

Briefing

Managing recruitment

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This briefing is not an authoritative statement of the law. While we have made every effort to ensure that the information we have provided is correct, Business Disability Forum cannot accept any responsibility or liability.

Contents

Introduction	4
Positive discrimination and pro-active recruitment	5
Designing job roles	7
Attraction, applications, short listing and interviews	10
E-recruitment	17
Employment agencies and the recruitment industry	19
Making adjustments to tests and assessments	23
How to interview	25
Medical questionnaires and health examinations	27
The job offer	30
Monitoring the recruitment process	35
Regulatory framework	36
Further information	40
Further sources of reference	46
Contact us	60

Introduction

Managing recruitment

This is one of a series of briefings, published by Business Disability Forum, which provide practical guidance for employers on specific topics relating to the employment of disabled people. It will be particularly useful for personnel or human resources managers, occupational health advisers, line managers and employment agencies.

This is a practical guide to recruiting disabled people on merit and/or their contribution. It will be useful for anyone involved in recruitment, or training, either at a policy level or on a day-to-day basis, including personnel and human resources managers, occupational health advisers as well as line managers.

This paper will help you to make simple changes to your recruitment process which will make it easier to treat every applicant fairly, as well as show you how to make adjustments for individuals based on their particular needs.

It will help you to not only avoid legal risk but to use best practice to better attract talent and improve recruitment generally across your organisation.

Positive discrimination and pro-active recruitment

Past and present barriers to employment and work experience can disadvantage disabled people. You may decide that in order to increase the number of disabled people in your organisation you need to take positive action or even to discriminate positively in favour of disabled people.

Positive action

Positive action is encouraging disabled people to apply for jobs. This is lawful. An example would be to include a positive action statement on your job adverts such as 'we welcome disabled applicants' or 'being part of Business Disability Forum's membership, highlights our commitment to becoming a disability-smart organisation'.

Positive discrimination

Positive discrimination for disabled people is legal for most employers in the UK. This is because when it comes to disability, the Equality Act 2010 is an asymmetrical piece of anti-discrimination legislation. It only protects the rights of disabled people. It does not protect non-disabled people apart from in limited circumstances where a non-disabled person is treated less favourably because they have supported a complaint of discrimination by a disabled person, or because they are associated with a disabled person or are wrongly perceived to be disabled.

Employers should note that positive discrimination only applies to the disability component of the law, it is unlawful to positively discriminate on the grounds of the other protected characteristics such as race or gender as these cover men and women and people of all races.

This means that most employers can decide to either advertise jobs as open only to disabled people or allow disabled people the first attempt to secure vacancies. Only when the suitability of the disabled candidates has been decided is the recruitment drive widened to include everyone.

Many leading UK employers have decided to address the under-representation of disabled people in their workforces positively by, for example, using disability-only talent pools and shortlists, working with specialist recruitment agencies, or implementing 'recruitment that works' projects (where the employer works closely with an intermediary such as Jobcentre Plus, and disabled candidates to help match and build their skills for particular positions).

Positive discrimination and local authorities

Local authorities are not permitted to positively discriminate in favour of disabled people by the Local Government and Housing Act 1989. Local authorities can, however, take positive action to encourage applications from disabled candidates if disabled people are underrepresented in their workforce.

Positive discrimination is one of a number of tools for an employer to use in becoming disability confident. It can help an employer to target disabled people where they are under-represented in recruitment or training. However positive discrimination is not a substitute for ensuring that mainstream policies practices, and procedures are barrier-free for disabled applicants and disabled employees. Under-representation of disabled people in certain roles or in training may indicate where there are barriers to be removed. All policies should be barrier-free, rather than relying on positive discrimination to redress the balance.

Designing job roles

Good job design will help to ensure that job adverts, job descriptions and person specifications do not discriminate, as well as making it easier for every new employee to perform effectively.

Throughout the recruitment process ensure that you use competency-based job specifications, advertising, assessments and interviews.

Guidance on designing job roles has been produced by the Health and Safety Executive. The best practice they have identified is useful when considering whether job roles have been effectively defined in order not to discriminate against disabled or other candidates.

When designing job roles consider carefully:

- The demands you are placing on an employee in terms of workload, skills and their capability to do the job given work patterns and environment.
- The control over the role offered to the employee.
- The employees understanding of their own role in relation to the organisation and the extent to which their role conflicts with others.

Undertaking risk analysis may help you to identify where additional support may need to be made available for particular roles.

Writing job descriptions and person specifications

Every job should have an accurate job description. When writing job adverts, job descriptions and candidate specifications ensure you do not needlessly exclude a disabled candidate. For example, if you do not take the time to ensure job criteria are grouped into what is 'essential' and what is 'desirable', you could unintentionally exclude candidates who are accomplished in the crucial aspects of the role.

Concentrate on what is to be achieved in the job rather than how it is to be achieved.

The following examples show how to allow candidates to demonstrate their capacity to do the job:

'Must touch type'

This does not explain why touch typing is essential and may exclude a capable candidate with repetitive strain injury (RSI).

Replace with, 'you will need to produce accurate reports using a word processing package'.

This will allow a candidate with RSI to demonstrate their ability to meet the criteria using voice- activated software.

'Must have driving licence'

This does not explain why a driving licence is essential, and may exclude a candidate with a visual impairment or arthritis who cannot drive (if used in an advertisement it may also mean that you are advertising in a discriminatory manner and in breach of the Equality Act 2010 – see below).

Replace with, 'extensive travel throughout the UK to meet clients is essential'.

The candidate may be able to demonstrate how they will meet this requirement by using alternative methods of transport.

Under the Equality Act 2010 and indeed in terms of organisational effectiveness the outcome is more important than the process. Whenever preparing job descriptions and candidate specifications, keep in mind that a disabled person may carry out a task differently but with the same result.

'Four GCSE's required' or 'Work experience required'

When including minimum educational qualifications and specific work experience as core criteria for a position, consider whether these are indeed essential. Good disabled candidates may have received a less formal education or experienced discrimination in the education system. Similarly they may have less work experience because employers have not been willing to offer them a chance.

If you do use minimum criteria it is important to state that you will consider candidates who can demonstrate that they have, by other means, acquired the skills of which qualifications or work experience are an indicator.

Avoid requiring competencies which apply to every position in the organisation, such as 'will be a team player'. If working in a team is not core to a job role you could risk discriminating, e.g. against an individual with Asperger syndrome, who would have all the competencies for the position but would find it hard to work in a team that requires a lot of interaction.

Avoiding future employment problems

Unreasonable expectations, conflicting demands and a lack of clarity about the scope or responsibilities of a role can be a major cause of work-related stress, and may cause or exacerbate other physical and mental conditions.

When drawing up job descriptions:

- Ensure that the job description clearly describes the purpose, tasks and responsibilities attached to the role and how it contributes to the overall aims of the organisation.
- Focus on what is to be achieved not how it is done.
- Explicitly describe the scope of the role and the management or reporting processes associated with the post.
- Ensure that your expectations of the post-holder are reasonable in relation to the training and resources available.
- Identify any inherent risks associated with the demands of a post and ensure mechanisms are put in place to support the successful candidate when appointed.

It may be appropriate to communicate to prospective candidates that there is a particular level of pressure or responsibility attached to some roles. However such statements in job descriptions should not be regarded as a disclaimer or abdication of responsibility.

Employers still have a duty of care to manage the pressure and levels of stress that their employees are exposed to in the workplace. Generalities such as, 'must be able to work under pressure' or 'must be able to work in stressful situations' should be avoided.

Attraction, applications, short listing and interviews

Attraction and advertising

Many employers find attracting talented disabled candidates to be problematic. Building the expectation of welcoming and fair treatment for disabled applicants into your employer brand is essential.

Publicise your commitment to employing people with disabilities in the careers information which you make available on your website or in recruitment packs. If you use testimonials, include contributions from disabled employees.

Ensure that the first contact with every candidate is positive.

Provide constructive feedback to all unsuccessful candidates including those with known disabilities.

