

Valued in public

Helping people with a learning disability to work in public bodies

Anne O'Bryan, Stephen Beyer November 2005

With a foreword by Anne McGuire, Minister for Disabled People, Department for Work and Pensions



Foreword

I am delighted to be asked to provide a foreword to *Valued in public*, a guide for public sector employers about employing people with a learning disability. The 90% unemployment rate among people with a learning disability remains a huge inequality in our society, at a time when the country is enjoying the highest employment rates for decades.

It is time for public sector employers to rise to the challenge and do all they can to bring more people with a learning disability into their work force. They will be rewarded with excellent workers, who just need a few minor adjustments and the chance to prove themselves.

This guide will help you to meet your existing duties as employers under the Disability Discrimination Act 1995, and also your obligations under the new Disability Discrimination Act 2005, which requires you to promote equality for disabled people. This new duty will come into force in December 2006, and it is very important to plan ahead and be ready to embrace it.

The chance for local authorities to increase their chances of achieving 'Beacon Status' is another persuasive reason to employ people with a learning disability.

This Government is committed to improving the employment prospects of disabled people, and people with a learning disability are very much a part of this strategy. I urge the public sector to set an example to other employers by proving that people with a learning disability can make good employees.



Anne McGuire
Minister for Disabled People
Department of Work and Pensions

Introduction

Public sector employers want competent and capable people in their workforce. They also want to recruit a diverse workforce that reflects the community that they serve. People with a learning disability are a part of that community who can and want to work. They make up a largely untapped and readily available pool of talent that offers real opportunities for the public sector. People with a learning disability are individuals, with different skills and talents, and when treated as an individual, a candidate with a learning disability can often be the best employee for the job and can make a great contribution to their employer.

- You attract staff who really want to work.
- You make your organisation more representative of the community you work for.
- You build awareness in your staff of disability issues that will improve the services they provide to all disabled and disadvantaged people.
- Most adjustments for people with a learning disability require no capital costs. The average cost of an adjustment is around £75 (DRC, 2004).



It's not difficult to employ people with a learning disability.

Some individuals may take longer to learn a specific task. This doesn't mean they can't learn the job, but they may need a little extra help in the workplace to do so. There are many benefits from employing people with a learning disability. The business case comes out clearly from interviews with employers.

- You attract good staff. Employees with a learning disability receive positive ratings from their employers and have been found time and time again to be dedicated, hard working and valuable members of staff.



Public sector employers will become leaders soon...

Although *Valued in public* is specifically about people with a learning disability, many of the suggestions it contains would benefit other disabled people and other people who may find your standard procedures difficult.

Public sector employers also have legal obligations to their disabled employees and applicants. All employers have a duty under the Disability Discrimination Act (DDA) 1995 not to treat a disabled job applicant, or an employee, less favourably, simply because of their disability.

Public sector employers are about to find themselves at the leading edge of government policy on including disabled people in jobs. The new Disability Equality

Duty coming into force in 2006 will make it the responsibility of all public authorities to promote equal opportunities for disabled people. Larger public authorities will need to publish Disability Equality Schemes saying how they are tackling this, particularly what they are doing about employing more disabled people. Public authorities are also subject to a number of policy recommendations in the *Valuing People* White Paper (2001). *Valuing People* was the result of a wide consultation with people with a learning disability, their families, friends and supporters. It seeks to include people with a learning disability in all areas of mainstream life, and employment is a priority.



Lorraine Beard, Library Assistant,
South London and Maudsley
NHS Trust Multidisciplinary Library

Employing people with a learning disability can help public bodies meet their diversity targets:

- demonstrating their commitment to challenging disadvantage and promoting social inclusion

- promoting opportunities for disabled people
- enhancing their reputation with their employees, service-users and other stakeholders.

For local authorities looking to achieve Beacon Status, employing people with a learning disability is an important measure of success.



Local authorities can achieve Beacon Status by proving what they are doing to implement *Valuing People*.

To achieve diversity targets and successfully recruit from this talented group of people, public bodies will have to look carefully at all aspects of their processes including job advertising, recruitment, induction, training, health and safety, supervision and promotion. *Valued in public* shares case studies from across the public sector demonstrating how organisations have challenged inequality and successfully recruited from this potential pool of talent. One local authority has employed 20 people and are putting up a further 40 jobs. These studies and this guide demonstrate the quality and contribution people with a learning disability can make, the adjustments it took and the assistance available.

North Lanarkshire Council – a success story

“We’re the major employer in our area but seven years ago we didn’t employ anyone with a learning disability. When we learned about the potential of doing so we thought we should. We decided to develop our own support for people using our day centres. The Social Work Department was the easiest to convince but the wider council is beginning to identify jobs now. It helped to have the support of senior managers from the director on down.”

“Anne, our first employee began in 1999. From the start she had the same job description as everyone else but began with the tasks that suited her best. She’s added tasks like message taking and data entry over time. She was a cared-for person making no economic contribution. Now she’s a computer user, a bread winner, a carer, a home owner. She has social ease and confidence and her presence has made the Admin team work better. Anne’s put life and meaning into our social inclusion agenda and the Admin people feel connected to it now. She never forgets a name and always has a friendly word for everyone.”

“There are real concerns about a diminishing workforce in the UK. People are looking to fill a lasting void. We need to look at people with a learning disability and the reliable and committed contribution they can make. The private sector’s doing it and it’s working for them.”

“We’ve targeted 40 jobs in the Corporate Plan which is two years old. We’ve got 20 jobs in the Council now. We report regularly to the Committee and the chief executive expects the Corporate Plan targets to be met. However, we’ve found commitment is more important than targets.”

Duncan McKay, Head of Social Work Development; **George McNally**, Manager, Social Work Strategy, North Lanarkshire Council



Anne Wilson, Clerical Assistant, North Lanarkshire Council Social Work Department

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New opportunities for public sector leadership

Employers want good employees with disabilities, and skills for managing a diverse workforce. Disabled people want jobs, the Government wants the most excluded people to be included, the law says it's the right thing to do, and supported employment and other strategies can help. *Valued in public* offers practical guidance for Disability Champions and other interested managers in the public sector. A wide variety of public sector employers have provided this guide with up-to-date case studies of good practice detailing how to set about or expand employing people with a learning disability.

The business case

Many advances have been made in the employment of people with a learning disability over the last few decades. Often individual public sector employees have led the way in championing the introduction of people from this talent pool to their own teams and in return gained satisfied and productive employees.



I do return mail and I sort out the packets and where they have to go. Sometimes I do overtime, and I work on the first class and second class letter machine. I have been working for a long time now. The people are good to work with, fun. Having this job has made a difference to me. I can see myself staying here. Its good money and sometimes we get bonuses."

Chris Green, Post Office Sorter,
Royal Mail, Plymouth



Chris Green, Post Office Sorter,
with Lynn Herbert, Senior Employment
Resource Worker, who helped Royal
Mail in his recruitment

New opportunities for public sector leadership

By promoting the inclusion of people with a learning disability in your workforce, you have joined a growing group of managers committed to exceeding the minimum requirements of the DDA and communicating the advantages throughout your organisations. We interviewed many public sector managers who have made reasonable adjustments successfully, such as establishing a named person to support a new worker and modifications to their interviewing procedures. *Valued in public* aims to support the expansion of those efforts so that everyone in your organisation welcomes disabled applicants and employees.

“I have worked here for two years. I give people a ticket and tell them to take a seat and wait for their number to come up. They say thank you. I love it. I like working with all my colleagues.”

