

# **EMPLOYING STAFF WITH DISABILITIES GUIDANCE**

Issued: May 2016

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## 1. Introduction

Discrimination is not only unlawful and unfair but also represents a significant waste of human potential. Disability is a natural and inevitable element of working life and affects people at every stage in their careers, yet employers have been found to resist employing a person with disabilities believing that they will be unable to perform the role or that the cost of doing so is too expensive. This attitude is rooted in fear and stereotyping, focusing more greatly on the disability than the abilities of the individual.

According to the Disability Rights Commission, there are over 6.9 million disabled people of working age, representing nearly 20% of the UK's population, yet only 48% are in employment compared to 78% of non disabled people<sup>1</sup>. Disabled people are therefore under represented and under utilized in the UK Work Force.

Bradford Diocesan Academies Trust (and indeed Governments world wide) are encouraging all organisations, including schools, to show that they are responding to the needs and expectations of the societies and communities in which they operate by delivering best practice which enables disabled people to move in to economic activity and further participate in mainstream society. This guide aims to provide practical advice to ensure that all school recruitment processes avoid unlawful discrimination and are successful in promoting fairness and inclusion in the workplace. It raises awareness of the needs and expectations of disabled candidates and employees and addresses the full recruitment process from advert and attraction to interviewing and induction.

Although this document is specifically focussed on individuals with disabilities, the guidelines and advice are good practice and help to encourage equality in all respects.

### Did you know?

- Disabled people make 2.5 times more job applications than non disabled people, yet receive fewer jobs<sup>2</sup>
- In 2011, only 6.9% of people aged 16-24 who had one or more disabilities were accepted by UCAS for a place at University, compared with 93% of the same age group with no health problem<sup>3</sup>

Disability Discrimination continues to exist in the UK. However, several reports have found that people with disabilities have high performance ratings and better retention rates, thus reducing the high cost of staff turnover. Furthermore, many disabled people will not require any adjustments to enable them to do the job, with the average cost of a reasonable adjustment (where one is required) being only £75<sup>4</sup>.

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<sup>1</sup> *Office for Disability Issues, Disability facts and figures: An overview of Official UK disability statistics from the Office for Disability Issues - 2010*

<sup>2</sup> *Scope – Ready, Willing and Disabled – April 2003*

<sup>3</sup> UCAS – [http://www.ucas.ac.uk/about\\_us/stat\\_services/stats\\_online/data\\_tables/disability](http://www.ucas.ac.uk/about_us/stat_services/stats_online/data_tables/disability)

<sup>4</sup> *Disability Rights Commission, Top tips for small employers: A guide to employing disabled people (2004)*

Although compliance with the Equality Act (2010) is a legal duty, it also makes sound business sense and having a diverse work force brings many other benefits to any team or organisation, including:

- An organisation which better reflects British society, bringing different life experiences and skills to the workplace
- Increased retention - disabled people at work tend to stay longer with employers than non-disabled colleagues
- An organisation which is more skilled in recruitment and selection because they learn how to recruit on the basis of merit and contribution ☑ Having a larger talent pool from which to recruit.

## 2. The Law

Equality Law applies to all organisations, whatever the size, sector and number of employees. The Equality Act (2010) introduced the concept of ‘protected characteristics’ which include age, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation and of course disability. It amounts to unlawful discrimination if applicants are discriminated against on the grounds of any of these characteristics. Unlawful discrimination can take a number of different forms:

- You must not treat a job applicant worse than another job applicant because of a protected characteristic (this is called **direct discrimination**).

For example:

An employer says in a job advert ‘this job is unsuitable for disabled people’.

- You must consider how a policy or procedure, although applied to all individuals, may put those who share a particular disability (or protected characteristic) at a disadvantage when compared with those who don’t share it. In other words, you must not do something which has (or would have) a worse impact on a job applicant due to a disability. Unless you can show that what you have done, or intend to do, is **objectively justified**, this will amount to **indirect discrimination**. ‘Doing something’ can include making a decision, or applying a rule or way of doing things.

