

Report to Governance Committee

7 February 2022

Proposed change to the Constitution on Reasonable Adjustments

Report by Director of Law and Assurance

Electoral division: Not applicable

Summary

In a recent discussion with a member it was noted that the Council's Standing Orders for meetings and decision-making, do not make explicit reference to the fact that officers will consider requests for reasonable adjustments. This report recommends rectifying this position by introducing a Standing Order that does make this clear.

Recommendation

That Council be recommended to add a new Standing Order 1.07 to Part 4, Section 1 of the Constitution, to read:

'Subject to legal requirements any Standing Order may be waived or amended for an individual member requiring a reasonable adjustment to enable effective working on Council business, in line with best practice. The Director of Law and Assurance will actively consider any requests for such reasonable adjustments.'

Proposal

1 Background and context

- 1.1 For employees with disabilities, an employer has a responsibility to make reasonable adjustments to the workplace to avoid employees being put at a disadvantage as a consequence of their disability.
- 1.2 While this statutory provision for employees does not formally extend to elected members, members with disabilities are encouraged to speak to Democratic Services to see if the Council can provide reasonable adjustments to help them to be effective in their roles.
- 1.3 In a recent conversation with a member it became apparent that the Council's Standing Orders in the Constitution do not make any explicit reference to reasonable adjustments for members.
- 1.4 While officers strive to implement any feasible reasonable adjustments to meetings, this can be seen to be based on goodwill and may appear inconsistent as there is not any explicit reference to reasonable adjustments in standing orders.

2 Proposal details

2.1 It is therefore proposed to add a new Standing Order to Section 1 of Standing Orders. This is the introductory section of Standing Orders that sets out how they are governed, enforced, changed or waived. This is the most appropriate place to add mention reasonable adjustments.

2.2 The proposed wording is would be a new Standing Order 1.07:

'Subject to legal requirements any Standing Order may be waived or amended for an individual member requiring a reasonable adjustment to enable effective working on Council business, in line with best practice. The Director of Law and Assurance will actively consider any requests for such reasonable adjustments.'

3 Other options considered (and reasons for not proposing)

3.1 The current situation could continue, where there is no explicit mention of reasonable adjustments in Standing Orders. This is not recommended as an explicit mention makes the provision clear and will therefore give greater certainty to members in future about the Council's stance on reasonable adjustments.

4 Consultation, engagement and advice

4.1 The councillor who prompted the need to review the Constitution has been consulted on the wording.

5 Finance

5.1 There are no likely revenue or capital budget consequences as any minor implementation considerations will be met within existing resources in the Democratic Services budget.

6 Risk implications and mitigations

Risk	Mitigating Action (in place or planned)
Meeting the needs of elected members or promoting persons to stand for election could be inhibited in the absence of specific provisions. Requests could be dealt with inconsistently.	The introduction of this Standing Order will make the Council's stance clear, which will make it easier for members with disabilities to request reasonable adjustments and should lead to the consistent approach to reasonable adjustments. These will help councillors to be effective in their roles.

7 Policy alignment and compliance

7.1 The Council's Equality Duty is broad-ranging, in that it takes into account equality impact in its decision-making for all services and also puts an obligation on the County Council to consider making reasonable adjustments for

employees with disabilities. This small improvement to Standing Orders will help the Council to be better aligned with its obligations under the public sector equality duty.

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Appendices

None

Background papers

None