

Briefing

Employment adjustments for people with a learning disability

Abridged content for sample purposes

Contents

Introduction	3
Reasonable adjustments and best practice	4
Employment and people with a learning disability	6
Induction and training	16
Communication	18
Working arrangements to retain employees	19
Teamwork	21
Additional support	22
Performance management – enhancing contribution	24
Harassment	27
Further sources of reference	29

Introduction

What is a learning disability?

It is estimated that about 1.4 million people^[1] in the UK have a learning disability. For the purpose of this briefing paper and in the absence of an agreed, precise definition we define a learning disability as, 'having a reduced ability to understand new or complex information and to learn new skills'.

This reduced ability is described against mainstream intellectual milestones, for example traditional schooling. The impairment will have been present before adulthood, with a lasting effect on development. The cause of many learning disabilities is not known and there may be no visible signs in a person's appearance. Learning disability is thus an umbrella term that covers a variety of conditions, of which Down's syndrome is an example.

A learning disability should not be confused with a mental health condition such as depression or schizophrenia. A mental health condition may be controlled; some are short-term and unlike a learning disability they do not usually affect intellectual ability and can be acquired at any time in your life.

'Learning difficulty', on the other hand, is a broader term that encompasses conditions which do not necessarily affect a person's intellectual capacity but which do affect the processing of information. Examples include aphasia and dyslexia, which are covered in Business Disability Forum's Briefing on 'employment adjustments for people who are dyslexic'.

This paper does not address the needs of people with specific learning difficulties; those on the autistic spectrum or those with brain injuries, although some of the adjustments outlined may be useful.

[1] <https://www.mencap.org.uk/learning-disability-explained/research-and-statistics>

Reasonable adjustments and best practice

Many people who have learning disabilities will be protected under the Equality Act 2010 but will not consider themselves to be disabled.

Nevertheless employers have a legal obligation to make reasonable adjustments and not discriminate against employees who might be facing barriers at work because of a disability or long-term condition – even if it has not been diagnosed as a disability or accepted as such by the individual.

Employers should be aware that non-visible disabilities, such as a learning disability, mean that specific barriers can be less obvious. This means reasonable adjustments may be harder for employers to determine and put in place. Employers can seek advice from Work Coaches and Disability Employment advisers at Jobcentre Plus who refer people with learning disabilities for positions. There are also organisations which offer specialist advice and disability awareness training to help employers ensure that their recruitment process accounts for barriers faced by those with learning disabilities – see page 29 for further details.

It is important that employers have an honest conversation with new employees, and their support staff, about what barriers might present difficulties in the workplace and what simple measures might help. For many people with a learning disability, specialised targeted employment support with job coaches is available and has been proven to be the most effective reasonable adjustment. This support can be paid for by Access to Work, funded by the Department for Work and Pensions (DWP).

Employment adjustments for people with a learning disability

Support from job coaches starts before recruitment to prepare people with learning disabilities for the workplace, and continues throughout the recruitment process and initially in the workplace to support a new starter, fading out over time as the individual builds confidence and becomes familiar with the work.

The best practice approach is to make reasonable adjustments for anyone who needs them in order to work effectively and contribute fully to your organisation.

Most employers will want to know what is 'reasonable'. Doing what seems fair for the individual and others who work for you given the size and resources of your organisation is a good place to start.

This guidance will help you deliver best practice.

- You might need to treat people differently in order to treat them fairly.
- Don't make assumptions about what people can and can't do.
- Ensure that everyone knows who is responsible for doing what and when it must be done.
- Involve the individual in generating solutions and respect their right to confidentiality.

For more detail on the law and making reasonable adjustments contact Business Disability Forum's Advice Service on telephone number **+44-(0)-20-7403-3020** or by email **advice@businessdisabilityforum.org.uk** or see the Briefing on The Equality Act 2010.

Employment and people with a learning disability

Many people with a learning disability want to work and represent a substantial source of untapped commitment and talent.

Yet they are one of the most under-represented groups in the labour market. Only 5.8% [2] of adults with a learning disability known to their local authority in England are in paid work (HSCIC 2015). It is important to emphasise that this percentage only refers to people who are known to their local authority, which is a minority of people with a learning disability in England (and mostly includes people with a more severe learning disability). There is very little current data on the proportion of all adults with a learning disability who have paid jobs in England, but past studies have suggested that about 17% of all working age people with a learning disability have a paid job.

Of the 26,786 adults with a learning disability known to local authorities in Scotland in 2014 who were employed:

- 29% were in employment specifically set up for people with a learning disability.
- 49% were in employment that was not specifically set up for people with a learning disability.
- 1% were self-employed.
- For 21% the employment type was not specified (SCLD 2015).

[2] <https://www.base-uk.org/key-facts-and-data>

Employment adjustments for people with a learning disability

The Welsh and Northern Irish Governments do not publish data on the number of people with a learning disability in paid employment.[3]

There is a misconception that people with a learning disability cannot cope with employment or are only able to undertake routine, methodical jobs. Do not make assumptions about what someone can do. Consider the skills, abilities and aspirations of each individual and implement appropriate and reasonable support so that everyone can maximise their potential.

Many employers employ people who have a learning disability and report that they are committed and motivated employees who often just need the chance to demonstrate their capabilities.

