Reasonable adjustments policy

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| Version number: | Starts at 1.0, see definitions | |
| Last reviewed: | Senior Leadership Team | July 2023 |
| Next scheduled review |  | July 2025 |

# Introduction

In addition to meeting its statutory obligations under equality legislation, the Law Society of Scotland (the "**Law Society**") has a regulatory objective to encourage equal opportunities within the profession. This policy sets out how our staff and volunteers should make reasonable adjustments for those we serve as the professional body and regulator for Scotland’s solicitors.

# Purpose

The Law Society is committed to ensuring disabled people are not disadvantaged in accessing our services, in keeping with the social model of disability. We will make reasonable adjustments to ensure our services are as inclusive as reasonably possible.

The purposes of this policy are to:

* Confirm our commitment to improving accessibility for those we serve.
* Set out some basic principles of our commitment to provide reasonable adjustments for disabled people and for others.
* Set out the factors that we will take into account in dealing with requests for reasonable adjustments.

If you require this policy document in another format, please do contact us at [diversity@lawscot.org.uk](mailto:diversity@lawscot.org.uk), by phone on 0131 226 7411, by textphone on 0131 226 7411 or write to us at Equality & Diversity Team at Atria One, Level 2, 144 Morrison Street, Edinburgh, EH3 8EX.

# Who does this policy affect?

This policy applies to those we serve as the professional body and regulator for Scotland’s solicitors.

# Definitions

**Disability:** Under the Equality Act 2010 (the "**Act**"), a person has a disability if they have a physical or mental impairment that has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.  
  
Some conditions are automatically covered as soon as they are diagnosed (e.g. multiple sclerosis, HIV, cancer and being registered blind or partially sighted).

Many people may not realise they are covered by the definition of disability. For example, some people do not identify as disabled and, furthermore, one individual’s experience of an impairment or condition may not coincide with others.  
  
**Disabled people:** The term "disabled people" best represents the social model of disability (see below). We acknowledge that some people may use other terms (e.g. people with disabilities).  
 **Disclosure/disclosing:** This is often used when talking about a non-visible impairment, but may be used equally with visible impairments. We acknowledge that some people may use other terms (e.g. "sharing").  
**Impairment**: The social model of disability promotes the term ‘’impairment’’. It is the term used in the Act. Others may prefer ‘disability’ or the use of specific language.

**Inclusion:** An inclusive environment is one where disability, diversity and inclusion are positives and are spoken about positively, where leaders are proactive in asking for feedback to identify and address barriers, and all employees and service users are afforded dignity and respect. In an inclusive organisation people feel confident and safe to discuss their support and access requirements, processes are transparent, fair and easy to use and people are trusted to work to their best and supported to reach their potential.

**Service User**: our members, anyone who accesses the Law Society's services or interacts or is in contact with its operations as a regulatory body.  
  
**Social Model:** The social model of disability views disability as a relationship between the individual and society. It provides that it is not a person’s impairment that disables them, rather it is the physical, policy, practice, and attitudinal barriers in wider society. This model argues that society needs to change to become inclusive and remove barriers, rather than disabled people having to change or accept lack of access.

# What are reasonable adjustments?

We use the term "reasonable adjustments" as this is the terminology used in the Act. We appreciate that others may prefer to use ‘reasonable accommodations’, ‘workplace adjustments’ or similar phrasing.

The Act provides a legislative framework to protect the rights of individuals and to advance equality of opportunity.

Under the Act, reasonable adjustments may be requested by and provided to disabled people. However, we will consider providing reasonable adjustments to other service users when requested.

Reasonable adjustments are aimed at removing barriers and putting disabled people on a level playing field with non-disabled service users.

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

* 1. Where there is a provision, criterion or practice (**PCP**) which puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled. (Example: allowing people who have dyslexia to have more time during our examinations);
  2. Where a physical feature puts a disabled person at a substantial disadvantage in comparison with persons who are not disabled. (Example: providing lift access to Atria One); and
  3. 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. (Example: providing an induction hearing loop in our meeting rooms).

"**Substantial**" in this context is defined in the Act under s.212(1) as ‘more than minor or trivial’.

# Requesting a reasonable adjustment

Service users may request a reasonable adjustment at any time . We will proactively support service users if they need any reasonable adjustments when accessing/using our services. This may be done in the following ways:

1. By asking in written communications proactively if reasonable adjustments or support are needed.
2. By asking over the telephone whether a reasonable adjustment might be required.
3. By including a note on our published documents indicating that we can provide the document in an alternative format on request.
4. By publishing this policy, and any subsequent updates, on our website.

