



Diversity Matters
Disability

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Finding Positive Employers

The Disability Discrimination Act 1995 (DDA) was introduced to protect people with disabilities from discrimination. It defines a disability as being 'a physical or mental impairment which has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities'. 'Substantial' is defined as anything more than trivial, for example a cut finger would not be covered, but repetitive strain injury would. 'Long-term' means anything that has lasted, or is likely to last, 12 months or more. This covers people with physical, mobility and sensory impairments, such as wheelchair users, people with cerebral palsy, arthritis, visually impaired and hearing impaired people. It also covers people with dyslexia, mental health conditions, asthma and diabetes. From December 2006, people with multiple sclerosis, cancer, including those in remission, and HIV have been covered from the point of diagnosis under the DDA.

Increasing numbers of organisations are employing applicants with disabilities and health conditions and striving for greater diversity in the workplace. Many employers recognise that there are advantages to recruiting a diverse workforce. Not only is it usually more productive, but it also:

- reflects the nature of their clients and consumers more accurately;
- offers more choice in recruitment;
- brings different life experiences, expertise and skills to the organisation;
- enables employers to identify positive changes, which will benefit other staff as well as employees with disabilities and health conditions.

These organisations often actively promote their commitment to supporting disabled employees by becoming members of the Employers' Forum on Disability (EFD) and by using the 'two ticks' symbol when advertising positions.

Graduates with disabilities are competing successfully in the graduate job market. In 2007, just over 58% of disabled graduates entered paid employment within six months of graduating, compared to just over 63% of non-disabled graduates (What Happens Next? A Report on the First Destinations of 2007 Disabled Graduates, AGCAS, 2009).

Assessing Positive Employers

It is not always possible to identify when an employer is disability friendly but you may want to consider the following points.

- What does the employer say (or not say) in recruitment information? Does the website or company literature include a policy statement on equal opportunities and/or profiles of employees with a disability?
- Do job adverts carry the Jobcentre Plus (www.jobcentreplus.gov.uk) 'two ticks' symbol, a national initiative that shows an employer has signed up to five key commitments on disability? This includes guaranteeing an interview to all applicants with disabilities who fulfill the minimum criteria of the job.

- Does the employer promote their opportunities to disability organisations and related publications and websites? The Hobsons GET Guide for Students with Disabilities (Hobsons Plc, Annual) and Arberry Profile (www.arberryprofile.co.uk) are available from university careers services.
- Do application materials outline the employer's commitment to equal opportunities and encourage applicants to declare a disability by asking what adjustments can be made to aid candidates during the recruitment process? Application forms that avoid using small print and are available in alternative formats are good indications of an employer's commitment.
- Is the company a member of the Employers' Forum on Disability (www.efd.org.uk)? This is a leading employer membership organisation focusing on disability as it affects business. It has members from sectors including retail, media, manufacturing, academia, financial services and local government.
- Try to speak to someone who works in the organisation to get a sense of how the organisation operates.

It is reassuring to know about prospective employers' attitudes, but do not limit yourself to applying only to organisations that publicise their commitments. A lack of publicity does not necessarily mean they will not be inclusive employers. Applications should be made on the basis of opportunities available and how those opportunities match your own skills and interests.

Sourcing Positive Employers

In addition to university careers services, various organisations and resources can provide support, information and advice in sourcing positive employers:

- Disability Toolkits (www.disabilitytoolkits.ac.uk) is an online resource to help disabled students based in the UK gain and maximise work experience opportunities.
- EmployAbility (www.employ-ability.org.uk) is an organisation dedicated to assisting people with all kinds of disabilities into employment. It specialises in supporting disabled undergraduates and graduates, helping to ease the transition from education to employment. EmployAbility provides support throughout the whole recruitment process, as well as recommending positive employers and promoting internship and placement scheme opportunities.
- Employment Opportunities (www.opportunities.org.uk) is a charity that provides help and support to people with a disability or health condition through the recruitment process and sourcing employment. It also offers a graduate programme designed to provide specific help and advice to disabled students and graduates from all disciplines.
- Leadership Recruitment is a partnership between Scope and national employers, providing employment placements for disabled graduates. Disabled graduates can apply for Scope's graduate work placement scheme (a 12-month contract of employment with Scope, during which you will undertake one or two paid graduate work placements). Alternatively, Scope can support you in applications to Scope's employment partners.
- SKILL (National Bureau for Students with Disabilities - www.skill.org.uk) promotes opportunities for young disabled people and adults in post-16 education, training and employment.

