

# Non-visible disabilities

## Line manager guide

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# Contents

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3	Introduction	17	Application forms and monitoring forms
4	I don't think I have any disabled people working for me	18	Adjustments for the interview
4	Non-visible disabilities	19	Pre-employment questionnaires
4	Why do I need to know if someone on my team has a non-visible disability?		
5	Duty to make reasonable adjustments	21	Non-visible disabilities and retention
8	Don't I need to know about an employee's disability for health and safety reasons?	21	Having difficult conversations
9	How will I know if someone needs a reasonable adjustment?	25	Ongoing reasonable adjustments – ensuring continuity
10	Why won't employees who know they have a disability tell me about it?		
17	Non-visible disabilities and recruitment	29	Appendices
17	A word about language – nothing to declare	29	1. Tailored adjustment agreement
		36	2. Reasonable adjustment request form
		38	3. Access to Work
		42	4. Further information

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**Employers' Forum on Disability is the world's leading employers' organisation working to the mutual benefit of business and people with disabilities.**

**We are supported by a growing list of members from UK business, multinational corporations, SMEs and the public sector.**

**We work with employers and disabled people to make it easier to employ disabled people and serve disabled customers.**

# Introduction

This guide is for line managers – that is anyone who is in charge of one person, a team or a department.

**This guide makes it easier for you to make reasonable adjustments for people who work for you who have disabilities that are not obvious. It will help you to:**

- Understand what non-visible disabilities are.
- Identify how work can be done differently to maximise the potential of your disabled and non-disabled staff, i.e. make reasonable adjustments.
- Recognise the signs that indicate that people who work for you might need to do their work differently because they have a non-visible disability.
- Decide if an adjustment is reasonable.
- Learn how to respond when an employee tells you they have a disability.
- Manage the needs and expectations of your whole team including non-disabled staff who may also benefit from the changes made.
- Treat your disabled and non-disabled colleagues fairly while maintaining confidentiality.
- Make sure you do not break the law.
- Know where to go for more help and advice.

As a line manager you have a vital role to play in monitoring attendance and performance. It is down to you to ensure that the people you manage meet their objectives and performance targets. You are responsible for creating an open and supportive environment at work where employees can talk about any problems they have with their work and seek help early.

This is particularly important when you are managing employees who have ‘non-visible’ disabilities that are not obvious. You are required by law to make changes or ‘reasonable adjustments’ to help all disabled employees work to the best of their ability.

Learning how to make reasonable adjustments and manage people with non-visible disabilities is all part of being a good manager for all your staff. You should not think about managing disabled employees as separate to your duties as a manager as a whole – good managers know how to manage difference, whether apparent or not, in order to get the best from all members of their team.

### **I don't think I have any disabled people working for me**

That's exactly why you should be reading this guide.

Many people think of disabled people as being wheelchair users. However, the term 'disabled people' covers a wide range of different people with different impairments, which may or may not affect how they do their job.

The legal definition of 'disability' is so wide that people you might not regard as disabled, or indeed do not think of themselves as disabled, are protected. That includes people whose disabilities are not obvious.

### **Non-visible disabilities**

Many disabled people have conditions which are not immediately apparent, for example:

- Visual impairments.
- Hearing impairments.
- Speech impairments.



... or are not apparent at all. For example:

- Diabetes.
- Dyslexia or dyspraxia.
- Epilepsy.
- Asthma or other respiratory diseases.
- Asperger syndrome or autism spectrum disorders.
- Cognitive difficulties.
- HIV.
- Cancer.
- Heart disease.
- Gastric problems like irritable bowel syndrome or colitis.
- Mental health conditions like depression, anxiety, schizophrenia or bi-polar affective disorder.

Be aware too that people with visible disabilities may have additional non-visible disabilities.

### **Why do I need to know if someone on my team has a non-visible disability?**

You may not need to know.

If the person with the disability is doing their job well and doesn't need you to make any changes to their working environment or working practices, then there is no reason for you to know or for them to tell you about their disability.

There is no legal obligation for employees to tell their employers about a disability unless they need a reasonable adjustment or if their disability poses a health and safety risk either to themselves or others.

As a manager you don't need to know what disability or medical condition the person has had diagnosed. This may well be something that remains confidential between the employee and the occupational health adviser. You do, however, need to know the effect of the disability on the employee at work so reasonable adjustments can be identified and implemented if the person is having problems at work.

### **Duty to make reasonable adjustments**

The law requires employers to make reasonable adjustments to remove barriers that place a disabled person at a substantial disadvantage in the workplace because of their disability. You must make reasonable adjustments when you know or could reasonably be expected to know that the person is at a substantial disadvantage.

This means that employees do need to tell their employer they have a disability if it is having a substantial impact on the way they do their job and they need changes to the way they work or equipment to help them.

In addition, managers cannot overlook problems an employee might be having at work and should investigate further to see if these problems might be caused by a disability that the employee may or may not be aware of as yet and make reasonable adjustments to overcome them. There is more on this later.

In some cases the barriers will be physical such as doorways that aren't wide enough for a wheelchair user but more often they will be the way in which the work is done, for example on a computer or within certain hours in the day for people who have non-visible disabilities.

### **How to make reasonable adjustments**

You will have the skills, knowledge and authority to implement some adjustments yourself. For others you may need to call on your colleagues or external organisations for help. Always start with the person needing the adjustment. Talk to them to find out exactly what they are having problems doing so you have all the facts. Sometimes the person will be able to suggest a solution themselves, but don't expect every disabled person to be an expert either on their own disability or on the adjustments that are possible or might work for them.

Remember that they might be unaware or unwilling to accept they have a disability or be learning to manage the effects of their disability, and neither you nor they may be aware of adjustments that are possible in your workplace.

### Types of reasonable adjustments

Not everyone with a disability, visible or non-visible, will need a reasonable adjustment and even people with the same disability may not need the same adjustment. The following list illustrates the range of reasonable adjustments that some people with these non-visible disabilities have found helpful:

#### For people with concentration problems

- Providing quiet workspaces to reduce auditory and visual distractions.
- Allowing the person to work from home from time to time.
- Planning for uninterrupted work time, i.e. using 'do not disturb' signs.
- Dividing large pieces of work into smaller tasks and goals.
- Alarms and/or memory aids to remind them when to carry out tasks.

#### For people with depression and anxiety

- Allowing telephone calls during work hours to a doctor, nurse, psychotherapist, counsellor, friend or family member for support and advice.
- Allowing breaks to let the person use stress management techniques.
- Monitoring workload and targets regularly.
- Allowing for periods of uninterrupted work, e.g. with a 'do not disturb' sign or from home.
- Training for managers and colleagues on how to respond when the person needs support or other adjustments.

#### For people who experience fatigue, weakness or are in pain

- An adjustable workstation which allows the person to stand or sit.
- More frequent rest breaks.
- Reducing or eliminating the need to lift or walk, e.g. by moving the workstation closer to meeting rooms or office equipment.
- Flexible working hours if the person finds it hard to stand on public transport during rush hour.
- Part-time working or job sharing or allowing the person to work from home from time to time.
- Providing parking close to the worksite.

#### For people who have respiratory problems like asthma

- Arranging for pre-notification of any planned construction, painting or pesticide applications.
- An air purifier near the workstation.
- Using non-toxic/low odour solvents, cleaners and other supplies.
- Allowing the person to control the temperature near their workstation with a heater or a fan.

#### For people with cognitive difficulties, e.g. dyslexia or following a stroke

- Providing written rather than verbal job instructions.
- Coloured paper and computer screen backgrounds.
- Helping the person to prioritise tasks.
- Voice activated software and grammar and spell-check applications.
- Additional training or coaching.

For people who are sensitive to light or have seizures or blackouts, e.g. migraines or epilepsy

- Lower wattage overhead lights, task lighting or natural daylight bulbs.
- Flicker-free lighting, i.e. replacing fluorescent lighting with full spectrum or natural lighting.
- Seating near a window for natural light but with blinds.
- More frequent rest breaks from computer work.
- Elimination of sharp objects in the vicinity of the person.

