

8 May 2019

**Blog article by Frank Fleming, ECNI Advisory Services team**

**Reasonable adjustments and what they mean for deaf people**

Businesses, traders and service providers have a duty in certain circumstances under the Disability Discrimination Act (DDA) to take reasonable steps to remove, avoid or reduce the physical, procedural or attitudinal barriers that disabled people face so that they can access and use their goods and services in the same way as someone who is not disabled. The DDA calls this the duty to make reasonable adjustments and to provide reasonable auxiliary aids and services.

This duty to make a reasonable adjustment was highlighted in a recent case (supported by the Equality Commission) against Northern Bank Ltd. Fiona Mc Kendry a deaf woman from Belfast contacted the bank after noticing fraudulent activity on her account. The bank employee refused to deal with her query because she was lip reading the information provided by the bank to her brother who was assisting her with her query. Following what she considered to be a refusal of service by the bank she met with the branch manager who suggested that she sign a mandate giving her brother power of attorney in relation to her financial matters. Fiona who is a financial professional refused this suggestion and made a formal complaint to the bank and contacted the Equality Commission to seek assistance.

Following her complaint Northern Bank has put in place a reasonable adjustment to the service it provides through the use of new technology which will allow people with hearing difficulties to have their queries dealt with in timely manner. Fiona said, "I am very pleased that the bank has now put in place technology which I can use if I need to contact it in a hurry, this gives me a lot more confidence to deal with the situation if it crops up."

The duty to make a reasonable adjustment occurs if a disabled person is put at a substantial disadvantage compared to people who are not disabled, by:

- a provision, criterion or practice (a hospital department solely uses a call out system to notify patients when it is their turn to be seen by the consultant, such a system would clearly disadvantage a person with hearing difficulties)
- a physical feature (such as a glass screen in reception area which makes it difficult for a deaf person to lip read)
- the absence of an auxiliary aid or service (any kind of extra help such as a hearing loop or sign language interpreter)

The duty on service providers to make reasonable adjustments is an 'anticipatory' duty. This means that service providers should think in advance about adjustments which may be needed and plan ahead.

Service providers should not sit and wait until a disabled customer asks for help. They must think about the different needs of disabled people who may want to use their services – for example people who are deaf – and plan how to meet them.

One way of planning ahead is to conduct an audit of your services to assess their accessibility and based on the results of the audits to implement an action plan of changes or improvements to the service that can be made.

The Commission's Every Customer Counts initiative provides an Audit Checklist and Action Plan to assist service providers with making reasonable adjustments. These can be accessed through the Commission's website:

[www.equalityni.org/EveryCustomerCounts](http://www.equalityni.org/EveryCustomerCounts)

Deaf Awareness Week is May 6 to May 12 2019.