

Report to the Cabinet

Meeting to be held on Thursday, 7 September 2023

Report of the Director of Policy, Commissioning and Children's Health

Part I

Electoral Division affected:
(All Divisions);

Corporate Priorities:
Delivering better services;

Action Plan to Deliver "Reasonable Adjustments" Arising from Local Government and Social Care Ombudsman Findings

Contact for further information:

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Brief Summary

This report sets out the actions proposed to be delivered arising from two recent findings of fault by the Local Government and Social Care Ombudsman in relation to failures to provide "reasonable adjustments" for Deaf and disabled people as required under the Equality Act 2010.

Recommendation

Cabinet is asked to approve:

- (i) The actions proposed to raise general awareness amongst employees of the county council on the Equality Act 2010's requirements to provide "reasonable adjustments" for service users/customers/members of the public with disabilities where required.
- (ii) The development of actions to specifically address the barriers which Deaf people face in accessing information and communicating with the county council.

Detail

The Equality Act 2010 requires providers of goods, services, facilities, premises and those who deliver public functions, to make "reasonable adjustments" to ensure that



disabled people are not put at a "substantial disadvantage" in gaining access to or using them. This relates to considering/making "reasonable adjustments" in the areas of:

- Policies, practices, procedures or criteria (including access to information)
- Providing auxiliary aids and auxiliary services (including access to information)
- Removing, altering or providing ways to avoid physical features

Failure to make such adjustments may put a disabled person at a "substantial disadvantage" in accessing the goods, services, facilities, premises or public function. This is both an anticipatory duty owed to disabled people generally and an individual duty which could apply in individual cases/situations.

During 2023 the county council received two findings of fault from the Local Government and Social Care Ombudsman in relation to its failure to properly give "due regard" to considering "reasonable adjustments" and its failure to make relevant "reasonable adjustments".

- (i) In the first case a complaint was upheld that a Service failed to make "reasonable adjustments" to ensure that the Deaf parents of a Deaf child had access to meetings and complex, written procedural information meaning that they could not participate effectively in the process or express their views and have them understood. Provision of a British Sign Language interpreter was not made for them to be able to do this. The Local Government and Social Care Ombudsman's report recommended the following action:

"Within three months of the final decision, the Council will develop an action plan of how it intends to provide accessible information and reasonable adjustments to the Deaf community going forward. The Council should consider engaging with an appropriate organisation for the Deaf to gain a proper understanding of best practice of providing assistance and adjustments for Deaf customers and complainants. It should present the final decision and the Action Plan for the relevant Council Committee with responsibility for the Equality Act to consider".

- (ii) In the second case, a disabled person speaking with a service over the telephone, asked if the officer would explain things to their friend who was with them whilst the call was being made, as the disabled person said they were becoming anxious and they were having difficulty understanding the information they were being given. The officer said that they could not do this as the disabled person's friend was not officially allowed to act for them. The Local Government and Social Care Ombudsman stated it could have been appropriate to allow the friend to assist as the disabled person had requested this. The Local Government and Social Care Ombudsman recommended the action that the Council should:

"Remind staff of the proactive duty to provide reasonable adjustments".



Measures are in place which should have avoided these situations arising which include:

- A module specifically about Disability in the current Equality and Cohesion e-learning, which is mandatory for all employees to complete every 3 years or within 6 months of joining the county council. This module includes a section explaining and giving examples of "reasonable adjustments" which should be considered.
- A corporate contract for the provision of British Sign Language interpretation which can be used by any service for meetings or interviews with Deaf people. Details, including how to contact our provider, are available on the county council's intranet.
- The microphones in the Council Chamber and Committee Rooms include headphone sockets which can be used by hearing aid users. A number of meeting rooms have induction loops included within the rooms whilst portable induction loops can be booked for use in other rooms.
- A range of Equality, Diversity and Inclusion training for staff and specific Disability Awareness, Deaf Awareness and other specific disabilities courses for staff in relevant Services.
- Documents such as the Policy Practice Guidance suite in Adult Services which highlight the need to consider "reasonable adjustments" when working with service users/customers.

Several actions have been taken immediately following the findings of fault:

- Both complainants have received full apologies and the recommended settlements from the Services concerned.
- A training session was held for the Service involved delivered by colleagues from the Equality and Cohesion Team, Adults Services Sensory Impairment Service, the Deaf Services Worker from N-Compass, Chair of Lancashire Deaf Link/Lancashire British Sign Language Forum and a member of the Schools Hearing Impairment Service. This covered issues around Deaf awareness and communicating with Deaf and hard of hearing people.
- A "reasonable adjustments" module has been specifically included in the updated Equality and Cohesion e-learning which will be launched shortly.