For people with personal interaction difficulties, e.g. Asperger's syndrome or autism spectrum disorders

- Clear, unambiguous instructions about work tasks.
- Help prioritising tasks.
- Regular meetings with their manager.
- Pre-notification of any changes to routine, e.g. an away day.
- Providing awareness training for colleagues with the disabled person's agreement.
- Allowing a support worker onsite to help the person manage any changes to their work routines.

For people with gastric, bowel or bladder problems

- Relocation to a workstation nearer to toilet facilities or exclusive access to a particular toilet.
- Relocation to a site nearer to the person's home to reduce commute times.
- Allowing the person to work from home.
- The opportunity to make special dietary requests for work lunches, dinners etc.

These are just examples of reasonable adjustments. This is not an exhaustive list.

## Did you know?

More than **6.9 million** disabled people in Britain are of working age, which represents 19% of the working age population.





Remember too that everyone is different. Different people need different types of reasonable adjustments, sometimes for similar impairments. In most cases they will be relatively simple, inexpensive or even free and easily implemented. In some cases, however, it will not be immediately apparent what needs to be done.

You will need to speak to other people in your organisation and perhaps obtain reports from experts like workplace assessors, an Access to Work adviser, the employee's doctor, specialist organisations and your organisation's occupational health adviser.

For more about Access to Work see page 38.

The most important thing is to talk to the employee to find out what they are having difficulty doing. However, this is not always easy and there is more on having difficult conversations later.

It is your job as a manager to ensure that reports are received and adjustments implemented within a reasonable time frame. This may mean chasing your colleagues in occupational health or IT for example, or external organisations who have conducted assessments. If getting expert reports and assessments organised is going to take time, make sure you tell the employee what is happening and how long things are likely to take – especially if they are not able to come into work during this time as otherwise they may feel very isolated and abandoned.

### **Confidentiality**

Most importantly, do not tell anyone else about the employee's disability or medical condition without their express and, preferably, written permission. Very few people need to know the details about an employee's medical condition – perhaps only the medical adviser.

What you and other people really do need to know is what the person is having difficulty doing at work and how their work can be changed with reasonable adjustments so they can realise their potential. Confidentiality is vital if you are to retain the trust of your staff.

### **Don't I need to know about an employee's disability for health and safety reasons?**

It depends on the nature of the disability and the job the person does.

In the majority of cases a person with a visible or non-visible disability poses no more of a health and safety risk either to themselves or others than employees without a disability in the workplace.

However, risk assessments should be carried out for all employees who work in potentially dangerous environments, e.g. at heights or with heavy machinery or who must drive as part of their job. Disabled employees in these roles have an obligation to tell their employer if they have been diagnosed with a condition that might pose a risk to their own safety or the safety of others.



These could be because of conditions like epilepsy or diabetes, or if they are taking medication which has side effects such as drowsiness. Remember, however, that if the DVLA, which must also be notified about such disabilities, permits the person to hold a driving licence then it is safe for them to drive as part of their work.

Your occupational health adviser should contact the person's own medical adviser to confirm that the DVLA has been notified and that the person can continue to drive.

### **How will I know if someone needs a reasonable adjustment?**

In some cases the employee will tell you they are having difficulty with some aspect of their work, e.g. getting in at 9am because they have a disability or medical condition.

However as manager you should also be looking out for signs that someone might have a disability. Bear in mind that these signs might be linked to a disability the person may or may not know about as yet. Warning signs could be:

- Their attendance is poor or deteriorates.
- Their performance at work deteriorates.
- Their behaviour at work changes and they are tearful, aggressive, irritable or withdrawn and forgetful.
- They are persistently late or miss deadlines.
- They appear to be experiencing pain, discomfort or extreme fatigue.
- Noticeable weight loss or gain.
- They appear to be working excessive hours or taking on too many new projects.

Don't waste time trying to work out if someone meets the legal definition of disability. If a member of your team is having problems at work, talk to them, try to find out what would help and make any changes you reasonably can to help them do their job.

As you can't always be sure whether someone is disabled or not, it is best practice to make adjustments for anyone who is having problems at work. This way you will have done all you can to try to help someone work to the best of their ability, and means that you will recruit and keep the most talented people for your organisation.



### Why won't employees who know they have a disability tell me about it?

There are many reasons why a person with a non-visible disability won't tell their employer about it, sometimes even when asked outright. For example:

- Fear of discrimination.
- Not believing it to be relevant to their ability to do the job.
- Not considering themselves to be disabled.
- The stigma associated with the disability.
- Fear of colleagues' reaction to their disability.

#### Fear of discrimination

Many disabled people have had negative experiences in the past, often from a former employer, when they were diagnosed with or revealed a medical condition or disability. This can lead to them concealing their disability from future employers. They fear they will not be offered the job or be treated differently if they tell potential employers about their disability.

An applicant with a disability that can be concealed may do so if they believe they can do the job without having to tell anyone about it. In some cases the disability will have no impact on their ability to do the job and so they may never need to tell their employer about it. In other cases the employee may not have realised that their disability would affect their work until they start doing the job.

As a line manager, you should always consider the possibility that a new employee who seems to be struggling with a particular aspect of their job might have a disability.

Look for warning signs like poor performance in a particular area, such as writing or comprehension skills, persistent lateness or days off sick here and there.

Employees diagnosed with a disability while already working for you may fear they will lose their job if they tell you, particularly during a recession when unemployment is rising.

Again, as a line manager, you should be looking for warning signs that indicate you need to talk to the employee about the reasons for any poor or deteriorating performance and bear in mind this might be related to a disability.

Remember too that an employee with a newly diagnosed disability might be struggling to come to terms with its effects. This may mean they are either:

Unwilling to accept that their disability or health condition is affecting their work performance and are therefore reluctant to talk about it; or

- They don't as yet know what effect the disability will have on them and may be apprehensive or anxious about it.

In both cases the employee is unlikely to know what reasonable adjustments they need. They may not even realise they are entitled to reasonable adjustments at work but you as the employer have an obligation to make adjustments once you realise they have a condition that is having an impact on their work.

This means that if you notice an employee's work or behaviour has changed and deteriorated, you need to talk to them to see if it might be disability related and start the process of making reasonable adjustments to remove any barriers they may be encountering.

Someone with a newly diagnosed disability may need to go through several stages.

First they must learn what effect the disability has on them in their day-to-day life, i.e. their symptoms and the effect of any treatment they might be receiving.

Then they will need to assess how their disability affects them at work. As an employer you have a vital role here, and your actions may determine whether they can continue to be a productive and effective member of your team or feel they need to leave.

With help from experts, you can help the person identify the barriers they encounter at work because of their disability and ways in which they can be removed or reduced.

Experts that can help include:

- Occupational health advisers who are usually either doctors or nurses.
- Occupational therapists who can provide practical advice on managing the effects of a disability at home and in the workplace.
- Disability employment advisers and Access to Work advisers who can arrange workplace assessments.
- IT specialists either within your organisations or specialists from organisations like the RNIB or AbilityNet.
- Your HR or diversity teams.

The most important thing you can do is to let people who work for you know they can talk to you and that you will help them to overcome barriers they may face at work.

## Did you know?

**Only 50% of disabled people of working age are in employment compared to 80% of non-disabled people of working age.**



### Scenario

A few months after Simon started his new job, his manager Kerry accidentally came across him injecting himself in an empty office. As they were both embarrassed they didn't talk about it at the time but the following day, after an evening worrying about what she had seen, Kerry decided to talk to Simon.

Kerry asked Simon what he had been doing. He told her he has diabetes and that he was injecting himself with insulin. Kerry asked Simon why he had not revealed this on his application form or told her about his diabetes when he first started work. Initially Simon was very defensive and told her there was no reason for her to know as it doesn't affect his ability to do his job. He then asked if this meant he was going to lose his job.

Kerry reassured Simon that it meant nothing of the sort and asked why he would think that. She explained she would have been less shocked and worried the day before if she had known Simon had diabetes.

