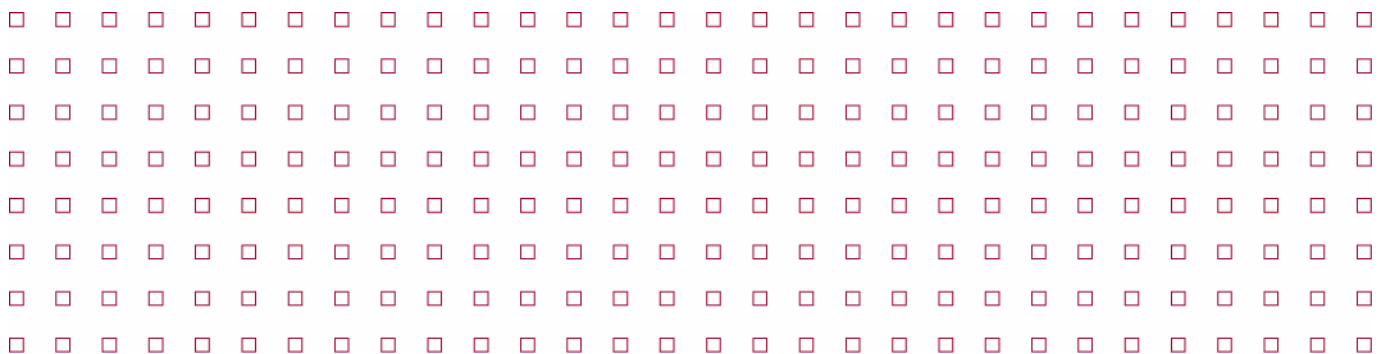




# **Reasonable Adjustments Policy for Judicial Office Holders**

A six-month review of the policy

August 2008





Ministry of  
**JUSTICE**

## **Reasonable Adjustments Policy for Judicial Office Holders**

A six-month review of the policy

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## **Background**

The Disability Discrimination Acts (DDA) of 1995 and 2005 place a legal obligation on organisations to provide adjustments for staff with disability-related requirements. Prior to the formulation of the Reasonable Adjustments Policy for Judicial Office Holders, the department had provided reasonable adjustments for judicial office holders, but this had never been carried out in a systematic manner or with one person/area having overall responsibility for the process.

The Legal and Judicial Diversity Team, together with the MoJ Judicial Post Appointments Team, the Directorate of Judicial Offices and the Judicial Appointments Commission, created a reasonable adjustment policy which set out a broad approach to issues of reasonable adjustments for applicants, new appointees and serving members of the judiciary. The document was intended to be a high-level policy statement only and does not provide details of the DDA, definitions of disability or what constitutes a reasonable adjustment or an explanation of what type of adjustments might be requested.

After an initial consultation that included the Council of Circuit Judges, the Association of District Judges and officials from the Tribunals Service, Judicial Office and Her Majesty's Courts Service among others, the Lord Chancellor and the Lord Chief Justice approved the policy and it came into effect in August 2007.

Part of the policy project plan included a review of the policy and its impact on judicial office holders to happen approximately six months after implementation.

This report sets out the findings of our six-month review and the proposed next steps.

## Review overview

In undertaking this review, we consulted with the following groups:

- Ministry of Justice (MoJ) officials
- Judicial Office officials
- Judicial Appointments Commission officials
- The Disability Network
- The Tribunals Service
- Her Majesty's Courts Service (HMCS)
- The Magistrates' Association
- The Standing Committee for Judicial Welfare

A questionnaire was sent out on 22 February 2008, and a deadline of 24 March 2008 was set (subsequently extended to 4 April 2008). The people and organisations contacted were also asked to contact anyone who might have had direct contact with the policy and to forward the questionnaire on to them.

Respondents were asked to answer seven questions pertaining to their knowledge or experience of the policy.

- Are you aware of the department's reasonable adjustments policy for judicial office holders?
- If not what is the best way for us to get this information to you?
- Have you asked for any reasonable adjustments to be made in your working environment?
- Were the requested adjustments made?
- Are there any improvements we could make to the process?
- Does the working environment for judicial office holders support those with disabilities?
- What could be done to improve the working environment for judicial office holders with disabilities?

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Forty-one responses were received; many of those were collated responses sent back via a central contact. The majority (twenty-nine) were from magistrates and those working in magistrates' courts.

## Responses

### MoJ and HMCS corporate services

There were four replies from the Human Resources and Equality and Diversity arms of the MoJ and HMCS. All the respondents were aware of the policy and had experience of using it or were aware of a judicial office holder who had benefited from it. There was one suggestion from the judicial HR office in the MoJ that the Judicial Appointments Commission inform the Judicial Office on the appointment of a judicial office holder who needs a reasonable adjustment (with the judge's permission) so there was no delay in implementing the adjustment(s).

### County court

We had one reply from a civil justice centre. They did not indicate whether or not they were aware of the policy, but said that they had made some adjustments for a judge who required access buttons for secure doors.

### Crown court

There were three respondents from crown courts. Two did not mention awareness of the policy in their replies, and the third said they were not aware of it at all. One respondent stated that reasonable adjustments had been made for one judge, one stated that they had not received any requests to date and the third said that as the court building was Grade II listed, it would be difficult to implement any reasonable adjustments.