Consider options to give disabled people experience of your organisation, such as offering work experience, temporary positions and using government programmes.

Disabled people do not necessarily read the disability press. However, it may be useful to advertise general messages in such publications to help build your reputation.

When advertising for specific positions:

- Use positive wording like, “we welcome disabled applicants” or “being part of Business Disability Forum’s membership, highlights our commitment to becoming a disability-smart organisation”.
- Provide a point of contact by telephone, email and textphone or mobile phone for people who are concerned about the recruitment process.
- State that applications will be accepted in alternative formats, e.g. by email or in audio format.
- If you use the disability ‘two ticks’ symbol, include this in your advert.

Ensure that the means by which you communicate with candidates are accessible to disabled candidates, and where relevant that your message is always accessible by alternative means. This should apply to information on specific positions as well as all the general information that goes into building your employer brand. Check too that your website is accessible, particularly if it is a primary recruitment channel.

Remember, it is unlawful for employers to place or have placed on their behalf advertisements, which might be discriminatory, e.g. an advertisement stating that the post is not suitable for people with certain disabilities, or where it appears that reasonable adjustments will not be provided, e.g. requiring an applicant to have a driving license when travel could be undertaken by other means.

Application forms

Application forms are popular with employers because they are generic and allow easier comparison between applicants. However, this drive for uniformity can disadvantage people who may well be excellent candidates but do not have standard educational qualifications or who have gaps in their work history.

While some disabled people may have had less formal education and spent time out of work for rehabilitation, they may well have other experience and skills to bring to the workplace.

If you do use application forms:

- Avoid making application and online registration forms overly long and complicated, as this makes it difficult for some people to apply and may particularly disadvantage those disabled people who take longer to fill out forms.

If you are unable to change complex forms, help people to complete them (for example, by providing guidance on how to complete them) and be innovative in offering ways of getting round the barriers they represent.

Ensure every question is relevant to the position. Clearly mark which information is mandatory and which optional.

Managing recruitment

If you use standard application forms that request information which may not be relevant to a specific position, ensure this information does not influence any decision to offer an interview or employment.

In addition, state that it is a standard form and make it clear you will only take into account those questions which are relevant to the particular position.

Allow space for the applicant to give details of experience they have gained outside the workplace.

Use simple straightforward language. This will help everyone, especially those with cognitive impairments, learning difficulties and those who have English as a second language.

Ensure any online recruitment process is accessible to disabled candidates.

When providing online application forms ensure the applicant can see what the application form involves before they begin and what information they will need to provide. If possible give an estimate of how long the form will take to complete. The applicant should be able to print off the form to help them to prepare their answers and be able to save the form and return to it later. Beware in particular online recruitment processes which 'time out' if the person is taking too long to complete the form.

Applicants should have the option to return the form in a different format if this is easier for them, e.g. paper format or by email. This is both best practice and might be a requirement under the Equality Act 2010.

If the applicant can apply in a variety of formats, it may be reasonable to specify the one you would prefer to receive and will respond in, for example, email rather than Braille.

Asking for information on disability

The Equality Act 2010 makes it unlawful for employers to ask applicants general questions about their health, medical history or disability prior to making an offer of employment. This includes asking applicants to complete a standardised medical questionnaire that asks questions about past and current illnesses, injuries, treatment or medication, e.g. anti depressants.

Employers who ask questions about past sickness absence on application forms or in references from previous employers requested prior to a job offer may also be acting unlawfully as this could be interpreted as asking questions about health or disability.

What is still lawful?

Employers can ask applicants if they need any reasonable adjustments for the application process or interview.

Employers can ask applicants how they will carry out any intrinsic elements of the job and if there are any limitations on them carrying out such duties. For example, employers can ask applicants for a job as a driver if there are any health restrictions on their ability to drive.

Employers can ask successful candidates health related questions so that any necessary reasonable adjustments can be made after a job offer has been made.

Employers can ask questions about disability for equal opportunities monitoring purposes and in order to take positive action, for example, the two ticks symbol under which interviews are guaranteed to disabled applicants who meet the essential criteria for a post.

Enforcement

The Equality and Human Rights Commission (EHRC) can take enforcement action against any employer who does ask questions about health or disability prior to the offer of a job. Employers found guilty of discrimination will be required to draw up an action plan, overseen by the EHRC. Failure to comply could result in a £5,000 fine.

In addition, a job applicant who believes that they suffered a detriment for example by not being appointed because of questions they were asked about their health or medical history may use the questions asked as evidence of disability discrimination in a tribunal claim. It will then be for the employer to prove that the answers to these questions did not influence the decision not to appoint the applicant.

Legal case study – Cheltenham Borough Council v Laird

In the case of Cheltenham Borough Council v Laird Cheltenham Borough Council sued their former Director, Christine Laird for fraudulent or negligent misrepresentation for failing to tell them about a history of depression in a pre-employment medical questionnaire.

Mrs Laird was employed as a Managing Director for the Council in 2002. Mrs. Laird's answered a number of questions on the pre-employment questionnaire including:

- Do you normally enjoy good health? She answered "Yes".
- Do you have either a physical and/or mental impairment? She answered "No".
- Have you any ongoing condition that would affect your employment? She answered "No – nb I get occasional migraine but this does not affect my ability to work or usually require time off from work".

After starting work she was involved in a number of disputes in particular with the Council leader which eventually led to her going off sick from June 2004 until 2005 when she took early ill-

health retirement. The Council later discovered the Mrs Laird had had periods of depression dating back to 1997. It brought proceedings against her in the High Court for fraudulent or negligent misrepresentation on the grounds that she had concealed her medical history during the recruitment process and it claimed nearly one million pounds in damages.

The Council was unsuccessful because the High Court held that even if Mrs Laird's answers were false they were not made fraudulently or negligently. The Court said that it must ask itself how a reasonable person in Mrs Laird's position would construe the questions rather than how a medical professional would interpret them.

Managing recruitment

In relation to the first question the Court accepted that a reasonable person in Mrs Laird's position was likely to say that she normally enjoyed good health. Mrs Laird had depression only for limited periods prior to 2002 and this was not her 'normal' state of health. She had not been depressed for the majority of the time and had only had about three months of depression-related absences during her working life.

The Court decided that a reasonable person would interpret the second question as referring to an ongoing physical or mental condition. At the time when she completed the questionnaire it was reasonable for Mrs Laird to consider herself as not having such a condition.

The third question was more difficult. The Court found that she had a vulnerability to depression and that it was this vulnerability that was ongoing, not the depression itself and she was not depressed when she completed the questionnaire. It concluded that a reasonable person might not have regarded this as an 'ongoing' medical condition that would affect her employment.

Mrs Laird's answers in the medical questionnaire were not therefore false and that she had not 'wilfully' meaning deliberately or at least recklessly withheld information from the Council.

This case highlights the pitfalls of using pre-employment medical questionnaires. These questionnaires rarely elicit useful information and often put talented people off applying to an employer who they fear will use the information to discriminate against them.

Ill health, disability or even sickness absences in the past are not necessarily an indicator of future health or attendance. It is for this reason that the Equality Act 2010 now makes it unlawful for employers to ask general questions about an applicant's health history prior to employment and so an employer can no longer ask the questions asked of Ms Laird in this case prior to a job offer .

The aim is to help employers concentrate on the person's actual abilities rather than making assumptions based on past ill health. Questions must be limited to the applicant's ability to do the job for which they are applying and any reasonable adjustments they might need.

Asking about adjustments

On the application form, do not ask:

- 'Do you consider yourself to have a disability?'

This is unlawful and so such questions should only be asked on a separate equal opportunity monitoring form as part of a monitoring process, or to establish if someone would like to apply through the 'two ticks' scheme.

Remember that even on monitoring forms candidates may not want to tell an employer about their disability for a variety of reasons. They may fear discrimination, think it is irrelevant or they may not even consider themselves to be disabled. Do not make answering questions on monitoring forms mandatory or allow candidates to tick a 'prefer not to say' option.