Further examples of diversity initiatives and activities can be found by checking out industry insights.

Marketing Yourself and Disclosure

Deciding to disclose the nature of your disability to an employer is a matter of personal choice. You are under no legal obligation to disclose a disability unless you wish to do so, and it is for you to choose the stage at which you wish to disclose.

There are a number of factors you should take into consideration when deciding whether to disclose. One of these is whether your disability raises a health and safety issue, e.g., if you have epilepsy and may experience a seizure in the work place. Another factor is whether you would need any adjustments to help accommodate your disability either at the application stage or in the course of day to day work.

Once you have disclosed your disability, you are protected by the Disability Discrimination Act (DDA), which means that your employer must take all reasonable steps to provide the necessary adjustments and must not discriminate against you because of your disability. However, if you choose not to disclose and subsequently underperform, you will not be covered by the DDA. It does not cover you in retrospect and an employer who was unaware of your condition cannot be judged to have discriminated against you.

If you choose to disclose your disability, always give it a positive perspective. You may be able to use it to provide evidence of many of the competencies employers look for, such as flexibility, determination, ability to perform under pressure and creative problem-solving.

Disclosure on the Application Form

There may be a section on the application form that asks about any serious health conditions or disabilities. You can also use the personal statement section of the application form to disclose your disability. Although you do not have to disclose a disability, you must not lie and say you do not have a disability if you do. If you do not wish to disclose, simply do not answer the question. If false information is given and your employer finds out at a later date, you will not be protected by the DDA and the employer may take issue with the fact that you have been untruthful on the application form.

If you choose not to disclose your disability on the application form, you can still do so at a later stage. For example, you may not need adjustments during the early stages of your recruitment, but may find that you do in your day to day work.

If you disclose, make sure you discuss your disability only in terms of its relevance to your performance in the job. You do not need to go into personal detail as the employer should only be concerned about how it will affect your performance in your job. Emphasise positive achievements and give examples. You may have gained skills as a result of your disability and you should not be afraid to use these as selling points. Making a positive statement about your disability may help to remove any doubts an employer may have. Do not assume that they will be negative - your experiences may give you the edge over non-disabled applicants because they may have equipped you with skills that are highly valued by employers.

While it is important to present your disability positively, avoid focusing the whole application on the issue. Your main focus should be on showing the employer your suitability, so only mention your disability where it is appropriate and relevant.

Disclosure in a CV/Covering Letter

When applying for jobs using a CV, always include a supporting covering letter. You could mention your disability in the covering letter, emphasising how your disability may have further developed the skills and experience mentioned in your CV. As stated above you should only raise this when it is relevant to your application.

On your CV, there may be a gap in your educational history due to a period of prolonged illness. You can use your covering letter to explain this, but always present it in a way that will show you in a positive light. For example, point to how well you have achieved your goals despite any difficulties your disability may have caused. Alternatively, you can refer to your disability in your CV, if, for example, you attended a specialist school or college for disabled people.

Disclosure at Pre-Interview Stage

The DDA requires employers to ensure arrangements for interviews do not put disabled applicants at a disadvantage. You may not have disclosed that you have a disability up to this point, but this is a time when you may want to identify practical needs to ensure that you can compete on a level playing field with other applicants. If you have not been invited to discuss your needs, take the initiative and contact the employer in advance - they may need time to make appropriate arrangements. This may also provide a good opportunity to instigate a brief discussion around your disability.

Disclosure at Interview

If you have not disclosed your disability up to this point, the interview presents an opportunity to do so. You may feel more comfortable disclosing when you can discuss the implications face to face and more clearly demonstrate your competencies. If you have previously mentioned your disability, the interview can be an opportunity to expand on the positive effects it has had on your life and how it has enhanced your employability. As with application forms, do not allow your disability to become the main focus. The purpose of the interview should be to focus on your ability not your disability, so ensure that appropriate time is devoted to discussing your skills and qualifications.

Some interviewers have little experience of disability and may feel anxious or unsure of workplace implications. This is an opportunity to deal with any concerns or misconceptions that an employer may have. Be prepared to make suggestions about what adjustments you would need to have made in order to do the job effectively. You could also take with you to the interview relevant information about funding or sources of information so that the employer can follow these up.

If you have not done so already, you may choose to disclose your disability once you have been offered the job or when you start work. You can decide who to tell - it may be your manager or HR - and you can also request that colleagues are not told. If your condition affects the way you work, it may be helpful to be open with colleagues so they understand and can help you with anything you may need.

