



Recruiting and employing disabled people

By making reasonable adjustments to your policies and premises, you could open up jobs to many more recruits.

To be protected against disability discrimination, a person would need to meet the definition of a disabled person under the Disability Discrimination Act 1995 (DDA), as amended. In general, someone is considered to be disabled under the act if they have a "physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities." However, special rules apply to certain impairments, such as progressive conditions, eg cancer or HIV, which are covered by the act effectively from the point of diagnosis.

The aim of this guide is to help businesses understand how to maximise the potential of disabled employees, how to tap into funding and support and how to handle recruitment.

The business case for employing disabled people

There are sound business reasons for employing disabled people. You can:

- widen your pool of candidates from which to recruit staff
- gain a competitive advantage by having a diverse workforce that can attract a diverse range of customers
- make your business more representative of the community and foster a better public image as a fair and inclusive business
- improve staff morale and loyalty to a business by being inclusive and representative of the population of the UK
- avoid claims of unlawful disability discrimination

If an organisation employs a disabled member of staff, they would need to make reasonable adjustments - to the physical features of the premises if necessary - to allow the disabled

employee to work. A reasonable adjustment does not have to be costly and might include widening a doorway to allow wheelchair access or providing an accessible toilet. But an employer only needs to make adjustments that are "reasonable", bearing in mind such things as the cost of the adjustment and its practicability.

There is financial and practical help available to employers from a range of sources to help improve access and facilities for disabled people. See the page in this guide on advice on disability and funding for employers.

As well as considering adaptations to your workplace, you could consider employing disabled people as homeworkers - see our guide on employees working from home. In many cases, their homes will already be equipped to meet their needs.

Find guidance on employing disabled people in Northern Ireland on the Equality Commission for Northern Ireland website.

Advice on disability and funding for employers

The Department for Work and Pensions' Jobcentre Plus provides information and advice to employers on adopting good employment policies and practices in the recruitment, retention, training and career development of disabled people. Jobcentre Plus also operates a range of schemes and services designed to assist both employers and disabled people looking to work.

Read about assistance for employers wanting to employ disabled people on the Jobcentre Plus website.

Access to Work (AtW) helps disabled people to get or keep jobs by contributing towards their extra employment costs. It provides advice and practical support to disabled people and their employers to help overcome work-related obstacles.

The scheme may pay a grant of up to 100 per cent of the approved costs for someone who is starting a job with you. For existing employees, the grant may provide 80 per cent of the approved costs over the first £300. Read about the AtW scheme on the

Jobcentre Plus website.

Talk to a **Disability Employment Adviser (DEA)** at your local Jobcentre Plus (or the Disablement Advisory Service in Northern Ireland) for further advice on employing disabled people. Search for your local Jobcentre Plus office on the Jobcentre Plus website and find out about the Disablement Advisory Service on the Department for Employment and Learning website.

You can also talk to a DEA about the **Job Introduction Scheme (JIS)**, which can provide a weekly grant of £75 towards the employment or training costs for the first six weeks of employing a disabled person. This gives you and the new employee time to discover whether the job is right for them. Read about the JIS on the Jobcentre Plus website.

WORKSTEP is an individually tailored package of practical support for employers with disabled employees whose needs are more complex. Find out about WORKSTEP on the Jobcentre Plus website.

The **Work Preparation programme** is designed to let disabled people try out different types of work. Jobcentre Plus arranges these placements. Find out about the Work Preparation programme on the Jobcentre Plus website.

New Deal aims to give unemployed people help in getting work. New Deal for Disabled People is delivered through a network of job brokers who have experience of working with people with health conditions or disabilities. Find out about New Deal for Disabled People on the Jobcentre Plus website.

Recruiting disabled people to work for your business

You can encourage applications from, and avoid discrimination against, disabled people when recruiting and employing your staff.

Before advertising/recruitment

Consider what reasonable adjustments you could make to the working environment, hours or responsibilities so that the job could be done by people with a variety of disabilities. Changes could

include moving a workstation, allowing home working, or splitting tasks. Reasonable adjustments will not put your business at risk.

Although you need to take a flexible approach and avoid making assumptions, it would be sensible to consider the type of adjustments that might be made before you start the recruitment process. You should also ensure your staff are trained in disability awareness.

This preparation should help eliminate uncertainty about how a disabled employee would be able to undertake a job. If a job applicant advises you at the interview that they have a disability, you should ask what, if any, are the precise adjustments they would require to enable them to do the job successfully.

Advertising and recruitment

Some of the most helpful places to advertise jobs in order to attract disabled people are through Jobcentre Plus, or perhaps through services such as the Talking Newspaper Association of the United Kingdom (TNAUK). Find out about talking newspapers on the TNAUK website.