Do say on application forms: "Let us know if you need us to make any adjustments during the recruitment process. If you wish to discuss any concerns about the application process, please contact..."

Include details about the process and examples of the types of adjustments which can be made at each stage. This will help disabled people to anticipate whether they need adjustments before they come for an interview or an assessment.

For example, if you use pre-interview assessment tests then include an explanation of these tests and the types of adjustments which can be made for applicants with, for example, dyslexia or visual impairments.

Again, mention if you use the 'Two Ticks' symbol and offer guaranteed interviews so that a candidate can let you know they would qualify for this.

Record all information gathered for the purposes of reasonable adjustments or monitoring separately from the main body of the application form.

Remember also not to ask:

- 'How many sick days have you taken in the last year?'

Avoid questions about past sickness absence as this could be interpreted as asking questions about health or disability which is unlawful. Past sickness absence does not predict future absence. To reject someone due to the number of days absent could be discriminatory if the reason for the time off was disability-related.

E-recruitment

E-recruitment, or online recruitment, is an increasingly important channel for employers. It is fast and convenient and enables jobseekers to find out about and apply for many more jobs. When done well it cuts costs and simplifies the process for human resources, recruitment and line managers.

Yet, the processes which many companies use exclude disabled people.

1.3 million disabled people in the UK and an estimated 91.5 million worldwide are excluded by inaccessible and badly designed e-recruitment websites.

Many more, up to 386 million people worldwide (including 6.8 million disabled people of working age in Britain), can be excluded by discriminatory e-recruitment processes, including CV sorting, discriminatory evaluation and inaccessible html email (often containing web links).

Some of the key areas to address:

- Ensure your website, as well as any job boards and other websites you use, is accessible to disabled people.
- Ensure that your careers pages include welcoming messages and demonstrate your commitment to employing disabled people.
- If you use sorting technology ensure that you are not discriminating. For example, online applications may not allow spell checks to be used. To sift out applicants who have made a certain number of mistakes could discriminate against an applicant with dyslexia who, once appointed, would have access to a spell check facility.
- If you use online tests and assessment ensure that these are flexible, accessible and can be adjusted for individuals with different impairments.
- Ensure online communication, including html email, is accessible to disabled people.

Managing recruitment

- Ensure that automated systems are flexible and that you can still deliver reasonable adjustments.
- Ensure that your standard diversity and equal opportunities policies are used in developing your e-channel.

If you offer job alerts or the opportunity to join talent pools for unsuccessful candidates or applicants, then ensure that these processes are as accessible as possible, and that you offer these services via alternative means in order to avoid treating disabled candidates less favourably.

Employment agencies and the recruitment industry

Employment services and the Equality Act 2010

Employment agencies and recruitment consultants have an obligation not to discriminate against disabled people:

- In the arrangements they make for selecting to whom they will provide services.
- In the terms on which they offer to provide the service.
- By not offering the service to disabled people.

They also have a duty to make reasonable adjustments for disabled people.

The Equality Act 2010 applies to employment and occupation, services concerning vocational guidance, vocational training and services to assist people to obtain or retain employment, or self-employment.

Employers should build their expectations of how an agency should manage disability and meet its, and the employers', legal obligations, into contracts and other agreements.

Employment agencies are also increasingly being asked by their clients to demonstrate that they know how to and will make reasonable adjustments for disabled applicants since failure to do so may render both the agency and their client to claims under the Equality Act 2010.

An agency must under the law:

- Provide auxiliary aids or services. Examples include providing sign language interpreters and/ or a text phone for a deaf candidate, or providing information in alternative formats such as large print or audiotope for candidates with a visual impairment.
- Offer an interview at an alternative accessible venue if physical features of the original interview venue make it difficult to access.
- Make adjustments to physical features of their premises that make it difficult for disabled people to access the service.

It is vital that the employment agency is aware of the requirements under the Equality Act 2010 that apply to it as a service provider, an agent for its client, and as an employer in its own right.

The agency must also be aware of its client's commitment to employing a diverse workforce through best practice recruitment. If an agency does your short-listing interviews, ensure their processes are non-discriminatory.

Ask employment agencies to monitor the number of disabled people that they shortlist and interview who are willing to self identify as disabled. If you are a 'two ticks' symbol holder, ensure that the agency is aware of this and will interview all disabled candidates who meet the clearly- stated minimum criteria for the job.

Selection/short listing

Selection processes which are flexible and competency based enable more disabled people to get jobs. When reviewing an application form or CV from a disabled person, it is important to remember:

- If an applicant seems over-qualified there could be a legitimate disability-related reason for a change of career or a backward step.
- Formal education qualifications may not be an accurate indicator of capability as many disabled people have been disadvantaged by the education system.
- Periods of inactivity may be directly related to disability.
- Do not discount voluntary work and life experience. Candidates may have gained invaluable organisational and creative problem-solving skills in response to their experience of disability.
- Be particularly careful when sifting applications for jobs for which writing is not a core part of the role, as applicants may not have strong writing skills.

If you use automated short listing, ensure that the system is able to make adjustments for disabled applicants. For example, some CV sorting and data mining software will sift on the basis of inaccurate spelling, which may discriminate against applicants with dyslexia, or will reject applications with gaps in work history or which do not meet minimum educational criteria.

The recruitment interview

Offer of interview

Follow-up on your commitment to make adjustments. Let every candidate know you are happy to discuss any adjustments required, irrespective of whether the candidate has told you that they are disabled.

If the first stage of your recruitment process is a pre-interview assessment make sure you also ask about adjustments which may be needed, e.g. extra time or accessible workstations or different software.

You should:

- Offer information about the interview in alternative formats.
- Wherever possible ensure a fully accessible interview location.
- Ask the candidate if they would prefer to organise a signer or support worker if one is needed or if you should do so. Make it clear that you will pay for the service regardless of who organises it. Allow at least three weeks to arrange a signer.
- Be prepared to offer the candidate the alternative of a single interviewer (with an observer present), rather than an interviewing panel. This may be especially helpful for example for someone whose impairment increases under pressure, for example a candidate with a speech impairment.
- Consider offering alternatives to the standard interview. If you are conducting telephone interviews a deaf or hard of hearing candidate may prefer to be interviewed by text phone, email or in person.

Some candidates may benefit from job tryouts if their disability makes it difficult for them to convey their potential at a standard interview. Job tryouts are also a good way to give disabled people an introduction to your organisation.

The probationary period can be used to test whether the person can do the job with the correct reasonable adjustments. This would need to be carefully managed to ensure that applicants had time to familiarise themselves with the adjustment. However, this should not be used as an opportunity to extend the time that disabled employees spend on probation in comparison with non-disabled employees.

Guarantee interviews for disabled candidates who meet the essential criteria and keep those criteria truly 'essential'.

Legal case study – Murphy v Sheffield Hallam University

Mr Murphy applied for the job of learner support co-ordinator. In his application Mr Murphy said he was profoundly deaf. The tribunal noted that this should have led to the employer providing a sign language interpreter for the interview.

However, the requirement for a sign language interpreter was not considered until two weeks after Mr Murphy's application form was received and eight days before the interview.

The University did make some efforts to obtain a sign language interpreter before the interview but these failed and were in the tribunal's findings, "late and inadequate".

When Mr Murphy arrived at the interview he discovered that no sign language interpreter had been provided. Some pressure was put on Mr Murphy to continue with the interview relying on lip-reading or writing. However, after an initial attempt he refused to proceed and the interview was adjourned for a week.

Hallam University asked Mr Murphy to provide his own sign language interpreter at their expense. The tribunal noted that this was not a reasonable attitude because with their resources it would have been easier for them to find someone or, if they could not, to adjourn the interview until a date when they could.

The interview took place with a competent amateur sign language interpreter. Mr Murphy was not appointed. A hearing person got the job. Mr Murphy argued that this was as a result of the inadequate arrangements made for the interview and the university's fears about the costs of providing him with reasonable adjustments in the job.

