



Diversity Matters

Mental Health

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Finding Positive Employers

There is a broad range of mental health conditions that can lead to a disability, including anxiety, bipolar disorder (manic depression), depression, obsessive-compulsive disorder and schizophrenia. For more information see the 'Understanding' series of booklets on the MIND (www.mind.org.uk) website.

According to the Higher Education Statistics Agency (HESA) (www.hesa.ac.uk) 2007/2008 student records, the number of students and graduates with mental health conditions has increased. Although in general employers are more aware of the benefits of employing a diverse workforce, there is still some way to go. See *What Happens Next? A report on the First Destinations of 2007 Disabled Graduates* for information on how graduates with a range of disabilities, including mental health conditions, are faring in the graduate job market.

Identify positive employers

- Look out for the disability symbol that is awarded to companies or organisations that have made certain positive commitments towards employing disabled people. These commitments include: interviewing an applicant if they meet the minimum criteria set out in the job description and considering them on their abilities; consulting with disabled employees; retaining employees who become disabled; and developing awareness about disability. The disability symbol is made up of two ticks and the words 'positive about disabled people' and is displayed on job adverts and application forms. Details of employers awarded the disability symbol are available from a Jobcentre Plus (www.jobcentreplus.gov.uk) disability employment adviser (DEA).
- The Mindful Employer (www.mindfulemployer.net) network, led and supported by UK employers, is aimed at increasing the awareness of mental health at work and providing support for businesses in recruiting and retaining staff. Visit the website for a list of employers that have signed the voluntary Charter for Employers who are Positive About Mental Health. Employers include private businesses, public and voluntary sector organisations.
- The Employers' Forum on Disability (EFD) (www.efd.org.uk) is an organisation with members from the private and public sector, ranging from small to medium-sized enterprises (SMEs) to large multinational organisations. It aims to improve the job prospects of disabled people by making it easier for employers to recruit, retain and develop disabled employees. Companies that are members are likely to have a positive attitude towards employing people with mental health conditions. Contact the EFD for a list of members.
- Visit your university careers service to find out which employers are positive about employing graduates with mental health conditions.

Do not limit yourself to applying only to organisations that publicise their commitments to a diverse workforce. Make your application on the basis of the opportunities available and your own interests and skills.

Identify opportunities

It is important that you find an employer you feel comfortable working for. Undertaking a period of work experience can help you find out more about an organisation, its working culture and attitudes to its employees. Experience can include paid work experience/placements, and also volunteering opportunities.

There are also several national programmes and organisations that work with employers to provide work experience, internships and graduate opportunities for people with a range of disabilities and conditions. These include:

- **EmployAbility** (www.employ-ability.org.uk) - an organisation dedicated to assisting people with all kinds of disabilities, including mental health conditions, 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) (part of the national employment charity Shaw Trust (www.shaw-trust.org.uk)) - provides help and support to people with a disability, including a mental 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.
- **Disability Toolkits** (www.disabilitytoolkits.ac.uk) - an online resource to help disabled students based in the UK gain and maximise work experience opportunities. It includes details of employers positive about recruiting people with mental health conditions.

Government initiatives such as the WorkPath Programmes (see The Jobcentre Plus (www.jobcentreplus.gov.uk) website) help disabled individuals and those with health conditions return to work following a long period of sickness or unemployment and are tailored to meet individual needs.

The Mind (www.mind.org.uk) website has a directory of specialist agencies that all have expertise in mental health and employment. Most of them support people with mental health conditions in their job search and in the workplace.

Further examples of diversity initiatives and activities can be found by checking out industry insights (www.prospects.ac.uk/links/industries).

Marketing Yourself and Disclosure

Marketing your skills and experience throughout the recruitment process is vital. See applications, CVs and interviews (www.prospects.ac.uk/links/appsinterviews) or speak to a careers adviser for further advice on marketing yourself.

To disclose or not to disclose?

Disclosing your mental health condition to a prospective employer is a personal choice. You are not legally obliged to disclose it, unless there are health and safety risks either for yourself or other colleagues.

You may feel uncertain about how an employer might react to your disclosure and that assumptions will be made about your ability to do the job. You may feel that you don't need to disclose your condition as it does not have any impact on your ability to do the job, or you may not want to discuss it with a stranger. There are, however, strong arguments for disclosing your mental health condition. The Disability Discrimination Act (DDA) makes it unlawful for employers to discriminate in their recruitment and selection process. They must also consider making reasonable adjustments and providing adequate support. If you do not disclose your condition, the employer is unable to make the necessary arrangements.