Simon then revealed that while working for his last employer he had collapsed at work with flu like symptoms. He was taken to hospital and diagnosed with Type 1 diabetes. His doctors told him that if his diabetes was well managed his life need not change much but his employer had sent him a letter while he was still in hospital terminating his contract. Although he had appealed the employer said they thought he would take too much time off sick. He had accepted their decision and shortly afterwards applied for the position he now had.

He had decided not to mention his diabetes on the application form because he didn't think he would get the job if he did. Once he started

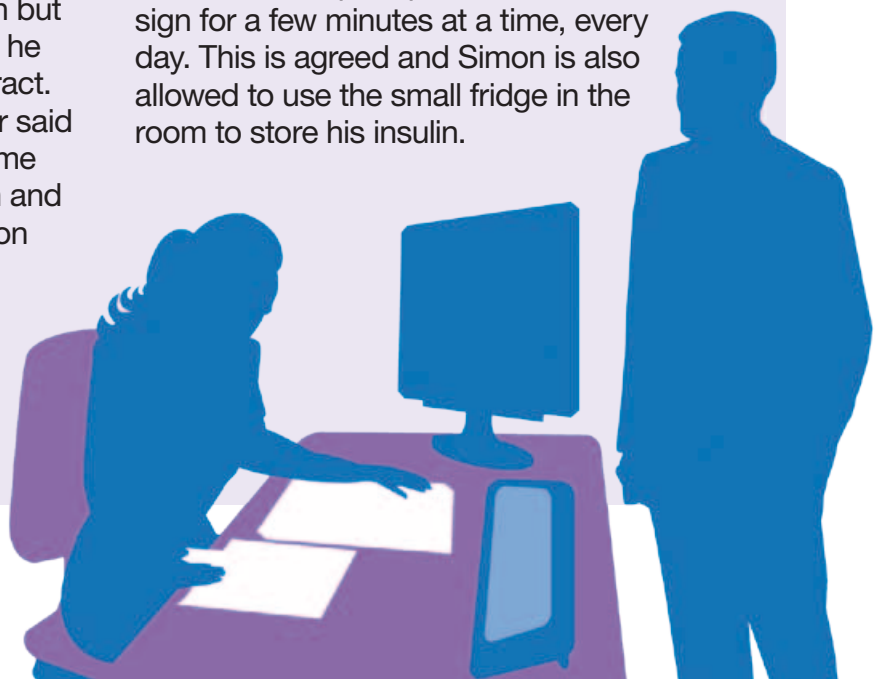
he realised that his diabetes didn't affect the way he did his job and so felt no need to tell Kerry or anyone else.

Kerry told Simon she was sorry his past experiences meant he didn't feel able to trust her or the organisation but she hopes he will feel able to talk to her now if he does need anything from her.

After their meeting Kerry decides to do some research about diabetes and finds the 'EFD Briefing – A practical guide to employment adjustments for people with diabetes', and the Diabetes UK website.

At their next one-to-one meeting Kerry asks Simon if they can talk about his diabetes. She asks if there is anything she or the organisation can do to make it easier for Simon to do his job. Kerry mentions the various adjustments she had read about for people with diabetes. Although Simon is defensive and unwilling to talk further, he does agree to take away the EFD Briefing paper.

A few days later he asks Kerry if he could use the sick room when he needs to take his injections. Kerry asks the facilities manager, without revealing who she is asking for or why, if a member of her team could use the sick room and put up a 'do not disturb' sign for a few minutes at a time, every day. This is agreed and Simon is also allowed to use the small fridge in the room to store his insulin.



### Is disability a private matter?

Many people believe that matters relating to their health are private and as long as there is no impact on anyone else or their ability to do their job they shouldn't have to tell their employer, especially if the disability is long-standing and they have learnt to manage its effects.

Employees do not need to tell you about their disability if they can do their job with no difficulty. Often problems only arise if something changes, for example their condition deteriorates, their medication is changed or the nature of the job changes.

### Scenario

Debbie had been working as a senior catering assistant. Her job involved ensuring that food and drink were delivered to the right rooms at the right time for meetings and ensuring that receptions, lunches and dinners ran smoothly.

When her manager announced she was leaving she encouraged Debbie to apply for her job. Debbie had a good understanding of the business and so was promoted to catering manager. However, a few months into the new role it became apparent she was struggling. The catering manager role is a lot less 'hands on' and Debbie is now responsible for:

- Writing proposals to tender for work.
- Producing menus with accurate costs.
- Discussing clients' requirements with chefs.
- Negotiating with suppliers to get the best deal.
- Being in charge of a budget and meeting financial targets.
- Managing a team of six permanent staff as well as temporary and contract workers.

Three months into her new job and half way through her probation period Debbie's

manager Carol asks to see her. Carol says she wants to discuss a number of things that have gone wrong recently:

- Debbie had entered into a contract based on inaccurate calculations which meant she had made a loss.
- Carol had seen proposals for work with spelling mistakes and that were poorly structured. Fewer proposals were being accepted than under her predecessor.
- Debbie was not going to meet her financial targets for the quarter. Carol had asked Debbie several times for her budget spreadsheets but had not received them.
- Confusion over the staff rota meaning they had been shorthanded on a couple of occasions.

At their meeting Debbie acknowledges she has made mistakes and suggests to Carol that it might be because of her dyslexia. Carol asks if this is something new as Debbie has never mentioned dyslexia before. Debbie tells Carol that she had been assessed at school but she had never mentioned it because it hadn't affected her work before.

Carol asks Debbie if she has evidence of her dyslexia and Debbie brings her a report by an educational psychologist and agrees that Carol can show this to the HR manager.



(Continued from previous page.)

Carol takes the report to the HR manager but he suggests they get a new assessment that relates to Debbie's work. The HR manager gives Carol the name of a psychologist and Debbie agrees to go for an assessment. Carol wants to know from the psychologist if Debbie has always had dyslexia and if so, has it now got worse?

The psychologist's report explains that dyslexia cannot be acquired later in life and nor does it get better or worse. What has changed in Debbie's case is not her dyslexia but her circumstances. The effects of Debbie's dyslexia have always been the same but in her previous job she had coping mechanisms that worked and her dyslexia had little impact on her at work.

In her new job Debbie has far more responsibility and she is required to plan, organise and manage both budgets and staff as well as write proposals which she has never had to do before.

The report recommends that Debbie sees a dyslexia coach to help her identify and implement coping strategies that will work for her in her new role. Adjustments that might help Debbie with writing and organisational skills could include:

- Using dictation machines in conjunction with voice recognition software so she doesn't have to make written notes.
- Using text to speech software that has a phonetic spell-checker designed to pick up common dyslexic spelling mistakes.

- Installing spell-checking programmes on her computer and in applications including email.
- A quiet workspace away from distractions.
- Working from home occasionally if possible.

Debbie would also benefit from training on organisational skills, e.g. mind mapping, note-taking, planning and prioritising.

Carol discusses the psychologist report with Debbie and agrees to implement the adjustments recommended as soon as possible with the help of the HR, IT and facilities management departments. The HR manager and Carol also decide that Debbie's probation period should be extended for another three months from the date that all the adjustments have been implemented.

This will enable them to assess fairly whether or not Debbie is capable of doing the job when barriers posed by her dyslexia have been removed by the reasonable adjustments.



### **I don't consider myself to be disabled**

Some people genuinely do not believe they have a disability. This might either be because they do not consider their particular health condition to be as serious as a disability, for example, diabetes, asthma or a back problem, or because they are unwilling to accept they are having any problems or that they need to seek help.

People in both categories are unlikely to say they are disabled on monitoring forms and may well say there is nothing you need to know about in terms of their health and fitness to do the job.

This may well be true if their condition has no impact on their work. However, it can cause problems when they are not performing to the standards required of them at work but are reluctant to accept this might be because of their health or a disability.

### **Stigma and fear of colleagues' reaction**

Some people don't want the stigma often associated with the label of 'disability', or do not want to be defined by what might be regarded as a limiting health condition. This is particularly the case for disabilities which are often reported in negative terms in the media such as HIV or mental health conditions like schizophrenia, bi-polar affective disorder (manic depression), depression and anxiety conditions.