The tribunal found in his favour regarding the discriminatory interview arrangements, but did not consider that he had proved that he had been discriminated against with regard to the actual appointment to the job. They awarded him £2,500 for injury to feelings.

Although this case was decided under the DDA the principles remain relevant under the Equality Act 2010.

Making adjustments to tests and assessments

Always ask how essential any testing and assessment is and how relevant to the person's actual capacity to do the job.

Psychometric testing

Psychometric tests can help determine an individual's abilities and potential. However, the law places a duty on employers to make reasonable adjustments to any and all tests to ensure that they are fair.

Consult the issuer of the test on how flexible it can be and what adjustments can be made for disabled candidates without invalidating the results.

If you are testing people online ensure that the software is accessible.

Ability tests

If selection involves a technical or other test of ability, be sure that it does not discriminate. Employers may need to do one or more of the following if reasonable in the circumstances:

- Ensure the test is designed to assess only the essential components of the job.
- Change the format of the test, for example, from written into audio, or from small into large print.
- Allow written tests to be done on a computer which is compatible with adaptive software.
- Allow for the presence of a support worker.
- Weight the total score to take into account processes that the applicant identifies as problematic because of their disability.
- Apply a more qualitative and flexible approach to scoring. Comparisons with the 'norm' may be neither accurate nor useful.

Managing recruitment

- Ensure the venue and work station is accessible, e.g. a large monitor screen might be needed for a particular candidate.
- Be flexible with time. A candidate may, for example, need to stand or walk around to alleviate back pain or write slowly because of their disability.
- Send a practice test to the candidate prior to interview so that the candidate can specify adjustments needed. This will also reassure a disabled candidate who fears an inaccessible test.

Remember that the purpose of the test is to assess every candidate's ability to do the job. Reasonable adjustments for a disabled candidate should only ensure that the candidate has the opportunity to demonstrate their capabilities on a level playing field with everyone else. It is not reasonable to adjust the test in favour of the disabled candidate to the extent that they cannot demonstrate that they can carry out the job tasks to the standard required, e.g. by removing a requirement to complete the test within a certain time period when this is what will be required in the job.

Group assessment and assessment centres are sometimes used to measure teamwork and leadership skills and can be inherently problematic for many disabled candidates if the groups are not disability aware and if the tasks are not accessible.

Be aware that if assessment is in groups, particular adjustments may be required. For example, if a candidate is deaf and lip reading or using a sign language interpreter, other candidates need to be told that only one person should speak at a time.

Scoring may then need to take into account different group dynamics. Take expert advice for candidates who can be (and often are) significantly disadvantaged by being forced to work in a new, 'disability unaware' team as part of the assessment process.

How to interview

The purpose of the interview is to give people every opportunity to demonstrate how their skills and experience can add value to your organisation. It should not be used to attempt to catch people out or reduce the number of people available for selection.

Particularly for people with a 'non-standard' work history it is a chance to translate life experiences into work-related competencies. Don't make assumptions about gaps in work history or work experience or the skills of candidates which have come to you through a non-standard route, such as through an employment agency for disabled people. Look for transferable skills.

Don't get distracted by issues which are not relevant to the person, such as an experience of employing a disabled person in the past which did not work out.

Interview questions

If you know that a candidate has a disability do not request medical details or ask personal questions as to how their disability was acquired – this is unlawful.

Don't ask:

'How did you get your disability?' or

'What happened to you?'

Questions should focus on the key competencies needed for the position, not on the person's disability.

'Tell me how you would do this job?'

Make it clear that life experience and voluntary work will be considered when asking a candidate to demonstrate their ability to fulfil criteria for the role.

Don't assume you know how a disability affects the individual.

Managing recruitment

Do not ask:

'What can't you do because of your disability?'

What the disabled person can't do is not relevant. It's what they can do (with reasonable adjustments, if needed) that is important.

Ensure questions focus on 'output', the desired end result.

If the job demands certain physical and/or mental tasks, be as specific as possible. For example, if lifting is involved, refer to the exact weight and how often it will be necessary.

Ensure that all interviewers have received disability awareness training. An interviewer who is disability aware is less likely to be concerned about lack of eye contact from a hard of hearing candidate who lip reads.

For more information about adjustments in the workplace, why not take a look at the 'adjustments in employment' briefing.

Medical questionnaires and health examinations

The Equality Act 2010 makes it unlawful for employers to ask applicants general questions about their health, medical history or disability prior to making an offer of employment for example, in a standardised medical questionnaire.

Medical screening can result in blanket exclusions that could put the organisation at risk of directly discriminating against a candidate with a particular type of disability.

Only ask a disabled candidate to complete a health questionnaire or to undergo a medical check-up after offering them the job if it is your policy to require this of every candidate. Singling out disabled candidates for a health check is likely to be discriminatory. Many leading employers no longer require a medical at any stage of the recruitment process.

If a health examination is required, ensure that every question clearly relates to the work criteria for every candidate to do a particular job.

Medical and health questionnaires should be used to help make adjustments so that a disabled person can do the job. Occupational health practitioners involved in the recruitment process should focus on the outcomes required by the role and reasonable adjustments.

Medical history or past sickness absence levels are not a reliable indicator of future work performance. Past absences may have related to a former employer's unwillingness to make reasonable adjustments or the person may now have more experience of managing the impact of their impairment.

If you insist on asking for rates of sickness absence in references, ensure that it is differentiated into disability and non-disability related absences. It may be discriminatory to withdraw a job offer to a disabled candidate because they had certain levels of sickness absence related to their disability in a previous job.

'Managing sickness absence', 'health and safety and the Equality Act 2010' and 'disability management and the medical adviser' are three of our briefings that outline good practice in using medical information.

Legal case study – Mr Paul v National Probation Service (NPS) (now the National Offender Management Service)

Mr Paul has a history of chronic depression. In 2001 he applied separately for two positions with the NPS – part-time handyman, working three hours per week, and part-time community service supervisor (CSS), working one day per week supervising groups of convicted offenders undertaking community service.

Mr Paul was interviewed for both positions. Although he had not been in paid employment since 1994 he had been doing voluntary work with young people, and for the Victim Support Scheme where he was highly regarded. He had also been doing some private teaching and part-time work as a self-employed carpenter and plumber. At each interview he volunteered information about his disability.

Following the interviews Mr Paul was offered both positions subject to a satisfactory occupational health report. The occupational health adviser (OHA) requested a report, not from Mr Paul's psychiatrist but from his GP. Mr Paul did not have a long-standing relationship with his GP and had had little contact with him, as he was primarily under the medical care of his psychiatrist.

The GP's report stated that Mr Paul's condition was stress-related and that he was likely to remain on medication for the foreseeable future. The GP did not venture any opinion as to Mr Paul's suitability for either post.

The OHA decided that the CSS post was likely to be particularly stressful, because the post-holder would have to take sole responsibility for the offenders in his care and may have to cope with some challenging behaviour. She concluded that it would not be fair on Mr Paul to put him in such a stressful job, albeit only for one day a week. She recommended that Mr Paul was fit for the handyman role.

Mr Paul contested this decision with both the OHA and the personnel department, and offered more information from his psychiatrist who knew the circumstances of his case better than his GP.

Managing recruitment

He also requested that the OHA conduct a personal assessment of his condition and capabilities and offered more information about his duties as a supply teacher, which also entailed working at times with challenging young people. Both the OHA and the personnel department declined Mr Paul's offers of further information and reiterated their commitment to review his case in three months' time.

Mr Paul brought a claim for disability discrimination but the Employment Tribunal (ET) concluded that although there was clear evidence that NPS has treated Mr Paul less favourably for a reason related to his disability, this treatment was justified because it was based on reasonable medical advice.

Mr Paul appealed to the Employment Appeals Tribunal, which found that the ET had failed to consider whether reasonable adjustments could have been made both to the recruitment process and to the post itself, e.g. increasing the induction period and/or providing more training and supervision.

If such reasonable adjustments could have been made then the decision to withdraw the job offer could not be justified. It also held that the OHA should have consulted Mr Paul's specialist and listened to the further information he had offered.