Further Information

Individual requirements differ, even between people with the same disability. SKILL (National Bureau for Students with Disabilities - www.skill.org.uk) produces a booklet, *Disclosing your Disability*, that explores the arguments for and against disclosure in greater detail. Alternatively, you may wish to discuss whether, when and how to disclose your disability with a careers adviser.

Your Rights

There are almost 10 million disabled people in Great Britain, which works out as one in five adults (Equality and Human Rights Commission - www.equalityhumanrights.com).

The Disability Discrimination Act

The Disability Discrimination Act 1995 (DDA - www.opsi.gov.uk/acts/acts2005/ukpga_20050013_en_1) was created to prevent people being treated unfairly because they have a disability or health condition. It exists to ensure disabled individuals are not prevented from carrying out everyday, ordinary activities, such as learning, work, travel and shopping. It defines a person as disabled if they have or have had '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'.

The introduction of the Disability Equality Duty in December 2006 further required that public bodies must not only not discriminate against people with disabilities, but must also actively consider ways of ensuring that disabled people are treated equally and fairly.

Employment and the Law

In terms of employment, the DDA makes it unlawful for an employer to discriminate against a disabled person applying for a job or in employment. This covers:

- full and part-time work;
- apprenticeships;
- work placements;
- contract positions.

Under the DDA, an employer must not treat a disabled person less favourably than a non-disabled person for any reason relating to their disability.

The DDA applies to employing organizations of all sizes, as well as professional bodies that regulate entry into work. The only exception is the armed forces.

If you believe that discrimination has occurred, you may need to consider further action. The first step will probably be an informal discussion with your employer about your needs and the DDA. In many cases, once employers realise what the issues are, they are willing to resolve any problems and take positive steps to support you at work. Your employer can only put things right if you explain your concerns.

If this approach is not successful, or if you would like advice before taking any action, contact the Equality and Human Rights Commission (www.equalityhumanrights.com), a new independent body for Great Britain to protect human rights, including disabled peoples' employment rights. If you are based in Northern Ireland, contact the Equality Commission Northern Ireland (www.equalityni.org).

Reasonable Adjustments

Employers have a duty to make 'reasonable adjustments' in the workplace. In the context of the DDA, this includes physical changes, or changes in procedure, to reduce or remove any substantial disadvantage caused to a disabled applicant or employee. If adjustments are made for you, it does not imply that you are less able or are receiving preferential treatment; it simply allows you to alleviate difficulties that other people do not have to contend with.

Examples of reasonable adjustments include:

- providing more time in the application process or for day to day work;
- allowing flexible working hours;
- using modified equipment, such as a screen reader for a visually impaired employee or a textphone for a hearing impaired employee;
- making physical adjustments to premises;
- providing instructions and manuals in accessible formats, such as large print, disk or Braille;
- transferring a disabled employee to another place of work or post of equal standing.

Employers may ask for information about your disability or health condition to help them make reasonable adjustments, but they must not use that information to discriminate. The onus is upon the employer, not the employee, to provide adjustments. In some cases, a new graduate may not know what support is available to them and it is the employer's responsibility to seek expert advice.

As the DDA does not define what is 'reasonable', the size of the employing organisation, their resources and the nature of the work, amongst other factors, are all taken into account, but small as well as large employers can and should make adjustments. Employers must demonstrate that all possible avenues have been explored before claiming they are unable to make adjustments.

Certain disabilities may exclude individuals from some areas of employment. For example, it is unlikely that a visually impaired person would be able to become an airline pilot, but all reasonable alternatives should be explored.

Access to Work

The Access to Work scheme offers advice and information to employers on employing disabled people and a grant is available to cover the cost of reasonable adjustments. However, you may be the most knowledgeable person when it comes to your particular disability so, combined with your employer's knowledge of the role and possibly some expert advice, a very simple solution can often be found, with little or no disruption or expense. If you are starting a new job, it is worth contacting Access to Work early, as it may take some time to implement the necessary adjustments.