Many people make assumptions about what people with such disabilities can and cannot do, their lifestyle or the way they might behave. As a result, employees fear that their colleagues might treat them differently if they knew about their disability.

The truth is that people with all types of disabilities work in all types of organisations and roles. A recent report found that of disabled people who earned more than £40,000 a year, 15% of people with mental health conditions had not told anyone at work about their disability compared to 4% of people with other disabilities.

More generally, only one in five people with mental health problems told their employer's HR department and about a third told their immediate line manager.

Whether or not an employee is willing to talk about their disability will depend on their past experience and on the culture of the organisation where they now work. If it is open and welcoming of difference and the person believes they will be treated fairly, they are much more likely to tell their employer about their disability and to ask for help if they need it.

For more information about HIV and mental health conditions see 'EFD Briefing – A practical guide to employment adjustments for people with mental health problems' and 'EFD Briefing – A practical guide to employment adjustments for people with HIV'.



### Scenario

Tony works for a large law firm. The culture of the organisation is 'work hard and play hard' and can be a bit 'laddish' but he has always enjoyed his work. Two years ago Tony was diagnosed with HIV. At the time he took a couple of weeks' annual leave and decided he wouldn't tell anyone at work on his return.

His HIV didn't affect his ability to do his job and he didn't want his colleagues making assumptions about his private life which he has always kept private. In any event, the hours he works often mean he only socialises with his work colleagues. He was also worried that if his superiors found out he would no longer be given good work and be able to progress his career at the firm.

Six months ago, during a diversity week, the firm's equality and diversity department sent anonymous equality monitoring forms to all staff. The accompanying guidance explained that the firm wanted to find out more about the type of people who worked at the firm and depending on the results, take steps to encourage people from underrepresented groups to apply for jobs.

As the form was anonymous, Tony completed it. HIV was listed as an example of a disability on the form, so he said he had a disability.

More recently, after taking a morning off for a medical appointment, Tony told his manager Michael about his HIV status. Tony has only needed time off occasionally and his work has otherwise been unaffected and so he didn't really need to tell Michael, but decided to do so because they got on well and Tony trusted Michael.

Michael said he would be flexible about Tony taking time off for appointments, particularly as he works such long hours normally.

The firm has now announced that it has to make redundancies and that it will be notifying all affected employees in the coming week. Tony asks to see Michael in private to ask what the redundancy criteria will be.

Tony is worried that the monitoring form he completed six months ago was a way of identifying people who the firm thought would be less productive and so first in line for redundancy. He also wants to know who else within the firm knows about his HIV status.

Michael tells Tony he has not told anyone else about his HIV status. Michael said he had done some reading as he had wondered if there were any health and safety implications, for example for first aiders but he had learnt this wasn't an issue and so no-one else needed to know. If Michael had thought anyone else needed to know he would have spoken to Tony first. Michael also reassures Tony the monitoring form was entirely anonymous.

There is no way HR could identify individual employees from the anonymous forms even if they wanted to, which they did not. The form was only an exercise to find out the numbers of people with different characteristics working at the firm. Michael also reminds Tony he will have the opportunity to see the redundancy selection criteria and that this must be objective and justifiable.



# Non-visible disabilities and recruitment

## A word about language – nothing to declare

Employers often ask applicants and employees to ‘disclose’ their disability or to ‘declare’ whether or not they have a disability or serious health condition. Such language is negative and unhelpful. It suggests that a disability or health condition is something someone might want to hide, and so should be encouraged to reveal or face penalties for not doing so.

Such language might in fact have the opposite effect to that desired. Employees may feel intimidated by the language and believe it is a ‘big deal’ to tell their employer about a disability or health condition. Fear of what might happen if they do ‘disclose’ or ‘declare’ may well make them decide to conceal their disability for as long as possible – even if that means lying.

Try to avoid using words like ‘disclose’ or ‘declare’. Simply ask employees to tell you if they need changes to their working arrangements or environment because of a disability.

Neutral language is more likely to reassure job applicants and employees that telling you about a disability or health condition does not automatically mean they won’t get the job or be fired – especially if you also make it clear you will make reasonable adjustments for anyone who needs them.

## Non-visible disabilities and recruitment

There are a number of stages in the recruitment process when employers commonly ask about the applicant’s health or any disabilities. Sometimes you do need this information but often it is irrelevant.

### Application forms and monitoring forms

#### Application forms

Application forms should only ask if the person needs any adjustments for the interview. It is unlawful to ask on the form about any disabilities, past or present, or long-term or serious health conditions unless the questions relate directly to the job for which the person is applying. You can only ask questions about health or disability after a job offer has been made.

The application form should have been accompanied by a detailed job description which outlines the outputs required from the successful candidate. Applicants need only demonstrate on the application form that they can achieve these outputs.

#### Monitoring forms

You can ask candidates if they have a disability on equal opportunity monitoring forms that accompany the application form or can easily be torn off the application form. Monitoring forms should say clearly that they are voluntary, not part of the application form and that they will not be seen by the short-listing and interviewing panel.

**Did you know?**

**One**  
in every  
**three**  
people either  
has a disability  
or has a close  
relative or friend  
who is disabled.

The purpose of the monitoring form is to ascertain how many candidates from different backgrounds or with particular characteristics have applied to your organisation for jobs of this nature or at this grade. Monitoring forms commonly also ask candidates about their race, gender, age, religion or belief, sexual orientation, as well as disability.

The forms should be clearly anonymous and the data collected used only for statistical purposes, i.e. if when analysing the statistics your organisation discovers that very few disabled people apply for jobs action can be taken to encourage applications from disabled people in the future.

For more information on monitoring forms and how to ask about disability see EFD's 'Monitoring for change' available from [www.efd.org.uk](http://www.efd.org.uk)

### **The two ticks symbol**

If your organisation is a two ticks symbol holder you can ask applicants if they have a disability and wish to be considered under the two ticks scheme. Candidates who indicate that they do wish to be considered under the scheme should then be guaranteed an interview if they meet the essential criteria for the job.

### **Adjustments for the interview**

Ensure that candidates invited to an interview know in advance what this will entail. Tell them for example, if there will be a panel of three people asking questions or if they will be required to give a presentation or take a written test. Ask the candidate to let you know if they think they will have difficulty with any part of this process and so need adjustments.

You may well need to talk to the candidate to identify what barriers they are likely to face because of a disability, and to identify reasonable adjustments.

Remember that it is unlawful to ask candidates questions related to health or a disability at the interview.

If a candidate does tell you about a disability such as dyslexia but says they do not need any reasonable adjustments, you should ensure they fully understand the nature of the interview and the adjustments that are possible. For example, if they are going to be asked questions by a number of different people, suggest that they can ask for time to write down the question and think before replying. Or, you could offer more time for a presentation if that would be reasonable in the circumstances.

If you are on the interviewing panel you can ask candidates how they will do the tasks required in the job but make sure you ask this of all candidates and not just those who tell you they have a disability. Ensure that you use positive language and let the candidate tell you how they will do the job rather than asking negative questions about how their disability might limit their ability to carry out the necessary tasks. If the candidate will need adjustments to do the job, an offer can be subject to these being possible and reasonable.

For more information about making reasonable adjustments to the recruitment process see 'EFD Briefing – A practical guide to managing recruitment'.

### Medical questionnaires

Many organisations ask candidates to complete medical questionnaires that ask detailed questions about the person's medical history and sickness absence.

These questionnaires are of limited value and are unlawful prior to offering the candidate the job.

Using the information provided on the form to screen out candidates with health conditions or disabilities, past or present, is unlawful disability discrimination. In addition the medical information provided will be a very poor indicator of whether or not the person is able to do the job for which they have applied. Past sickness absence is rarely a good predictor of future absences.

In many cases you won't get accurate information from the form for the reasons given earlier in this guide. Some candidates will not tell you about their disability because they fear that the job offer will be withdrawn if they are honest. Others may genuinely believe they have answered the questions accurately but will still not reveal non-visible disabilities.

