This section introduces the issues of disclosing disability in education, training and employment, and outlines the reasons for and against disclosure. There are key points for applying for jobs and disclosing disability that you may want to discuss with disabled people who come to you for advice.

By the end of this section you will:
- Understand the principles of disclosure related to education, training and employment
- Understand health and safety issues and where these impact upon disclosure of disability
- Be able to advise people on the pros and cons of disclosing
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SECTION THREE
DISCLOSING A DISABILITY

3.1 Introduction

A number of issues may need to be considered when discussing with disabled people whether, when and how they should disclose impairments that might affect their education, training or employment. Some things to consider include:

• Some people have unseen disabilities that may have implications for their performance at work
• People may feel their disability, seen or unseen, will have no implications for their ability to do a job or a course
• People may fear overt or covert discrimination by employers if they disclose details of their disability
• People have a right to choose what information they disclose to their employers (but see information on training and employment issues below)
• There may be a need to discuss with disabled people what help is needed and available, for example alterations to premises and equipment

It is important to be aware of the positive aspects of living with a disability. Many disabled people will have developed additional skills and gained valuable experience because of their disability. A visually impaired person, for example, may have developed excellent organisational skills. In some jobs staff with disabilities may be better able to provide services to customers with disabilities.

3.2 Education-related issues

Some people may be concerned that education institutions will discriminate against them because of their disability. However, education institutions are covered by the DDA and must not discriminate. Institutions’ equal opportunities policies and disability statements are often available to address this concern. It may also be useful to contact the disability officer or learning support coordinator at the institution to discuss concerns.

There are various possible reasons to disclose. Any adjustment needed may take time to organise before a student arrives. The first days and weeks of a course are important, and may be disrupted through lack of necessary arrangements or time spent organising them.

There may be a wide range of information necessary relating to a person’s disability, for example educational psychologists’ reports, medical reports, reports from social services etc. It is sensible to check what relevant information can be passed on to
institutions as some personal information should only be passed on with the consent of the person concerned or, if appropriate, their family.

Activity: confidentiality
Verbally you are given very sensitive information about a person’s family, personal and social circumstances. Would you record this – if so how? And how would you further use it/disclose it to others?

Before reaching conclusions on this situation it will be valuable to speak to social workers, medical staff and psychologists about their policies.

3.3 Employment-related issues

Disabled people should not assume that an employer will view their disability in a negative way. For example, there are now nearly 400 company members of the Employers’ Forum on Disability who are all committed to improving the job prospects of disabled people. The Jobcentre Plus awards the ‘two ticks’ Disability Symbol to organisations that commit themselves to promoting opportunities for disabled people. Other organisations may have good equal opportunities policies but not have the ‘two tick’ symbol, so it may be useful to find out more about the organisations or companies people want to work for.

Application forms often contain medical questions and applicants should not give any false information. People with disabilities may choose to state the facts of the disability that relate to employment and training and address any concerns that could occur to the potential employer, for example, how they have coped and succeeded in the past.

Under the Health and Safety at Work Act it is a requirement that employees disclose any condition that may have implications for health and safety in the workplace.

Potential employees may choose to describe their experiences of their disability and its effects in a positive light. Many additional skills and insights will have been gained as a result of their impairment. For example, many people with disabilities have experience of managing their own personal assistants, even if they have not thought of this as ‘management’ before. They will have insight into disability, which can improve an organisation’s service to its disabled customers.

Disclosure, with the right information, can be an extremely positive move. In an interview situation people may have more opportunity to discuss their disability and its
implications and any positive effects. It also gives the chance to demonstrate their ability and skills to the employer.

You should ensure that the disabled person you are advising sets up any necessary arrangements in advance of an interview, for example, a sign language interpreter, and that they inform the employer about the arrangements. The interviewee's needs in the workplace will need to be discussed at some time and an employer will be impressed by the foresight of the interviewee in making the necessary arrangements.

All employers need to be made aware of their duties under the Disability Discrimination Act 1995 (see Section 2: The DDA) and possibility of the financial help which is available to support disabled employees through the Access to Work scheme (see Section 7: Transition to employment).

The following quotation from Alison Heath, a founder member of Skill, about looking for a job highlights the potential problems and illustrates the successful solutions that she found.

“As a deaf person, I had no precedents to follow. There was no one to tell me how to manage interviews, write CVs and letters so I developed my own strategies which, I believe, are accepted practice today. In my letters, I always emphasised my abilities and qualifications for the job and only mentioned the fact that I was deaf in the last paragraph of the letter. At the interviews, I found it helpful to start by telling the interviewing panel how to communicate with me. On several occasions, I had to rearrange everyone if they were placed with the window or the light behind them so that the interviewees could not read their thoughts and I could not read their lips. Of course, all this helped to break the ice and enabled me to show that I could at least communicate and assert myself.”

