

# Reasonable Adjustments Policy for Tenants in Rother District Council Owned & Leased Property

Lead team: Housing

1. This policy sets out the Council's legal obligation to consider adjustments and to adjust where reasonable under the Act.

## Section One: Scope of this Policy

2. We are committed to ensuring that reasonable adjustments are put in place for our tenants who have a disability. This is to ensure that they receive the same services, as far as this is possible, as someone without a disability. The Equality Act 2010 calls this the duty to make reasonable adjustments.
3. This policy sets out our obligations in relation to making reasonable adjustments under the Equality Act 2010. It also highlights our commitment to eliminating unfair discrimination, advancing equality of opportunity, fostering good relations, and delivering services that meet the needs of our diverse community in everything that we do.
4. This policy does not cover the legal responsibilities for how we monitor our workforce or meet our duties as an employer.

## Definition of disability under the Equality Act 2010

5. You are disabled under the Equality Act 2010 if you have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on your ability to do normal daily activities. (Definition of disability under the Equality Act 2010).
6. What 'substantial' and 'long-term' mean
  - 'substantial' is more than minor or trivial, e.g., it takes much longer than it usually would to complete a daily task like getting dressed.
  - 'long-term' means 12 months or more, e.g., a breathing condition that develops because of a lung infection.
  - there are special rules about recurring or fluctuating conditions, e.g., arthritis.

## Progressive conditions

7. A progressive condition is one that gets worse over time. People with progressive conditions can be classed as disabled.

What is not counted as a disability?

8. There is guidance available on the Gov.UK website on conditions that are not covered by the disability definition. However, you automatically meet the disability definition under the Equality Act 2010 from the day you are diagnosed with HIV infection, cancer, or multiple sclerosis.

## Section Two: Aims

9. The aims of this policy are to:
  - Define our legal obligation to consider adjustments and to adjust where reasonable.
  - Provide our staff with information so that they can ensure that working practices eliminate unfair discrimination and recognise the ways in which we can make it easier for tenants with a disability to access our services.

## Section Three: Reasonable adjustments for tenants

10. The Equality Act says there is a duty to make reasonable adjustments if you are placed at a substantial disadvantage because of your disability compared with nondisabled people or people who do not share your disability. Substantial disadvantage is defined in the Equality Act 2010 section 212(1) as 'more than minor or trivial'.
11. Under Section 20 of the Equality Act 2010, the legal duty to make reasonable adjustments arises in the following 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.
12. Where the first or third requirement relates to the provision of information, the steps taken should include providing the information in an accessible format.
13. In relation to the second requirement, avoiding a substantial disadvantage includes a reference to:
  - (a) removing the physical feature in question,
  - (b) altering it, or

(c) providing a reasonable means of avoiding it

Therefore, making an adjustment in relation to the second requirement, means making a physical change to premises, or change to work practices to avoid or correct the disadvantage.

14. The Equality Act states that a tenant should never be asked to pay for the adjustments. If an organisation does not co-operate with the duty to make reasonable adjustments, under the Equality Act, this could constitute unlawful discrimination and result in a discrimination claim under the Equality Act.

## Requesting reasonable adjustments

15. Tenants can request that we make reasonable adjustments in the following ways:
- in person
  - in writing for example by email, by post, text
  - by telephone

## Types of reasonable adjustment that we can offer

16. There is no prescribed list of reasonable adjustments in the Equality Act; the adjustment will depend on the individual's needs. We will discuss the requirements with the person concerned and seek to reach agreement on what may be reasonable under the circumstances.
17. There are three different things we may have to do make it easier for someone with a disability to access our services.
1. **Change the way things are done** – We may have a certain way of doing things which makes it more difficult for the disabled person. This could be a formal or informal policy, a rule, or a practice. It could also be a one-off decision. The Equality Act calls this a provision, criterion, or practice. We will make changes to these things if they are a barrier unless it is unreasonable to do so.
  2. **Change a physical feature** – Sometimes a physical feature of a building or other premises may make it more difficult to access or use. The type of adjustments we will make include, removing, changing, or providing a way of avoiding the physical feature, unless it is unreasonable to do so. This may include providing ramps and stairway lifts, making doorways wider, installing automatic doors, and providing more lighting and clearer signs.
  3. **Provide extra aids or services** – Sometimes particular aids, equipment or additional services may be needed. The Equality Act calls this auxiliary aids and services. Some examples of auxiliary aids and services which we will

provide to help, in conjunction with other organisations, are a portable induction loop for people with hearing aids, British Sign Language interpreters, unless it is unreasonable to do so. Some examples of the adjustments that we can make include:

- Provision of information in alternative formats (e.g., large print, Braille, coloured paper, audio etc.).
- Extension of time limits (where it is lawful to do so) or longer time to answer the door, phone etc.
- Use of telephone in preference to hard copy letters or vice versa.
- Use of plain English or Easy Read service.
- Communication through a representative or intermediary.
- Rest or comfort breaks in meetings.
- Translator service.
- Provision of auxiliary aids.
- Providing a sign language interpreter, for example in person, including via online video conferencing.
- Arranging home visits for those who have particular mobility difficulties.

## Our response to requests for reasonable adjustments

18. In the majority of cases, we will be able to agree and deliver the required reasonable adjustment with a minimum of delay. In some cases, we may need to consider in more detail how best to overcome the barrier or seek advice from external specialist organisations that can assist with signposting and other forms of support.