For example:

A job involves travelling to see clients and the employer states that the successful applicant has to be able to drive. This may prevent some disabled people applying if they cannot drive, yet there may be other suitable ways of getting from one appointment to another. In this case, the employer needs to show that a requirement to be able to drive is objectively justified, or they may be discriminating unlawfully against people who cannot drive because of their disability.

- You must not treat a disabled job applicant **unfavourably** because of something connected to their disability where you cannot show that what you are doing is **objectively justified**. This only applies if you know or could reasonably have been expected to know that the applicant is a disabled person. This is called **discrimination arising from disability**.

For example:

An employer tells a visually impaired person who uses an assistance dog that they are unsuitable because the employer is nervous of dogs and would not allow it in the office. Unless the employer can objectively justify what they have done, this is likely to be discrimination arising from disability. This may also be a failure to make a **reasonable adjustment**.

There are further provisions to be aware of which make it unlawful for employers to:

- Discriminate against someone because they are **associated with** another person who has a disability (or has any other protected characteristic). For example, an employer does not give someone the job, despite being the best-qualified person, because the applicant informs the employer that they have a disabled partner. This would represent direct discrimination because of disability by association. Direct discrimination cannot be justified, whatever the employer's motive.
- Discriminate against someone on the grounds of their **perceived** disability, even if that perception is wrong. For example, an employer does not give an applicant the job, despite being the best-qualified person, because of a stammer – although the stammer does not have a substantial effect but the employer perceives it to have.
- **Harass** someone in relation to a disability. For example, an employer makes a job applicant feel humiliated by using telling jokes and using a nick name in connection with their disability during the interview. Harassment can include any type of behaviour which someone finds to be offensive, frightening, degrading, humiliating or in any way distressing.
- **Victimise** a job applicant because they have complained about discrimination, helped someone else complain or have done anything to uphold their own or someone else's equality law rights. For example: An employer does not shortlist a person for interview, even though they are well-qualified for the job, because last year the job applicant said they thought the employer had discriminated against them in not short listing them for another job.

### 3. Reasonable Adjustments

Employers have a legal duty to make reasonable adjustments to any **practice, provision or criterion**, or to **physical features** of their premises to ensure that a disabled person has the same access, as far as reasonable, to everything that is involved in getting and doing a job as a non-disabled person. If schools do not make reasonable adjustments to ensure that all steps of the recruitment process are barrier free, there is potential legal risk in addition to risk to school's reputation.

The first requirement under the duty involves amending the way things are done (i.e. a **provision, criterion or practice**).

For example:

School has a policy that designated car parking spaces are used only by employees and not by visitors. A job applicant who has a mobility impairment who needs to park close to the interview location is given a designated car parking space for their interview. This would represent a reasonable adjustment to the school's car parking policy.

The second requirement involves making changes to overcome barriers created by the **physical features**:

For example:

Clear glass doors at the end of a corridor present a hazard for a visually impaired job applicant. Adding stick-on signs or other indicators to the doors so that they become more visible is likely to represent a reasonable adjustment.

Finally, the third requirement involves providing extra equipment or providing someone to assist the disabled person (which equality law calls an **auxiliary aid or auxiliary service**)

For example:

A blind job applicant attends for an interview. School arranges for a member of staff to meet them and generally accompany them, so they can be shown to the toilets, the cloakroom and the interview room as and when necessary.

Making reasonable adjustments applies at all stages of the recruitment process from the application form to the interview stage i.e. if an applicant asks for information about the job and the application form in an alternative format which they require because they are a disabled person then you must provide this, so long as it is a reasonable adjustment, which it is likely to be. Likewise, if an applicant requires reasonable adjustments to participate in an interview or assessment process, then these must be accommodated where possible. Furthermore, it is not only a matter of making reasonable adjustments to the recruitment process, but also bearing in mind that adjustments may be necessary for the job itself.