Alison Heath

For further information about reasons for and against disclosure, please see pages 72-74.

3.4 Health and safety issues

Health and safety considerations are often suggested as potential bars to employing people with disabilities and this may discourage people from disclosing their disability. Fears about disabled people and health and safety at work are quite often unsubstantiated. A British Epilepsy Association survey found that in companies employing people with disabilities, there was a better than average safety record.
Of course, some precautions may be necessary, depending on the individual. Health and safety matters that employers or trainers might need to address include:

- **Ensuring that potential risks in the work environment are monitored**
- **Ensuring that everybody knows what to do in the event of an emergency** (this might require extra training for people with learning difficulties)
- **Ensuring that people with visual impairments can find emergency exits** (this will require demonstrations and practice)
- **Ensuring that all employees will be able to exit a building in the event of an emergency** (this means discussing tactics with them, and with fire officers if necessary)

The Health and Safety Executive (HSE) produce a range of useful publications about safety in the workplace.

**Action: download**

Download and read the HSE booklet *An introduction to health and safety* at [www.hse.gov.uk](http://www.hse.gov.uk)

What would you say if an employer or education provider made the following assumptions about disabled people being a health and safety risk:

- A wheelchair user is a fire risk
- Someone with a mental health condition might have a violent episode and be a danger to themselves and others
- People with epilepsy can’t use computers without posing a health and safety risk

### 3.5 Timing a disclosure

If a disabled person has decided to disclose their disability to a prospective or current employer or education provider, it is also important to think about when to disclose.

- **On the application form**
  Some application forms ask direct questions about disability, so applicants can give all the details they feel are important at this point. Some people may feel that their disability and life experiences related to disability increase their ability to do the job or course. It may be appropriate to include these in the section on the application form that asks about suitability for the job. Writing in an application form also gives the person an opportunity to prepare what to say.
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• On medical questionnaires
Applicants may be asked direct questions about disability and health on a medical questionnaire. Whether this is necessary, and at what stage, depends on the type of job or course. This form must be answered honestly. If a disability has any health implications, it will need to be put down.

• On equal opportunities monitoring forms
Many employers now have a separate equal opportunities monitoring form, which they ask all applicants to fill in. This form is for them to see that the mix of people applying for their jobs matches the mix of people in society. If it does not, they may need to change the way they advertise job vacancies.

These equal opportunities forms are not used to judge applications. They are separated from the main application form, usually by the personnel team, at an early stage. This means that the people who decide who to interview do not see these forms. They should judge the applicants on the basis of their skills and experience only.

• In a covering letter/personal statement
If applying for a job or course with a CV and a covering letter or if a personal statement is needed, people may choose to mention their disability. It could also be mentioned in their CV, for example if someone has been to a school or specialist college for disabled people.

• Before going for an interview
If a disabled person needs practical support for an interview, such as a sign language interpreter or help getting there, they can contact the employer or education provider to arrange this. For large employers it is probably best to contact the personnel department. For institutions, contact the disability officer. It is much easier for employers and education providers to respond to needs if they can prepare in advance. People will feel more relaxed if they know the right support will be in place.

• At the interview
Some disabilities are visible and will be obvious to an employer or education provider. It may surprise them if someone has come this far in the application process and not said that they have a disability (even if it has no effect on their ability to do the job or course). They may end up asking irrelevant questions about their disability rather than spending time exploring the person’s suitability for the job or course.

Talking about a disability at an interview may be difficult. This is true if someone does not find it easy to discuss personal matters in such an environment. It may be easier to
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put any relevant information down on paper at the beginning of the application stage rather than having to deal with it in a face-to-face situation.

Alternatively, some people may feel happy to tackle this kind of question in an interview. Some people may be better at explaining their disability or learning difficulty by talking about it.

Activity: disclosure

You are visiting a small employer – a builder who employs a mixture of employees, some full-time, some part-time, as well as subcontractors. Only six staff and the owner work at the base office – the remainder are normally out working at various building sites. The issue of the employment of people with disabilities is raised. The owner would like information on the legislation and advice.

Who could the employer contact and/or who would you ask to speak to the employer?

What general information would you give at this stage?

A woman who has been turned down for a job comes to see you for some careers advice. She reports that she did not get a job in an insurance office because (she quotes) ‘with your disability you would not be able to cope with the detail of the paperwork/forms that we use’. She has visual problems and is slow at reading normal text. She is upset and would like something done about the employer.