Top Tips

- Look for disability-positive employers, but consider all opportunities on their merits.
- Always be positive when disclosing your disability. Employers will want employees who are enthusiastic and positive, so concentrate on achievement and skill.
- Help market yourself to potential employers by familiarising yourself with the recruitment process, the job description and the person specification. Be clear about your skills and abilities, and demonstrate your competencies to the employer.
- Be aware of what adjustments you may need to do the job well. Advice is available from Jobcentre Plus (www.jobcentreplus.gov.uk), and you may be able to arrange support from Access to Work (www.direct.gov.uk/en/DisabledPeople/Employmentsupport/WorkSchemesAndProgrammes/DG_4000347).
- Try to anticipate employers' concerns and be ready to address them. Help employers to help you by suggesting adjustments or advising them of your coping strategies, and make them aware that financial support is available for adjustments.
- Be aware of potential discrimination but remember that the Disability Discrimination Act 1995 (DDA - www.opsi.gov.uk/acts/acts1995/ukpga_19950050_en_1) exists to protect you.
- If you feel you have been discriminated against, it is a good idea to raise the complaint informally with the employer, explaining their duties under the DDA. Issues can often be resolved by talking them through.
- If you are unable to discuss your complaint informally, or if you feel unhappy with the response, always remember that there are many sources of support, advice and information available. Use them to your advantage!

Case Studies

Ruth, who is deaf, graduated from Lincoln University with a BA in Media Production. Having spent some time working in the field of production she now works as an administrative assistant for a journalism trainee scheme.

While I was at university I was given a disability allowance which allowed me to have one-on-one sessions with my tutors. I also had a note-taker during the lectures and additional equipment such as computers to help me produce good work. At the start of my employment experiences I was very naïve and didn't know how to handle my disability in a working environment but I am now a lot wiser, more knowledgeable, and more tuned in to disability equality at work.

In one role I found myself in a very strange situation, I was asked by an executive of the company to walk security men and their dogs around the company building. While the executive was giving out instructions on where to take them I was busy helping a guest. I approached her and politely asked her to repeat the instructions to me. She responded in a rude and confrontational manner and said if I couldn't lip-read her how could I lip-read the dogs! I was horrified at this response.

I was very taken aback by what she had said and quite deeply upset and did not know how to immediately respond. After some careful thought I decided to speak with the said person privately and told her straight away that she had offended me and that I shouldn't have to put up with being spoken to like that in the workplace. It took a lot of courage for me to do that but it was the best thing I did as I was proud of myself for tackling the situation. After this incident I was fully supported in my role and developed a very good working relationship with the person who offended me and, as a result of the relationship created, was offered more jobs later on in my career.

I do disclose my disability to employers straight away as I need adjustments at the early stages of the recruitment process. If I am invited to a job interview I tell them before I attend the interview that I have a disability to ensure I have a fair interview with the necessary support I need. My current employer is very supportive, as have been the majority, if not all, of my previous employers. My colleagues are all very supportive as well and were willing to ask me at the outset how I wanted to communicate with them.

I would advise students and graduates to be confident about their disability especially in a work place. You also have the responsibility to advise your co-workers on how you would like to be supported by your team as they may simply not know what to do. Employers do have to make adjustments and the onus is on them to find out what is available but it does work both ways, don't expect your colleagues to automatically know what support you require; if you know what you need, tell them.

Lawrence, who has dyslexia, gained his degree in politics and sociology at the University of Exeter and currently works as a risk consultant.

I had always found writing long prose at school and college difficult but it was not until university that I proactively attempted to discover why I was struggling. The university provided well-rounded support and my lecturers were responsive to my needs, especially when it came to writing my dissertation which was a real challenge. After university I applied for several internships with the help of Employability. They were supportive in recognizing my requirements and helped to develop my understanding of my strong points and areas of development. Employability provided me with access to my current employers who have continued to develop my specific skill sets.

Generally people are cynical about dyslexia as a disability. I believe this is because it is hard to describe the different varieties and frustrations that it takes. During my university years I found that individuals expected me to justify any support that I received and laughed off explanations as 'wastes of money'. What I have learnt is that to handle this you have to be honest and attempt to educate people.

Dyslexia runs in my family and so I have always had support from them. Also since I have worked at my current employer I have seen its diversity policy evolve into a very effective network of steering committees and inclusion exercises, which I have been fortunate to be involved in. I have always been open about my disability. When I applied for jobs I made sure I described challenges I may have in the financial sector.

Having been an interviewer myself for graduate programmes, my advice to all candidates is be prepared. In this day and age everyone is aware that candidates apply for multiple industries and companies, however you should approach every interview as a unique event that requires detailed preparation. I would say the biggest stumbling point is not recognizing your own weaknesses. Nobody is perfect and outstanding candidates will recognize where they need to develop and why this is important in the industry. My final piece of advice would be to be honest.