Many of the adjustments you can make will not be particularly expensive, and you are not required to do more than what is 'reasonable'. When deciding whether an adjustment is reasonable schools should consider how effective the change will be in avoiding the disadvantage the disabled person would otherwise experience, in addition to practicality, cost, school resources, school size and the availability of financial support. The Government Scheme 'Access to Work' could assist with extra costs which would not be reasonable for an employer or prospective employer to pay. For example, Access to Work might pay towards the cost of getting to work if the disabled person cannot use public transport, or for assistance with communication at job interviews. In addition, the Government's employment programme 'Work Choice' could also draw funding to support work place adjustments, including the delivery of disability awareness training.

If, however, a disabled applicant can show that there were barriers which should have identified and reasonable adjustments could have been made, then they could potentially pursue an Employment Tribunal claim against the school. In addition to avoiding a possible Employment Tribunal claim, being open to making reasonable adjustments will mean that school have a wider choice of potential employees, and ultimately, a person with disabilities may be the best person for the job.

If, after taking reasonable adjustments into account, the disabled applicant would not be the best person for the job, then there is no obligation to make a job offer. However, if, with the reasonable adjustments in place they are the best person, then they should be offered the job. In any event, schools are seeking the best person for job to secure the very best outcomes for children and young people.

Please see later sections for further information regarding reasonable adjustments throughout the entire recruitment process, including when it is appropriate to ask candidates for this information.

#### **4. Positive Action**

This refers to the steps employers can take to encourage people from groups with different needs or with a past track record of disadvantage or low participation to apply for jobs – such as disabled candidates. In recruitment, equality law allows positive action throughout the recruitment process and steps could include:

- Encouraging particular groups to apply (see advertising section)
- Helping people with particular protected characteristics to perform to the best of their ability (for example, by implementing reasonable adjustments)
- Having a policy of short listing and interviewing all disabled applicants who meet the minimum essential requirements as set out on the person specification <sup>5</sup> Appointing an applicant at the interview stage in the event of a ‘tie break’ situation – if they are from a group sharing a protected characteristic and there is reasonable belief that this group is disadvantaged or under-represented in the school workforce (in this case, schools may have to show some evidence to support the belief, such as staffing monitoring data and such ‘tie-break’ provisions should only be used when faced with a choice between two candidates who are as qualified as each other).

#### **5. The Job Description and Person Specification**

A 2011 survey of disabled job seekers found that 71% of respondents were discouraged from applying for jobs owing to off putting adverts and job descriptions<sup>5</sup>.

Schools should therefore ensure that any requirements about what the role involves (on the job description), or about the person who you want to recruit (in the person specification) should be related to and needed as part of the job. The inclusion of unnecessary or minor requirements could discriminate against disabled people.

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<sup>5</sup> <http://www.theclearcompany.co.uk> – July 2012

For example:

An employer states that they want to recruit someone who is 'active and energetic' but in fact the job needs someone to work at a desk. This might stop some disabled people from applying if, for example, they have a mobility impairment (although, of course, many people with a mobility impairment are very active and energetic).

Schools should also think carefully about whether specific qualifications are actually required or whether what is really needed is a particular skill level.

For example:

An employer specifies that a driving licence is required for a job which involves limited travel. An applicant for the job has no driving licence because of the effects of cerebral palsy. They are otherwise the best applicant for that job, they could easily and cheaply do the travelling involved other than by driving and it is likely to be a reasonable adjustment for the employer to let them do so. It would probably be discriminatory to insist on the specification and reject their application only because they have no driving licence.

In other words, when drafting a Job Description, you should focus on **what** is to be achieved in the job rather than **how** it is to be achieved.

For example, 'Must touch type' could be replaced with 'you will need to produce accurate reports using a word processing package'. The former does not explain why touch typing is essential and may exclude a capable candidate with repetitive strain injury (RSI) whilst the latter may allow a candidate with RSI to demonstrate their ability to meet the criteria using voice-activated software.