It is recognised that, arising from the two recent findings of fault, further actions should be taken both around raising awareness of "reasonable adjustments" generally and more specifically to improve access to information for and communication with Deaf people. The proposed actions and timescales are set out below:

General "Reasonable Adjustments" Information – Action Plan

In relation to raising general staff awareness of the duty to make "reasonable adjustments" both in an anticipatory way and in response to individual requests:



Recommendation	Date to be Implemented
Update the Equality and Cohesion e-learning package, which is mandatory for all employees, including a themed module about the duty to make "reasonable adjustments". Staff should continue to complete this within 6 months of joining the Council and every 3 years thereafter.	October 2023
Develop a "Reasonable Adjustments" Charter with guidance to be available on the intranet A-Z accompanied by a Staff News item and other activities to launch/promote it. Ensure this is highlighted to frontline staff so they can respond effectively to "reasonable adjustment" requests.	January 2024
Strengthen wording in relevant documents to highlight the need to consider/make "reasonable adjustments" for disabled people – e.g. Adult Services Policy Practice Guidance (PPG) documents.	October 2023 to October 2024
Strengthen information about the duty to make "reasonable adjustments" in training offered by the Equality and Cohesion Team.	September 2023
Explore with individual Services the anticipatory elements of the "reasonable adjustment" duties which are specific to their functions and highlight the availability of support to respond to specific situations/requests when they arise.	September 2023 to September 2024)
Ensure contact information is more easily identifiable on our website, particularly for the SMS text number available for Deaf customers and telephone numbers as alternatives to completing on-line forms/apps for making reports of faults or renewals for services – complaints about this from disabled people have increased significantly in recent months.	January 2024 to July 2024)
Simplify language in communications so it is easier to understand and, potentially, easier to translate into British Sign Language and Easy Read options.	January 2024 to January 2025)

Information and Communication with the Deaf Community Action Plan

There are approximately 2,000 people within Lancashire whose first language is British Sign Language, many of whom find written English difficult or impossible to understand and spoken English impossible to understand without the provision of British Sign Language support/interpretation.

The following actions have already been identified by colleagues working closely with the British Sign Language Forum/Lancashire Deaf Forum and relations with this group will be strengthened to help take these forward:

Recommendation	Date to be Implemented
Promote engagement with the British Sign Language Forum/Lancashire Deaf Forum to specific Services as a source of improving understanding of and working with the	December 2023 to April 2024



Deaf community.	
Promotion of Deaf Awareness Training already available and developing further training with the involvement of the Deaf community.	September 2023 to September 2024)
Engage with the British Sign Language Forum/Lancashire Deaf Forum to prioritise the provision of British Sign Language interpreted information of materials available to the general public on our website.	April 2024 to October 2025
Include the provision of British Sign Language interpretation on new videos and significant information when it is developed to ensure it is accessible from the outset. This could be in keeping with the spirit of the British Sign Language Act 2022 requirements in advance of guidance being issued.	April 2024
Explore with the Deaf community where technology can support them to be more independent and what technologies would be helpful – e.g., partners in Lancashire Fire and Rescue Service and Preston City Council use Sign Live, which could be explored for dealing with calls to the Customer Access Service or other frontline contacts.	November 2023 to May 2025
Explore the use of QR Codes which link to British Sign Language translations on standard letters or in places such as Museums where the information may not need updating frequently, to provide an instantly accessible alternative for Deaf people.	June 2024 (initial 3-month trail completed and reviewed by October 2024)

Conclusion

The Local Government and Social Care Ombudsman's findings of fault in terms of the provision of "reasonable adjustments" should have been avoided as arrangements were in place which should have prevented the situations arising.

However, these arrangements did not work effectively enough and the Local Government and Social Care Ombudsman's recommendations for action has provided an opportunity to take additional steps to strengthen our approach to meeting the duty to make "reasonable adjustments" to assist Deaf and disabled people to access and use our services, facilities and public functions.

Consultations

N/A

Implications:

This item has the following implications, as indicated:



Risk management

Financial

It is expected that the costs of the actions suggested within the report will be covered within existing budget envelopes. The areas where it is expected additional costs could be incurred are those related to exploring the use of QR codes linked to British Sign Language interpretation and the use of technology to support communication with the Deaf community. There is, however, a risk that not taking the suggested actions could incur costs of awards made for failures to make "reasonable adjustments".

Legal

The actions arise for findings of fault by the Local Government and Social Care Ombudsman for failing to make "reasonable adjustments" as required under the Equality Act 2010. Effectively implementing the actions identified should reduce the potential of future complaints to the Local Government and Social Care Ombudsman or under the Equality Act 2010.

Equality and Cohesion/Equality Analysis

Deaf and disabled people are included within the disability protected characteristic of the Equality Act 2010. Effectively implementing the actions in this Report should contribute positively to the Public Sector Equality Duty's general aims of eliminating discrimination, harassment or victimisation which is unlawful of people with protected characteristics and advancing equality of opportunity for Deaf and disabled people and its sub-aim of increasing their participation in public life.

List of Background Papers

Paper	Date	Contact/Tel
None		
Reason for inclusion in Part II, if appropriate		
N/A		