Stevie Clegg, Receptionist, London Borough of Sutton



Your commitment to the spirit of reasonable adjustments and welcoming diversity offers major potential benefits for all parts of your organisation.

“The rewards are amazing. It changes the dynamics of your team. There are less whinges. Team meetings are really positive. People realise how fortunate they are, how good it is to have a job. We’ve got a business to run, targets to meet. This doesn’t stop us. It helps rather than gets in the way.”

Janette Garlick, Customer Services Manager, London Borough of Sutton

New opportunities for public sector leadership

The business case:

- People with a learning disability are a relatively untapped resource that can help your recruitment to hard-to-fill jobs, jobs that have a lot of turnover, or elements of jobs that reduce the productivity of more experienced staff.
- Managers who employ people with a learning disability become better at supporting the wide range of difficulties faced by diverse staff. You become more flexible in recruiting and retaining good staff who face practical problems.
- With the right person in the right job, your organisation gets great staff with a willingness to work.
- As your managers work with people with a range of learning styles and flexibility requirements, they get better at tailoring jobs to people's strengths, thereby strengthening the team.
- Staff who work alongside people with a learning disability become more aware of the capacities disabled people have, and more aware of the whole range of people you serve.
- Your workforce becomes more representative of society as a whole, and it helps you become more receptive to the community you work for.

The context in which you are working

The public sector is a huge national employer, and has the potential to successfully recruit and retain many more disabled people than are currently employed.

The Government want you to play a leading role. Recent developments in law and government policy are very clearly pointing the way forward. They represent positive opportunities to promote inclusion of disabled people and to reach the Government's targets for public sector employers. At the end of 2006 the Disability Equality Duty will come into force¹.



The general duty on public sector employers is to:

- stop unlawful discrimination
- stop harassment of disabled people
- promote equality of opportunity for disabled people
- take steps to take account of someone's disability, even where that involves treating them more favourably than others
- promote positive attitudes towards disabled people
- encourage the participation of disabled people in public life.

¹ See Law Appendix Section page 45 for further detail on the Duty and Disability Equality Schemes

New opportunities for public sector leadership

By expanding the number of people with a learning disability that you employ, you will be embracing government aims and leading the way to full equality. Public sector organisations are, by their nature, large and so to do this you will have to champion your commitment to your managers and peers throughout your organisation.

This means that, rather than just make ‘reasonable adjustments’ to ensure people will not be substantially disadvantaged in their access to jobs, public bodies will need to actively promote disability equality in all aspects of their work. To do this you will have to consider the impact of working policies and practices that might discriminate against disabled people and find ways to address them before they affect individuals.

The exceptionally high unemployment rate people with a learning disability face, means that perhaps the biggest and most important challenge to public bodies is to provide opportunities for more people with a learning disability to become successfully employed. Public bodies may, therefore, wish to treat people with a learning disability with more flexibility than other people if they are to take full account of the person’s disability.

Championing change

It is likely that you have already embraced the idea of diversity and equality. However, new laws offer a significant challenge to develop positive practice within departments and across staff. This is not just a human resources responsibility. Leadership is crucial in this respect. In our search for good practice examples we have met many busy operational managers who have made a personal commitment to enabling people with a learning disability to be successfully employed within their organisation and reaped the benefits.

They have shown us some of the things that are helpful:

- direct contact between operational managers and potential employees with a learning disability
- short-term placements to establish people’s actual strengths rather than strengths only glimpsed through an inadequate interview process
- visible senior leadership: one local authority is ensuring senior managers give input on their commitment to social inclusion at the induction of all new employees



“To treat people fairly you have to treat people differently”.

Susan Scott-Parker, Chief Executive, Employers’ Forum on Disability

New opportunities for public sector leadership

- operational managers who have successfully employed people sharing this experience with management colleagues, and publicising their experiences and strategies across your organisation
- seeking help from supported employment agencies who can find suitable people, help match the job opportunity and the person, and help with strategies to make it work
- carrying out and publishing a 'risk audit' of not welcoming diversity – the cost of not employing a diverse workforce.



We do not often count the cost of not embracing change.

Consider the impact of:

- poor performance with your disabled customers because of lack of disability awareness
 - missing good staff who find your mainstream recruitment processes difficult
 - staff who move on if they become disabled
 - staff who leave because of a lack of flexibility in policies and procedures
 - costs of litigation or damage to reputation from disabled employees or customers who are treated badly.
- Funding for adaptations, equipment and on-site support is available through Jobcentre Plus and they can act as a gateway to find specialist support agencies.
 - Supported employment is provided by a variety of agencies all over the country. At its best it means:
 - an agency that finds a person with a disability who would be good at doing the job you have
 - an agency with expertise in fitting together the person and the job, training the person to do the job to your standard, or helping your organisation to do so
 - that the person and the employer receive the assistance they need from a support organisation to ensure success, but not to impede their developing relationship.
 - Disability awareness training for your staff is widely available from groups of people with a learning disability such as People First.
 - The Disability Rights Commission (DRC) gives advice and information via its website and helpline on the DDA and good practice to disabled people and employers.

Resources

There are also many tools to help you include disabled people.

Attracting candidates with a learning disability

Waiting for people with a learning disability to come to you for a job is not enough. Many people who want to work do not know enough about the jobs you have. This chapter tells you how to go further in attracting candidates with a learning disability.



“We advertised a 30-hour Admin post and selected someone who wanted 20 hours. At the same time Gavin had sent his CV to the Assistant Director who forwarded it to me. I arranged to interview Gavin and sought approval from Personnel for a late and more informal interview.”

Rhonda Jenkins, Service Development Manager, Adult and Community Services, Wiltshire County Council



“I started on the 14th of June, 2004. I was only too pleased to fill the gap.”

Gavin Mullings, Clerical Assistant, Adult and Community Services, Wiltshire County Council

Building awareness of real job possibilities

To attract great candidates, public sector employers must make information about what they do, and the jobs they have, accessible to people with a learning disability.

Advice

Many people with a learning disability are practical, straightforward people. They respond well to clear descriptions of what jobs need people to actually do, and will be encouraged by examples of people with a learning disability doing jobs like these. Public sector employers can generate interest if they:

Attracting candidates with a learning disability

- collect and use sector-specific positive case studies, showing where people with a learning disability have been recruited to local jobs and link these to proactive advertising
- stand for fairness and good employer practice and make this clear in your advertising and dealings with disabled people
- make sure initial contact is positive and encouraging
- give positive feedback when people are unsuccessful in a job application so they can develop as candidates
- build partnerships with others who can help.



“ Sylvia (from Shaw Trust) is good at helping people get what they want. She helps both the person and the employer. She really wanted me to get this job.”
Suzannah Foulds, Admin Assistant,
Border Control Policy Implementation
Team, Home Office

Identifying jobs people with a learning disability can do

Research has shown that more disabled people are employed in public sector organisations where operational departments share the responsibility with the human resources department for implementing disability opportunity policies.

“ We actively recruit through Jobcentre Plus. We organise informal recruitment days through the Jobcentre where people are invited to visit the Trust to learn about their role and the work environment. This gives them the opportunity to understand the recruitment process. They are also given a mock interview. We offer coaching to help people understand the job specification, job description, application form and their expectation of the interview. Once appointed the successful employees benefit from ongoing development support.”

Sue Jarvis, Human Resources Manager,
North Glamorgan NHS Trust

“ We realised that some managers are pro-active already but there is still some misunderstanding. With the expanded DDA we now know there is no legal impediment if we want to make reasonable adjustments. We still need to help managers understand they have permission from the Council; that they can talk to HR and Adult and Community Services for advice.”