If an employer has made reasonable attempts to find out about your health condition and you have not disclosed it, you will not be able to make a claim for discrimination under the DDA, as the employer could argue they were not aware of your condition.

If you do disclose any mental health conditions, you have the right for such information to be kept confidential. Any information disclosed is protected both by the DDA and the Data Protection Act.

Disclosure on the application form

Employers can ask questions regarding disability and health conditions on application forms. They cannot use any information to discriminate, only to anticipate any reasonable adjustments that may be needed.

Depending on the type of job, you may also be asked to complete a medical questionnaire. This is to assess whether there is a medical reason why you cannot do the job. If your disability or health condition causes an adverse effect on your ability to do the role, then the employer must consider any adjustments that would reduce this. You will have to give accurate information on such forms. If there are health and safety issues either for yourself or colleagues as a result of your condition, you are obliged to inform your employer under the Health and Safety Act (1974).

You may feel that you have developed skills as a result of learning to cope with your mental health condition that increase your ability to do the job. There may be a section on the application form that allows you to use examples related to your condition in a positive way to highlight these skills.

Disclosure in a CV/covering letter

Disclosure at this stage can provide an opportunity to explain your mental health condition and its impact in a positive manner, emphasising your achievements and work-related skills. It can also be used to your advantage, particularly if there are aspects of your CV or gaps in your educational and employment history that may otherwise count against you.

Disclosure at interview

You may feel more comfortable explaining your requirements in person. An employer can only ask details about your condition in relation to the job and if any reasonable adjustments will need to be made. The focus of the interview should be on your abilities and suitability for the job.

Tips on disclosing

- Do not assume that the employer will view your mental health condition negatively - they may just be unaware of the condition, and this is your chance to inform them in a positive way.
- Be clear and confident in explaining your condition and any adjustments to your working environment.
- Emphasise your skills, abilities and experiences.
- Think about skills developed as a result of coping with and managing your condition.
- If you decide when to disclose your mental health condition, you will have more control over the way it is viewed.
- Remember that the employer should only discuss your condition in the context of the job and how it affects your work.
- If you are unsure how to approach disclosure, talk to a careers adviser.
- For more information on disclosure, read SKILL (National Bureau for Students with Disabilities) (www.skill.org.uk) information booklets *Disclosing your Disability and Careers and Work for Disabled People*.

Your rights

Disability Discrimination Act

The Disability Discrimination Act (DDA) 1995 (www.opsi.gov.uk/acts/acts1995/ukpga_19950050_en_1) makes it unlawful for employers to discriminate against a person because of their disability. It covers all aspects of employment, including:

- recruitment;
- training;
- promotion;
- benefits;
- redundancy and dismissal.

The DDA 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. The definition covers any impairment resulting from or consisting of a mental illness. While the DDA doesn't provide a list of the impairments covered, it does consider the effects of the impairment on the person.

The Disability Discrimination Act 2005 (www.opsi.gov.uk/acts/acts2005/ukpga_20050013_en_1) has removed the requirement that a mental illness must be 'clinically well-recognised' before it can amount to a mental impairment. However, a mental health condition still needs to meet the legal definition of a disability for it to be covered by the DDA.

Reasonable adjustments

The DDA requires employers to make 'reasonable adjustments' in the workplace and to employment arrangements for those who have a mental health disability to ensure that they are not placed at an unfair disadvantage.

Reasonable adjustments made by the employer could include:

- allowing flexible working hours, for example to be away from the office for treatment, rehabilitation or assessment;
- adjustments to premises;
- acquiring or modifying equipment;
- allocating some of an employee's duties to another colleague;
- providing a clear job description and task assignments to someone who finds uncertainty hard to cope with;
- a gradual induction process;
- improved disability awareness in the workplace.

Employers may ask for information about your disability or health condition to help make reasonable adjustments, but they must not use that information to discriminate.

The employer must consider any reasonable adjustments that the employee proposes, for example allowing additional leave. There are a number of factors that will be taken into account when considering what is reasonable, such as: the extent to which the adjustment will prevent the problem; its practicality; and the financial cost and availability of financial or other assistance for the employer to make the adjustments.

The Access to Work scheme

(www.direct.gov.uk/en/DisabledPeople/Emplimentsupport/WorkSchemesAndProgrammes/DG_4000347), available through Jobcentre Plus, offers advice and information to employers on employing disabled people. There is also a grant available to cover the cost of reasonable adjustments.

Discrimination in the workplace

If you feel you have been discriminated against and believe you have been treated less favourably than others for a reason related to your disability, or if your employer has not made reasonable adjustments to your workplace, you may need to consider further action.

