) make it clear that people with disabilities have a right to a 'reasonable adjustment' under the Equality Act 2010.

2. Ask and listen carefully to the response from people with disabilities

- People with disabilities (and their families) face challenges throughout their life, which can be directly and indirectly caused by their disabilities. Often their disabilities may cause distress due to communication issues relating to financial pressures, health, support and other daily challenges. Therefore listening is the most vital means to assist them.
- It is vitally important to understand their journey and past experiences to make sure your response assists them in finding a solution and encourages them to communicate more openly in order to ease potential anxiety and distress.
- By listening and supporting people with mental health, learning and hidden disabilities, you are able to obtain a clear understanding of the context of their challenges relating to their disabilities and offer a proactive solution as well as empathy and support.

3. Be understanding and thoughtful to their disabilities, needs and challenges

- By offering a reasonable adjustment to people with disabilities, you enable them to ask for assistance regarding concerns. In replying, focus on the best possible assistance, care, understanding and proactive realistic outcomes.
- Obtain clear understanding and do not offer a personal opinion or unrealistic objectives, when communicating with a customer with disabilities. This could block any hope of working in partnership towards a resolution and could potentially cause the customer to feel more isolated and vulnerable.
- Take into account that asking for a reasonable adjustment is often a very emotional experience. Few people are open about their mental health, learning or hidden disabilities, therefore it is important to recognise and empathise to help them feel more at ease.
- If you cannot respond to a question or need to obtain more information from another person or department; it is best to be open and honest when providing an explanation. This helps to build trust and keep the means of communication open. Let the person with disabilities know how long it will be for a reply. If possible, offer a realistic interim resolution whilst a clearer response or long-term solution is being decided.

4. Working together

- When offering a reasonable adjustment you should adopt the principles of working together to find a solution. Make proactive decisions for the customer and be willing to accept negative/positive feedback or concerns in order to change things, if distress is being caused. Being open to work in unity, it helps build confidence, trust and real partnership for people with mental health, learning and hidden disabilities. It will make them feel they are not alone and their disabilities are not a burden or issue for those, helping them.
- Make sure people with disabilities feel and understand the support they need. In feeling they are equally involved in discussions about their care and support, they will feel more empowered and offer insight as to how their challenges can be overcome.

5. The person with the disability is key in providing a reasonable adjustment

- When providing a reasonable adjustment, it is vital to remember the person with the disabilities is the key individual at the centre of everything. They know how they are affected by the challenges and are real experts in what they need to resolve the situation.
- By focusing on a person-centred approach when providing a reasonable adjustment and enabling them to communicate in a manner which does not cause additional distress, you can deliver help to prevent the challenges from occurring in the first place.
- Having a proactive policy and procedure to provide reasonable adjustments across all services, allows the approach to be consistent across the council, with all employees being able to communicate to people with mental health, learning and hidden disabilities. It can also assist in reducing the number of complaints raised relating to their concerns about poor services or other challenges faced by them.
- Fundamentally, a reasonable adjustment offers the means to build a long-term relationship, with support between people with disabilities in the community and the council to aid in developing additional means of assistance for others. It ends the stigma and provides a more open understanding for future generations of people with disabilities.



Health and Safety Executive guidance on mental health and hidden disabilities (plus wellbeing)

Bracknell Forest Council's focus is on a positive mental health culture for service users and our employees, who may have mental health disabilities. We seek to offer:

- an open and safe environment to talk about mental health disabilities
- a wide variety of reasonable adjustments to assist and support
- a different means of proactive, supportive and inclusive communication approaches for people with a wide spectrum of disabilities

The stress risk assessment is contained in our Stress at Work policy [Stress at work \(sharepoint.com\)](#) and stress at work code of practice: [Stress at work code of practice.pdf](#)

Developing skills on managing mental health

We have mental health awareness and disability modules for staff and managers on the eLearning Zone.

Evaluate what you are doing

On an annual basis, review all policies, reasonable adjustments provided and employees' absence to learn how to improve services for people with mental health and hidden disabilities. Improving actions and open communications has a positive impact on the attitudes and behaviours towards mental health and hidden disabilities across communities, via service users and employees of Bracknell Forest Council.