Whilst the Job Description describes the tasks and duties, the Person Specification describes the criteria and qualities needed in the individual who is to do the job. When drafting a Person specification, you need to clearly define the skills, abilities, experience and personal attributes required. You should also ensure that any qualifications you specify are genuinely required to do the job. e.g. where a professional qualification is essential in order to be able to practice e.g. QTS etc.

You need to be able to justify any criteria that you use – particularly if these are not essential to the job.

## 6. Advertising

All school job advertisements should be as inclusive as possible to ensure that disabled candidates are not excluded. You should consider carefully where you will advertise and look at the possibility of advertising in more than one medium. e.g. Talking newspapers, the internet, Disability publications etc. If using the internet, make sure the Web site is accessible to people with sensory needs and contains no discriminatory language.

You must not state or imply that a job is unsuitable for disabled people generally or a disabled person with a particular type of impairment or imply that reasonable adjustments will not be made.

For example:

When a school is advertising for a teacher to work in a building on two floors which does not have a lift, they must not state that because of this the job would not be suitable 'for a disabled person'. Instead, if they wish to address this issue in the advert, they could point out that the school is on two floors but that they would welcome applications from disabled people whatever their impairment and would make reasonable adjustments both at interview and on appointment. If the school interviews an applicant with a mobility impairment, it would be a reasonable adjustment to hold the interview somewhere with level access and if successful, a further reasonable adjustment could be made to allow them to do their teaching on the ground floor and, if necessary, level access to the ground floor could be provided through the installation of a ramp if this did not already exist.

Schools can advertise a job as being open to disabled applicants only or you can state in the advert that you are encouraging disabled people to apply for a job. This is not unlawful discrimination against a non-disabled person as Equality law allows you to treat a disabled person more favourably than a non-disabled person. This can be done even if the disabled person is not at a specific disadvantage because of their disability in the particular situation. The reason the law was designed this way is to recognise that generally disabled people face a lot of barriers to participating in work and other activities.

Other useful tips include:

- Ensuring that any advert is in a minimum of 14pt plain font and that the information is clear.
- Stating that you can provide the vacancy information in different formats and that applications can be received in alternative formats e.g. by email, large print or audio etc. This may require you to reorganise how you will process an application form you receive in alternative format.
- Provide a point of contact by telephone, fax number, email, text phone or mobile for people who are concerned about the recruitment process.
- Avoid using jargon and abbreviations
- Using a statement to show that you encourage anyone who has the necessary skills, qualities and experience to apply such as:

"As an equal rights employer [school name] seeks a workforce which reflects the community it serves and is committed to providing equal access to employment and development opportunities for people from all parts of the Community"

"Applicants will be treated on merit irrespective of gender, sexual preference, age, racial origin or disability"

"The aim of the school is to become an employer who offers genuine equal opportunities to people looking for work, and which does not unfairly discriminate against any sections of society in its recruitment and retention"

“School is committed to becoming disability confident and an employer of choice irrespective of disability, gender, race, religion or belief, sexual orientation and age.

We encourage and promote a workforce which is representative of the wider community. Disabled candidates who meet the essential criteria will be guaranteed an interview”

“We welcome enquiries from everyone and value diversity in our workforce”

“We are willing to consider flexible working arrangements”

“We welcome applications from people with disabilities”

The Council’s standard wording regarding Equal Rights in Employment is:

“The Council is an Equal Opportunities Employer. Amongst other things, this means that applicants for jobs within the Council will be considered solely on their individual merits and suitability for the post for which they have applied. We are committed to the elimination of all forms of discrimination and to creating equality of opportunity for everyone whatever their gender, race, disability, culture, religious beliefs, age, sexuality, class, economic or other status”

These could be adopted for use in your academy.

If you have an equality policy, you could mention this in the advert or recruitment pack to tell prospective employees that your school wants to operate in a particular way.

## **7. Application Forms and Supporting Information**

At this stage, you need to explore what skills, qualities and experience candidates have which would make them the best person to do the job.

