

## Reasonable Adjustments

### Overview

Everyone living and working in Lewisham should have access to the same goods, services, and facilities. However, our research found that Deaf and disabled people face constant, avoidable barriers when attempting to take part in Lewisham life. Many of these barriers are the result of breaches to the requirements of making 'reasonable adjustments', found in the Equality Act 2010.

### The Equality Act 2010

Under the Equality Act 2010, organisations have a legal duty to make what are known as 'reasonable adjustments' for Deaf and disabled people, allowing them to access their services. This obligation applies to a wide range of situations, including employment, education, and the provision of goods, facilities and services. This obligation is designed to reduce the discrimination experienced by Deaf and disabled people. However, 'reasonable adjustments' are often misunderstood: specifically the anticipatory requirement, what exactly a reasonable adjustment is defined as, and how the legal duty to make these adjustments is enforced.

#### *The anticipatory requirement*

The anticipatory requirement to make reasonable adjustments put an obligation on goods and service providers to think in advance about the needs of Deaf and disabled people who may want to access what they are offering, and how they will meet those needs. This means that adjustments are expected to be made ahead of the Deaf or disabled person attempting, and failing, to have equity of access with others.

This measure is intended to ensure that Deaf and disabled individuals have equal access to services, employment, and other opportunities. The anticipatory requirement is an important aspect of disability discrimination legislation. For example: a shop with one small step at the entrance is obliged to remove the step - or at least purchase a cheap folding ramp - before someone disabled is unable to enter the shop.

## Extension: Reasonable Adjustments

### *Reasonable Adjustments*

The duty to make reasonable adjustments is placed on those who supply goods and services. This is part of reducing the barriers Deaf and disabled people face on a daily basis, ensuring that they receive equal access to goods and services on par with non-disabled people. However, 'reasonable adjustments' are not defined as clearly as they could be.

Fundamentally, whether an adjustment is considered 'reasonable' relates to whether it would overcome the difficulties faced by that Deaf or disabled individual, or an individual with specific needs. Falling under this definition is also whether others would benefit from the adjustment, and whether it is possible for the adjustment to be made in terms of organisational finance, practicality, and workload.

As a result, Deaf and disabled people don't have the automatic right to any 'reasonable adjustments' concerning accessibility wherein making the adjustment is not feasible. However, there is a strong and significant obligation on people and organisations to make their provision accessible to Deaf and disabled people as far as is feasible for them.

### *Enforcement*

The current process for Deaf and disabled people who have faced discrimination due to a failure on the part of goods and service providers to make reasonable adjustments is one of individual enforcement. The provider of goods and services must be pursued through the civil courts, which is a costly and time-consuming process for Deaf and disabled people who are already facing discriminatory barriers.



## Extension: Reasonable Adjustments

### Recommendations from the report

There are several recommendations for changes which would be considered reasonable adjustments to be made in a number of areas. These include using Love Clean Streets to gather reports of physical access barriers, but also for there to be proactive work from within the Council, designed to remind providers of goods and services in Lewisham of their legal, access-related obligations. Initially, this would be through the provision of information, but also the utilisation of levels, such as planning and licensing if necessary. This would ensure that reasonable adjustments are being made, and therefore reduce the discrimination experienced by Deaf and disabled people in the Borough.

### Evidence and reflections

Our survey and focus groups highlighted a number of areas where disabled people were facing barriers, and reasonable adjustments hadn't been made. These include:

- Barriers to accessing leisure facilities due to a lack of appropriate equipment provision
- Barriers to accessing organisations such as Lewisham Council and Lewisham Homes due to a lack of communication support provision
- Barriers to accessing religion due to a lack of BSL interpretation provision
- Barriers to navigating the Borough due to a lack of appropriate provision and maintenance of dropped kerbs/safe road crossings.
- Barriers to obtaining reasonable adjustments due to a lack of understanding as to what those might be.
- Barriers to accessing healthcare for people without internet access and who struggle to use the telephone.
- Barriers to accessing shops where wheelchair access has not been provided.

The scale to which reasonable adjustments were not being made, and to which disabled people were facing additional barriers, is shocking. The survey demonstrated  $\frac{2}{3}$  wheelchair users did not find it easy to access venues in Lewisham.

Without these legal rights being enforced, situations have arisen wherein Deaf and disabled people are unable to take part in community life, and are isolated from core services such as healthcare and housing.

This set of findings should serve as a wake-up call for partners in Lewisham as to their responsibility as key providers of services, and to work to mitigate these barriers through provision of information and resources.

Likewise, they should be willing (where possible and appropriate) to use legal levers as a last resort in protecting the rights of Deaf and disabled people in their taking part in life in Lewisham.