Tricia Glover, Personnel Department,
Wiltshire County Council

Attracting candidates with a learning disability

In terms of identifying potential jobs, consider looking for:

- jobs that do not need high level qualifications or a driving licence
- jobs that have fixed elements, and which do not change all the time or need constant problem solving
- jobs in teams where there can be some sharing of tasks and task variety
- core tasks that tie other more qualified people up, that are valuable to the organisation, and which may form a job for a person with a learning disability, even if they need to be combined.
- expert advice – supported employment organisations can help to identify people with a learning disability and their job strengths and interests (see the Ways of getting more information and support section).

Once you have identified appropriate roles for people with a learning disability, you may want to set targets for recruitment in these areas.

Advice

The jobs people can do will be largely in operational departments. That is why any equality initiative must involve the people from these teams from the start. Without this it will be more difficult to find the right

jobs for people with a learning disability to do, and to create a welcoming environment for them.

The following measures can help:

- Make sure that operational departments share the responsibility for implementing disability opportunity policies with human resources teams.
- Start with the most interested and committed departments. Use them to build ownership and commitment throughout the organisation. Most of the employers who provided best practice examples for this guide began with the department that most wanted to employ people with a learning disability. Often that was their own department.



We needed to lead with an example so we looked at our team."

Belinda Storrs, Recruitment Consultant
BBC North, North East and North West



Expect progression among disabled people who do work for you. They should not be confined forever to their entry-level job.

Attracting candidates with a learning disability

- Consider recruitment to new projects. Recruiting a team to carry out new work, or re-organised work, can provide an opportunity to be more flexible in the way you recruit.
- Consider offering temporary positions and job tryouts on a time-limited basis to help people find out about the organisation and to see what they themselves can do. This should always be linked to the award of a permanent contract if the tryout is successful, and the criteria for success should be made clear from the start.


 *During Suzannah's 12-week work experience with us, I looked at her skills, strengths and weaknesses. I looked at her learning style, how work was assigned, multi-tasking. She was so keen. It really helped. After her 12 weeks, I wrote her a character reference and recommended some reasonable adjustments – task explanation, periods of mentoring and a little extra time. Suzannah's worth it."*

Isolyn McLeod, Disability Liaison Manager, Equality and Diversity Team, Home Office


 *We developed a WorkRight project with Mencap. We offer a period of paid work experience then take the person on as a permanent employee if it works out. HR changed our policy and now this is considered part of our interview process. It tells us more about the person than an interview. So far everyone's made the transition from temporary to permanent."*

Janette Garlick, Customer Services Manager, London Borough of Sutton


- People with a learning disability should be considered for additional responsibility, pay awards, promotion and career moves as with any other staff member. Build this into the jobs you identify.

 *I'd worked in supermarkets, a bakery. I never thought I could put my heart and soul into them. I'd done a typing course when I was 17. I knew what I wanted to do but my cerebral palsy held me back.. It's a lot easier now with computers, Dictaphones. It's doable now. It was such a big leap before. I've had training and development on the job. I've learned different things – mail, photocopying, filing. I'm currently having computer training in accessible information. I wouldn't have imagined myself being in this position a few years ago."*

Gavin Mullings, Clerical Assistant, Adult and Community Services, Wiltshire County Council

 Along with temporary tryouts consider waiving competitive interviews for a permanent post, if this is needed as an adjustment.


Attracting candidates with a learning disability

 *The Health Care Assistant role was developed primarily to deal with the basic needs of the patient. This would involve simple tasks such as communicating with patients, helping with meal times and ensuring that patients were comfortable. This post enabled the other team members to utilise their time more effectively. Remploy were able to supply additional personnel to support various departments. As a result of these placements a high percentage were able to secure permanent employment. These roles varied from Administration, Laboratory Assistant to Health Care Assistant."*

Sue Jarvis, Human Resources Manager,
North Glamorgan NHS Trust

Advertising widely

The purpose of a reasonable adjustment is to ensure that the disabled person is not disadvantaged, compared to a non-disabled person in doing their job.

 *HR is committed to working with us to make application forms more accessible to people with a learning disability. Another issue we face is how to advertise our jobs as we've always used just one system. Now we also go to any service that offers help to people with a learning disability to apply. This, too, has been agreed by Personnel."*

Rhonda Jenkins, Service Development Manager, Adult and Community Services,
Wiltshire County Council



The DDA allows most employers to advertise jobs as open only to disabled people.

Advice


- **Advertise internally.** Work within your organisation to show the benefits to everyone. Raise internal disability awareness so colleagues see the inclusion of a disabled person as an opportunity, not a problem. Advertise your organisation's belief in, and understanding of, reasonable adjustments.



I started the ball rolling. I got so enthusiastic, so did everybody else. Once they realised there wasn't an onerous time demand, people wanted to do it. Customer services embraced it and used it to educate our own staff. It's helped take away staff fears and apprehensions and we deal with customers better. Human Resources has been very supportive. They changed the policies and shared our experiences throughout the organisation. Everyone comes to this department on their Corporate Induction and learns what we do here."

Janette Garlick, Customer Services Manager, London Borough of Sutton

Attracting candidates with a learning disability

 *Gavin was interviewed by South West News at our Health and Social Care conference He portrayed his work to 300 Senior Mangers. He did it well. People really remember him.”*


Rhonda Jenkins, Service Development Manager, Adult and Community Services, Wiltshire County Council

- As well as the usual newspaper routes, advertise through:
 - the disability employment advisor at Jobcentre Plus
 - free press
 - word of mouth
 - local learning disability groups and supported employment agencies.

In addition you may want to:

- make your jobs website simple to read as possible – it will help everyone
- use specialist disability magazines (Disability Now or Disability Times). Not all people use them but it will help spread the word that you are looking to recruit people with a learning disability in the right circles
- send vacancies to specialist recruitment agencies and to social services departments, where many people with a learning disability are known

- if advertisement space is short, ensure you tell people that they can use a variety of methods to respond
- provide contacts to discuss the post in more detail
- say you will be flexible and are committed to making reasonable adjustments in the recruitment process.

 *We promote the employment of people with disabilities in all our job advertisements. Remploy work closely with us to help give advice, information so that people come to us well-equipped and with a knowledge of the Trust. We would like to publicise this work a lot more. It's something we really need to work on. We want people to hear about the successes within each Directorate.”*

Sue Jarvis, Human Resources, North Glamorgan NHS Trust

Recruitment and selection

Providing relevant information about your organisation's culture, values and developments

People with a learning disability need to be informed of diversity-welcoming policies that will make it more likely that they will be successfully recruited and retained. Intermediaries, such as recruitment agencies, need to share your inclusive ethos.

Advice

You may like to consider the following good practice suggestions:

- Try to achieve some face-to-face contact between recruiters, operational managers and potential disabled employees.
- Consider targeting people through non-competitive:
 - job fairs
 - road shows.
- Communicate your ethos and the core competencies and actual tasks you require doing.
- Provide advice and assistance at your stall such as how to fill in application forms, complete CVs, get to an interview and do your best, and where a person with a learning disability might get additional support.

BBC Manchester held a Discovery Day offering:

- a tour
- an introduction to applying for positions, including using the BBC website and filling out forms
- meeting people working on a range of different entertainment and news programmes
- meeting individually with a member of the recruitment team.



We have to work harder here to look for diversity. People may not recognise us as a diversity employer."

Belinda Storrs, Recruitment Consultant, BBC North, North East and North West

- Visible senior leadership can help.