As your Job Description and Person Specification should have focused on what is to be achieved rather than how, candidates should be asked within their application, under supporting evidence, to explain how they will achieve particular requirements of the job. This will help a disabled applicant to demonstrate their abilities.

As above, an applicant may require information about the application form and any other information about the job to be provided in a different format. This could be information in large print, electronically or as an audio file. All staff who are involved in the recruitment process should be aware of this duty.

For example:

A person applies for a job and asks for information in large print format because they have a visual impairment. An administrator dealing with this does not understand what they are being asked to do and is not aware of their own or school's duty to avoid discriminating against disabled people. She ignores the applicant's request and the applicant is unable to apply for the vacancy. This is a failure to comply with the duty to make reasonable adjustments.

#### **a) Health/Disability Related Questions**

Section 60 of The Equality Act (2010) dictates that you cannot ask questions about health or disability prior to job offer or during an interview except in certain specified circumstances. One of the exceptions to this rule is that you can ask a question to find out if a disabled person needs a reasonable adjustment during the recruitment process itself, or for monitoring purposes, which is used to record the diversity of applicants and employees.

For example:

An application form/covering letter states: 'Please contact us if you need the application form in an alternative format or if you need any adjustments for the interview'.

Furthermore, if a candidate discloses a disability and meets the essential criteria on the person specification, they may be short listed for the post under the 'Guaranteed Interview Policy' (See below for more information).

It is best practice to request that applicants inform you about any adjustments required (to the application form or the assessment/interview) by telephone or on a separate document/covering letter that does not contain any information relevant to deciding whether to short list the application. This, along with the monitoring form (if applicable) should be kept separate from the rest of the information an applicant provides.

The easiest way to make sure the information about reasonable adjustments and equality monitoring is not used in the wrong way (i.e. by excluding a disabled person from the application process) is to take steps to ensure that the short listing panel do not see this information before making their decision. There should be a member of school staff who takes responsibility for coordinating and administering the recruitment process who is not involved in the short listing or interviewing stages. This will ensure that the information is not used to discriminate unlawfully against disabled candidates and school should be able to evidence that this is not the case.

It is important that:

- Schools do not use any information the applicants give to discriminate against them.
- Questions about disability are not asked in a way that might be intrusive or that violates the disabled person's privacy or dignity.
- No questions are asked that are not linked to making reasonable adjustments to the application process or for equality monitoring purposes (which candidates are not obliged to provide) and;

- What the candidate says about reasonable adjustments is not used to make any other decisions that are part of the application process.

Please note, you are only expected to make adjustments if you know, or could be reasonably expected to know, that a disabled person has applied or may apply for the job but schools must do all that can reasonably be expected to find out whether this is the case and what, if any, adjustments an applicant requires.

### Short listing

Bradford Diocesan Academies Trust adopts a '**Guaranteed Interview Policy**'. This means that any disabled candidate who meets the essential requirements as outlined on the person specification will be interviewed. In applying the policy, it is important to assess whether the person would be capable of meeting the requirements after reasonable adjustments have been taken in to account. Guaranteeing an interview does not of course, guarantee success!

Equality Law allows employers to treat disabled people more favourably than nondisabled people as it recognises that generally, disabled people face greater barriers to participating in work and other activities.

## 8. Interview Arrangements

### a) Invitation to Interview

When you decide to interview you must not unlawfully discriminate against a job applicant in the way you carry out the interview or selection process.

When inviting candidates to interview, schools should ensure that the invite letter asks what special requirements, if any, they require, which need to be accommodated on the day of interview.

For example:

School can ask the specific question: 'Do you require any adjustments because of a disability?'  
School can also offer to answer any questions applicants may have about the interview process to help them to decide if they need to ask for any adjustments to be made. In the invite letter, school should also be clear whether or not the interview will take place in a building with level access (i.e. if there are stairs, there are ramps or a lift) and if a hearing loop is available.