The Disability Rights Commission (DRC) can take legal action against employers who use job advertisements suggesting that the success of an application may depend on whether or not the applicant is disabled or if the advert indicates reluctance to make reasonable adjustments. Download the revised code of practice for employers from the DRC website (PDF). Third party publishers, eg newspapers, are liable if they publish discriminatory advertisements.

Download guidance on how to ensure that your recruitment process does not discriminate against disabled people from the Equality Commission for Northern Ireland website (PDF).

In order to avoid potential problems, job descriptions and person specifications shouldn't discourage applications from disabled people. Include the phrase "applications from disabled people are particularly welcome", or guarantee an interview for any disabled applicant meeting the minimum criteria. A reasonable adjustment may be to create advertisements and documentation in other formats,

eg large print or Easy Read, and you should be prepared to accept applications in other ways, eg on tape.

Interviews and selection

Ensure that the location and venue are accessible, and that selection procedures such as tests don't disadvantage disabled candidates. For example, you might allow a disabled candidate extra time to complete a test if appropriate.

Helping disabled employees in your business

You should be aware that discrimination against disabled people in all areas of employment - including induction, training and development, and promotion - is unlawful. You can read guidance on employing people at the Disability Rights Commission (DRC) website.

It may be helpful for disabled employees in your business, if you consider the following areas.

Induction

Consider whether your induction training is accessible for disabled people. Ask new employees about access needs during the induction.

Training

Consider the needs of disabled people during training, for example by providing specialist seating and scheduling regular breaks in order to avoid sitting for long periods of time. Your training programme should also be tailored, as necessary, to take into account an individual's learning impairment or other disability.

Career development

Make reasonable adjustments for disabled employees to undergo all training on offer and to be fully involved in staff meetings. Don't overlook disabled employees for promotion because they cannot do a certain task - it might be reasonable to assign non-core tasks to other members of staff.

Disciplinary action

If you should need to take disciplinary action against a disabled employee, ensure you've considered any reasons related to their disability, which may have

contributed to the event that prompted the disciplinary action.

Assessing performance and capability

Consider whether disability may play a part when deciding whether a disabled person's attendance/performance meets the needs of the job and your business. Some employers might offer "disability leave" as a reasonable adjustment, ie where any absence necessitated by a disability is not counted as sick leave for the purposes of monitoring.

Redundancy

Apply the same arrangements and requirements for redundancy for disabled people as for others. Ensure your selection criteria for redundancies aren't discriminatory.

Safety

Take into account and prioritise the needs of disabled people when assessing your risks. Health and safety issues should not be used as an excuse to discriminate against disabled people.

Download guidance about health and safety management and disability in the workplace from the Commission for Equality and Human Rights website.

When an employee becomes disabled

It is typically more cost-efficient to retain an employee who has become disabled rather than recruit and train a new person.

You may need to make reasonable adjustments to the premises and to the disabled employee's job description to enable them to continue in their job. These include:

- offering a phased return to work, part-time work or flexible working times
- providing extra or more flexible rest breaks
- considering homeworking to avoid the need for travel
- allocating to other staff the tasks that the employee can no longer carry out
- carrying out reasonable adjustments to make your premises more accessible
- offering an alternative position if one exists
- providing practical aids and technical equipment that helps the disabled employee in their job

The Access to Work (AtW) scheme may be able to provide you with funding or help in organising aids

and adjustments to your business premises. Read about the AtW scheme on the Jobcentre Plus website.

Talk to your local Disability Employment Adviser for further advice on retaining an employee who becomes disabled. Search for your local Jobcentre Plus office on the Jobcentre Plus website.

It is important to understand the distinction between illness and disability. Illness can be defined as a short-term incapacity from which the employee will fully recover. In general, someone is considered to be disabled for the purposes of the Disability Discrimination Act (DDA) if they have a "physical or mental impairment which has a **substantial** and **long-term adverse effect** on his ability to carry out normal day-to-day activities." However, special rules apply to certain impairments, such as progressive conditions. For example, the DDA 2005 extended the provisions of the 1995 Act to ensure that people with cancer, HIV and multiple sclerosis are protected effectively from the point of diagnosis.

In addition, the requirement that a mental illness must be "clinically well recognised" before it is judged to be a mental impairment for the purposes of the Act has been removed. You can download a guide to promoting mental health and reducing discrimination at work from the Shift website (PDF).

Find out about disability and the DDA 2005 on the Directgov website.

If someone claims to be disabled according to the definition applied by the Act, it may be best practice to assume that this is the case. For further guidance, download the revised code of practice for employers from the Disability Rights Commission website (PDF).

In Northern Ireland the Special Educational Needs and Disability (Northern Ireland) Order 2005 is aimed at preventing disability discrimination in education. It applies to schools, education and library boards, universities and colleges including teacher training and agricultural colleges.

