

Reasonable Adjustments Policy and Procedure

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“Selecting the Best Applicants and Promoting Diversity”

1. Background

- 1.1 The Northern Ireland Judicial Appointments Commission (NIJAC) was established on 15 June 2005 as an independent public body under the Justice (Northern Ireland) Act 2002 (as amended). Upon the devolution of justice on the 12 April 2010 the Northern Ireland (NI) Act 2009 extended our statutory duties.
- 1.2 NIJAC is an appointing body, selecting and appointing to non-crown judicial offices in various Courts and Tribunals throughout Northern Ireland. We also select and make recommendations for crown appointments up to and including High Court judge.
- 1.3 Selection is based on merit, through fair and open competition and by selecting from the widest possible range of eligible applicants. Our work is based on the principles of: -
 - Merit
 - Independence
 - Diversity
 - Fairness
 - Transparency
 - Accountability
 - Partnership
- 1.4 Those applying this policy must ensure that their actions are in keeping with NIJAC's Values namely Collaboration, Innovation, Integrity, Openness and Respect.

2. Purpose

- 2.1 This policy sets out the principles which govern the provision of Reasonable Adjustments for applicants to judicial office. Additionally, this policy sets out the framework for the provision of equality of opportunity for applicants with a disability who require reasonable adjustments to assist them to participate fairly in the recruitment, selection and assessment process. NIJAC will work with, and be led by, applicants with a disability to ensure their needs are met, and so they can fully participate in NIJAC's recruitment, assessment and selection processes.

3. Policy Objectives

- 3.1 This policy will:

3.1.1 Provide guidance to applicants to judicial office, Selection Committees (SCs) and staff regarding the provision of Reasonable Adjustments

3.1.2 Outline the key roles, responsibilities and procedures for those involved in providing Reasonable Adjustments

3.1.3 Ensure adherence to NIJAC's Equal Opportunities Policy, the statutory equality codes of practice and legislation regarding the provision of Reasonable Adjustments, and

3.1.4 Promote positive attitudes towards deaf and disabled people and encourage the participation of deaf and disabled people in public life.

4. Scope

- 4.1 This policy and procedure will apply to all applicants for judicial office and
- Commissioners
 - Committees (ad hoc or otherwise)
 - NIJAC staff, and
 - Co-opted Selection Committee members.

5. Principles

5.1 Disability is defined as:

“a physical or mental impairment which has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities.”

(Ref: Definition of a Disability, Equality Commission, March 2007)

5.2 The Disability Discrimination Act 1995 (as modified by Schedule 8 thereof for application in Northern Ireland) sets out that the general rule of good practice is that our procedures and practices must be applied fairly and consistently. It is, therefore, important that those who are involved in recruitment, assessment and the selection process are aware that they may be required to make reasonable adjustments to some, or all, of our practices and procedures if that is what is needed to remove any disadvantage for any deaf or disabled applicant.

5.3 This is a legal duty and failure to comply is unlawful disability discrimination. The adjustments need only be made for the individuals who require them and it may result in those applicants with a disability being treated more favourably than other applicants; if so, that is lawful and permissible.

5.4 Further information and advice regarding the definition of disability can be found on the Equality Commission's website www.equalityni.org (publications – disability).

5.5 NIJAC is committed to:

5.5.1 Actively encouraging deaf and disabled people to apply for judicial office through the implementation of policies, procedures and support mechanisms which reduce or remove barriers in making application for judicial office

- 5.5.2 Implementing the relevant aspects of our Disability Action Plan to meet our statutory obligations and fulfil our commitment as an organisation in the promotion of equality of opportunity for deaf and disabled applicants
- 5.5.3 Ensuring deaf and disabled people are aware of the opportunities to request reasonable adjustments at all stages of the recruitment, assessment and selection process
- 5.5.4 Incorporating NIJAC's Reasonable Adjustments Policy into our general communication practices (e.g., Website etc.) so that information is available and meets accessibility standards
- 5.5.5 Providing support through the appointment of a Reasonable Adjustments Officer (RAO) who has responsibility for gathering information to facilitate the assessment of, and the provision of, reasonable adjustments for applicants, and
- 5.5.6 Seeking appropriate professional advice where it is required to support the implementation of reasonable adjustments.

6. Roles and Responsibilities

- 6.1 The Chief Executive of NIJAC or her nominee has specific responsibility for the effective implementation of this policy. Commissioners and staff are responsible for complying with this policy to create an environment of equality where deaf and disabled people are treated fairly.
- 6.2 In order to implement this policy, the RAO shall:
 - 6.2.1 Communicate this policy to all applicants for judicial office, Commissioners, staff and others involved in the process of recruitment, assessment and selection (such as those co-opted to SCs).

