

Essex Court Chambers Reasonable Adjustments Policy

Statement of principle

1. Essex Court Chambers is committed to making reasonable adjustments in order to reduce substantial disadvantage for disabled people working with Chambers or receiving legal services. This policy covers all employees of Chambers, barristers, clerks, pupils, mini-pupils, clients and visitors to Chambers.

This policy

2. This policy sets out practical guidance on reasonable adjustments.

Circulation

3. This policy is circulated to all Members, staff, pupils, clerks and those who are required to read and understand it.

Definition of disability

4. For the purposes of this policy the definition of disability follows that set out in the Equality Act 2010 s 6. For the purposes of this policy a person is disabled if he or she has a physical or mental impairment which has a substantial and long term adverse effect on his or her ability to carry out normal day-to-day activities. ‘Substantial’ means more than minor or trivial. ‘Long term’ means 12 months or longer.

Types of reasonable adjustment

5. There is and can be no fixed list of reasonable adjustments: everything depends on the circumstances of each particular case. Every situation in which a reasonable adjustment is requested or might be needed must be considered on its merits.

6. In considering a possible reasonable adjustment, it is important to bear in mind:

- The costs of making a reasonable adjustment must not be passed on to a disabled person. However, in the case of Members of Chambers who pay Chambers contribution, where the costs of making reasonable adjustments form part of the general expenses of Chambers, they will be shared in the ordinary way between all Members of Chambers, including any Member for whom they are made. However, the costs to Chambers of making reasonable adjustments will not be treated as an individual expense to a particular Member.
- It is everyone’s responsibility to identify reasonable adjustments that may be required, whether or not a disabled person has asked specifically for them.
- Under no circumstances should the process of considering reasonable adjustments be carried out in such a way as to place a disabled person at a disadvantage or perceived disadvantage. For example, in recruitment, it is important that questions of reasonable adjustment are not approached in a way that might lead a person to believe that they could be disadvantaged in the recruitment process because of disability.

Examples of circumstances in which reasonable adjustments should be considered

Decisions about buildings and systems

7. Whenever Chambers is considering changes or refurbishment to buildings, or the introduction of new systems (for example new software) those concerned should think about the implications of what is being proposed for disabled people. Wherever reasonable, plans and projects should be drawn up in a way that maximises access.

8. In the allocation of rooms and working space, Chambers should consider whether reasonable adjustments might need to be made. For example, it might be reasonable to alter the usual rule for allocating rooms by seniority in order to meet the needs of a disabled Member of Chambers.

Recruitment

9. When recruiting (whether staff, pupils, mini-pupils or tenants) those involved should consider whether reasonable adjustments are needed to the recruitment process, for example, the provision of recruitment materials in large print or braille.

10. Those responsible for the administration of any recruitment process who become aware that one of the candidates is disabled and may require a reasonable adjustment should consider what adjustment might be required (for example, arranging interviews at a time which makes access as easy as possible, or providing a reader to assist a candidate in preparing a problem).

11. Such arrangements should not usually be made by those who are directly involved in the recruitment decision. They should be made by someone who has responsibility for organising the recruitment, but is not a decision-maker.

12. Such adjustments are not relevant to the recruitment decision, and it should be made clear that the person concerned will not be disadvantaged by them compared to other candidates. Disabled applicants must not be made to feel that because an adjustment is asked for or offered they will be seen as having 'caused trouble', or that this will in any way count against them in the recruitment decision.

13. Where a disabled candidate is recruited it will be necessary to consider what reasonable adjustments should be made once they join Chambers. This *should not* form part of any interview process. It should be done after the recruitment decision has been taken on fair and objective criteria.

Staff, Pupils, Members

14. All those involved in managing staff should consider whether reasonable adjustments are required for anyone they manage whom they know is disabled. They should do this without waiting for a request; they should involve the person concerned in the decisions.

15. Any pupil-supervisor and the head of the pupillage committee should consider whether reasonable adjustments are required for any pupil who they know is disabled. They should do this without waiting for a request; they should involve the person concerned in the decisions and actively seek that person's views.

16. The Head of Chambers, the Senior Clerk, and the Equality and Diversity Officer should consider whether reasonable adjustments are required for any Member who they know is disabled. They should do this without waiting for a request; they should involve the person concerned in the decisions and actively seek that person's views.

17. Any Member of Chambers, pupil, or Member of staff who is disabled and wishes to request a reasonable adjustment should speak to an appropriate person (that is, to one of those identified above) with the request.

18. In any case where reasonable adjustments have been requested or are being considered, the Equality and Diversity Officer can provide advice and information.

19. Where a particular adjustment is not possible or reasonable, alternative adjustments should always be explored.

Clients and visitors to Chambers

20. Barristers and clerks should consider reasonable adjustment requests made for their visitors, and should also anticipate reasonable adjustments which may be required for visitors who they know are disabled. They should consult with the Senior Clerk or appropriate Members of staff in relation to those adjustments.

Health and safety

21. Consideration must always be given to whether staff, barristers or pupils require assistance during an emergency evacuation and if so whether a personal emergency evacuation plan is required for the person concerned. If so, the plan will be developed in conjunction with the individual concerned in order to ensure that it is appropriate. Responsibility for this lies:

- In the case of clerks and staff, with the Senior Clerk and the Chambers Manager;
- In the case of pupils, with the Senior Clerk and the Head of the Pupillage Committee;
- In the case of Members, with the Head of Chambers.

Explanatory note

This policy is a new policy (though Chambers previously included a statement of non-discrimination in its Statement of Equality and Diversity Policies). It does not follow the model policy in the BSB guidance, because that policy was not well-adapted to the particular circumstances of Chambers, but is not intended to have a different effect.

Adopted November 2012. Reviewed: January 2019. To be reviewed: January 2021.