Often this can be an informal discussion with the employer about your needs and the employer's responsibilities under the DDA. In many cases, once the employer realises the issues, they are willing to resolve any problems and take positive steps to support you at work.

If you are unable to resolve the issue informally with the employer, you could make a complaint about your treatment through your employer's internal grievance procedure, or take your case to an employment tribunal. If you would like advice before taking any formal action, contact the Equality and Human Rights Commission (EHRC) (www.equalityhumanrights.com), an independent body for the UK to protect human rights, including disabled peoples' employment rights. If based in Northern Ireland, contact the Equality Commission for Northern Ireland (www.equalityni.org).

See the 'Staying in employment' information booklet on the Mind (www.mind.org.uk) website for more details on your legal rights at work and getting support in the workplace.

Mental health legislation

There is also specific legislation on mental health. The legislation governing the compulsory treatment of certain people who have a mental disorder is the Mental Health Act 1983. The Mental Health Act 2007 (www.opsi.gov.uk/acts/acts2007/ukpga_20070012_en_1) was brought in to amend the 1983 Act. For example, it provides a single definition of mental disorder ('any disorder or disability of the mind').

Information on current mental health issues and recent parliamentary briefings are available from MIND (www.mind.org.uk) and the Mental Health Alliance (www.mentalhealthalliance.org.uk).

Top Tips

- Don't assume employers will have a negative attitude towards your mental health condition.
- Look out for employers and networks, such as Mindful Employer (www.mindfulemployer.net) and Employers' Forum on Disability (www.efd.org.uk), that are keen to raise awareness of mental health issues in the workplace.
- Make use of specialist organisations, websites and other resources in your search for employment and advice on mental health issues (see contacts and resources).
- Marketing your skills and experience to an employer is vital. Think about your skills and abilities, in particular those developed through managing your mental health condition.
- Disclosure when applying for jobs is a personal choice (unless there are health and safety issues either for yourself or colleagues as a result of your condition). Consider both the advantages and disadvantages. The Equality and Human Rights Commission (www.equalityhumanrights.com) and SKILL (National Bureau for Students with Disabilities) (www.skill.org.uk) websites can provide further advice and guidance.
- Be positive about what you have to offer to an employer and avoid dwelling on any negative experiences in the application process.
- Seek advice from your university careers service about how to handle CVs, applications and interviews, as well as work experience and graduate work opportunities.
- The employment rights of the disabled person are protected by the Disability Discrimination Act (DDA). It makes it unlawful for employers to discriminate against a person because of their disability. It requires employers to make reasonable adjustments in the workplace and to employment arrangements.

Contacts and Resources

Jobs and work

Access to Work, www.direct.gov.uk/en/DisabledPeople/Emplimentsupport/WorkSchemesAndProgrammes/DG_4000347

Careers and Work for Disabled People (www.skill.org.uk/uploads/emp_careers.doc), SKILL (National Bureau for Students with Disabilities), 2007

Directgov - Employment Support, www.direct.gov.uk/en/DisabledPeople/Emplimentsupport/index.htm

Disability Toolkits, www.disabilitytoolkits.ac.uk

Disclosing your Disability (www.skill.org.uk/uploads/disclosure.doc), SKILL (National Bureau for Students with Disabilities), 2005

EmployAbility, www.employ-ability.org.uk

Employers' Forum on Disability, www.efd.org.uk

Employment Opportunities, www.opportunities.org.uk

Jobcentre Plus, www.jobcentreplus.gov.uk

Mindful Employer, www.mindfulemployer.net

Rethink, www.rethink.org

Shaw Trust, www.shaw-trust.org.uk

SKILL (National Bureau for Students with Disabilities), www.skill.org.uk

What Happens Next? A Report on the First Destinations of 2007 Disabled Graduates, AGCAS, 2009

Charities and non-governmental organisations

Depression Alliance, www.depressionalliance.org

Equality and Human Rights Commission (EHRC), www.equalityhumanrights.com

Equality Commission for Northern Ireland, www.equalityni.org

Equilibrium - The Bipolar Foundation, www.bipolar-foundation.org

MDF The BiPolar Organisation, www.mdf.org.uk

Mental Health Alliance, www.mentalhealthalliance.org.uk

Mental Health Foundation, www.mentalhealth.org.uk

Mental Health Wales, www.mentalhealthwales.net

Mind, www.mind.org.uk

National Schizophrenia Fellowship (NSF) Scotland, www.nsfscot.org.uk

Northern Ireland Association for Mental Health, www.niamh.co.uk

Richmond Fellowship, www.richmondfellowship.org.uk

The Sainsbury Centre for Mental Health, www.scmh.org.uk

Scottish Association for Mental Health, www.samh.org.uk

Legislation

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

Mental Health Act 2007, www.opsi.gov.uk/acts/acts2007/ukpga_20070012_en_1

Reference

Higher Education Statistics Agency (HESA), www.hesa.ac.uk

Understanding the Disability Discrimination Act (DDA): information for disabled students (www.skill.org.uk/uploads/dda.doc), SKILL (National Bureau for Students with Disabilities), 2007

Case Studies

Alan is 51 and graduated with an MSc in Electronics Technology Management in 2003 from the University of Glamorgan. He is currently involved with a variety of organisations in and around the mental health field (both paid and voluntary work).