This process will be aided by designing processes, services and products in an inclusive way.

There may be some circumstances in which it is necessary for us to request medical evidence to better understand and consider any reasonable adjustment requirements. Any such evidence will be kept confidentially and in line with our data protection obligations.

# Types of reasonable adjustments that we may offer

We will do our best to proactively anticipate reasonable adjustments that might be reasonably required by our service users and review this periodically.

There is no list of prescribed reasonable adjustments. Reasonable adjustments will depend on:

1. Individual needs and circumstances.
2. The barriers or difficulties faced when a person is accessing our products, services or processes.
3. What is reasonable for the Law Society of Scotland to provide.

We will discuss the requirements with the person concerned. We will not make assumptions about whether a disabled person requires any adjustments nor about what those adjustments should be.

Some examples of the reasonable adjustments that we may make include (but are not limited to):

* + **Changing how we do things** e.g. providing a scribe (or other support) during an examination; allowing more time for someone in an examination, allowing more time to respond to us during a regulatory investigation or inspection (we will tell you if we cannot extend a time limit set by law).
  + **Providing information in appropriate formats** e.g. in large print, appropriately justified, or on coloured paper.
  + **Physical adaptations to our office space** e.g. providing an accessible car parking space, changing the layout of our meeting rooms or adjusting the lighting in a room.
  + **Communicating with people in their chosen format** e.g. in person, via video conference, by phone by email.
  + **Communicating through a representative or intermediary** – with the disabled person’s consent. This may include an appointee such as an attorney or guardian with relevant powers.
  + **Allowing you to have someone with you** during a regulatory interview or firm visit.
  + **Providing extra aids or services** e.g. induction loops for hearing aids, British Sign Language (BSL) interpreters, alternative formats, changing the venue of a meeting

# Additional adjustments we may offer

In addition to fulfilling our legal obligations, we are committed to maintaining a high standard of accessibility and experience for our service users. While it is not possible to list all possible circumstances, some examples of areas where we may make reasonable adjustments beyond what is required by the Act are as follows:

* providing information in different languages, or translating and interpreting services for people whose first language is not English;
* providing additional support to people with literacy, communication or learning difficulties; and
* providing additional support to people who need it because of physical, emotional or mental health needs.

# How do we decide what is reasonable?

The Act does not define what is ‘’reasonable’’, but useful guidance from the Equality & Human Rights Commission suggests relevant factors include:

* Effectiveness: to what extent does the adjustment in question remove or minimise the disadvantage?
* Practicability: how practical is the adjustment? For example, how long will it take to implement? Will staff need additional training?
* Cost: How much will it cost? What financial resources are available to the Law Society?
* Disruption: How disruptive to the Law Society, to others, and to our business needs would it be to make this adjustment?
* Risk: Would making this adjustment cause risk to others?

It is important to be aware that an adjustment which is deemed effective in mitigating the disadvantage suffered may not be deemed to be a reasonable adjustment for other reasons. For example, reasonable adjustments which cost a significant amount of money are more likely to be reasonable for organisations with substantial resources available, but may not be reasonable for smaller organisations. The reasonableness of an adjustment will be evaluated against the resources available to the Law Society.

We will not be able to agree an adjustment that is not in keeping with our statutory responsibilities or powers as a regulator. For example:

* If there is an immediate risk to a member of the public, we are unlikely to be able to delay an investigation into allegations made about an individual or firm which is under our jurisdiction as a regulator; and
* When we’re investigating and deciding conduct complaints, we must implement processes and make decisions in the "public interest". This could impact the reasonableness of a proposed adjustment, and whether it can be applied to a particular situation. However, any such decisions will be made following detailed consideration of our legal obligations, and available options.

In the rare event of a disagreement regarding adjustments and whether they are reasonable, the matter should be referred, in the first instance, to the Head of Diversity/the relevant Executive Director, who will make the final decision on the reasonable adjustment that will be offered.

We will work to provide adjustments within a reasonable timescale. There may be cases where we will need more time to consider adjustments in more detail, or to seek appropriate advice.

# Monitoring

Where appropriate, and in keeping with our data protection obligations, we will record and monitor the reasonable adjustments that have been requested and made. This will allow us to review our services we provide and help us identify whether there are any wider steps that we can take to improve our services, operations and regulation.

# Complaints

If a service user is dissatisfied with the arrangements we have made for providing reasonable adjustments, this should be raised with the CEO using the complaints process set out [here](https://www.lawscot.org.uk/about-us/our-standards/making-a-complaint-about-us/).

# Version Control

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