Although this case was decided under the DDA the principles remain the same and a tribunal is likely to reach a similar conclusion under the Equality Act 2010.

The job offer

When offering the job, give every candidate another opportunity to discuss any adjustments they may require.

For many reasons, applicants may not have told the employer about a non visible disability such as diabetes or a mental health problem during the recruitment process.

Many people do not regard their impairment to be a disability. Some are unwilling to give this sort of information for fear of being discriminated against. Others feel that their disability has no bearing on their capacity to do the job they are applying for and so is irrelevant.

The law does not require a candidate to tell an employer about a disability unless they require

a reasonable adjustment or there is an associated health and safety risk to either the disabled person or anyone else. Employers only have an obligation to make reasonable adjustments if they know or could reasonably be expected to know that the working environment or arrangements are placing the person at a substantial disadvantage.

It is a good idea to ask the applicant about reasonable adjustments they might need but do not assume everyone knows every adjustment that might be helpful. The candidate may also be concerned that the cost, or presumed cost, of adjustments, or the perception that they expect 'special treatment' may discourage the employer from offering them the job.

Ensure that the candidate is aware that they can apply for a grant for adjustments through Access to Work (AtW). Applicants can complete an online questionnaire to see if they are eligible to receive AtW support.

Job offers are sometimes conditional on adjustments being in place by a particular time. This allows time to investigate adjustments and possible funding from, for example, AtW. For people starting a job, or who have been in a job for less than six weeks, AtW will pay up to 100% of all approved costs.

In exceptional cases it may be unreasonable, due to time and cost, to implement the adjustments and there may be no other option but to withdraw the offer. This could be, for example, if there is an urgent need to fill a short-term temporary post quickly.

This might be deemed to be a proportionate means of achieving a legitimate aim under the Equality Act 2010 and so the withdrawal of the offer might be justified. However, exploring all options and coming to interim arrangements is to be preferred and recommended.

Legal case study – Williams v J Walter Thompson Group Limited (JWT)

In Williams v J Walter Thompson Group Limited (JWT) the Court of Appeal (CA) found that: "Good intentions and praiseworthy initiatives may pave the path to the employment tribunal" if they are not backed up by rigorous recruitment processes.

Ms Williams, who is blind, met the CEO of WPP Group Plc (of which JWT is a part). She expressed an interest in working for JWT and was told to send in her CV. At interview, although no particular job had been identified, the possibility of her doing Lotus Notes development work was discussed. She said that she did not have much knowledge of Lotus Notes but was happy to try provided she received training. She was subsequently offered a job as full-time "Worldwide IT Developer" working from home three days a week.

She started work in September 1999 but as the CA found: "JWT was ill prepared for her arrival.

It was ill equipped to manage a blind employee, whom its chief executive had decided should be given an opportunity of working for it. It did not have available the equipment needed by her to do the job for which she was employed. JWT staff had no training on disability discrimination."

Access to Work (AtW) agreed to provide a screen reader, Braille display and speech synthesiser. JWT told her she need not come into work until the equipment arrived. She did suggest that JWT purchase the equipment themselves and arrange for AtW to reimburse them but JWT decided against this. The equipment did not arrive until January 2000. There were problems installing it and she was not able to work until 17 February. Initially she went into the office two to three times a week but reduced this to once a week because, despite repeated requests, she was not given any work.

Managing recruitment

In July 2000 her request for training on Lotus Notes was refused because the five day course would cost £4,800 (although AtW was prepared to pay £3,500). On 8 May 2001 Ms Williams received a day's training on Lotus Notes the cost of which was partly met by AtW. On 17 May 2001, because of continuing problems with the adaptive software, JWT decided to try to find her another job but had failed to do so by September 2001 when she was told to do some video conferencing work. On 8 October 2001 she resigned and claimed less favourable treatment and a failure to make reasonable adjustments under the DDA and constructive unfair dismissal under the Employment Rights Act 1996 in the Employment Tribunal (ET).

Ms Williams' claim was successful in the ET. JWT appealed to the Employment Appeal Tribunal (EAT) arguing that they were justified because of the technical difficulties in using Lotus Notes with adaptive software and the cost of overcoming these problems. The EAT upheld the appeal. The CA, however, overturning the EAT's decision noted that:

"JWT agreed to employ Ms Williams to do a specific job (Worldwide IT Developer) knowing that she was totally blind, that she did not know how to use Lotus Notes; and that she would need

to learn and be trained how to use them in order to do the job she was employed to do in JWT. Having taken Ms Williams on in those circumstances, JWT then failed properly to investigate either before or after she started her employment the cost and time that it would take fully to train an unsighted person for the job that she was employed to do. She was not supplied with the necessary equipment and training to do the work she was employed to do. She was not given work of the kind she was employed to do or other suitable work instead."

What is apparent in this case is that JWT had not identified a vacancy that it needed to fill and then followed proper recruitment processes of:

- Assessing the essential criteria for the role concentrating on the outcomes required.
- Assessing what reasonable adjustments were possible to the process of achieving these outcomes, e.g. working from home.
- Asking candidates if they would require any adjustments.

Managing recruitment

- Assessing if adjustments required by a particular disabled candidate would be possible, i.e. using adaptive software and the impact of implementing them on existing systems and personnel.
- Assessing how much these adjustments would cost, what assistance was available towards these costs and how long it would take to implement the adjustments in order to determine if they were reasonable.

JWT discovered too late what was entailed in making adjustments for Ms Williams and so was unable to rely on the defence of justification.

This case was decided under the DDA but the principles remain relevant under the Equality Act 2010.

Asking for references

The purpose of an employer's reference is to comment on the employee's individual performance, skills and experience in relation to their role in your business. You should not expect to receive information relating to a candidate's disability, reasonable adjustments, or specific skills relating to disability, such as lip-reading, in references from a previous employer.

In the event you do receive information you feel may be discriminatory you should not allow this information to prejudice your decision.

Many employers now only provide the briefest of details in references limiting themselves to the dates the person worked for the employer and their job title.

In some circumstances, however, you may be able to obtain guidance from a previous employer. For example, where an employee has learning disabilities or mental health problems and may be unable to elaborate on the kinds of reasonable adjustments that were made to support them in their previous employment, or simply if an employee lacks the technical expertise relating to their adjustment to elaborate.

In these circumstances you must ensure you have the employee's written consent to ask for this information.

Employee confidentiality does not prohibit the necessary sharing of information about reasonable adjustments between departments of the same business. For example, where an employee is considered for promotion or is transferred to a new work site.

Managing recruitment

This ensures that any reasonable adjustments can be made quickly and efficiently, avoiding bureaucracy and the need for the individual to undergo repeated occupational health assessments.

However, it is good practice to ensure that this policy is made clear to disabled employees when they sign the disclosure form, and that clear guidelines are provided about when confidential information may be shared, and to whom information will be made available. Better still use

a 'Tailored adjustment agreement' to record adjustments that have been agreed between the employee and their line manager. A template for a 'tailored adjustment agreement' can be downloaded from www.businessdisabilityforum.org.uk

Confidentiality

Who should you tell about a new recruit who has a disability?

When deciding who needs to have information about an individual's impairment, bear in mind whom will need to be involved in order to ensure a successful induction.

There is no need to communicate a medical diagnosis or information about the nature of a disability. Only the information relating to the need for reasonable adjustments need be discussed. Always ensure that you have the person's explicit (preferably signed) consent to the disclosure of any information about their disability and adhere to the requirements of the Data Protection Act 1998.

Monitoring the recruitment process

Monitoring how many disabled people apply for positions enables an organisation to review its recruitment policies and procedures so as to avoid unintentionally limiting opportunities for disabled people.

When monitoring, ensure you communicate why information is being gathered and what actions have been, and will be, taken in the light of the information. For example, will you be putting in place targets to recruit more disabled employees?

Information gathered for the purposes of monitoring should be separated from the rest of the application, and the candidate told.

