

National Conciliation Service Reasonable Adjustments Policy

At the National Conciliation Service (NCS) we pledge that our service is accessible for all our users, and that disabled people aren't disadvantaged when accessing our service.

This policy explains how we will consider if we need to apply the policy in individual circumstances, what factors we'll take into account when accepting requests for reasonable adjustments and the types of adjustment we can make.

What we are required to do

As an ADR provider we have a duty under the Equality Act 2010 to make reasonable adjustments for individuals with disabilities where they are at a substantial disadvantage in accessing our service compared with people without disabilities. If that is the scenario we will take reasonable steps to remove or reduce so far as reasonably possible the disadvantages those individuals may face in accessing our service.

Exclusions

In the majority of cases we will be able to agree and deliver reasonable adjustments a customer asks for, but in some cases we may be limited in the adjustments we can provide, for example where doing so would interfere with our statutory duty.

We were set up by Parliament to be a quick and informal alternative to the courts to resolve disputes within our jurisdiction. The rules that govern our service require that we do certain things – such as publish our decisions in writing – which may limit the adjustments we can reasonably make in some cases.

When we're investigating and deciding complaints, we're carrying out a 'judicial function' where we have to make decisions that are fair to both parties. In those situations, the Equality Act says that the duty to make reasonable adjustments doesn't apply. But we still need to act fairly. In these cases, an individual's disability may be a relevant factor that we'll need to consider, so we'll always make sure we take this into account where it's appropriate and necessary to do so.

Our approach to making reasonable adjustments

Because of our role in resolving disputes fairly between complainants and businesses, the duty to make reasonable adjustments largely applies to making sure our service is accessible for customers with disabilities, while ensuring that we fulfil our duty to resolve disputes fairly, quickly and with minimum formality.

We will need to be satisfied that the customer has a disability covered by the Equality Act, and may ask for evidence about this to help us understand how any adjustments we might be able to offer might reasonably be able to remove or reduce the disadvantages the customer faces. Our approach will depend on the facts of each case.

Reasonableness

The Equality Act doesn't describe what's reasonable, but guidance from the Equality and Human Rights Commission makes clear that it depends on factors such as:

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

Examples of adjustments we offer

The Equality Act doesn't give a 'set' list of reasonable adjustments, as the adjustment will depend on the needs of a different range of customers and the nature of the service provider. That said, there are some common adjustments which we offer as a matter of course and some other adjustments that we can make particular arrangements to provide.

For example, if customers are blind or can't see well, or have dyslexia, we may be able to offer the following:

- Coloured paper or email background and/or font type and colour
- Large print to max of 36pt (audio may be a better alternative above this size)
- Increased line spacing
- Simplified versions of written correspondence
- Contact using Relay UK – if the consumer is a subscriber, we can also use UK relay to contact them

Not all additional needs are about physical disability. Customers may have mental health conditions, other neurodiverse conditions, or learning disabilities, brain injury or memory loss. So, depending upon the circumstances, we may also be able to offer the following:

- Simplified versions of written correspondence – use of bullet points, highlighting key messages etc
- Easy read
- Having an authorised third party to represent the complainant on their case – friend, family or support worker etc
- Opting out of certain communication channels i.e. email, letter, telephone or mixture
- Regular updates/contact (agreed times to call, so we don't upset the customer's routine). For example, an update by email or telephone once a month on a regular day and time
- Increased time for decision making or breathing space if it becomes too much – as an alternative dispute resolution service this will be determined by what is reasonable
- Written summary following telephone conversations
- Restricted access to cases if there are concerns about information being accessed by a third party

Depending on the customer's circumstances, it may also be appropriate to prioritise their case.

If customers feel they require an adjustment which is not set out above, they can contact us so that we can consider whether there may be any further adjustments we can offer. While we will always try to offer as much practical assistance as is reasonably possible, there may be cases where we are not able to offer everything a customer requests.

Our accessibility services

The accessibility section of our website sets out more detail about services we offer and how to contact us to request information in an alternative format.