- 6.2.2 Apply and monitor the policy within the recruitment, assessment and selection process and provides advice and guidance to all parties as and when required.
- 6.2.3 Incorporate disability awareness, disability equality and reasonable adjustments training in the provision of all recruitment, assessment and selection process and the equality and diversity training programmes for relevant individuals.
- 6.2.4 Ensure that SCs recruitment, assessment and selection processes are objective in assessing an applicant's demonstration of evidence against the assessment criteria and their suitability for judicial office and that this is based solely on the merit principle.
- 6.2.5 Highlight NIJAC's Reasonable Adjustments Policy to other individuals or organisations assisting the Commission with the appointments process to enable them to comply with the policy.

7. Procedure

- 7.1 It is the responsibility of each applicant to declare if there is a reasonable adjustment requirement at the application stage of each competition for which they apply.
- 7.2 If an applicant requires a reasonable adjustment in order to complete the application form, they should contact NIJAC on 028 9056 9100 or by email judicialappointments@nijac.gov.uk
- 7.3 If an applicant does not require an adjustment to the application form, however, requires a reasonable adjustment in relation to the assessment and selection process they should complete the 'Reasonable Adjustment' tab in the application form on NIJAC's recruitment platform GetGot.
- 7.4 Applicants may realise later in the selection process that they should have requested an adjustment when submitting their initial application. If this

happens, applicants should contact the Reasonable Adjustments Officer as set out in the appointment scheme's Applicant Information Booklet.

- 7.5 If an applicant requests an adjustment, they must provide:
- the reason they require an adjustment,
 - possible adjustments which could help, and
 - previous adjustments they have had (if any).
- 7.6 The Recruitment Officer will carry out an initial administrative screening process to identify applicants who have made a reasonable adjustment request.
- 7.7 The Recruitment Officer will create a Reasonable Adjustment Pro-forma (appendix 1) for every applicant who makes a reasonable adjustment request and provide to the RAO. The pro-forma record will be retained in line with NIJAC's disposal schedule.
- 7.8 The RAO will liaise with the applicant to clarify and agree reasonable adjustments. Information provided in the Reasonable 'Adjustments' tab and further information received through dialogue between the RAO and the applicant may be shared internally within the organisation including, where appropriate, with the Director of Appointments, the CEO, the Judicial Appointments Team and Selection Committee, in order to consider the facilitation of the reasonable adjustment.
- 7.9 The RAO will update and provide advice, as appropriate, to the Director of Appointment, the CEO, Judicial Appointments Team and Selection Committees, to implement any agreed adjustment.
- 7.10 Adjustments are considered on a case-by-case basis – there is no single adjustment that suits every person. The RAO will work with applicants to deliver adjustments to ensure their fair participation in the application, assessment and selection processes.

7.11 Applicants may provide supporting documentation which would assist NIJAC to identify the most suitable reasonable adjustment.

7.12 NIJAC may take advice from an external expert or source when considering the reasonable adjustment required.

7.13 A confirmation email will be sent to the applicant by the RAO confirming the agreed adjustments in respect of each stage of the recruitment and assessment process.

7.14 Successful applicants will be required to complete a Reasonable Adjustments Form as part of the Pre-Appointment Stage. NIJAC will ensure any reasonable adjustments are notified to the Northern Ireland Courts and Tribunals Service and/or the Department where an appointee is to be based:

8. Variation

8.1 This policy, or the arrangements under it, may be varied, amended or adjusted at any time.

9. Review

9.1 The Reasonable Adjustments Policy will be reviewed in three years from the date it is approved or as required due to relevant legislative changes or in light of new learning.

10. Complaints

10.1 Any complaints relating to the application of this policy will be considered, dealt with or investigated promptly and confidentially, in accordance with NIJAC's Complaints Policy and Procedure which is available at www.nijac.gov.uk

10.2 If a complainant is dissatisfied with the outcome complaints may be escalated to the Northern Ireland Judicial Appointments Ombudsman's office:

Northern Ireland Judicial Appointments Ombudsman

c/o Northern Ireland Public Service Ombudsman

Progressive House

33 Wellington Place, Belfast

BT1 6HN

Email: nipso@nipso.org.uk

10.3 In addition to our internal and statutory procedures, applicants have the right to seek advice and support from the Equality Commission (contact details below) or the right to pursue complaints of discrimination regarding disability and equality of opportunity to an Industrial Tribunal.

The Equality Commission

Equality House

7-9 Shaftesbury Square, Belfast

BT2 7DP

Telephone: 028 90500600

Email: information@equalityni.org

Signed:

A handwritten signature in black ink, appearing to read 'Tonya McCormac', is written over a light grey dotted rectangular background.