However, applicants do not have to respond to this request and, unless you could otherwise reasonably be expected to know that a job applicant is a disabled person, you will not be under a duty to make adjustments. However, if an applicant discloses at a later stage that they are a disabled person, or you could reasonably be expected to know that they are, you must then consider whether they need reasonable adjustments. Ultimately, schools need to make sure that all of the interview arrangements allow the person to attend and participate effectively.

For example:

An applicant does not tell an employer that they require level access because of a mobility impairment and there are steps to the interview room with no lift on the premises. It would be a reasonable adjustment to hold the interview in an alternative, accessible room if one was available without too much disruption or cost, or if the employer is unable to move rooms at short notice, they could ask the candidate to attend on another day when a room with level access will be available. This is likely to represent a reasonable adjustment.

You must not change the decision to interview an applicant because of the discovery of a disability (or other protected characteristic) nor should you change the way you interview them, for example, by cutting the interview short or not testing them in the same way as other applicants (unless the change is a reasonable adjustment).

Schools may need to exercise a degree of flexibility with regards to dates and times of interviews to avoid unlawful discrimination, particularly indirect discrimination if you cannot objectively justify what you are doing, or a failure to make reasonable adjustments.

For example:

An employer offers candidates only one time for interviews and a disabled person with a mobility impairment is required to attend at 9am, despite asking for a time which allows them to travel on public transport outside the rush hour. This is likely to be a failure by the employer to make a reasonable adjustment.

## **b) Interview Venue**

Schools should ensure that the chosen location is convenient and accessible with disabled parking facilities. If you are holding interviews at an external venue, you should check with the venue whether there is public transport access and designated disabled parking. You should also consider whether the venue has disabled toilets and whether there is level access to the interview room and any other rooms you will expect the candidates to use. If candidates have specified the adjustments they require, it is important to ensure these have been made.

Other tips for best practice include:

- Giving candidates as much notice as possible of interview (not less than one week). The shorter the notice, the less opportunity you have to make the necessary adjustments
- Remember to book any sign language interpreters, lip speakers etc or other language interpreters, well in advance (you often need approximately four weeks notice for such services)

**c) Interviewing**

Staff involved in interviewing should preferably have completed training in Disability Awareness to reduce risk of discriminatory attitudes affecting any selection decisions which are made. Schools should use the job description and person specification to generate suitable interview questions, which ensures that all questions are based on the required criteria for the role and only asks for information which is relevant to the job.

Other tips include:

- Ensuring that interviewers speak clearly, avoiding jargon and questions that are too long and complex. (Questions should be split questions into manageable chunks).
- Always ensure that more than one person interviews candidates, as this can help avoid unintentional bias against people with particular protected characteristics.
- Interviewers should not ask for medical details or ask personal questions about how the disability was acquired. Asking about a disability needs to be done in relation to the effect on someone's ability to do the job advertised and if there is any doubt about a person's ability to do a job, simply ask them how they would go about it.
- Do not make assumptions about a person's ability to perform certain tasks - people with disabilities often develop innovative solutions to everyday tasks, with or without technical equipment or personal support. Interviews should be careful not to make instant, personal and sometimes unfair judgements about someone's suitability because of a protected characteristic, rather they should focus on finding out if they have the skills, qualities and experience needed to do the job.
- Make it clear to interviewees that they can use experience in unpaid/voluntary work when answering the questions asked. This can help people whose protected characteristics have influenced their work history to show they have gained the skills you need in other ways. (For example, a disabled person applies for a job working without any formal qualifications or experience of paid work however, the volunteering they have done for local charities means they have experience of organising meetings and contacting people to encourage them to take part in activities. An application form that asks about 'relevant experience, paid or unpaid' would highlight this in a way that a form that only asked about 'previous employment' would not)
- Be flexible regarding the time and date of the interview/test which will be supportive of disabled candidates who require adjustments in addition to candidates who may have particular family responsibilities or requirements of religious observance.

Remember: Your objective is to find the right person for the job!