You have to ask: 'What can I do?' rather than: 'What can't I do?'

The DWP has scheduled a review under the new Disability Equality Scheme requirement. The whole process was begun by the Chief Executive of Jobcentre Plus who had a strong commitment to reasonable adjustments. This year the DWP has set up a DDA steering group chaired by the director of diversity that includes all DWP managers."

Julie Tite, HR Policy and Diversity Team, Jobcentre Plus

Recruitment and selection

- Ask disabled people to monitor and evaluate your information in line with the new Disability Equality Duty to involve them in Disability Equality Scheme development.
- Ask local groups of people with a learning disability such as People First to become involved.



Encourage applicants to disclose their disability and work with them on any adjustments they require specific to the application process.

Committing to recruitment processes that work



It's not just a shortlist and interview. We invite people on work trials or working interviews and make a decision based on that. There are lots of options for managers in our Recruitment Policy. It's more about making reasonable adjustments within the spirit of the Law. We have 28 people working successfully all over the Council. I just know people wouldn't have got in by traditional routes."
Carmel McKeogh, Head of Resourcing, Stockport Metropolitan Borough Council

Advice

- Move to core competency based job specifications and interviews.
- Look for people who can do that job, not something more complicated.
- Do not ask for qualifications not directly relevant to the tasks of the job.
- If you must request wider information about the person's disability on application than is needed for the job, use this for monitoring, not employment decisions and tell applicants you are doing this.



It is very hard to recruit for administrative roles in the BBC as everybody wants to be a programme maker. Diane is genuinely happy to do her job. We need more people like Diane, people who are committed to doing the job they are appointed to do."

Belinda Storrs, Recruitment Consultant, BBC North, North East & North West

Recruitment and selection



"I do it by myself now. Just sit down and carry on working. I like doing the work The BBC is very good to me."

Diane Whitehead, Recruitment Team,
BBC Manchester

- Make materials accessible:
 - Application forms should also be available in large print or provide information on tape – be prepared to accept several submission routes such as written, tape, email, video.
 - Use simple language and pictures to aid understanding.
 - Consider accepting a CV rather than an application form.



The DWP provides Accessible Communications Guidance for anyone who provides information to the public and anyone who provides information to members of staff. Also the Jobcentre Plus website has a link to an easy-to-read Mencap site."

Jenny van Tinteren, Accessibility
Solutions Team, Department of Work
and Pensions, Sheffield

- Tell people what the process is and when things will happen.
- Provide someone to help the person through the recruitment process (from inside or outside the organisation).
- Be able to have a dialogue with an applicant to see what adjustments will help.
- Take wider experience into account such as volunteering, work experience, hobbies and interests, not just previous job experience.
- If you ask about sickness, recognise that it could be disability related – to exclude on the basis of it can be discriminatory.



By giving Linda work experience we were able to break down the job into smaller tasks for her, in different stages. Once she had learned one stage she went on to the next and so on, until she could finish the whole job in one go. The fact she had learned the job in an initial period before applying for employment put her in good stead for getting a permanent job."

Lynn Herbert, Senior Employment
Resource Worker, Royal Mail, Plymouth



Many employers use supported employment agencies to provide individual assistance throughout the recruitment process. There is no cost to them for this service.

Recruitment and selection



We make reasonable adjustments at the test or interview – written material, a person to assist, a computer rather than pen and paper. Trying new ways of making things work improves working for all employees and incorporates new ideas into the business.”

Kim Wilkin, Employee Resources Group, Human Resources Directorate. Home Office

- If you do use interviews make them more creative:
 - Ask if people need a reasonable adjustment, such as more time to do an aptitude test, or the help of a supporter at any interview. They can help the person communicate effectively and perhaps put them at ease in what can still be a stressful situation.
 - Make the atmosphere informal, ask simple clear questions and keep interview panels small.
 - Keep your questions to the person's ability to do a specific job. You should not ask about their ability to cope with life outside work.
 - Use plain English, and take your time to ensure the person has understood any questions that you have. You may need to re-phrase or ask more than once.

- Allow longer interview periods, as people may need a little more time to tell you what you want to know.
- Follow the interview with practice trials so the person can work out how to do the job in a work setting.



Remember, if someone has no previous experience of a task, in many cases they can still learn to do it well and consistently.

Recruitment and selection

“To be employed Linda had to sit the standard aptitude test and interview, which is around key capabilities – working with people and how you work as part of a team. This would have been difficult for her. We made a reasonable adjustment, and agreed it with Recruitment. Linda completed a normal application form which Gez, her job coach from WorkAble Pluss, helped her complete. She did sit exactly the same test but her interview process was slightly modified because she would not be customer focussed or working unsupervised. Gez was there to prompt Linda if needed, and we gave her a little bit of extra time.”

Mike Williams, Delivery Manager Royal Mail, Plymouth



“I met up with Gavin and Michelle who were going to share the post. We talked about the post – that it would involve the phone, filing, my diary, invoice processing and photocopying. It was a chance for Gavin to reconfirm his skills, abilities and experiences and we agreed the hours he wanted.”

Rhonda Jenkins, Wiltshire County Council

- Consider everyone involved in the recruitment process:
 - job specification drafters
 - sifters
 - recruiters
 - interviewers
 - managers
 - co-workers.Explain to them how their role will be affected.
- Offer training and refreshers where necessary.

Recruitment and selection



“ You have to get out there and try your best to get a job. You’ve got to be independent. I try my best here and if I have a problem, I say it. I’m getting quicker and quicker at my job. I feel we get on well together.”


Lorraine Beard, Library Assistant, South London and Maudsley NHS Trust Multidisciplinary Library

“ The job plays to Lorraine’s strengths. She’s very logical, methodical, just takes a little longer to learn. I’d already analysed the tasks for a temporary employee who had English as a second language. I made a list of where everything is and which bag it’s in. The list has made it easier for everyone. Lorraine deals with all the requests for medical articles. We don’t have to think about it. She’s careful with it and doesn’t make mistakes.”

Paul Harrington, Librarian, South London and Maudsley NHS Trust Multidisciplinary Library

Appointing, inducting and employing

After selecting a great employee, it is important to continue to think how a person with a learning disability can be successful throughout their career with you.

 *We have to think about everything we do: accessible application forms, contract information, the way we advertise, everything. There can't just be one process. There's real commitment from the new HR structure and often the changes are better for everybody. Senior Managers say that the Easy English format is much easier."*


Rhonda Jenkins, Service Development Manager, Adult and Community Services, Wiltshire County Council

You may need to make reasonable adjustment to things like:

- the terms and conditions you give people on appointment
- the induction you give people
- the training and support you give on the job
- how you solve any problems that come up along the way

It is also useful to consider how well any adjustment is working for the person over time:

- is it helpful enough? How well does it fit the person, their team and workplace?

 *It's very rewarding when I think about what's happened with Linda and the others. It is quite involved and lots of managers or people in positions that employ are a bit wary, but they are probably not looking at the rewards you get when you think that it's changed someone's life. If you are specific in the role they do, where people are around, in an environment where health and safety is a high priority, you cover the bases really. If you give someone the opportunity its got to be something they can do that is achievable."*

Mike Williams, Delivery Manager, Royal Mail, Plymouth



The duty to promote disability equality applies to all public authorities.

If you are a large public sector body you will need to publish a Disability Action Plan that states:

- what steps you will take to fulfil this duty
- what information you will collect to show the effects of your actions on recruitment, development, and retention of disabled people.

