

The Rail Ombudsman Reasonable Adjustment Policy

The Rail Ombudsman recognises that it must take reasonable steps in the way that we work with people with disabilities to ensure they are not disadvantaged. There are legal requirements to make reasonable adjustments.

This policy does not seek to explain how we will approach every situation. It is intended as a general statement of our policy to:

- confirm our commitment to improving accessibility for everybody that we deal with;
- set out some of the basic principles of our legal duty to provide reasonable adjustments for people with disabilities.
- set out the factors that we will consider in dealing with requests for reasonable adjustments.

Many of the arrangements that we offer for people with disabilities may also be made available for those who don't have disabilities. For example, a person may find it easier to read our information leaflets in a larger than usual font. We encourage all of our stakeholders to contact the team to let us know what works best for them.

This policy applies to all customers, including complainants and participating companies.

What is a reasonable adjustment?

A reasonable adjustment involves making a change to the way that we usually do things to ensure that we are fair to people with disabilities. We may depart from our usual practice if we find it places people with disabilities at a substantial disadvantage. For instance, by providing information in an alternative format.

We will not make assumptions about whether a person requires any adjustments or about what those adjustments should be. We will discuss the requirements with the person concerned and seek to reach agreement on what may be reasonable in the circumstances.

Our legal duties in relation to disabled people

The Equality Act 2010 requires us to provide reasonable adjustments for people with disabilities, defined by the Act as those who have a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities. This will, in some circumstances, mean more favourable treatment than those without disabilities, which is lawful in this context.

Our duty to make reasonable adjustments as a Service Provider

When dealing with consumer disputes, The Rail Ombudsman acts as a Service Provider. We have a duty to make reasonable adjustments in this context and this will apply to aspects of our service delivery.

We have a duty to make reasonable adjustments if the way that we carry out our functions places a person with disabilities at a substantial disadvantage compared to someone who is not disabled.

This duty also requires that we consider what can be done to overcome any such disadvantage and whether an adjustment can be made which is reasonable in all the circumstances.

We will use our best endeavours to agree in advance with the person in question the reasonable adjustments that we are able to make and provide reasons when it may not be possible.

Requesting Reasonable Adjustments

We will let people know that we can provide reasonable adjustments in the following ways:

- by asking what someone's preferred method of communicating with us is;
- by including a note on our published documents indicating that we can provide the document in an alternative format on request;
- by publishing this policy on our website.

The types of Reasonable Adjustment we can offer

While we will consider each request for reasonable adjustments individually, there are some common adjustments which we will offer as a matter of

course and some other adjustments that we can make particular arrangements to provide.

The adjustments will always be agreed with the person concerned to avoid making incorrect assumptions about their needs.

When considering what reasonable adjustments we may make, we will take into account reasonable variations to our processes, policies and procedures.

Some examples of the simple reasonable adjustments that staff can make may include:

- providing documents or correspondence in a larger font size;
- providing documents on coloured paper or with a specific colour contrast
- offering assistance completing our application forms, for example with one of our team over the telephone;
- allowing someone more time than would usually be allowed to provide further information;
- using email or the telephone in preference to hard copy letters where appropriate;
- speaking clearly to the people who we deal with and offering additional time to cover the issues they need to discuss; this will help everyone understand our processes and procedures; and
- using plain English appropriate to the person we are dealing with and avoiding jargon.

Some other arrangements that we can provide may include:

- translating documents or correspondence into Braille;
- communicating with people through their representative if requested and approved by them;
- arranging a single point of contact within our organisation;
- providing access to a 'textphone, SMS or Sign Language service

Our response to requests for reasonable adjustment

In the majority of cases, we will be able to agree and deliver reasonable adjustments with minimum delay. In some cases, we may need to consider in more detail how best to overcome the difficulty a person with disabilities may be experiencing. For example, where the adjustment requested may be difficult to provide.

How we decide what is 'reasonable'

The Equality Act does not define what is 'reasonable' but in line with other bodies operating within our various sectors, the consideration of whether an adjustment is 'reasonable' is judged against the following:

- The effectiveness of the adjustment(s) in preventing the disadvantage;
- The extent to which it is practical for us to make the adjustment(s);
- The cost and availability of resources, including external assistance and finance; and
- The extent to which making the adjustment(s) would disrupt our activities.

We will also ask:

How practical is it for us to make the reasonable adjustment?

Will the adjustment help in overcoming the difficulty that the person with disabilities may have?

The adjustment should be designed to address the disadvantage it is meant to overcome. For example, providing an audio version of documents may not properly overcome the barriers faced by a person with disabilities, if there are other requirements that need to be overcome, if for example, the customer also has a hearing impairment.

What are the resource implications of making the adjustment?

For an adjustment to be reasonable, it should be effective. However, it is important to remember that an adjustment, which is deemed effective, may not be considered reasonable. For example, there may be issues of resourcing. Resourcing is not just about the cost but may involve other factors, for example recruiting additional staff with specific skills.

Would the adjustment cause disruption to others?

For example, it would not usually be reasonable for an Ombudsman to cease work on other cases and devote all of their time to one person, as others will inevitably suffer. The amount of extra time provided must therefore be 'reasonable' in all the circumstances.

Monitoring

We will record and monitor the reasonable adjustments that have been requested and made. This will allow us to review the services we provide and

help us identify whether there are any wider steps that we can take to improve our services.

Dealing with complaints about our service

We are committed to providing a high standard of service, dealing with everyone in a way that is fair, and free from discrimination. If someone is dissatisfied with the arrangements we have made for providing reasonable adjustments, we will respond in accordance with our service complaints policy. Further information about our service complaints policy is available in our online FAQs available via www.railombudsman.org, or in hard copy upon request.

Feedback

As an organisation that is committed to continued development, we welcome feedback. If you have any comments on this policy or any other aspect of our service, please do not hesitate to get in touch using any of our contact channels.