

Reasonable Adjustments Policy

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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 the 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.

3. Policy Objectives

3.1 This internal policy will:

3.1.1 Provide guidance to 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; and

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.

4. Scope

4.1 The Reasonable Adjustments Policy applies to all those who apply for appointment to judicial office and those individuals involved in the recruitment, assessment and selection process, such as the Commissioners and staff of NIJAC and other individuals and organisations acting on behalf of NIJAC.

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 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 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 applicant with a disability.

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 people with disabilities 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 applicants with a disability;

- 5.5.3 Making people with disabilities 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 accessible;
- 5.5.5 Providing support through the appointment of a Reasonable Adjustments Officer who has responsibility for the assessment and 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 people with disabilities are treated fairly.
- 6.2 In order to implement this policy NIJAC 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 Ensure the Reasonable Adjustments Officer applies and monitors the policy within the recruitment, assessment and selection process;
 - 6.2.3 Develop and update the Reasonable Adjustments Policy and Procedures in line with legislative changes;

- 6.2.4 Incorporate disability awareness and reasonable adjustments training in the provision of all recruitment, assessment and selection process and the equality and diversity training programmes for relevant individuals;
- 6.2.5 Ensure that advice is provided to SCs by a Reasonable Adjustments Officer;
- 6.2.6 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;
- 6.2.7 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;
- 6.2.8 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:

7. Variation

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

8. Review

- 8.1 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.

9. Complaints

- 9.1 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
- 9.2 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

- 9.3 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:
Tonya McCormac, Chief Executive
5 May 2022