

Handout D: Adviser checklist: Mandatory Reconsideration, sanctions and disabled people

| Question | Check this | What information do you have? |
|---|---|--|
| Has your client been sanctioned? | | What does your client want to happen about that? |
| Does your client have a disability? | Check client meets Equality Act definition of disability | What can client not do – or do with difficulty Does DWP know about that – or should they? |
| What was the reason for the sanction? | What was the 'practice criterion or provision' [PCP] | What requirement, practice or process etc meant your client was sanctioned? |
| How did your client's disability affect their ability to comply/ do that? | Very important to link the two | What can your client not do – or do but only with difficulty? |
| How was your client disadvantaged by that requirement or process? | Show substantial disadvantage compared to non disabled people | Might be a sanction, but also maybe they lost out eg on a job or training opportunity? |
| How would other disabled people be disadvantaged by that? | Do you know how the process or rule affects other people- with the same or different impairment? | For example for people with particular kinds of disability or impairment eg Deaf people, or people with learning difficulties |
| What change (s) to that 'rule' or process would mean your client is not disadvantaged? | What adjustment should be made? | Be practical & think about new technology Physical access; extra help; change to process or rule Ask your client and don't make assumptions! |
| What change (s) to that 'rule' or process would mean other disabled people are not disadvantaged? | How has the anticipatory duty to disabled people at large been met by the public authority? Have they thought about it? | Could look for ideas at websites of eg RNIB, MIND. Ask disabled people - don't make assumptions! |
| Is that change a reasonable one to ask for? | What reason does the public authority have for saying why it's not reasonable? | Look at factors eg how it overcomes disadvantage: cost, practicality, effectiveness, disruption etc. See EHRC Code of Practice for examples |
| Are you sure the reason for the sanction is to do with your client's disability? | | |

This is part of a pack on ESA and reasonable adjustments.

Get the full resource at: <http://bit.ly/1yhUWs1>