Tonya McCormac

Chief Executive

16 March 2023

Reasonable Adjustment Form

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|--------------------------|
| Applicant Name: |
| Mobile Telephone: |
| Home Telephone: |
| Email Address: |

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|----------------|
| Scheme: |
|----------------|

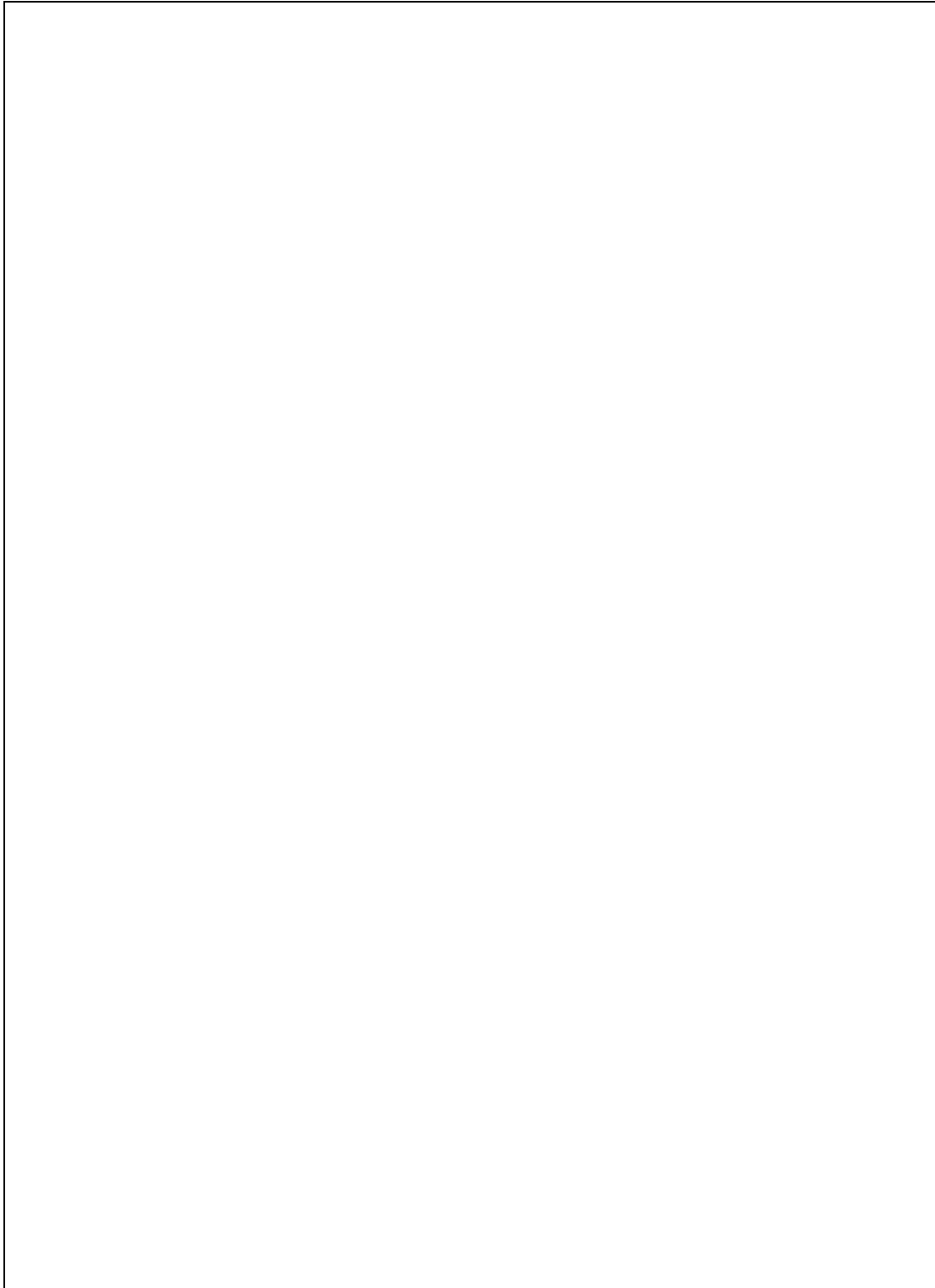
**Details of Reasonable Adjustment Requirement
(For completion by the Recruitment Officer, Judicial Appointments Team)**

1 (a): Please include all details provided on application form or from initial contact with applicant e.g., the reason, possible adjustments which could help, and previous adjustments they have had (if any).

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**Proposed Reasonable Adjustments
(For completion by the Reasonable Adjustments Officer)**

1 (b) The proposed reasonable adjustment(s) for each stage of the assessment process e.g., shortlisting, online tests, final assessment stage:

A large, empty rectangular box with a thin black border, intended for the user to provide proposed reasonable adjustments for each stage of the assessment process.

Agreed Reasonable Adjustments
(For completion by the Applicant, please delete as appropriate)

I accept / do not accept the proposed adjustments.

If you do not accept the proposed adjustments the Reasonable Adjustments Officer will contact you.

Signature of Applicant