This is because it is difficult to ask medical questions in an unambiguous way that non-medical or lay people will understand. Often people will genuinely believe that any medical condition they do have, or have had, isn't relevant to the questions being asked.

If the job is potentially dangerous or needs certain levels of physical fitness you can ask all candidates to see your occupational health adviser to pass them as fit and able to do the job. But remember that all candidates, disabled and not, must be asked to see the occupational health adviser. Singling out disabled candidates is likely to be discriminatory.



### Scenario

After Neela had been offered a senior position as Finance Director of a large organisation she was asked to complete a medical questionnaire. One question asked if she had, or had ever had, a serious physical or mental illness. Another asked if she was taking, or had ever taken, medication for a serious physical or mental illness. Neela answered 'no' to both questions.

Shortly after she started, however, the chief executive, who was also her manager, resigned and was replaced by someone Neela found difficult. Their relationship deteriorated over the course of the next year and eventually Neela went off sick with stress, anxiety and depression. She was referred to the organisation's occupational health department who, with her permission, contacted her GP for more information and then wrote a report for her manager.

A few weeks later Neela was shocked to receive a letter from the HR department calling her to a disciplinary meeting for having lied to her employer. At the meeting she was told the report from the occupational health adviser said Neela was suffering a recurrence of depression and anxiety but on the medical questionnaire she had said she had never had any serious physical or mental illnesses.

Her employer said they were minded to treat the matter as gross misconduct as it is essential that someone in the position of finance director is entirely trustworthy.

Neela asked to see the occupational health report and for time to speak to her GP and so a date for a further hearing was set. At that meeting Neela explained she didn't lie on the medical questionnaire. When she completed the form she didn't think she had ever had any **serious** illnesses.

After speaking to her GP she realised that in response to the occupational health adviser's questions, he had said she had had a period of depression 14 years ago. This was just after her son was born. She had felt very low and had seen her GP who had prescribed anti-depressants which she hadn't actually taken because she was worried about the possible side effects. Her GP had noted this as clinical depression on her notes but she had never been told or thought it had been that serious.

On hearing her explanation her employer consulted their lawyers and decided not to pursue the disciplinary proceedings any further. Instead they decided they needed to talk to Neela about how her relationship with her manager could be improved so she can return to work. The organisation also decided to review its recruitment procedures including the medical questionnaire.





# Non-visible disabilities and retention

Many people with visible or non-visible disabilities have no problems at work, and are valuable and valued members of their team. Some people with non-visible disabilities will tell their employer about their condition and some will not for the reasons given above.

As long as they are able to perform their role satisfactorily they do not need to tell you about their disability. However, there may come a point with any employee, whether known to be disabled or not, when you need to have a difficult conversation.

## Having difficult conversations

As a manager at some point in your career you are likely to have to talk to someone working for you about their poor performance. These are always difficult conversations. As said earlier, you should bear in mind that the person's performance might be affected by a hidden disability.

This could be a disability they are as yet unaware of or one that is newly diagnosed. It could also be a disability they have had for some time but is only now having an affect on their work, either because it or their medication has changed, or because their work has changed.

## Your first meeting to discuss performance

You must ensure that the person doesn't think they are being disciplined at this first meeting. Tell them you want to talk about their recent performance. Remember to give positive feedback on work that has been done well before moving onto how you would like to help improve performance in areas where they are not being as effective as you would like.

It is always better to ask 'open' questions rather than ones that allow for a 'yes' or 'no' answer. This will encourage the person to talk to you but you must remember to listen carefully to what they say.

Ask the person how they think they are doing at work. They may well be aware of their shortcomings. If they are not then you need to ensure that they understand what they should have been doing and in what ways they have fallen short of the standards you expected of them. It is important to be specific about:

- The tasks or behaviour you want to talk about – give dates and examples.
- What you expected from the person.
- How their performance or behaviour fell short of what you were expecting.
- What you want to change.

Be clear about the minimum or mandatory aspects of the job, for example:

- A polite and professional manner with clients and colleagues.
- Accuracy of information provided to customers.
- Responding to queries within a specified time frame.
- Recording information accurately.
- Following absence reporting or other internal procedures.

You then need to move onto ways in which you can help the person to meet these mandatory requirements.

If you have noticed that the person appears to be in pain or distressed don't be afraid to ask them about this by saying something like: "I've noticed you seem uncomfortable at your desk/have been taking painkillers quite a lot/ been rather upset/angry recently. Can we talk about this? If it's something to do with work, perhaps I can help?"

In many cases this will be enough for the person to reveal that for example, they have back pain or have been getting bad headaches. These could be caused by their workstation, or by overhead lights or noise in the workplace.

You should ask them what they think is causing the problem and then ask if they will see the occupational health adviser. Many employment contracts say that the employer can ask employees to see the occupational health adviser – check the contracts in your organisation.

Even if the contracts don't say anything on this, the person is likely to consent to seeing the occupational adviser if they are reassured this is the first step in trying to make it easier for them to do their job and reduce their pain.

You should never ignore an employee who is distressed at work. If they have been crying or had an angry outburst, talk to them to try to discover the cause. Again, if you are reassuring and they don't think they are at a disciplinary meeting they may be willing to tell you what has been happening.

In some cases the causes for their behaviour will be outside work in which case all you can do is to offer understanding and support.

Reasonable adjustments that might help could include allowing them to:

- Take a break and a walk outside if they feel they need to cool down or be alone for a while.
- Take or make personal calls in private if they need to talk to a family member, their lawyer or a debt advice agency during working hours.

If the reason for their distress is work-related, for example, harassment or bullying by a colleague, or because of workloads and working hours you must take immediate action to address this. Refer to your organisation's bullying and harassment policy and talk to your HR department on how such situations should be dealt with. Make sure the person who says they are being bullied or harassed knows you are acting on their allegations.

If workload or working hours are the problem, arrange a meeting to go through what they need to do and help them to prioritise their work or identify training they need.

You may need to take some tasks away from the person if the workload is genuinely too much for them to cope with. Failure to do so when they have indicated they are not coping could lead to them developing mental health problems or other stress-related disabilities and possible claims for personal injury.

Remember that you cannot know if the person meets the legal definition of disability as only a tribunal or court can decide this. Adopting the best practice approach of making reasonable adjustments in these situations might prevent someone from developing a disability in the future if they aren't already disabled as well as improving their performance when at work.



In some cases, however, the person you are talking to may insist that nothing is wrong. If you point out behaviour or work that you have concerns about they may become defensive and find excuses or blame others. This is why it is important to ensure you have all the facts before you speak to an employee who is under-performing.

You need to be able to point to work that the individual has done or their behaviour you want to discuss. This will enable you to tell the person where exactly you are looking for improvement.

In other cases the person may accept that their work or behaviour has been unacceptable and will promise to improve but they refuse any offers of help from you.

In both cases, if the person doesn't want to talk about problems outside work or health problems, you cannot insist on doing so. Remember too that it is not your job to try to diagnose a disability. Any suggestion from you that the person might have a disability like dyslexia or a mental health problem is likely to go down badly.

All you can do is to reassure them you are available to talk and that you will do all you can to help them improve their performance including referring them to your occupational health adviser who may recommend an assessment. You can also suggest reasonable adjustments that might help them to improve their performance, for example changing start times if they have been persistently late, or a workstation assessment, and ask them to think about these and talk to you again.

Whether disabled or not, all employees need to understand what you require of them, and what is and what is not an acceptable standard of work and behaviour in the workplace. Employees need to understand that if they refuse your offers of help and reasonable adjustments and their performance continues to fall short of minimum standards, they do ultimately risk capability proceedings being taken against them.

## Did you know?

Disabled people are more than twice as likely as non-disabled people to be out of work and claiming benefits. Of the **2.4 million** disabled people on state benefits and not in work nearly a million would like to work.

### Scenario

Abby is concerned about Ray, one of her team members. He has been uncharacteristically withdrawn and quiet, and recently became upset at a planning meeting for seemingly no reason. She decides to ask Ray if there is anything he wants to talk about and if she can help.