Giving thought to how people with a learning disability can be employed will be an important part of this duty.

Appointing, inducting and employing

Developing flexible working packages and supports

Advice

You need senior management leadership to continue to help the organisation go the extra mile in being flexible.



Senior managers make a presentation about employing people with a learning disability at every Council induction to renew the investment to social inclusion. We tell them, this is why we exist. This is your role in it. There's real commitment among staff."

Duncan MacKay and George McNally,
North Lanarkshire Council

You need to share responsibility across the organisation, (human resources, facilities, occupational health, operational departments) – all must be involved.



We have a Council team led by the Assistant Director looking at including more people with a learning disability. Lots of departments are represented – the post room, personnel. I represent the library."

Caroline Spencer, Assistant Library
Manager, Camden Council

Departments may need to work together to make sure each person's employment is successful.

An operational department might look at the actual tasks to do a job then ask human resources to change the job specification.

Where occupational health assessments are used, they should be used to inform decisions about how to make a reasonable adjustment.



The DWP commits to high IT Accessibility Standards as part of its technology policies. Their Guidance for Developers states: 'The DWP aims to be an exemplar in the area of providing accessible IT systems for its employees and customers. We therefore aim to provide, in every case, the most accessible system possible:

- *keyboard filters used primarily by people who have trouble typing*
- *voice input aids*
- *screen review utilities making on-screen information available as synthesised speech*
- *'easy-reading' versions of texts (for example, on-screen instructions or help information).*

The Accessibility Solutions team helps managers get the right assistive technology onto the person's desk."

Jenny van Tinteren, Accessibility Solutions
Team, Department of Work and Pensions,
Sheffield

Appointing, inducting and employing

Find out what works across your sector by networking with other similar employers.



I joined the Embracing Diversity Project funded by Stockport Council and hosted by employers. It's a good discussion group with lots of ideas to implement."

Belinda Storrs, BBC Manchester



We got a lot of advice from the Embracing Diversity Project employer network. We're an active member influenced by private sector organisations who were freer to do things. We translated their practice to fit the Council."

Carmel McKeogh, Head of Resourcing, Stockport Metropolitan Borough Council

It helps to tailor support to doing the job successfully. Different people may:

- need a little more supervision and feedback early on to help them become independent in the job
- benefit from having a mentor to model their work on, or to go to with a problem
- need more time to train and get 'up to speed'.

You can get help to match a person to a vacancy, advice and support for your staff in recruitment, training and problem solving. If you need help, you can get an on-the-job coach, help with mentoring or additional training costs, or possibly equipment.

Specialist advice and support is available from:

- supported employment agencies
- WORKSTEP providers
- Access to Work
- Your disability employment advisor at Jobcentre Plus.



The BBC has real commitment to being inclusive. They had a slight apprehension at first but talking to them about Diane really helped. It took away their questions and helped them be more at ease with how to be so they didn't treat her differently than anyone else. Action learning's best. Employers just need a way to develop people's belief, skills and confidence."

Caroline Morgan, Senior Employment Officer, Embracing Diversity Project and Arlene Cox, Job Coach, Pure Innovations



Pure Innovations (the local supported employment agency) has been fantastic. They make sure the whole thing works."

Carmel McKeogh, Head of Resourcing, Stockport Metropolitan Borough Council



You do not have to compromise on the quality of the job that is done, but being flexible in the way a job is done can help.

Appointing, inducting and employing

The following adjustments are good practice in recruiting people with a learning disability:

- changing the order or way a job is done if it makes it easier for the person to learn or do
- breaking the job down into manageable parts to make it easier to learn
- re-organising tasks so another staff member might do a small, specific task that the person cannot do
- recognise that two similar jobs in different places may need to be trained separately – some people find it hard to move skills learned in one area to another
- changing working hours and shift patterns if needed.

People have the right to confidentiality. You only have to disclose information about people's disability and medical conditions if:

- it is absolutely necessary
- it is necessary to help the person to do their job
- if you have the explicit consent of the person.

If you put a reasonable adjustment in place for a person, their line manager will need to know, but the manager and other staff do not need to know why.



Make your health and safety advice accessible to those who find reading hard by using clear, basic language and pictures – it will benefit many people.

Getting the most out of inductions

Inductions will be subject to reasonable adjustment as any other procedure under the DDA. Reasonable steps must be taken to make them accessible for people with a learning disability.



Disability awareness raising for all staff can help.



We're lucky. Alice is active in awareness raising groups. We launched her training video here. I'd like to show it at a library conference. Everybody's disabled in some way. We've all got limitations. People shouldn't be penalised just because their disability's more visible."

Caroline Spencer, Assistant Library Manager, Camden Library

Appointing, inducting and employing



I'd gladly help a person gain confidence or with a problem.

You can support someone to make the same move you have. I like to do it. I know what it's like when people don't help."

**Gavin Mullings, Clerical Assistant,
Adult and Community Services,
Wiltshire County Council**

Advice

Consider using a mentoring system, where a person has a work colleague who can advise them, act as a guide, and from whom they can receive some extra support. This should be open to all staff and begin when the job is offered.

If you offer mentoring, it is important to include disabled employees as mentors.

Be flexible in your induction programmes. People may need:

- more time than normally allocated
- accessible information, including:
 - easy-to-read material using direct language
 - pictures and diagrams
- make inductions local to the person's workplace and tailored to specific jobs
- the option to be shown and to try things rather than to read and hear about them

- someone to support them through the induction, helping with more detailed explanations.



Linda did a one-day induction instead of the usual three, which covers elements of the business policy, health and safety, lifting and handling. This was modified because of the role she was going to play. All she needed to have was the normal induction to the building, fire alarm etc., business policy, security checks and limited lifting and handling, health and safety. She had this on her own, modified on a one-to-one basis.

Other people have been recruited to Distribution rather than Deliveries. A very similar recruitment and induction process has been followed for them.

Because they have a disability we made reasonable adjustments, which may be slightly different for each person. To be honest, nothing is insurmountable, really it is relatively simple, you tailor the jobs and what the person is doing. It's good for the business and it's certainly good for the individual. Yes, it takes a bit of time and effort, but you can make the time really. Linda is now totally 'maintenance free'."

**Mike Williams, Delivery Manager,
Royal Mail, Plymouth**

Appointing, inducting and employing

Job adjustment and training

After induction, employees may still need a period of learning the job and becoming proficient. An ongoing commitment to reasonable adjustment and flexibility may make all the difference to an employee's success.

Advice

It helps to be clear about who picks up the cost of reasonable adjustment:

- If it is needed, the government can provide help through the Access to Work programme for things like support workers, fares to work and communication support, depending on the status of the person.
- It helps to be informed about support organisations that are available to help (see the Appendix) and use them effectively:
 - supported employment agencies
 - WORKSTEP providers
 - Access to Work.Talk to your Disability Employment Advisor at Jobcentre Plus for more information and links to these programmes.
- It helps to be open and talk to the person about what adjustments should be made and how to implement them.

“If you can, try and speak to your employee and iron out problems early on. Right away my employer asked: ‘What do we need to do?’ They showed me where I’d need to go and what I’d be doing. I said: ‘This needs changing’, so right away they changed it. I always wanted to work for the Council. I’ve been here two years.”