Regulatory framework

Disability discrimination under the Equality Act 2010

Direct discrimination

It is unlawful for an employer to treat a disabled job applicant, or employee, less favourably, simply because of their disability. This type of discrimination is known as direct discrimination. It is unlawful and cannot be justified.

Discrimination arising from disability

Discrimination arising from disability which occurs when:

- An employer knows or could reasonably be expected to know that the person is disabled.
- The disabled person experiences unfavourable treatment which arises as a consequence of their disability.

There is no requirement for a comparator, i.e. the disabled person does not have to show that they have been treated or would have been treated less favourably than someone else.

An employer can justify detrimental treatment arising out of a disability if they can show that it is a proportionate means of achieving a legitimate aim.

Indirect discrimination

The Equality Act 2010 has introduced the new concept of indirect disability discrimination.

Indirect discrimination occurs when a seemingly neutral provision, criterion or practice that applies to everyone places a group who share a characteristic, e.g. a disability at a particular disadvantage. An example could be a requirement for every employee to drive or hold a driving licence which places some people who cannot drive because of their disability at a greater disadvantage than other people.

Indirect discrimination may, however, be justified if it can be shown that the provision, criterion or practice is a proportionate means of achieving a legitimate aim, for example if driving is an essential part of the job.

Reasonable adjustments

An employer has a duty under the Equality Act 2010 to make reasonable adjustments (which includes providing auxiliary aids such as a support worker or information in alternative formats) to prevent a disabled employee from being placed at a substantial disadvantage by any physical feature of the premises, or by any provision, criteria or practice of the employer.

The duty applies to all aspects of employment, including recruitment and selection, training, transfer, career development and retention and redundancy. Failure to make a reasonable adjustment to a provision, criteria or practice, or to a physical feature of the workplace where this is placing a disabled person at a substantial disadvantage compared to people without a disability, is unlawful and cannot be justified. Examples of reasonable adjustments for people with asthma are given throughout this briefing.

When deciding whether or not an adjustment is reasonable an employer should consider the:

- Effectiveness of the adjustment in preventing the disadvantage.
- Practicality of the adjustment.
- Financial and other costs of the adjustment and the extent of any disruption caused.

- Extent of the employer's financial or other resources.
- Availability to the employer of financial or other assistance to help make an adjustment, for example through the Access to Work (AtW) scheme and the support of Jobcentre Plus.

Equality duty

Public authorities and those carrying out public functions are required by the Equality Act 2010

to promote equality of opportunity for disabled people. This includes ensuring that third parties, such as recruitment agencies which provide services to the authority, do not discriminate against disabled people and that they positively encourage disabled candidates to apply for jobs within the authority. The duty also means that authorities need to think in advance about the needs of both disabled employees and potential disabled employees. Authorities should bear this in mind when reading this briefing.

As well as the Equality Act 2010, there is also a "statutory" Code of Practice on Employment. "Statutory" means that it is produced under the legislation, it is admissible as evidence and must be taken into account by courts and tribunals where relevant.

What is a disability?

The Equality Act 2010 gives rights to disabled people who have, or have had, a disability which makes it difficult for them to carry out normal day-to-day activities. The term 'disability' covers both physical and mental impairments that have a substantial and a long-term (i.e. has lasted or is expected to last for at least 12 months) adverse effect on the person's ability to carry out normal day-to-day activities. "Substantial" means more than minor or trivial.

Medical or other treatment and aids, including therapeutic treatments such as psychotherapy, which alleviate or remove the effect of the impairment are to be disregarded when assessing whether the impairment has a substantial adverse effect on normal day-to-day activities. Thus people with conditions such as insulin dependent diabetes, epilepsy or depression may be protected.

Managing recruitment

The only exceptions are people who wear spectacles or contact lenses – the effect on them must be assessed while the person is wearing the spectacles or contact lenses. However, people who are registered as blind or partially sighted with an ophthalmologist or their local authority are deemed to be disabled.

Progressive conditions, which have a slight effect on day-to-day activities but are expected to become substantial, are covered, as are conditions that have a substantial effect for short periods but are likely to recur. However, HIV, multiple sclerosis and cancer are deemed to be disabilities from the point of diagnosis. Severe disfigurement is also classed as a disability if it is long term.

People who have had a disability in the past which had a substantial adverse effect on their normal day-to-day activities for a period of at least 12 months are also protected by the Act. This is the case even if their disability existed before the Equality Act 2010 or its predecessor the Disability Discrimination Act (DDA) came into force and they have now fully recovered.

People associated with a disabled person and people who are wrongly perceived to have

a disability are also protected from direct discrimination and harassment. The duty to make reasonable adjustments, however, does not extend to people associated with a disabled person or who are perceived to be disabled.

There is always a level of risk of both litigation and loss of reputation for an employer who fails to follow the requirements of the law because they assume that an employee will not meet the definition of disability. Remember that the purpose of a reasonable adjustment is to enable

an employee to perform to the best of their ability and to make a valuable contribution to your organisation.

If you are uncertain whether an individual is covered by the law, it would be prudent to assume that they are covered, and to consider what adjustments, if any, are necessary for them to do their job.

Further information

Contact Business Disability Forum

Business Disability Forum

Nutmeg House, 60 Gainsford Street,
London SE1 2NY.

Telephone: **+44-(0)20-7403-3020**

Textphone: **+44-(0)20-7403-0040**

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

Email: **enquiries@businessdisabilityforum.org.uk**

Website: **businessdisabilityforum.org.uk**

About Business Disability Forum

Business Disability Forum is a not-for-profit member organisation that makes it easier and more rewarding to do business with and employ disabled people.

We have more than twenty years experience of working with public and private sector organisations, formerly as the Employers' Forum on Disability.

Our 400 members employ almost 20% of the UK workforce and together, we seek to remove the barriers between public and private organisations and disabled people. We are a key stakeholder for both business and government. We have contributed to the establishment and development of meaningful disability discrimination legislation in the UK.

Business Disability Forum provides pragmatic support by sharing expertise, giving advice, providing training and facilitating networking opportunities. This helps organisations become fully accessible to disabled customers and employees.

If you would like further information, contact Business Disability Forum's advice service on **+44-(0)20-7403-3020** or **advice@businessdisabilityforum.org.uk**.

Business Disability Forum products and services

Line manager guides

- Performance management
- Non-visible disabilities
- Reasonable adjustments
- Attendance management and disability
- Working with disabled colleagues
- Mental health at work

The line manager guide series, plus other best practice and etiquette guides, are available to purchase as electronic toolkits, in hard copy or licensed for your organisation's intranet. Please contact the team on **+44-(0)20-7089-2410** or email **publications@businessdisabilityforum.org.uk**.

Business Disability Forum membership enables you to:

- Access specialist advice and training on disability legislation and related employment regulations.
- Enhance your reputation with disabled people, employees, customers and government.
- Improve your business performance, enabling you to become a disability-smart organisation that has access to the widest possible talent and customer base.

Other Business Disability Forum products and services:

Advice service

Our Members and Partners receive access to our free and confidential advice service. Our team of expert disability consultants are proud of the prompt and professional service they provide. They are available during normal working hours and will aim to respond within 24 hours or as quickly as possible in more complicated cases.

In addition to dealing with queries the service will review Members' and Partners' specific policies. This service is limited to two hours per policy and is by appointment only.

The advice service can be reached by telephone: **+44-(0)20-7403-3020**, email: **advice@businessdisabilityforum.org.uk** or textphone: **+44-(0)20-7403-0040**

Telephone surgeries

Legal

Bela Gor, expert in disability law and Business Disability Forum Legal Director runs free monthly in-house telephone surgeries. The surgeries are for members with questions on topical legal issues.

The surgeries aimed at lawyers, HR and diversity managers and employee representatives. Surgeries are limited to 20 minute slots and must be booked in advance by emailing: **events@businessdisabilityforum.org.uk** or by telephoning: **+44-(0)20-7403-3020**.

Disabled Employee Networks

Kate Nash OBE, a Business Disability Forum Associate, hosts a telephone surgery for Disabled Employee Network managers on the last Monday of every month. This advice is free for Partner Group members.