Ray eventually tells Abby he has been diagnosed with Parkinson's Disease. Abby asks him if there is anything she can do to help him at work and reminds him about the reasonable adjustment policy. Ray thanks Abby but says he is in very early stages and doesn't need anything from her. He says he just needs time for things to sink in.

Over the next few months, however, Abby becomes aware that Ray's behaviour, and his seeming unwillingness to deal with it, is annoying other members of the team. He has been persistently late for work, sometimes arriving nearly an hour after the start time. On one occasion he went out at lunchtime for a sandwich and failed to return. He later said he had felt unwell and unable to give the presentation scheduled that afternoon. Another team member had to step in with no notice.

Ray hadn't followed procedures for notifying the organisation when he was off sick and he failed to let anyone know he wasn't going to be able to attend a late meeting. All of this has placed an additional burden on other team members who have had to cover for him at short notice.

Abby decides she has to talk to Ray again. She starts by asking if he is aware of recent problems in the team. Ray says he hadn't noticed anything. Abby tells Ray he has always been one of her most reliable and

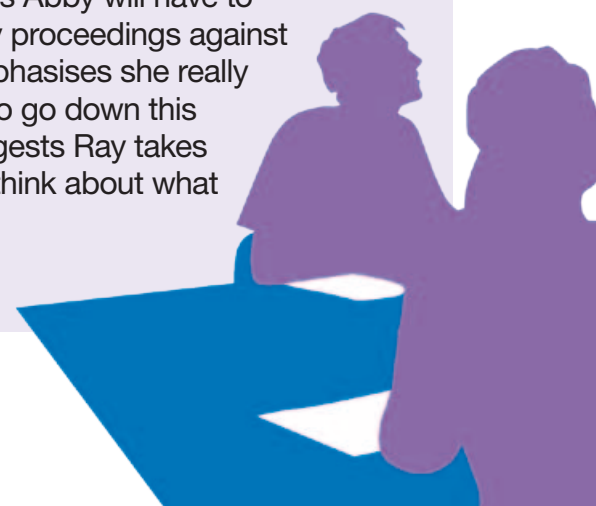
conscientious team members. However, recently she has been concerned about his work. She draws Ray's attention to the above incidents and asks if his work and behaviour might be affected by his Parkinson's and if so, is there any way she can help.

Ray is defensive and tells her again that he is in the very early stages of the disease and so it doesn't affect him at work. He promises to improve his timekeeping and to follow procedures for calling in sick.

Ray's timekeeping and attendance improves for a short period and then he relapses into being late and missing meetings with no notice. Abby decides she needs to talk to Ray again, especially as now other team members are openly complaining about him.

This time she tells Ray she is glad he felt able to tell her about his health problems and hopes he knows she is always willing to talk about ways to help him do his job if he is having problems. For example, is he finding it difficult or tiring to get into work and would it help to change his start time or possibly work from home from time to time?

However she acknowledges she cannot force him to talk to her and accept reasonable adjustments and so she also tells Ray he must meet certain standards of work and behaviour. She tells him he cannot continue to come in late, fail to follow organisational procedures and miss important meetings. If this continues Abby will have to start capability proceedings against him. Abby emphasises she really doesn't want to go down this route and suggests Ray takes a little time to think about what she has said.



At their next meeting Ray tells Abby he is sorry about his recent performance at work. Although his Parkinson's doesn't have much effect on him as yet, it will in the future and he has been finding it hard to accept this and has become increasingly depressed.

This has meant he hasn't been able to face coming into work and dealing with people on some days. He has in particular developed a dread of standing up in front of a group to make presentations which is a significant part of this job. He has also noticed he gets tired more quickly and has been finding it difficult to get up in the mornings and commute into work.

Abby thanks Ray for his honesty and suggests they start looking at ways in which some of these problems can be dealt with. Abby asks Ray if he will see the occupational health adviser and then they can look at adjustments such as working from home and perhaps counselling and coaching for the presentations.

### Ongoing reasonable adjustments – ensuring continuity

Many employees with a non-visible disability do not tell their employer about it unless they are sure their employer, and in particular their manager, is going to be supportive and won't discriminate against them. They often fear that telling their manager will mean they won't be given good work anymore or their chances of promotion will be diminished.

However, if you are seen to be an open and supportive manager, people who work for you are more likely to trust you enough to tell you about a disability or health condition or any other problems they might have that affects their ability to do their job. Once such trust has been established you can talk about any barriers the person faces at work and means of overcoming them, i.e. reasonable adjustments.

In many cases the only people who will know that the person has a disability is you, the HR department and the occupational health department, and only the medical adviser needs to know any actual diagnosis.

If you and your organisation are routinely flexible and make adjustments for all your employees, other members of staff may not even notice, let alone question, adjustments for someone with a non-visible disability. If they do notice the adjustments, they will be reassured that they can come to you if they too need a change in the way they work and that you will make reasonable adjustments for them.



### New managers

Difficulties may arise when a disabled person moves to another department or when their manager moves on and they have someone new in charge. A new manager may not understand why a member of the team works differently to other members of the team and may try to standardise ways of working.

Someone with a non-visible disability may be wary of discussing their disability with someone new with whom they have not as yet had time to develop a relationship. Removing reasonable adjustments may, however, lead to claims for disability discrimination.

### If you are a new manager

If you are appointed as the manager of a team you don't know, don't try to change ways of working too quickly. Try to get to know each team member and build trust. Remember that members of your team may have agreed reasonable adjustments with your predecessor and that is why, for example, someone starts and finishes later than other team members or works from home from time to time, or asks for quiet uninterrupted work time when they won't answer emails or telephone calls.

### If you are moving on as a manager

If you are leaving your department or organisation, consider what your successor needs to know about your team. Remember, however, that even if you get the chance to handover in person to your successor, you must not pass on details of someone's disability without their express consent. Information about health or a disability is regarded as sensitive personal data under

the Data Protection Act, and as such can only be processed or passed on to someone else with the explicit and preferably written consent of the disabled person.

You could talk to each member of your team and ask them what information they would like passed on to your successor. A better way, however, is to draw up a tailored adjustment agreement.

### Tailored adjustment agreements

A tailored adjustment agreement is a living record of reasonable adjustments agreed between a disabled employee and their line manager.

The purpose of the agreement is to:

- Ensure that both parties – the individual and the employer – have an accurate record of what has been agreed.
- Minimise the need to renegotiate reasonable adjustments every time the employee changes jobs, is relocated or assigned a new manager within the organisation.
- Provide employees and their line managers with the basis for discussions about reasonable adjustments at future meetings.

It is a live document and should be reviewed regularly by both the employee and manager, and amended as appropriate. Remember, however, that expert advice from third parties, such as occupational health advisers, Access to Work or IT specialists may be needed before changes can be agreed and implemented.

Managers who need help in deciding whether or not an adjustment is reasonable will find it helpful to use the 'Reasonable adjustment request form', a copy of which can be found at appendix 2 and is available on the EFD website at [www.efd.org.uk/publications/downloads](http://www.efd.org.uk/publications/downloads)

Tailored adjustment agreements are particularly useful where an employee's disability isn't visible. The agreement will give the employee more confidence when talking to a new manager about the effects of their disability because there is a document they can refer to as the basis for discussion at meetings.

New managers will also be reassured that the adjustments set out in the agreement have already been agreed by the organisation as reasonable and that they need do no more than review how they are working for the time being.

Tailored adjustment agreements are also a good way of ensuring that an employee's contact and emergency contact details are up to date, so as a manager you know who to contact if the need arises.

Employees with fluctuating conditions or disabilities that might affect their behaviour can also specify in the agreement what they would like their manager to do in circumstances where their health or behaviour gives their manager or colleagues cause for concern. This can be especially useful for people who have bi-polar disorder or other mental health problems, and you as a manager can be confident you are doing what the person wants you to do if you follow the agreed procedures in the agreement, for example, contacting a named family member.

A template 'Tailored adjustment agreement' can be found at appendix 1 and is available on the EFD website at [www.efd.org.uk/publications/downloads](http://www.efd.org.uk/publications/downloads) to amend and use in your own organisation.