## 9. Selection Tests/Appointment

Selection tests of any kind must be free of unjustifiable bias. They must be relevant to the job and reasonable adjustments must be made to enable disabled people to participate and compete on equal terms. When candidates are invited to interview, it is good practice to inform them that they will be expected to take a test and give a brief outline of what will be involved, asking whether they require any reasonable adjustments. If a candidate is disabled but is not told in advance about a test, this may disadvantage them because it does not give them a chance to ask for reasonable adjustments. As with interviews, even if a candidate does not tell you they are disabled or ask for any adjustments, but it becomes clear once they arrive for the test, you are still obliged to make any adjustments which are reasonable. Otherwise they may be prevented from being able to compete on the same terms as other applicants.

Things to consider before inviting to the test session:-

- Ask the candidate if they anticipate any problems in taking the tests and how these may be overcome.
- Make arrangements at an appropriate venue (see Interview Arrangements).
- Ensure the candidate can get to the venue
- Make sure any additional or alternative equipment or facilities required are available

Schools should also be careful not to disadvantage candidates because of their disability by the content and timing of a test.

For example:

An employer could allow a candidate extra time for a written test because they have severe dyslexia and may also provide them with a computer, having checked with them what adjustments they need and accepted that they are reasonable adjustments.

Additionally, procedures for testing or assessment may need to be modified:

For example:

A job applicant with restricted manual dexterity would be disadvantaged by a written test, so the employer gives that person an oral test instead.

However, you do not have to adapt a test to the point where it no longer tests whether someone would be able to do the job or not (taking into account any reasonable adjustments that would enable the disabled person to do the job).

## **Making the Appointment**

Selection decisions should be based on securing the best person for the job. A disabled person's ability should be considered after reasonable adjustments have been made. However, failure to involve the candidate in identifying these could give rise to a case of unlawful discrimination. Accordingly, it is advisable for schools to discuss adjustments with the disabled person (rather than simply assuming they are effective) as several adjustments may be required to fully remove or reduce a range of disadvantages that may not be obvious to the recruiter. However, except for removing barriers to the recruitment process itself, it is not advisable to have this discussion before you have made a disabled job applicant a job offer (which may be conditional if necessary).

You may legitimately reject a disabled candidate if they are unable to demonstrate a lack of appropriate ability, skills or experience (unrelated to their disability) and when another candidate has more suitable skills and experience to be successful in the role for which they have applied. School may also reject a disabled candidate if their disability makes him or her substantially less suitable for the post even after all reasonable adjustments to overcome the effect of the disability have been considered. This information should then be clearly communicated to the candidate.

Ultimately, it is unfair and contrary to Equality Law not to appoint a disabled person to a post which they could perform as well as anyone else with the necessary adjustments in place.

## **10. Induction and Management**

Any new employee to school should have access to an Induction programme which is relevant to their role. People with disabilities may require particular reassurance and encouragement when taking up employment in a new role and organisation and therefore a clearly structured Induction Programme is helpful. The Induction process should include:

- Providing the individual information about what support and assistance is available to help them in their role and to identify and agree what reasonable adjustments will be made
- Acknowledging that their needs may change over time and that any adjustments will be reviewed regularly.

New employees who are disabled may also have particular needs which need to be accommodated during the induction programme itself i.e. a hearing loop for induction talks, accessible venues for induction activities and alternative methods of presenting information.

In addition to this, line managers have a responsibility to ensure that disabled staff are treated fairly and have the same opportunities at work as non-disabled colleagues. Other than making the recruitment process barrier free and ensuring reasonable adjustments are place, the Employee Forum on Disability<sup>6</sup> also suggests that line managers should:

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<sup>6</sup> <http://www.efd.org.uk/employment> - July 2012



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- Take a proactive role in the training and development of all staff, ensuring that it is accessible to disabled employees
- Recognise when someone might have or be developing a disability
- Make sure that disabled employees are not penalised for taking disability related time off

Consider providing intranet pages on disability, including information on policies, initiatives and sources of help for employees with disabilities