**Darren Ford, Customer Services Assistant,
London Borough of Sutton**



Appointing, inducting and employing

For trainers, co-workers and supervisors

The following strategies are helpful when training people with a learning disability:

- Ask the person how they learn best.
- Give clear instructions – use easy-to-understand, plain language and consider using picture guides if people find written or verbal instructions difficult to remember.
- Be flexible in how you present the task – consider verbal explanation, demonstration, helping the person to try for themselves with advice, pictures, and written instructions for those who can read well.
- Allow people to correct their own mistakes, with a prompt.
- Give feedback clearly and ask the person to tell you what they did right and wrong, and how they might do better next time, before telling them your version – it will help people make their own improvements at work.
- Break steps down if people need to learn the job in smaller chunks.
- Allow repetition of the task so the person can learn it better.
- Teach practically – a real task in the place it will be performed, as some people find it difficult to transfer learning from one place to another.
- Give people enough time to practice.
- Learn one thing at a time to avoid confusion.
- Be aware of any medication the person is using and the effect it may have on their work.
- Phase out the involvement of any trainer or supporter over time to allow the person to become independent and confident on their own.

Appointing, inducting and employing

If in doubt get advice and possible hands-on help from a supported employment service. Make sure you commission support that meets your diversity ethos and standards. If you want to end up with an excellent team member pursuing a career with you, say so.

Good employment support agencies will be able to:

- provide you with good candidates who fit your job requirements
- advise you on reasonable adjustments such as adapting and re-designing jobs where necessary
- advise you on effective on-the-job training, or provide it themselves
- problem solve where you and your employee need help
- help you to support your worker in job or career advancement
- be a link to other agencies that can help you or your employee with practical or financial help.



We use our supported employment agency (Pure Innovations) to find employees for us. To do this they have to demonstrate they have an equal opportunities programme. Since they are an agency that focuses on diversity, they meet our criteria. Then managers can advertise with them. They give us a list of people and what they're particularly interested in. HR looks for managers who have a large turnover in that area. We invite people in on a work trial and the manager has that person in mind through the recruitment exercise."

Carmel McKeogh, Head of Resourcing, Stockport Metropolitan Borough Council

There will be times when a person can do most of a job, but has difficulty with one or two parts. If the person is failing to learn these after effective help, consider a reasonable adjustment such as restructuring the job, or having someone else help on those few steps.



The DDA specifies allocating some of a disabled person's job to another person if they find specific tasks difficult as a reasonable adjustment.

There are some steps good employers can take to help people to fit in socially:

- Ensure that staff are aware of any reasonable adjustments around the person, particularly when they relate to people involved.

Appointing, inducting and employing

- Ensure your staff are aware of your disability policies and are aware in general terms of people's support needs.
- Help staff to recognise that people with a learning disability may be shy and find it difficult to open up, and that they may need light encouragement to be part of the team.

Supervision

Supervision is a major factor in helping people with a learning disability to maintain the quality of their work and retain their job. The DDA advises employers to consider how well any reasonable adjustment is working for the person and the job. It is good practice to review regularly to see if the changes are still working.

Advice

It is important to monitor whether supervision is working well for all staff:

- Consider embedding reasonable adjustments and effective communication in line manager appraisals so managers see them as an essential part of their personal development plan and success in the organisation. Acknowledge achievements in these areas.
- Encourage the person and the manager to figure things out together over time.

“You learn together. You find a way forward. It's been nothing but beneficial. She keeps the library going.”

Caroline Spencer, Assistant Library Manager, Camden Council

“We have meetings about problems with work, the computer or when things change. We talk about it and hopefully make things better. If we didn't talk about them, we wouldn't get anywhere.”

Alice Etherington, Library Assistant, Children's Library, London Borough of Camden



Appointing, inducting and employing

Be aware of the wider contribution made by the person to the organisation and take a wider view in supervision. People can contribute in terms of:

- the main outputs of the job
- promoting diversity
- modelling flexibility
- team working
- enthusiasm for work.



People are very keen on Winston and keen to work with him. He fits his job brilliantly. HR has been really supportive. They guide us through the steps, the options. They realise we're happy, Winston's happy and we can change the rules. People like Winston wouldn't get a fair chance if we couldn't be flexible. It would be a shame. He offers a lot."

Michelle Mehta, Deputy Pharmacy Manager, South London and Maudsley NHS Trust



Winston Beckford, Assistant Technician Officer, South London and Maudsley NHS Trust

Where feedback on performance is needed, do it respectfully and not in front of others:

- Be aware of the particular need of the person in relation to content and style of feedback.
- Try to make feedback as close as possible to the event.
- When giving feedback, make it clear, using a clear sequence of events, what the person should do in the future.
- Managers should give feedback themselves, rather than ask support staff, or outside agencies involved to provide it.


Problem solving, support and retention

As with any member of staff, problems can arise at work or at home. For some people this can threaten their performance or even their job. The onus is on the employer to work with the person to find a solution. The DDA requires employers to look into reasonable adjustments as soon as they notice any difficulty because of a disability.



It helps to be welcoming and fully believe in the potential of reasonable adjustments as beneficial to the organisation.

Appointing, inducting and employing


 *Steve wants to be at work, working. It means an awful lot to him to be working for the Metropolitan Police and I've learned a lot. It's easy to write people off, but give them the opportunity and some help and they can be part of the team. Steve's got lots of friends here. He can cope with anything."*

**Ruth Simmons, Archive Manager,
Metropolitan Police**

Advice


When problems occur, it is helpful to look at the effectiveness of the adjustments already made. You may also need to take additional steps to accommodate the person's disability.

- Continue to make things accessible for each person, not just at the start of their employment

 *We make sure he knows each job before he moves on to something else. It used to be overwhelming. Now he understands his work and does the same as everyone else."*

**Ruth Simmons, Archive Manager,
Metropolitan Police**

- Be committed to improving, as an employer, in the adjustments you make for and with disabled people.
- If the person's behaviour is likely to lead to a disciplinary procedure make sure they are supported to understand the seriousness of the situation.
- Check that you have identified the essential requirements of the job with the person and that they understand them
- Ensure you have looked at all possible (and reasonable) adjustments involving the person
- Bring in more experienced and expert advice where possible to see if anything further can be done (JobCentre Plus can assist you to find agencies that can help).
- Explore whether factors outside of work are upsetting the person and making it difficult for them to concentrate on their work. Ensure you have your employee's consent if you do this.


 *Thoroughly understand any learning problems before you do anything so you can get the correct help from the correct agencies. You may not realise what's possible or what the person needs. It's not always totally obvious. The more knowledge you've got, the easier it makes it."*

**Liz Appleby, Executive Officer, Border
Control Policy Implementation Team,
Home Office**



Take bullying seriously if reported and make it clear that it is not acceptable.

Appointing, inducting and employing


 *My self esteem was low when I came back out of hospital. I had to build back confidence. I got support and things developed from there. They let me come back for a few days a week and then build up. That was tremendous. The treatment I got was very positive. Ruth is very flexible and gives people their fair share. Things are working out for me."*

Steve Junor, Administration Assistant,
Metropolitan Police Archive

Dispute resolution

Dispute resolution procedures are covered by the requirements of reasonable adjustment in the DDA. So an employer must not treat a person with a disability less fairly than anybody else without justification.



 *If I don't know how to answer certain questions or don't want to, I can say, 'phone my representative'. The help that Sandra (from Sabre Employment) gives is very important. If I'm not sure of something I can always check with her. It's good to have someone to reassure you. Employers need more people like Sandra."*

Winston Beckford, Assistant Technician
Officer, South London and Maudsley
NHS Trust

Clearly, any employee may be subject to disciplinary action, and people with a learning disability are no exception. However, it is sometimes more difficult to establish why things have gone wrong when the process is applied to someone with a learning disability.