Surgery slots can be up to one hour long but must be booked in advance by emailing: **events@businessdisabilityforum.org.uk** or by telephoning: **+44-(0)20-7403-3020**.

Training and networking

Training

We develop and deliver tailored in-house disability training. Your organisation will benefit from our knowledge, experience and speakers from our network of disability experts.

Our experience of workplace disability issues, in both the private and public sectors, allows us to readily understand your training requirements and offer the right mix of training. We focus on providing value to your organisation.

Networking

We organise a comprehensive programme of events. All our events are based on promoting and sharing best practice and helping members to learn from each others experience.

You can contact our events team on:

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

Textphone: **+44-(0)20-7403-0040**

Email: **events@businessdisabilityforum.org.uk**

Our events are either free or discounted to Members and Partners. Paying events are open to non-member organisations and individuals.

Publications

The Business Disability Forum library is a unique source of accurate, authoritative and up-to-date information on business and disability. The briefings, toolkits and line manager guides cover every aspect of bringing organisations and disabled people together from recruitment and retention to reasonable adjustments and disabled employee networks. They provide practical advice to help organisations recruit and retain disabled people and serve disabled customers.

More than eight million copies of our publications are in circulation, used by forward-thinking organisations across the private and public sectors.

Members receive a free set of our world-leading publications on joining.

Consultancy

Our consultants are skilled at analysing your business performance on disability against the framework of the Disability Standard and can provide you with a detailed insight of where you are on disability, where you need to be and how to get there.

We;

- Review, audit and evaluate your processes and policies across the business including recruitment, customer services and workplace adjustments.
- Carry out gap analysis of what is working well for disabled customers and employees, identify where there are concerns and highlight any legal risks.
- Provide pragmatic and effective help with planning and implementation to bring about real change.

To discuss your consultancy needs and what we can offer please contact us on tel: **+44-(0)20-7403-3020**, or email **consultancy@businessdisabilityforum.org.uk**

Other benefits popular with members include:

- Free e-check for your intranet or website.
- Free two-hour document review service.
- Participation in Business Disability Forum's Disability Standard, the authoritative measure of how disability-smart an organisation is, providing a way to improve customer and employee experiences.
- Member-only content on our Disability Standard website (which can be accessed by all employees).

Further information on joining Business Disability Forum's membership and a comprehensive list of our Partners can be downloaded from www.businessdisabilityforum.org.uk/become-a-member

Business Disability Forum

Nutmeg House, 60 Gainsford Street, London SE1 2NY

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

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

Email: enquiries@businessdisabilityforum.org.uk

Website: businessdisabilityforum.org.uk

Further sources of reference

Useful organisations

Placeability

c/o dePoel Managed Services Ltd The Old Shippon Moseley Hall Farm Chelford Road Knutsford, Cheshire, WA16 8RB

PlaceabilityTM is an organisation dedicated to helping disabled people, the long-term unemployed and people with learning difficulties to find permanent & temporary employment at all levels within varying industry sectors, while supporting employers to realise the benefits of a diverse workforce.

DiversityJobs

DiversityJobs Ltd, Peregrine House, Paradise Road, Richmond, Surrey, TN9 1SE.

Tel: **+44(0)-800-644-0432**

Textphone: **18001**

SMS: **+44(0)-7590-332-992**

Email: There is an email form on the website under 'Contact Us'

Website: **diversityjobs.co.uk**

Diversity Jobs advertise positions from companies who promote equality, diversity, inclusion and accessibility in their workplaces. Organisations who advertise through Diversity Jobs may be recognized for supporting their employees with, for example, disabilities, from black and minority ethnic races, or who are gay/lesbian/bisexual or transgender.

Microlink

Microlink House, Brickfield, Lane, Chandlers Ford, SO53 4DP.

Tel: **+44(0)-800-999-2620**

Mobile: **+44(0)-330-555-0-999**

Fax: **+44(0)-2380-240310**

Email: **csa@microlinkpc.com**

Website: **microlinkpc.com**

Microlink are the biggest suppliers of assistive technology and disability management solutions in the UK. They also provide technical support and technical advice to help people with disabilities to achieve their potential.

Remploy

Remploy, 18c Meridian Business Park, Leicester, LE19 1WZ

Tel: **+44(0)-845-155-2700**

Fax: **+44(0)-845-155-2701**

Minicom: **+44(0)-845-155-0532**

Email: **info@remploy.co.uk**

Website: **remploy.co.uk**

Remploy is one of the UK's leading supporters of enabling people with disabilities to overcome barriers to employment. They work with jobseekers, employers, and their partners to provide a range of services in their various branches and offices across the UK. These services include developing skills, and careers and interview advice for jobseekers, and recruitment, training and information on vocational rehabilitation to employers.

The Recruitment Society

14 Lawford Place, Lawford, Manningtree, Essex, CO11 2PT

Tel: **+44(0)-7740-403-180**

Email: **admin@recsoc.org**

Website: **recsoc.org**

A membership organisation for professionals interested in recruitment. The Society is a network where best practice and exchanging ideas on recruitment can be shared.

APSCO

Terracotta Court, 167 Tower Bridge Road, London, SE1 3LN

Tel: **+44(0)-8458-997-388**

Fax: **+44(0)-8458-997-389**

Email: **info@apsco.org**

Website: **apsco.org**

The Association of Professional Staffing Companies (APSCO) is a membership organisation that provides business information, research, networking, and forum events for members to share expertise and best practice.

The Shaw Trust

Shaw Trust Enquiries, Shaw House, Epsom Square, White Horse Business Park, Trowbridge, Wiltshire, BA14 0XJ

Tel: **+44(0)-1225-716300**

Fax: **+44(0)-1225-716301**

Text service: **80010**

Email: There is an email link on the website in the 'Contact Us' section.

Website: **shaw-trust.org.uk**

The Shaw Trust supports access to employment for people with disabilities by helping people to prepare for work, finding employment, and managing a disability. They can also help employers with recruitment and by advising on accessibility.

National Autistic Society

393 City Road, London, EC1V 1NG

Tel: **+44(0)-207-833-2299**

Fax: **+44(0)-207-833-9666**

Helpline: **+44(0)-808-800-4104** (10am-4pm, Monday-Friday)

Email: **nas@nas.org.uk**

Website: **autism.org.uk**

The National Autistic Society provides information and support to people with autism. Their employment support service, Prospects, helps jobseekers to find and stay in employment.

National Association of Disability Practitioners

Moulton Park Business Centre, Redhouse Road, Moulton Park,
Northampton, NN3 6AQ.

Tel/Fax: **+44(0)-1604-497-933**

Email: **admin@nadp-uk.org**

Website: **nadp-uk.org**

A membership organisation that delivers codes of practice, conferences, training events, disseminating good practice, and a legal helpline service to professionals who provide disability services in the post-14 education sector.

Royal British Legions Industry (RBLI)

Hall Road, Aylesford, Kent, ME20 7NL

Tel: **+44(0)-1622-795-900**

Email: **enquiries@rbli.co.uk**

Website: **rbli.co.uk**

The RBLI help people with disabilities gain or return to employment. They also provide services to employers such as recruitment, supporting and retaining employees with disabilities, workshops for staff, and consultancy.

The Legal Services Commission (Legal Aid)

Website: **justice.gov.uk/legal-aid**

The Legal Services Commission provides legal aid, advice and information in England and Wales through two schemes: the Community Legal Service (CLS) and the Criminal Defence Service (CDS).

Equality Advisory Support Service (EASS)

Freepost equality advisory support service FPN4431

Telephone: **+44(0)-808-800-0082**

Textphone: **+44(0)-808-800-0084**

Website: **equalityadvisoryservice.com**

EASS provides information advice and support on discrimination and human rights issues to individuals in England, Scotland and Wales, recognising the constitutional, legal, social and policy differences.

