

Reasonable Adjustments - Claiming welfare benefits with the Job Centre and Department for Work and Pensions

What are reasonable adjustments?

The Equality Act prevents people from being discriminated against in society and outlines the duty to make reasonable adjustments for disabled people.

The duty to make reasonable adjustments aims to make sure that a disabled person has access to and is able to use services in the same way (or as close as possible) as a non-disabled person.

This duty is anticipatory which means that the responsibility of making reasonable adjustments is on the organisation meaning they must think in advance about disabled people and the range of impairments they may need.

What is meant by 'reasonable'?

In general, the Equality Act requires that an adjustment is made if it is 'reasonable' to do so.

What is determined to be reasonable will depend on a number of factors, including:

- the type of disability
- the size of the organisation making the change
- how practicable the changes are
- the money and resources available to the organisation
- whether changes have already been made.

Generally, it is considered that the easier an adjustment is to make, the more likely it is to be considered reasonable. However, just because something is difficult to implement does not mean that it cannot also be reasonable.

Types of reasonable adjustments that should be made for claimants with learning disabilities

Organisations, including the Job Centre, will have to account for the following 3 factors when they consider making reasonable adjustments:

- changing the way things are done:
 - If an organisation has a certain way of doing things, which is causing a disabled person difficulty or is discriminating against them, the organisation should change the way things are done and remove any barriers, unless it is unreasonable for the organisation to do so.
- changing a physical feature:
 - This involves changing a physical feature of a building or premises to enable a disabled person easy access. This can involve changing lighting and ventilation, changing steps or stairs, adjusting toilets and installing handles and aids or putting up accessible and legible signs and posts for disabled people.
- providing extra aids or services:

- An organisation may be asked to provide particular aids or services to help a disabled person do or access something. An organisation may therefore be asked to provide things such as extra staff assistance or interpreters etc to guide a disabled person.

Reasonable adjustments when communicating with the Job Centre or DWP

You might be asked to attend a Job Centre as part of claiming the benefit you have applied for. This will involve communicating in some form with a staff member at the Job Centre or DWP.

The duty to make reasonable adjustments means public authorities, including the Job Centre, must communicate with you in an appropriate way if you are disabled.

This might mean communicating via email, textphone or BSL if that is appropriate to you. It may also include taking extra time to explain something to you.

Example: Henry

Henry has made a claim for Universal Credit. Henry has a learning disability and has autism. He struggles to understand written information and needs somebody to help explain what is written down, in terms that Henry can understand.

Henry is asked to sign a claimant commitment at a Job Centre appointment which contains a long list of things that Henry will do. If he does not do them, he will be sanctioned and his benefit payments will stop. Henry does not understand what is written down on the claimant commitment. The Job Centre advisor tells him that without signing it, he will not get the benefit and the appointment is due to finish in 5 minutes.

Henry should not sign the claimant commitment without the Job Centre making a reasonable adjustment. Henry, or somebody who is supporting Henry, should ask the Job Centre work coach or advisor to take more time to explain what the claimant commitment means. This may mean booking a longer appointment for Henry, or may mean that it should be provided in an easy read format. There is no set way to ask for an adjustment, it can be in writing or in person, via phone, email or face to face. However, it may help to do this in writing wherever possible. This is because there is then a record of it if you are ever sanctioned in future.

You might be asked to attend an appointment but you find this hard at certain times of day. Sometimes, the Job Centre will sanction a claimant if they do not sign on at the agreed times or attend a work-related interview at agreed times.

Example: Amy

Amy is claiming Employment Support Allowance. She is learning disabled and has panic attacks if she is in busy places where she feels overwhelmed. She has a scheduled routine interview regarding her claim. Although Amy's Mum has helped Amy explain that she cannot travel during rush hour alone, because she becomes very disorientated and can't follow the route properly when it's too busy, the Job Centre have booked her appointment for 9.00am. This would mean Amy would have to make a 45 minute journey on two buses alone during the busiest time of day.

Amy should ask the Job Centre to make the reasonable adjustment of rearranging the timing of her appointment. For a non-disabled claimant, the Job Centre would not necessarily have to do this. But because the disadvantage (travelling during busy times) relates to Amy's disability, the Job Centre can rearrange the timings of Amy's appointment so as not to put her at a substantial disadvantage.

You may also be asked to do certain things as a condition of claiming benefits such as Employment Support Allowance, if you are in the work related activity group.

It is important that the Job Centre and DWP know what you are able to do in terms of carrying out work related activity.

Example: Aliyah

Aliyah has made a claim for ESA and has been placed in the work related activity group. This means that the DWP accepts that she does not have to look for work, but she does have to attend work focused interviews and then do work related activity. These are things that the DWP thinks will improve chances of finding work in future. Aliyah is learning disabled and has no basic maths skills as she struggles to understand numbers. She has tried to work in shops before but becomes very confused and upset as the till systems are too confusing. She is very sociable and her advisor has found a voluntary opportunity at a local charity shop operating the tills and hanging up clothing. Aliyah has been told that if she does not carry out this work related activity, she may be sanctioned and her ESA may stop.

Aliyah should request that a reasonable adjustment is made by the Job Centre. They may expect a non-disabled claimant to take up this opportunity at the charity shop, but because of Aliyah's disability it could be discriminatory to ask her to carry out an activity relating to operating tills and dealing with cash. The Job Centre should only expect Aliyah to carry out work related activities that match her ability, taking into account her learning disability.

What claimants can do if reasonable adjustments are not made

If a reasonable adjustment is not made and the Jobcentre or DWP refuse to make the necessary changes, this will be treated as an unlawful discrimination.

If you have made the request for a reasonable adjustment informally, and not in writing, try putting it in writing to a manager at the Job Centre or DWP. Ask them to respond within 7 days.

If you have already put your request in writing, and it is still refused, seek advice as soon as possible.

You can contact the Mencap Direct Helpline for England and Northern Ireland:

- Phone **0808 808 1111** (8am - 6pm Monday to Friday)

- Email: helpline@mencap.org.uk