Advice

- If a problem has to go to a disciplinary process consider what reasonable adjustments may be needed – such as more time allowed, information made more accessible, or more effort to make the process understandable.
- Allow people representation to help them understand the process and get their point of view over. In establishing if there is fault in a dispute, consider whether the problem comes from a lack of, or failure of, an adjustment. These can sometimes be behind increased absence or poor time keeping.
- If the problem involves other people you should establish whether the cause is misunderstanding on the part of the disabled person, or due to bullying or victimisation by other staff.



Deal with small problems openly early on. This should keep you from ever getting to formal dispute resolution.

Appointing, inducting and employing

Career development

People with a learning disability, once employed, will want to develop in their responsibilities and in their career, just like any other employee. Under the DDA employers must ensure that people are not treated less fairly – without good reason – because of their disability in developing their career.

“I'd like to learn to put labels on, and process and discharge books. I'm happy to do the job because I enjoy it so much. I like to learn new things and get new skills. Caroline gave me extra hours when I asked. I needed more money to pay my bills.”

Alice Etherington, Library Assistant, Camden Library.

“Everyone here has a Personal Development Plan with targets and goals. Alice is working on certification for the computer, sign language, first aid and food hygiene. We plan a year ahead and target what Alice's role will be.”

Caroline Spencer, Assistant Library Manager, Camden Library

“The best thing is meeting more people and getting to know them. I really like working with them. It's quite a big call centre. I have my own desk and headphones. I like working here.”

Nicola Morgan, Customer Services Assistant, Community Services Department, London Borough of Sutton



“After a year, I'm just making sure Suzannah meets her objectives. I don't see why she can't go further at the Home Office. She just needs the confidence for a promotion. I've seen her change so much. She's grown in confidence, ability, and she's happier. The Admin Section are all roughly the same grade. Where other team members have helped and advised Suzannah, it's given them a really good understanding of disability in general. It's positively affected their appraisals as well. It was time consuming initially but that's not a problem. It's an important job for me as a manager.”

Liz Appleby, Executive Officer, Border Control Policy Implementation Team, Home Office



Some workers have advanced to being trainers of newer recruits, like Nicola, who inducts new call centre workers.

Appointing, inducting and employing

Advice

Expect advancement among staff with a learning disability and provide support for them to develop:

- Look at all the contributions the person can make (and is making) to the organisation.
- Ensure people have access to appropriate training, development and other opportunities to help them progress in their careers.
- Change rules governing promotion and advancement if necessary.



Don't impose limitations on what a person can do. Anyone has the capacity to learn."

Belinda Storrs, Recruitment Consultant
BBC North, North East & North West

Conclusion

The Disability Equality Duty will require large public sector organisations to be proactive in analysing their procedures and practices, and to learn from their attempts to employ more people with disabilities.

Advice

The Disability Champion must track evidence that the organisation's efforts are working. They must make sure that customer services, staff morale, public perception of the employer and line manager competence are

all improving. You can put both qualitative and quantitative processes in place to help with ongoing organisational learning.



The DWP has begun by asking its own employees what will work for them. We are keen to have processes that encourage the internal promotion of our more disadvantaged people right from the start."

Julie Tite, HR Policy and Diversity Team,
Jobcentre Plus

There are other qualitative approaches you might consider to gather feedback and opinions:


- interview successful departments about what has worked for them
- include successful departments in continuous quality improvement reviews such as the European Framework for Quality Management
- use exit interviews to figure out how to change and improve practice.

Implement quantitative approaches that will not just collect evidence but also help you achieve your goal by providing you with useful information for decision-making.

Over time, record trend data such as numbers of disabled people employed, increased retention, reduced absence.

Appointing, inducting and employing

- Consider recording the percentage of people with a learning disability employed. As this is the group with the lowest employment record, getting it right with this group may help you get it right for anyone.
- Don't be shy to publicise the changes and improvements you make to inform others about what works.


 *We take papers to the Committee about what is intended and keep to the formal processes. It helps to have the intention to include people with a learning disability and look at the processes with this in mind."*

Duncan Mackay and George McNally,
North Lanarkshire Council

procedures can miss people out. If jobs are short-term, a lot of investment is lost."

Paul Amos, Team Manager, Private Division, Benefits Unit, Corporate Services, Manchester City Council


The DWP is looking at sharing the responsibility for reasonable adjustment with the disabled employee.

 *We'll work together to make this right. We're looking for a satisfied employee reaching their full potential."*

Julie Tite, HR Policy and Diversity Team, Jobcentre Plus



**Take an evolutionary approach
– keep getting better.**

 *Learn as you go along. If anyone's considering taking on a person with a learning disability they need to consider that the disability shouldn't be highlighted. They should provide an environment where the person is very comfortable and doesn't stand out. If another person comes along, I'll be conscious of equipment and adaptations they might need and try to get them quickly. It all needs to be led from the top. It's not a problem when the person is introduced on the work floor but normal recruitment*

Appointing, inducting and employing



Steve's worth it. I have invested more time and energy but I'm reaping the rewards now. He's excellent." **Ruth Simmons**, Archive Manager, Metropolitan Police

Ways of getting more information and advice

Further details

For details of organisations included in the public bodies list, visit the Disability Rights Commission website at www.drc.gov.uk and look for the Code of Practice

For further information on TRIPOD and further guidance on reasonable adjustments for disabled people visit Employers' Forum on Disability at:
www.employers-forum.co.uk

For applicant and employee referral and support for Jobcentre Plus, WORKSTEP and Access to Work, visit:
www.jobcentreplus.gov.uk

For more information on supported employment and agency links, contact BASE at: www.base-uk.org

Scottish Union of Supported Employment – visit: www.suse.org.uk

Association of Supported Employment Agencies (Wales) – visit:
www.learningdisabilitywales.org.uk

Northern Ireland Union of Supported Employment – visit: www.niuse.org.uk

For information on the English learning disability strategy, and links to accessible resources, visit Valuing People at:
www.valuingpeople.gov.uk
For more information on disability

awareness training from groups of people with a learning disability, contact People First UK: www.peoplefirst.org.uk

North East

The Percy Hedley Foundation
www.percyhedley.org.uk

North West

Breakthrough UK
www.breakthrough-uk.com

Pure Innovations
www.pureinnovations.co.uk

South West

Employer Led Development Project
www.eldp.org.uk

WorkAble Pluss
www.pluss.org.uk
Follow 'Employment and Training Services' link to WorkAble

Scotland

Supported Employment Services
www.percyhedley.org.uk
(North Lanarkshire Council)
email: cookm@northlan.gov.uk

London

Access to Employment
email: access@camdensociety.co.uk

Ways of getting more information and advice

UK Wide

Jobcentre Plus

www.jobcentreplus.gov.uk

Mencap Pathway and WorkRight

www.mencap.org.uk

www.mencap.org.uk/workright

Remploy

www.remploy.co.uk

Sabre Employment

www.sabre-employment.co.uk

Shaw Trust

www.shaw-trust.org.uk

Appendix

The law*

What is a disability?

The DDA gives rights to disabled people and says that disabled people are people who have a physical or mental impairment that has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. In general terms, long-term means the effect lasts for at least one year. This definition of disability is wide-ranging, so it does cover many people with a learning disability.

Reasonable adjustment

The purpose of a reasonable adjustment is to ensure that the disabled person is not disadvantaged, compared to a non-disabled person in doing their job.

Employers are at risk of a challenge of disability discrimination if they know that a person is disabled and fail to make reasonable adjustments. However an employer cannot be expected to make adjustments if he is not aware that a person has a disability.