What the law says on employing disabled staff

The Disability Discrimination Act (DDA) 1995, as amended, makes discrimination on the grounds of disability unlawful. Employers may not discriminate against a disabled person when recruiting, employing, promoting, dismissing or making redundant members of staff.

Where discrimination occurs "on the grounds of" disability, this is counted as direct discrimination and cannot be justified.

Discrimination also occurs when a person is, for a reason related to their disability:

- unjustifiably treated less favourably than others
- subjected to harassment
- victimised

Discrimination also occurs when an employer fails to make a reasonable adjustment in relation to a disabled person. Reasonable means in proportion to the situation and your circumstances, balancing the costs involved and your resources, amongst other things.

A reasonable adjustment is any action that an employer takes so that a disabled employee or job applicant is not placed at a substantial disadvantage in comparison to others. This could include adjustments to recruitment, selection, training, staff benefits and purchasing of or modification to equipment. It also includes making adjustments to the premises, adjusting and/or adding flexibility to work patterns and rest breaks, and giving disabled employees time off for medical appointments or recuperation.

The law covers employers of all sizes and most occupations, except service in the armed forces.

Download a short guide for employers from the Disability Rights Commission (DRC) website (PDF).

Find guidance on best practice and available help for disabled employees at the Employers' Forum on Disability website.

Equality Direct at Acas Helpline

0845 600 3444

Employers' Forum on Disability Helpline

020 7403 3020

Jobcentre Plus Employer Direct Helpline

0845 601 2001

Equality and Human Rights Commission Helpline

0845 604 6610

Related guides on businesslink.gov.uk

Use our interactive tool to investigate what kind of flexible working will best suit your employees and you

Use our interactive tool to get a checklist of things you need to do when you take on a new employee

Employees working from home

Widen your choice of employees to improve competitiveness

Prevent discrimination and value diversity

Benefits of flexible working

Search our Grants and Support Directory of grants, subsidies and advice

Access and facilities for disabled people

Grants: the basics

Recruiting and interviewing

Risk assessment - an overview

Use our interactive tool to get a checklist of how to handle potential redundancies

Fit the training to your needs

Meet minimum workplace standards

Employing part-time workers

Related web sites you might find useful

Read guidance on employing disabled people on the Disability Rights Commission website

<http://www.drc-gb.org/businessandservices/employment.asp>

Find out about disability and the DDA 2005 on the Directgov website

<http://www.direct.gov.uk/DisabledPeople/RightsAndObligations/YourRights/YourRightsArticles/fs/e>

Read about assistance for employers wanting to employ disabled people on the Jobcentre Plus website

<http://www.jobcentreplus.gov.uk/cms.asp?Page=/Home/Employers/OurServices/Programmes/Disa>

Read about the AtW scheme on the Jobcentre Plus website

<http://www.jobcentreplus.gov.uk/cms.asp?Page=/Home/Employers/OurServices/Programmes/Disa>

Read about the JIS on the Jobcentre Plus website

<http://www.jobcentreplus.gov.uk/cms.asp?Page=/Home/Employers/OurServices/Programmes/Disa>

Read about the WORKSTEP programme on the Jobcentre Plus website

<http://www.jobcentreplus.gov.uk/cms.asp?Page=/Home/Employers/OurServices/Programmes/Disa>

Read about the Work Preparation programme on the Jobcentre Plus website

<http://www.jobcentreplus.gov.uk/cms.asp?Page=/Home/Customers/HelpforDisabledPeople/WorkPr>

Read about the New Deal for Disabled People on the Jobcentre Plus website

<http://www.jobcentreplus.gov.uk/JCP/Employers/OurServices/Programmes/Disabilityserviceshelpfo>

Find out about talking newspapers on the TNAUK website

<http://www.tnauk.org.uk/>

Find out how to make your recruitment process work for disabled people at the Barrierfree recruitment website

<http://www.barrierfree-recruitment.com/>

Download the revised code of practice for employers from the DRC website (PDF)

http://www.drc-gb.org/pdf/4008_323_employment_occupation_pdf.pdf

Read about health and safety management and disability in the workplace on the DRC website

http://www.drc-gb.org/employers_and_service_provider/employment/health_and_safety_and_the

Search for your local Jobcentre Plus office on the Jobcentre Plus website

<http://www.jobcentreplus.gov.uk/JCP/Aboutus/OurOffices/Search/LocalOfficeSearch.aspx?type=1&>

Download a short guide for employers from the DRC website (PDF)

http://www.drc-gb.org/pdf/4008_472_emp4.pdf

Get guidance on working with disabled employees on the Employers' Forum on Disability website

<http://www.employers-forum.co.uk/www/index.htm>

You can find this guide on

<http://www.businesslink.gov.uk> by navigating to:

Home > Employing people > Employing different types of worker > Recruiting and employing disabled people

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