## Section Four: How we decide what is reasonable

19. Adjustments only have to be made if it is reasonable to do so. The Equality Act does not define what is 'reasonable', but guidance from the Equality and Human Rights Commission suggest that the most relevant factors are:
  - The effectiveness of the adjustment(s) in preventing or reducing the disadvantage for the disabled person.
  - The practicality of us making the adjustments and any potential disruption caused to service delivery.
  - The availability of resources including size and external assistance.
  - The cost and availability of financial support.

## Effectiveness

20. The adjustment should be designed to fully address the disadvantage it is meant to overcome.
21. It may be necessary to treat a disabled person more favourably than a nondisabled person or to make several adjustments to deal with the disadvantage, but each change made must contribute towards this. If it does not have any impact, then there is no point.

## Practicality

22. We will consider whether an adjustment is practical. The easier an adjustment is and the less it costs the more likely it is to be reasonable, and just because something is difficult it does not mean it is unreasonable.
23. However, if the adjustment would be impractical this can mean that it is unreasonable. For example, if there are legislative deadlines we must meet, if we must cease other work that will have an impact on service delivery to other tenants or if the adjustment would increase the risk of health and safety of anybody. In changing policies, criteria, or practices, this is something that will need to be balanced against other practices and based on a proper risk assessment.

## Resources, Cost and Financial Support

24. Resources must be looked at across the whole organisation, not just the service where the adjustment has been requested.
25. Resources are another factor in determining whether a request is reasonable and what is reasonable in one situation may be different from what is reasonable in another. This is not just about the cost; it may involve other factors for example recruiting additional staff with specific skills.
26. If advice or financial support is available from another organisations, then this is more likely to make the adjustment reasonable.
27. In practice many reasonable adjustments will involve little or no cost or additional resourcing requirements and are relatively easy to implement.

## Promoting Reasonable Adjustment

28. We are committed to ensuring continuous improvement of the accessibility of our services and to making people aware the ways in which we do by:

- Including an accessibility text box on our published documents indicating that we can provide the document in an alternative format on request.
  - Publishing this Reasonable Adjustments Policy on our website.
  - Asking tenants whether a reasonable adjustment might be required in our interaction with them by phone, writing or in person.
29. In addition, we are exploring how we can promote this when we send out emails and text for example through a standardised footer.
30. We are committed to ensuring continuous improvement and improving the accessibility of our services. Some ways in which we do this are:
- Launch of software on the website to ensure it is accessible to all users.
  - Undertaking Equality Impact Assessments when reviewing or introducing any new policies, procedures or working practice to identify any potential equalities impacts and how they can be mitigated.
  - Learning from tenant feedback including complaints and taking action to address any issues raised.

## Section Five: Equality Duty

31. Although not covered by the policy, it is worth noting that in addition to making reasonable adjustments for disabled people, the Equality Act 2010 provides a legislative framework to protect the rights of individuals and to advance equality of opportunity for all. This means that some individuals with a protected characteristic may be treated differently to achieve equality.
32. The Equality Duty, which came into force in 2011, requires public bodies to consider how their activities affect people who share different protected characteristics and requires them to consider how the decisions that they make, and the services they deliver, affect people who share these different protected characteristics. It requires us to understand the needs of our tenants and to be able to demonstrate equality in the design of policies and the delivery of services.
33. The protected characteristics covered by the Equality Duty are:
- age
  - disability
  - gender re-assignment
  - marriage and civil partnership
  - pregnancy and maternity
  - race
  - religion or belief
  - sex
  - sexual orientation
34. We also recognise that the following can be significant barriers to equality of opportunity (which are mainly socio-economic):

- caring responsibilities
- language
- residency
- employment status
- geographical area

35. In designing new services, making changes to services, ensuring access to our services, implementing new policies and procedures we will also consider the impact on all groups with a protected characteristic (including Rother's own additional groups) and take action to eliminate or minimise any disadvantage that they might have.

## Section Six: Complaints

36. We are committed to providing good customer service, dealing with everyone in a way that is fair, consistent, and free from discrimination.

37. If someone is dissatisfied with the arrangements, we have made for providing reasonable adjustments, they have a right to make a complaint under our Complaints Policy.

38. We are committed to ensuring continuous improvement and improving the accessibility of our services by learning from complaints and taking action to address any issues raised.

## Section Seven: Monitoring Performance

39. Performance in relation to the implementation of this policy will be monitored through:

- Tenant records.
- Reviewing completed Equality Impact Assessments when reviewing the Policy
- Recording and reviewing complaints with regards to equalities and feeding back to the Senior Leadership Team on what has changed as a result.

40. Performance will be fed back through the Standards Committee annually, at the same time as the results of the Tenant Satisfaction Survey are conveyed.

41. The team responsible for monitoring and reporting performance of this policy is Housing.

## Section Eight: Data Protection

42. We are committed to ensuring that individuals' privacy is protected and will only collect, use and store their personal data in line with the General Data Protection Regulation 2016 and the Data Protection Act 2018.
43. If we need to use their personal data for an unrelated purpose, we will notify them and we will explain the legal basis which allows us to do so.
44. We may need to process personal data without their knowledge or consent, where this is required or permitted by law. Under the legislation individual tenants also have several rights including the right to access their personal data.

## Section Nine: Policy Review

45. The policy will be reviewed and updated every five years or sooner if required by best practice and/or legislation or because of changes to our working practices.
46. The team with lead responsibility for the annual reviews and scheduled policy update is the Housing team, drawing on other corporate resources and teams if required.

**Rother District Council**  
**Housing**  
**26.03.25**