As a matter of good practice, it is worth asking people whether they have a disability so that you can consider what adjustments, if any, are necessary for them to do their job.

What employers must not do

An employer may not unjustifiably treat a disabled person or employee less favourably than any other person because of their disability. This is against the law and includes discriminating in:

- recruitment
- terms and conditions of employment
- chances for promotion, transfer to other jobs, training or other benefits
- dismissing someone unfairly.

It is also against the law for an employer to treat a disabled person unfairly for something related to their disability without justification. This may include:

- performing a particular part of a job
- working certain hours
- being absent for disability-related sickness.

This means that employers should only decide after looking into each individual case and not base decisions on their ideas about disability. It is also against the law for an employer to harass an employee because of their disability.

*This section is not intended to be a general interpretation of the principles of the DDA and is not a full and authoritative interpretation of the DDA. For a fuller view, look at www.disability.gov.uk and www.drc.org.uk

Appendix

What should employers be doing?

An employer must take reasonable steps to make things more accessible for anyone who needs it. This is a reasonable adjustment and includes:

- recruitment and selection
- training
- transfer to another place
- career development
- retention in a job if someone becomes disabled.

For any adjustment every employer should consider things such as:

- how well it is working for the person – is it helpful enough?
- how it fits into the job
- how big the adjustments are and how much they will cost
- how able the employer is to pay for the adjustment
- the help that is available to make an adjustment, such as:
 - the Access to Work scheme
 - Jobcentre Plus
 - a supported employment service
- reviewing the adjustment regularly to see how well it is working.

Failure to make reasonable adjustments cannot be justified

Remember:

You do not have to make adjustments if there is no reason to know the person has a disability, but you must make all reasonable effort to find out if people do.

If a person in authority is told, even in confidence, that a person has a disability, then the organisation is legally said to know and must make reasonable adjustments.

As soon as an employer knows or thinks a person is having difficulty applying for, or doing, a job because of a disability they should look into making reasonable adjustments such as:

- changes to the job application or interviewing processes
- changes to the working environment
- changes to the sequence or tasks of a job.

Appendix

If you do not make reasonable adjustments you may be treating someone unfairly because of their disability, by:

- not appointing or promoting them
- terminating their contract because they can no longer do their original job.

It is important to remember that treating everyone the same does not mean that everyone is treated fairly. The DDA recognises that some people may be treated differently according to their needs by making reasonable adjustments for them.

Which employers are affected?

The DDA included small employers in 2004 and now applies to employers of any size. The DDA also now includes the following people:

- prison officers
- fire fighters
- police officers
- partners in firms, barristers
- office holders
- people doing work experience for vocational training
- people working on ships, hovercrafts and planes.

The Act also covers some people who work outside Great Britain. The armed forces, however, continues to be excluded.

How do we know what the DDA means?

The Disability Rights Commission (DRC) was set up in April 2000 to stop discrimination and promote equality of opportunity for disabled people. The Government and the DRC have written further guidance on the meaning of the DDA. These include an employment Code of Practice and guidance on the definition of disability. These can be used by tribunals or courts as guidance on how to interpret the law. Also case law has helped to make the meaning of the Act clearer.

How are these rights enforced?

New Dispute Resolution Regulations have put in place procedures to try to resolve disputes without the need for Tribunal proceedings. Should these fail, disabled individuals who feel that they have been discriminated against can take legal proceedings against an employer. Complaints about employment must be taken to an employment tribunal. If an employment complaint succeeds, the tribunal can award damages for any financial loss the disabled person has suffered and/or injury to feelings. There is no limit on the amount of damages that can be paid.

Further help

The DRC is likely to come together in 2007 with the Commission for Racial Equality and the Equal Opportunities Commission to form a joint Commission for Equality and Human

Appendix

Rights (CEHR). They will deal with discrimination as a result of religion and belief, sexual orientation, age or disability. They already offer a conciliation service for complaints about discrimination in services.

The Advisory, Conciliation and Arbitration Service (ACAS) helps employees and employers to reach agreement without a tribunal hearing.

The Disability Discrimination Act 2005

From December 2006 the DDA will be strengthened to create a Disability Equality Duty for all public sector bodies. This will mean the public sector actively promoting disability equality. They should build disability equality into all their services and processes, from the beginning, rather than amend them when problems are identified. Public authorities will have a general duty to:

- eliminate unlawful discrimination
- eliminate harassment of disabled people
- promote equality of opportunity for disabled people
- take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons
- promote positive attitudes towards disabled people

- encourage the participation of disabled people in public life.

Larger public authorities will also have a specific duty to create Disability Equality Schemes and implement them. Each authority will have to:

- say how disabled people have been involved in the Scheme's development
- include how the authority assesses the impact, and likely impact of its policies and practices on equality for disabled people
- say what steps it will take to fulfil its duty
- say what information it collects to show
 - the effects of its actions on recruitment, development, and retention of disabled people
 - how its services, and other functions, it provides take account of disabled peoples' needs
 - what educational opportunities are available and the achievements of disabled pupils and students
- say what arrangements it has for reviewing information, revising the Scheme, and re-publishing it every three years.

Appendix

People with a learning disability may not have much experience of being employed and may not respond to general questionnaires. Putting in place arrangements for people with a learning disability to influence Disability Equality Schemes and to be successfully employed will be an important part of these duties to be proactive in tackling discrimination.

The DRC Codes of Practice give guidance on how public bodies can meet their responsibilities. In general, your new Duty will require you to examine your policies and procedures. In any audit, make sure you factor in the impact on people with a learning disability of policies and procedures in the areas of:

- recruitment
- flexible working
- appraisal and performance related pay
- monitoring
- redundancy
- emergency evacuation
- procurement of equipment, particularly software, and advice guidance materials
- harmonising policies and procedures of contracted out work, including recruitment

- information for employees
- staff training and development
- employee assistance schemes (e.g. confidential counseling services).

Examples of larger public authorities include:

- **government departments and their executive agencies, such as the Prison Service**
- **local authorities**
- **Regional Development Agencies**
- **governing bodies of higher education institutions, colleges and universities**
- **NHS trusts**
- **Police and police authorities**
- **Crown Prosecution Service**
- **courts and tribunals**
- **libraries, museums, cultural bodies and institutions.**

There will be others – if you are not on the list see the Resources section for a link to the DRC.

Thanks

We would particularly like to thank:

TRIPOD – an initiative between the Department for Work and Pensions and the Employers' Forum on Disability for influencing the structure of this guide and providing many of the best practice employer contacts.

Employers' Forum on Disability for making sure the guide would be both readable and useful.

Susan Boddy and the Valuing People Support Team for recognising the need for such a guide and commissioning the work.

The intermediaries and support organisations that helped us for locating examples of best practice and who we discovered providing assistance to employers and employees when we conducted our interviews. You will find similar organisations (or branches of these) in your area.

Most of all, thanks to the best practice employers who we found so committed to the spirit of reasonable adjustment:

Camden Library, DWP Accessibility Solutions Team, The Home Office, Jobcentre Plus HR Policy and Diversity Team, Manchester BBC Recruitment Team, Manchester Council Corporate Services, Metropolitan Police Fingerprint Archive, North Lanarkshire Social Work Department,

Plymouth Royal Mail, South London and Maudsley NHS Trust Pharmacy and Multidisciplinary Library, Stockport Metropolitan Borough Council Human Resources, London Borough of Sutton Customer Services, Wiltshire County Council Personnel and Adult and Community Services.



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