The Equality and Human Rights Commission (EHRC)

Website: **equalityhumanrights.com**

EHRC has a statutory remit to promote and monitor human rights; and to protect, enforce and promote equality across the nine "protected" grounds - age, disability, gender, race, religion and belief, pregnancy and maternity, marriage and civil partnership, sexual orientation and gender reassignment.

Equality Commission for Northern Ireland

Equality House, 7 - 9 Shaftesbury Square, Belfast, BT2 7DP

Telephone: **+44(0)-28-90-500-600**

Textphone: **+44(0)-28-90-500-589**

Fax: **+44(0)-28-90-248-687**

Email: **information@equalityni.org**

Website: **equalityni.org**

The Commission promotes equality and challenges discrimination in Northern Ireland.

Access to Work

London

Telephone: **+44(0)-20-8426-3110**

Textphone: **+44(0)-20-8426-3133**

E-mail: **atwosu.london@jobcentreplus.gsi.gov.uk**

Scotland

Telephone: **+44(0)-141-950-5327**

Textphone: **+44(0)-845-602-5850**

E-mail: **atwosu.glasgow@jobcentreplus.gsi.gov.uk**

Wales

Telephone: **+44(0)-2920-423-291**

Textphone: **+44(0)-2920-644-886**

E-mail: **atwosu.cardiff@jobcentreplus.gsi.gov.uk**

Website: **gov.uk/access-to-work/overview**

Access to Work (AtW) is a government scheme run by Jobcentre Plus that covers the financial cost of providing disability solutions that would otherwise not be considered a "reasonable adjustment".

Jobcentre Plus

Website: **gov.uk/contact-jobcentre-plus**

Jobcentre Plus supports people of working age from welfare into work and helps employers to fill their vacancies.

ACAS

Euston Tower, 286 Euston Road, London NW1 3JJ.

Telephone Helpline: **+44(0)-8457-38-37-36**

Text Relay: **+44(0)-8457-47-47-47** (Monday-Friday 8am-8pm, Saturday 9am-1pm) 18001 08457 474747

Website: **[acas.org.uk](https://www.acas.org.uk)**

ACAS provides independent advice on employment disputes for employers and employees.

Citizens Advice Bureau

England: **+44(0)-8444-111-444**

Wales: **+44(0)-8444-77-20-20**

TextRelay: **+44(0)-8444-111-445**

Website: **[citizensadvice.org.uk](https://www.citizensadvice.org.uk)**

The Citizens Advice Bureau advises on employment and benefits issues, including access to legal advice.

Disability guidance

Two Ticks or disability symbol

The two ticks scheme is a recognition given by Jobcentre Plus to employers based in Great Britain who have agreed to take action to meet five commitments regarding the employment, retention, training and career development of disabled employees.

Tailored adjustment agreement

Website: **[businessdisabilityforum.org.uk/talent-recruitment](https://www.businessdisabilityforum.org.uk/talent-recruitment)**

This is a live document recording the reasonable adjustments that have been agreed for an employee.

Employment resources

Society of Occupational Medicine

Hamilton House, Mabledon Place, London WC1H 9BB

Tel: **+44(0)-20-7554-8628**

Fax: **+44(0)-20-7554-8526**

Email: **admin@som.org.uk**

Website: **som.org.uk**

Society for doctors providing occupational health services in the workplace, the armed services and academic institutions in the UK.

Gov.UK

Website: **gov.uk**

The government's website has information about disability rights and employment.

Employment Tribunal (ET)

Open from 9.00am to 5.00pm Monday to Friday.

Enquiry Line: **+44(0)-845-7959775**

Textphone: **+44(0)-845-7573722**

Website: **justice.gov.uk/tribunals/employment**

Provides individuals with the opportunity to pursue employment and discrimination complaints against their employer.

Employment Appeal Tribunal (EAT)

Website: **justice.gov.uk/tribunals/employment-appeals**

Provides individuals with the opportunity to appeal against Tribunal decisions regarding employment and discrimination complaints against their employer.

Legislation

Data Protection Act 1998

If you handle personal information about individuals, you have a number of legal obligations to protect that information under the Data Protection Act 1998.

The Information Commissioner's Office also has guidance for organisations on handling personal data on their website: www.ico.gov.uk/for_organisations/data_protection.aspx Equality Act 2010

Equality Act 2010

Website: legislation.gov.uk

The Equality Act came into force from October 2010 providing a modern, single legal framework with clear, streamlined law to more effectively tackle disadvantage and discrimination.

The Health and Safety Executive (HSE)

Website: hse.gov.uk

HSE is the national independent watchdog for work-related health, safety and illness. They are an independent regulator and act in the public interest to reduce work-related death and serious injury across Great Britain's workplaces.

The Health and Safety at Work Act 1974

Website: hse.gov.uk

The Health and Safety at Work Act 1974, also referred to as HSWA, HSW Act or HASAWA, is the primary piece of legislation covering occupational health and safety in Great Britain. The Health and Safety Executive with local authorities (and other enforcing authorities) is responsible for enforcing the Act and a number of other Acts and Statutory Instruments relevant to the working environment.

The Management of Health and Safety at Work Regulations 1999

Website: legislation.gov.uk

The Management of Health and Safety at Work Regulations have been put in place in order that organisations take care of everyone they work in conjunction with – employees, contractors, clients or customers. The aim of the regulations is to reduce damage by assessing all potential risks and to create action plans for emergencies.

Workplace (Health, Safety and Welfare) Regulations 1992

Website: legislation.gov.uk

The Workplace (Health, Safety & Welfare) Regulations 1992 cover any premises or part of premises (excluding domestic premises) which are made available to any person as a place of work. They cover a wide range of basic health, safety and welfare issues.

Code of Practice on Employment

Website: equalityhumanrights.com

Provides guidance to individuals, businesses, employers and public authorities with the information

they need to understand the Equality Act, exercise their rights and meet their obligations.

Equality duty

Website: equalityhumanrights.com

The public sector equality duty consists of a general equality duty, which is set out in section 149 of the Equality Act 2010 itself, and the specific duties which came into law on the 10th September 2011 in England and 6 April in Wales. The general equality duty came into force on 5 April 2011.

Flexible Working Regulations 2006

Website: legislation.gov.uk

Under the terms of this act employers are obliged to consider requests for flexible working from

those who care for certain adults.

Disability awareness training

Business Disability Forum

Nutmeg House, 60 Gainsford Street, London, SE1 2NY

Telephone: **+44-(0)20-7403-3020**

Textphone: **+44-(0)20-7403-0040**

E-mail: events@businessdisabilityforum.org.uk

Business Disability Forum offers a wide range of in-house training courses which can be tailored to an organisation's specific needs. Our organisation has over 20 years of experience and access to an extensive network of disability experts, which can benefit your business.

Enhance the UK

171, Narbeth Drive, Aylesbury, HP20 1PZ

Telephone: **+44(0)-7930-289-162**

E-mail: info@enhancetheuk.org

Website: enhancetheuk.org

Enhance the UK - are a user-led charity aiming to educate society about disability and assist those with a disability in playing a full and active role in society. Their aim is to remove the embarrassment of social interaction when working with disabled people by teaching simple hints and tips in a fun interactive learning environment. They provide a range of training targeted to the needs of individual organisations and companies.

Royal National Institute of Blind People (RNIB)

RNIB Access Consultancy Services, PO Box 173, Peterborough, PE2 6WS

Telephone: **+44(0)1733-37-53-70**

E-mail: **accessconsultancy@rnib.org.uk**

Website: **rnib.org.uk**

Royal National Institute of Blind People (RNIB) is the leading charity offering information, support and advice to almost two million people with sight loss. They offer training for customer facing teams to help them to identify and meet the needs of customers with disabilities.

Equo Limited

38 Alexandra Road, Lowestoft, Suffolk, NR32 1PJ

Telephone: **+44(0)845-250-0617**

E-mail: **training@equo.co.uk**

Website: **equo.co.uk**

Equo Limited offers disability awareness training as an online module, with the aim of helping people be more confident in their day-to-day dealings with disabled people.

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Contact us

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