### Magistrates' courts

Of the twenty-nine replies from magistrates, magistrates' courts managers and bench chairs, three did not mention the policy, five said they were aware of it and twenty-one said they were not aware of the policy.

Nineteen of the respondents said they were aware of reasonable adjustments being requested and made. However, several respondents who had requested reasonable adjustments said that often the adjustments were made without consulting them as to what would be suitable, for example, a disability access toilet was fitted with doors that opened the wrong way and with the wrong handles.

In another court, the disability access toilets were inaccessible for eight months due to funding issues to rectify incorrect door handles and grabrails. In Warwickshire it was reported that there was only one magistrates' disability access toilet in all the magistrate's courts for the county.

Many respondents mentioned that older court buildings were inaccessible for both magistrates and court service users with mobility impairments, and that the installation of ramps or lifts was not viable due to cost or buildings holding a listed status.

### **Tribunals Service**

The four responses from the Tribunals Service were collated so that they reflected the experience and views of at least ten staff members. Again, the majority stated that they were not aware of the reasonable adjustments policy, but several stated that they had made reasonable adjustments on request.

## Overall themes

The vast majority of respondents were not aware of the policy existing, but twenty-four respondents reported that they were aware of reasonable adjustments being requested and granted.

However, some magistrates' court staff fed back that there were funding issues around some basic reasonable adjustments – eg waiting eight months to have funding freed-up to repair disability access toilets, meaning that judicial office holders had to use the one public disability access toilet, which had security implications regarding public contact. The listed status of many estate properties was mentioned as an issue, especially for judiciary with mobility impairments due to the preponderance of steep, narrow staircases behind court rooms.

There was a general consensus that the policy should be better publicised to both judicial office holders and courts and tribunals staff who have to implement reasonable adjustments. It was suggested that policy announcements and changes should be cascaded to regional and area leads, as well as to representative bodies such as the Magistrates' Association, the Council of Circuit Judges and the Association of District Judges who can cascade information to their members.

There was strong criticism of HMCS from several magistrates for not meeting basic requirements under the Disability Discrimination Acts of 1995 and 2005, in certain areas, most notably in Warwickshire where, it was reported that there is only one disability accessible toilet for magistrates. However, there was praise for HMCS in a civil justice centre where automatic door control panels had been installed for a wheelchair-using member of the judiciary, and in one crown court where ushers meet a mobility impaired judicial office holder in the car park to assist with transporting her papers and notes for the day.

Many respondents held the view that key to improving the environment for judicial office holders was the installation of lifts and ramps, along with eliminating steps to the courtroom. This was seen as essential for judicial office holders with physical or mobility impairments.

## **Recommendations**

Recommendations leading from the completion of this report:

- making minor changes to the wording of the policy in accordance with the Ministry's Disability Adviser's recommendations and republishing
- highlighting and promoting the policy to the following:
  - Standing Committee for Judicial Welfare
  - Council of Circuit Judges
  - Association of District Judges
  - Justice Clerks' Society
  - Magistrates' Association
  - National Bench Chairmen's Forum
  - HMCS Equality and Diversity Unit (when created)
  - the MoJ Disability Adviser
  - all court managers/area and regional directors
  - all estates staff
  - all Regional Diversity Managers or equivalent
  - MoJ Judicial Policy and Appointments Division
  - corporate HRD
  - the Disability Network
  - HR officers – disability experts
- clarity for officials and judiciary as to where the resources and funding available for making reasonable adjustments comes from
- the MoJ Disability Adviser to visit Warwickshire and other areas where concerns have been raised, and make recommendations to the area or regional management team

- clarity for officials and judiciary regarding listed building status – what does the law allow regarding meeting the duties contained in the Disability Discrimination Acts 1995 and 2005?
- working with the Judicial Appointments Commission on sharing data.

## Action plan

Action	Responsible	Deadline	Completed?
Amending the reasonable adjustments policy for judicial office holders	MoJ HQ Legal and Judicial Diversity Branch	Immediate	Yes – revised policy to be published in July 2008
Highlighting and promoting the policy	<ul style="list-style-type: none"> <li>● HMCS Equality and Diversity Unit</li> <li>● Regional Diversity Managers or equivalents</li> <li>● MoJ HQ Legal and Judicial Diversity Branch</li> </ul>	Ongoing	
Providing clarity for officials and judiciary as to funding	<ul style="list-style-type: none"> <li>● HMCS Equality and Diversity Unit</li> <li>● MoJ HQ Legal and Judicial Diversity Branch</li> </ul>	Ongoing	
MoJ Disability Adviser to visit areas where concern has been raised	MoJ Disability Adviser	30 July 2008	MoJ Disability Adviser is in discussions with local officials
Providing clarity for officials and judiciary re: listed building status	<ul style="list-style-type: none"> <li>● Access to Justice Estates Branch</li> <li>● HMCS Equality and Diversity Unit</li> </ul>	Ongoing	
Working with JAC re: data sharing	MoJ HQ Legal and Judicial Diversity Branch	July 2008	

## **Review**

A further review of this policy and the actions from the above action plan will be conducted in July 2009.

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