People are willing to help but often are not educated in what form this should take. If you find they are not responsive it is their problem and not yours.

Nicholas achieved a BSc in Business Computing Systems from City University, London, which included a one year British Computer Society accredited industrial placement. He is now working as a technology analyst.

I was diagnosed with ME Chronic Fatigue Syndrome and Raynaud's Phenomenon during my first year at university. This made it very difficult for me to adapt to the change in environment and I struggled to keep up with my peers. At first there was unfortunately no full-time disability adviser to offer me support and I was only given extra time for exams. When a full-time adviser started in my final year though, I received a lot of advice and adjustments were made to aid in the completion of my dissertation.

I've had two experiences in employment concerning my disability, one bad and one very good. The first case was when I was working full-time. I had not disclosed any disability when I applied for the position as I had been well for a number of months and did not see it as an issue. When I started to experience ill-health in the job though, I told my manager as soon as it became a problem, who agreed a slight change in my working hours. Unfortunately, this agreement wasn't conveyed to my team or new manager and this became a problem when a certain colleague called me lazy and made derogatory comments about my work in front of my peers.

I took this as discrimination and made a complaint to my line manager. He set up a meeting with the head of department and I informed HR but unfortunately did not receive any support. During the meeting I was accused of gaining my job under false pretences. I argued that I was hired on the basis of my qualifications and experience and that disclosure was a personal choice. I also pointed out certain sections of the DDA, at which point they backed down and asked how the situation could be rectified. I requested a written apology and for the team to be made aware of any adjustments that were in place.

Happily last year I undertook a summer internship, assisted by EmployAbility who gave me a lot of support and advice. The internship was with an investment bank and it was a great experience. HR were very well informed and occupational health made any arrangements for equipment and adjustments. My 'mentor' and 'buddy' at work were very helpful and my team had undergone some diversity awareness training. Some team members I was assigned to work with were not aware of my disability but when I did make them aware they were very adaptable to my requirements if needed.

With the help of EmployAbility I have disclosed on all my applications and now feel confident to request adjustments as needed. I think that it is the best way for me personally, as it allows the employer and me to get prepared.

To other people in a similar situation I would say seek advice from organisations such as EmployAbility and attend their workshops. This will allow you to network with other students and graduates in the same position. Do your research into the companies you are applying to and see how well they deal with diversity issues.

Contacts and Resources

Jobs and Work

- Access to Work - www.direct.gov.uk/en/DisabledPeople/Employmentsupport/WorkSchemesAndProgrammes/DG_4000347
- Association of Disabled Professionals - www.adp.org.uk
- The Back-Up Trust - www.backuptrust.org.uk
- Blind in Business - www.blindinbusiness.co.uk
- Disability Action - www.disabilityaction.org
- Disabled Entrepreneurs Network - www.disabled-entrepreneurs.net
- Disclosing your Disability - www.skill.org.uk/uploads/disclosure.doc
- EmployAbility - www.employ-ability.org.uk
- Employers' Forum on Disability - www.efd.org.uk
- Employment Opportunities - www.opportunities.org.uk
- The Hobsons GET Guide for Students with Disabilities, Hobsons Plc, Annual
- Jobcentre Plus - www.jobcentreplus.gov.uk
- Scope - www.scope.org.uk
- Shaw Trust - www.shaw-trust.org.uk
- SKILL (National Bureau for Students with Disabilities) - www.skill.org.uk

Study

- Disability Toolkits - www.disabilitytoolkits.ac.uk

News

- Arberry Profile - www.arberryprofile.co.uk
- Disability Now - www.disabilitynow.org.uk

Reference

- Directgov - www.direct.gov.uk
- Disability Discrimination Act 1995 (DDA) - www.opsi.gov.uk/acts/acts1995/ukpga_19950050_en_1
- Disability Discrimination Act 2005 (DDA) - www.opsi.gov.uk/acts/acts2005/ukpga_20050013_en_1
- Equality Commission Northern Ireland - www.equalityni.org
- Equality and Human Rights Commission - www.equalityhumanrights.com
- SKILL Information Booklets - www.skill.org.uk/page.aspx?c=10&p=106
- Trade Union Disability Alliance (TUDA) - www.tuda.org.uk
- What Happens Next? A Report on the First Destinations of 2007 Graduates with Disabilities, Association of Graduate Careers Advisory Services (AGCAS), 2009.
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