New managers of employees with such tailored adjustment agreements should accept the adjustments outlined in the agreement as reasonable and ensure that they continue to be implemented. The agreement may need to be reviewed and amended at a later date but this should not happen until both parties have worked together for a reasonable period of time.

## Did you know?

There are approximately

**10 million**

disabled people in Britain covered by the Equality Act, which represents around 18% of the population.



### Scenario

Mark has been Elizabeth's manager for many years, and during that time he has helped implement a variety of reasonable adjustments that have enabled her to continue to work.

Elizabeth has bowel and gastric problems that are exacerbated by stress. She has occasional incontinence and needs easy access to toilet facilities at all times. This also means she cannot travel long distances. Elizabeth sees her consultant every two months. Elizabeth gets very embarrassed if she has to talk about her health problems and does not want any of her colleagues to know about them. She has, however, always found Mark to be sensitive and supportive.

He has allowed her time off for her medical appointments and to work from home when her condition has flared up. He has also discretely ensured that she has sole access to a toilet at meetings and events outside the office or allowed her to miss them if this hasn't been possible as she cannot wait in a queue.

With Mark's support, Elizabeth made an application to Access to Work and now can take taxis when necessary to meetings so she doesn't have to use public transport which can take longer than she can stand without access to a toilet. Elizabeth has learnt how to plan routes that allow her to stop to use a toilet.

Mark has now told Elizabeth he plans to retire in a few months and that Peter will take over the department. Elizabeth is

alarmed by this news, not only because she will miss Mark, but because Peter is a very different personality to Mark.

Peter has a reputation for being dynamic and Elizabeth finds him rather intimidating and dreads having to discuss her health problems and adjustments with him. She is concerned in particular that he won't believe her as she doesn't appear obviously disabled.

To reassure Elizabeth, Mark suggests they draw up a tailored adjustment agreement which sets out the adjustments the organisation has already agreed for Elizabeth as being reasonable. Elizabeth can then give this agreement to Peter at their first meeting. This should minimise the need for Elizabeth to talk about her health problems which she finds embarrassing until she and Peter have developed a relationship.

Peter will also know to accept Elizabeth's reasonable adjustments until he gets to know her and the department better. They can discuss the adjustments and how they are working once they have both adjusted to working with each other.

Elizabeth is reassured and finds it is also an opportunity to update her contact details and emergency contacts.



# Appendix 1

## Tailored adjustment agreement

The agreement allows you as an employee to:

- Explain the impact of your disability on you at work.
- Suggest adjustments that will make it easier for you to do your job.
- Offer further information from your doctor, specialist or other expert.
- Request an assessment by occupational health, Access to Work or another expert.
- Review the effectiveness of the adjustments agreed.
- Explain any change in your circumstances.
- Be reassured that your manager knows what to do if you become unwell at work and who to contact if necessary.
- Know how and when your manager will keep in touch with you if you are absent from work because of illness or a disability-related reason.

The agreement allows the line manager to:

- Understand how a particular employee's disability affects them at work.
- Explain the needs of the business or organisation.
- Explain the organisation's attendance and reasonable adjustment policy.
- Recognise signs that an employee might be unwell and know what the employee wants you to do in these circumstances including who to contact for help.

- Know how and when to stay in touch if the employee is off sick.
- Consider whether or not the employee needs to be referred for an assessment by an occupational health or another adviser to help both parties understand what adjustments are needed.
- Review the effectiveness of the adjustments already agreed.
- Explain any change in the employer's circumstances.

## Tailored adjustment agreement

This is a record of the reasonable adjustments agreed between [employee's name] and [line manager's name].

This agreement may be reviewed and amended as necessary with the agreement of both parties:

- At any regular one-to-one meeting.
- At a return to work meeting following a period of sickness absence.
- At six-monthly and/or annual appraisals.
- Before a change of job or duties or introduction of new technology or ways of working.
- Before or after any change in circumstances for either party.

**A copy of this agreement can be downloaded at [www.efd.org.uk/publications/downloads](http://www.efd.org.uk/publications/downloads)**



Employee

My disability in the workplace

My disability has the following impact on me at work	
<div></div>	
I need the following agreed reasonable adjustments (refer to Access to Work agreement if relevant)	
<div></div>	
Date budget holder contacted if relevant	Date implemented
<div></div>	<div></div>

**Wellness at work – employees who have  
fluctuating mental or physical disabilities**

On a 'good' day, my disability has the following impact on me at work

When things are breaking down, the following symptoms are indications  
that I am not well enough to be at work

### Emergency contacts

If I am not well enough to be at work I am happy for my line manager to contact any of the following emergency contacts in the order of preference indicated below:

Please add, amend or delete types of contacts as appropriate

GP (preference X)	Care co-ordinator (preference X)
Name:  Surgery:  Telephone:  Address:	Name:  Telephone:  Mobile:  Address:
Relative (preference X)	Specialist (preference X)
Name:  Relation to me:  Telephone:  Mobile:  Address:	Name:  Telephone:  Mobile:  Address:

Friend (preference X)	Other (preference X)
Name:	Name:
Telephone:	Telephone:
Mobile:	Mobile:
Address:	Address:

I will let you know if there are changes to my condition which have an effect on my work and/or if the agreed adjustments are not working. We will then meet privately to discuss any further reasonable adjustments or changes that should be made.

If you notice a change in my performance at work or feel these reasonable adjustments are not working, I would be happy to meet you privately to discuss what needs to be done.

### Line manager

#### Keeping in touch

If you are absent from work on sick leave or for a reason relating to your disability for more than [x] days and have followed the usual procedures for notifying the organisation of your absence, I will keep in contact with you in the following way:

Who will contact whom?
How will contact be made? (email, telephone, text, letter, textphone)
How often? (daily, weekly, monthly)
When? (preferred day, preferred time)

### Conversations while you are on sick leave

These are the topics we have agreed we will discuss while you are absent, for example:

- How you are feeling.
- What I can do to help.
- Current work.
- Planned phased return to work.
- Return to work date etc.

### Return to work

When you are ready to return to work after a period of sickness or disability related absence of more than [x] days, we will meet to review this agreement and make any necessary amendments.

At this return to work meeting we will also discuss:

For example:

- Current work issues.
- A phased return/back to work plan.
- What to tell the team.
- Assessments to review existing reasonable adjustments (Access to Work, GP, occupational health) and identify new adjustments that might be needed.

### Unauthorised absences from work

If you are absent from work and have not followed usual procedures for notifying us that you are sick or absent for a reason relating to your disability, we have agreed that I will do the following:

For example:

- Try to contact you on your mobile and/or notify your emergency contact whose up-to-date details are as follows:

An up-to-date copy of this form will be retained by employee/line manager/HR.

A copy of this form may also be given to a new or prospective line manager with the prior consent of the employee.

Employee signature:

Date:

Employer signature:

Date:

# Appendix 2

## Reasonable adjustment request form

Completed by:

Position:

Department:

Date:

Re:

Date adjustment requested:

Description of disadvantage experienced by the employee and nature of adjustment requested.

Has advice been sought from anyone else, e.g. occupational health adviser, GP/specialist, Jobcentre Plus adviser? If so, please attach a copy of the advice/assessment or provide a date by when this is expected.

How effective will the adjustment be in preventing the disadvantage?

How practical is it to make this adjustment? For example, how long will it take to implement the adjustment; will additional training be needed for the disabled person or anyone else?

What are the financial and other costs, if any, of the reasonable adjustment?

What, if any, disruption will be caused by making the adjustment?

Is financial or other assistance available to help make an adjustment, e.g. Access to Work?

**A copy of this form can be downloaded at [www.efd.org.uk/publications/downloads](http://www.efd.org.uk/publications/downloads)**



What effect, if any, will the adjustment have on other employees?

What adjustments have been made or are required for other employees in your team?

Has the employee been consulted on the adjustment and agreed that it is needed?

Would making the particular adjustment result in unacceptable risks to the health and safety of any person (including the disabled person)?

Would making the adjustment reduce a health and safety risk for anyone (including the disabled person)?