What information/booklets etc can you provide for her which will help her to decide the next course of action?

What other information will you need to know about the employer before you can advise the person concerned?

Who can give further help in deciding how to proceed with this case?
3.6 To disclose or not to disclose...

Reasons for disclosure

- **Employment and education are covered by the Disability Discrimination Act**
  If someone declares a disability and feels that they have been treated unfairly in the application process, they can make an official complaint under the DDA. How to do this is covered in the information on education and employment in Section 2: The DDA.

An employer or education provider cannot lawfully refuse someone just because they are disabled. They must also consider making ‘reasonable adjustments’. For example, if specialist computer equipment enables a disabled person to overcome the effects of a disability it would be unreasonable not to take this into account.

- **Most employers and education providers have equal opportunities policies**
  Most employers and education providers have equal opportunities policies and therefore a certain commitment to admissions, recruiting and employing without prejudice. Applicants can ask to see the policy or ask what they do to ensure equal opportunities. Disabled people might feel more comfortable disclosing a disability if there is a statement about not discriminating against them on that basis. If the organisation has a written policy, this will give a basis for appeal if someone feels they have been discriminated against.

- **Some employers are keen to employ disabled people**
  Look out for the ‘two ticks’ Disability Symbol on job advertisements, awarded by the Jobcentre Plus. This means the employer has made some commitment to employing disabled people. The ‘two ticks’ symbol also means a guaranteed job interview if a disabled person meets the minimum criteria of the person specification. Also, look out for positive statements about disability or equal opportunities. In some cases, a disability may be viewed as an additional qualification.

- **It is an opportunity to describe a disability in a positive light**
  A disabled person’s experiences may have provided them with skills that are useful in the specific job or course. For example, having a personal assistant involves additional skills such as organisational skills, communication skills or managing a budget.

- **Many application forms or medical questionnaires for jobs ask direct questions about disability and health**
  If someone gives false information about this, and an employer or education provider finds out the truth later, they could risk losing their job or place on a course.
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- If a disability has any implications for the health and safety of the person concerned or colleagues, there is an obligation to inform employers under the Health and Safety at Work Act (1974)

If an accident happens as a result of a disability, and someone had not told their employer about it, that person as an employee could be judged legally responsible (although prosecutions are very rare).

- There is help available for funding adjustments

Employers can get free advice on adaptations to the workplace for a disabled employee or applicant from the Disability Employment Adviser at the local Jobcentre Plus. There are plenty of free resources for education providers. There may also be funding available for education providers and employers (see Section 4: Transition to post-16 education and Section 7: Transition to employment).

- Working relationship

A working relationship is often better when both people involved feel they can be open about issues that are relevant to the job or course.

- Explaining aspects of a CV

A disability might account for aspects of someone’s CV that may otherwise count against an application, for example a gap in educational history or career may have been due to a rehabilitation period.

- Disability information is confidential

Information about a disability is protected both by the DDA and the Data Protection Act as it is considered to be personal, sensitive information. Therefore, this information cannot be passed on to others without permission and needs to be processed in a confidential manner.

Reasons against disclosure

- Concerns about discrimination or rejection by employers or education providers with pre-set ideas about the effects of disability

Some people may feel that the competition for jobs and course places may mean that employers and education providers will look no further than a disability and not look at their abilities. They may feel that an employer or education provider will automatically see them as a problem and possibly a potential expense.
• Concerns that it will give the employer or education provider the chance to label by disability
Some people may feel that an employer or education provider will see a disability as the most important thing about them or make assumptions on the basis of their disability.

• Not wanting to discuss a disability with a stranger
Some people may feel that the application process does not allow the time or space for someone who does not know them to get an accurate understanding of their disability, or that it is just not his or her business.

• A disability may have no effect on the ability to do a job or course
Some people may feel that their disability is not relevant to the job or the course, and so there is no reason to disclose it to an employer or education provider.

3.7 Useful resources

DfES, Finding out about people’s disabilities – a good practice guide for further and higher education institutions
Available from www.lifelonglearning.co.uk/findingout/finding.pdf

LSN, Do you have a disability – yes or no? or is there a better way of asking?

LSDA, I don’t want to sue anyone, I just want to get a life: Inclusive Risk Assessment: A Guide for colleges and other post-16 education providers

Health and Safety Executive information booklets, including
• An introduction to health and safety
• Five steps to risk assessment
• Risk assessment requirements
• Health and Safety regulations
All available from www.hse.gov.uk/pubns/leaflets.htm

Learning and Skills Council Disclosure, Confidentiality and Passing on Information – guidance for post-16 providers on implementing the DDA Part 4