By talking to employees both at the beginning of employment, but also regularly about their work going forward, employers are better able to identify difficulties that could be attributable to an employee having a learning disability. This practice provides an opportunity to talk about possible barriers and adjustments that may enable the employee to work more effectively.

Adjustments may well be simple and inexpensive and make good business sense. Without adjustments, good candidates may not apply for jobs and good employees could be lost. Precise requirements vary from one individual to another. Always ask the person what they need.

[3] Mencap

Recruitment and selection

Candidates with a learning disability may be prevented from demonstrating their abilities and potential by conventional recruitment processes.

You need to make sure that you do not discriminate against a disabled job applicant during the recruitment process. You may also have to make reasonable adjustments. It is important not to make assumptions about what the applicant can or cannot do. Instead, ask applicants about reasonable adjustments as part of the recruitment process. If you use external recruitment agencies, ask for evidence that they make reasonable adjustments for disabled applicants and work to the standards that underpin this guidance.

Information on reasonable adjustments for people with a learning disability

Work trials for people with learning disabilities, rather than traditional job interviews, are proven to be effective reasonable adjustments. Work trials allow people to demonstrate what they are capable of in the work place, rather than having to present at a panel interview, which may be intimidating for some people.

Employers should be aware that many potential employees with a learning disability may have in place or need to put in place effective support from a specialist job coach. Local employment support providers can be contracted by Jobcentre Plus staff to support people before, during and after recruitment. Particularly important is the DWP's Access to Work programme, which funds reasonable adjustments such as job coaches, and any changes required in the workplace.

For more information on this support, visit:

www.gov.uk/looking-for-work-if-disabled/looking-for-a-job

Employment adjustments for people with a learning disability

Further information on best practice for recruitment and selection is also available from the Government's Disability Confident scheme.

For further information, visit: disabilityconfident.campaign.gov.uk or contact Business Disability Forum's Advice Service on telephone number +44-(0)-20-7403-3020 or by email advice@businessdisabilityforum.org.uk.

Remember it is unlawful to ask questions about health or a disability prior to a job offer under the Equality Act 2010 unless the question relates directly to an intrinsic aspect of the role for which the person is applying, or is for the purpose of making reasonable adjustments to the application or interview process. Questions about disability can still be asked on equal opportunities monitoring forms.

After you have made a job offer ask if there are any possible barriers to be overcome, and discuss reasonable adjustments that might help overcome them. It is particularly important to ask if any support via Access to Work is necessary to set up, so as to have payments and processes for reasonable adjustments in place as soon as possible.

For more information on recruitment see Business Disability Forum's Briefing on 'managing recruitment' or contact Business Disability Forum's Advice Service on telephone number +44-(0)-20-7403-3020 or by email advice@businessdisabilityforum.org.uk

Job descriptions

Job descriptions can inadvertently place unnecessary barriers in the way of people with a learning disability. When drawing up job descriptions:

- Provide them in easy read format.
- Distinguish between essential and desirable requirements and ensure you present an accurate picture of the job and key skills actually required, e.g. the essential criteria of a receptionist is to answer the telephone and meet and greet visitors; a desirable skill may be to take notes of meetings.

Employment adjustments for people with a learning disability

- Concentrate on what is to be achieved in a job rather than how it is achieved. People with a learning disability may do things in a different way, e.g. a person with a learning disability may record information on a Dictaphone rather than by writing it down.
- Do not ask for educational qualifications that do not relate to the position. This will exclude people with a learning disability who have not been successful in accessing mainstream education.
- Accept completed application forms in alternative formats and appreciate that a written application may have been completed with support.

There is no requirement to alter the fundamental nature of a job so that a candidate with a learning disability can do it.

Advertising and attracting applicants

When advertising a job:

- Use positive wording like “we welcome disabled applicants” or “being part of Business Disability Forum’s membership, highlights our commitment to being a disability-smart organisation”.
- Provide a point of contact for people who are concerned about the recruitment process, giving a range of contact methods.
- State that applications will be accepted in alternative formats, e.g. on USB stick or by email.
- Display or mention the Disability Confident symbol if you are a symbol holder.
- Be clear that you are willing to make reasonable adjustments, such as offering a work trial as an alternative to an interview.

Content has been removed for sample purposes. Pages 11 to 31 are available in the full booklet.

© 2018 This publication and the information contained therein are subject to copyright and remain the property of Business Disability Forum. They are for reference only and must not be reproduced, copied or distributed without prior permission.

Business Disability Forum is committed to ensuring that all its products and services are as accessible as possible to everyone. If you wish to discuss anything with regard to accessibility, please contact us.

**Company limited by guarantee with charitable objects.
Registered Charity No: 1018463.
Registered in England No: 2603700.**



Contact us

For further information on joining Business Disability Forum and a comprehensive list of our Members and Partners please visit: businessdisabilityforum.org.uk/membership/meet-our-partners-group/

Business Disability Forum
Nutmeg House
60 Gainsford Street
London
SE1 2NY

Tel: +44-(0)20-7403-3020

Fax: +44-(0)20-7403-0404

Email: enquiries@businessdisabilityforum.org.uk

Web: businessdisabilityforum.org.uk