Any other relevant factors:

Line manager's recommendation:

Signed:

# Appendix 3

## Access to Work

The Access to Work programme is a government funding scheme run by Jobcentre Plus. It provides financial assistance towards the extra costs of employing someone with a disability. It is available to unemployed, employed and self-employed people and can apply to any job, full-time or part-time, permanent or temporary. The only exception is individuals that work for a Ministerial government department, who have been excluded from the scheme since 1 October 2006.

Access to Work is intended to provide assistance towards covering the costs of adjustments which otherwise would not be reasonable. Employers have a duty to make reasonable adjustments under the Equality Act 2010.

## Employment status

Access to Work defines four types of employment status:

- Unemployed.
- Self-employed.
- People employed for less than six weeks.
- People employed for more than six weeks.

## Support available

The type of support available includes:

- Communicator at a job interview for people who are deaf or have a hearing impairment.
- Reader at work for someone who is blind or has a visual impairment.

- Support worker if someone needs practical help because of their disability, either at work or getting to work.
- Adaptations to a vehicle, or help towards taxi fares or other transport costs if someone cannot use public transport to get to work because of their disability.
- Equipment (or alterations to existing equipment) necessary because of an individual's disability.
- Alterations to premises or a working environment necessary because of a person's disability.

## Funding available

The funding available can depend on the employment status of the disabled individual at the time of application and the size of the employer. Access to Work will provide the following support irrespective of employment status:

- Travel to work – the programme will pay up to 100% of all approved costs irrespective of employment status.
- Communicator support at interview – the programme will pay up to 100% of all approved costs irrespective of employment status.
- A support worker – the programme will pay up to 100% of all approved costs irrespective of employment status.

Other support can vary depending on employment status. Access to Work provides the following:

- For unemployed people starting a job and all self-employed people – the programme will pay up to 100% of all approved costs.
- For people changing jobs – the programme will pay up to 100% of all approved costs.
- For employed people who have been with the employer for six weeks or longer – the programme will make a contribution towards special equipment or adaptations to premises. The Access to Work contribution depends on the size of the employer:
  - Large employers (with more than 249 employees) will pay the first £1,000 of the cost of relevant elements;
  - Medium employers (with 50-249 employees) will pay the first £500 of the cost of relevant elements;
  - Small employers (with 10-49 employees) will pay, as now, the first £300 of the cost of relevant elements; and
  - Employers with fewer than 10 employees and self-employed people will be exempted from making any contribution to costs.

All employers with 10 or more employees will also be expected to pay 20% of the subsequent cost, up to £10,000.

So for example, if a large employer has an employee who needs an adjustment costing £2,000, the employer will be expected to pay £1,200 in total – the first £1,000, plus 20% of the subsequent cost (i.e. 20% of the remaining £1,000).

Access to Work funding is ongoing, a review of an individual's circumstances and support needs will take place if further funding is needed after 3 years.

Applications for Access to Work must be made by the person with the disability on an application form. Forms are available from Access to Work Operational Support Units.

In some cases Access to Work solutions may incur a business benefit, for example, if other members of staff use your specialist equipment as part of their own work. In these instances the business benefit costs will be estimated and deducted from the Access to Work costs. The programme will pay a proportion of the remaining amount as described above.

### Applying for Access to Work

If your employee is eligible for support under the Access to Work programme, they will need to make an application. Applications are taken by telephone and a form is sent to the employee for them to sign and return. Once returned, the application will be allocated to an Access to Work adviser.

The adviser will then contact the employee and conduct an appraisal of their needs. The adviser will also need to speak to the employee's line manager. In most cases, this can be done by telephone, but a visit may be necessary and can be arranged if requested by you.

Specialist advice may be required in some circumstances and the Access to Work adviser will help to arrange this. For example, the adviser may arrange for a specialist organisation to complete a technical or work station assessment in order to recommend appropriate support.

In these cases, a confidential written report will be sent to the Access to Work adviser, which will help inform them of the required level of support.

### Further information

The Access to Work programme is administered by Jobcentre Plus. To find out more about the programme and how to apply for support, you need to contact your nearest Access to Work Operational Support Unit – the details of which are below.

Note: Access to Work funding is not available retrospectively. It will not refund any payments that have already been made towards the cost of reasonable adjustments.

### Access to Work Operational Support Units (OSUs)

Contact details for the three OSUs that deal with applications and claims for Access to Work.

Contact the OSU covering the area where you work by telephone, textphone, fax, email or by post. Please note that there are no walk-in facilities, these are postal addresses only.

### London

Contact this centre if you work in:

- South East England.
- London.
- East of England.

#### Jobcentre Plus

Access to Work Operational Support Unit

Nine Elms Lane

London SW95 9BH

Tel: 020-8426-3110

Textphone: 020-8426-3133

Fax: 020-8426-3134

Email: [atwosu.london@jobcentreplus.gsi.gov.uk](mailto:atwosu.london@jobcentreplus.gsi.gov.uk)

### Cardiff

Contact this centre if you work in:

- South West England.
- Wales.
- West Midlands.
- East Midlands.

#### Jobcentre Plus

Access to Work Operational Support Unit

Alexandra House

377 Cowbridge Road East

Cardiff CF5 1WU

Tel: 02920-423-291

Textphone: 02920-644-886

Fax: 02920-423-342

Email: [atwosu.cardiff@jobcentreplus.gsi.gov.uk](mailto:atwosu.cardiff@jobcentreplus.gsi.gov.uk)

### Glasgow

Contact this centre if you work in:

- Scotland.
- North West England.
- North East England.
- Yorkshire and Humberside.

#### **Jobcentre Plus**

Access to Work Operational Support Unit

Anniesland JCP

Baird Street

Glasgow G90 8AN

Tel: 0141-950-5327

Textphone: 0845-602-5850

Fax: 0141-950-5265

Email: [atwosu.glasgow@jobcentreplus.gsi.gov.uk](mailto:atwosu.glasgow@jobcentreplus.gsi.gov.uk)

# Appendix 4

## Further information

### Employers' Forum on Disability

Nutmeg House  
60 Gainsford Street  
London SE1 2NY

Tel: 020-7403-3020

Textphone: 020-7403-0040

Fax: 020-7403-0404

Email: [enquiries@efd.org.uk](mailto:enquiries@efd.org.uk)

Website: [www.efd.org.uk](http://www.efd.org.uk)

If you would like further information on specific non-visible disabilities, contact EFD's Disability Directions on 020-7403-3020.



## **Employers' Forum on Disability gold members include\***

**Accenture, Alexander Mann Solutions, Allianz, American Express, AstraZeneca, Barclays, BBC, BSkyB, BT, BUPA, Cisco Systems, de Poel, Deloitte, Department for Transport, Department for Work and Pensions, Ernst & Young, Fujitsu, GlaxoSmithKline, Goldman Sachs International, GoodPeople, HM Revenue & Customs, Home Office, InterContinental Hotels Group, Kingfisher, KPMG, Land Securities Group, Lloyds Banking Group, Logica, McDonald's Restaurants, Microlink PC, Microsoft, Ministry of Defence, Ministry of Justice, Mitie Group, Motability Operations, NHS Employers, NHS Scotland, Nomura, Nuance, Oracle, PricewaterhouseCoopers, Royal Bank of Scotland Group, Royal Mail Group, Sainsbury's, Santander, SAP, Serco Group, Serious Organised Crime Agency, South West London & St George's Mental Health Trust, Tesco Stores, UBS.**

**\*Correct at time of publication.**



**Employers' Forum on Disability**  
Nutmeg House  
60 Gainsford Street  
London  
SE1 2NY

**Tel: 020-7403-3020**  
**Textphone: 020-7403-0040**  
**Fax: 020-7403-0404**  
**Email: [enquiries@efd.org.uk](mailto:enquiries@efd.org.uk)**  
**[www.efd.org.uk](http://www.efd.org.uk)**

**Employers' Forum on Disability is committed to ensuring that all its products and services are as accessible as possible to everyone, including disabled people. If you wish to discuss anything with regard to accessibility, please contact us.**

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