I was diagnosed in 2000 with depression/borderline bipolar disorder. Once my condition was stabilised, I decided to update my knowledge and skills by going to university. Before starting the course, I discussed the issues I had concerning the course and the impact my condition might have with the course tutor. I ensured there was the relevant support available on campus, although in the end I didn't need to use it. Also, I was open about my condition with my fellow students and found that, for the most part, they were fine with it.

Although I don't think I have experienced overt discrimination over employment, I was unable to gain employment after leaving university. It could have been for several reasons, for example my mental illness, age, the gap in my employment record at the start of my illness, or that the job specification and my CV did not match.

I found my employment adviser at the university's student services very helpful and supportive, especially on my 'down' days. The adviser was instrumental in getting me a chance to join a mental health project, first as a volunteer and then as an employee. Because of the nature of the organisation, I decided to disclose my condition and I received help finding my feet in the workplace (as this was my first job since being diagnosed). Since then, I have made no secret of my condition.

My colleagues at the project had no problem with my condition, although the occasional person I have worked with outside the mental health field has initially appeared to be 'uncomfortable', but usually that has passed. However, I know other service users that have faced discrimination in the workplace, but it does vary from organisation to organisation.

As my condition is chronic, I am classed as disabled in terms of the Disability Discrimination Act (DDA). By disclosing my condition on applications, I am covered by the DDA. Also, there are a number of organisations that will guarantee an interview if you are classed as disabled. I have used this fact to my advantage as it gives me a chance to demonstrate my true potential at an interview and gives me experience of interviews, which I find invaluable.

My advice to other students would be to know what services are available on campus, through student services or locally, and how to access them. Do not be afraid to ask for help.

Whether you disclose your condition at university or when looking for employment, it is your decision: there are pros and cons to it and you must decide what is best for you (see Marketing yourself and disclosure).

Look at volunteering as a way of building up a network of contacts, which could lead to employment opportunities in the long run, but try and find voluntary work which complements your degree.

Always look after your own mental health as a priority.

Margaret

Margaret has a degree in European Law from Warwick University and is currently working as a legal intern in The Hague.

Students experience many changes in their first year at university and some have difficulty in coping with the stress of university life. After seeing several doctors and being wrongly prescribed antidepressants, I was eventually diagnosed with bipolar disorder during my exams and was forced to repeat my first year. I took a combined dosage of lithium and depoke that helped to keep my mood stable and it wasn't until my Erasmus year abroad that I was admitted into a French hospital - a particularly daunting experience. Shortly before I was due to start my Masters, I fell ill again and, as a result, had to defer my offer for a year. I used the year to come off medication as I felt that the psychiatric medication was too toxic. Presently, I only take seroquel to induce sleep and haven't had any problems since coming off medication.

Important factors to managing bipolar disorder are adequate sleep, means of de-stressing, having a good support network and determination.

The most discrimination I faced was from people that I would have least expected - peer friends and the medical profession. I learned to accept that these friends just didn't know how to handle someone with a mental health condition and I didn't take it personally. It took me a while, but I finally found a psychiatrist who I could have full confidence in.

I prefer not to disclose information on my condition as I feel that it might cause discrimination and, on a day-to-day basis, it does not affect my working capabilities (see Marketing yourself and disclosure for more information on disclosing your mental health condition). The only time I thought disclosure was important was when applying for a resident tutor position as duties extended to personal time - I was offered an interview.

I would advise students suffering from a mental illness to speak out. Confide in your family and close friends - they will, in most cases, be the greatest support you will have. I would also suggest that you tell your personal tutor so that the university is aware - this is important if you need to provide 'personal circumstances' for any time you may have to take off. Also, find out what care support network is available in your area - I had regular contact with a social worker who provided support on management of the condition. Lastly, it is important to regularly take your medication, and don't stop taking it unless you have properly consulted your psychiatrist.

It is not always easy to deal with a mental illness, but I can vouch that it gets easier to manage through experience, the right type of support and greater knowledge of your condition.