# Guidance on supporting disabled colleagues

**Introduction**

The aims of this guidance are to demonstrate Barnardo’s commitment to ensuring fair and equal treatment for disabled people and cultivating an inclusive environment for our disabled colleagues.

This information should be referred to alongside the [Equality, Diversity and Inclusion (EDI) policy](https://inside.barnardos.org.uk/equality-diversity-and-inclusion-policy) and [EDI Code of Conduct](https://inside.barnardos.org.uk/equality-diversity-and-inclusion-code-conduct).

**Social model of disability**

Barnardo’s supports and actively promotes the social model of disability, which is underpinned by principles of human rights and emphasises empowerment.

The social model has been created by disabled people to describe how people are disabled by barriers put in place by society not by an impairment or condition. These barriers can negatively impact disabled people and prevent them from participating and contributing fully, on an equal basis with everyone else, in work and everyday life as this visual demonstrates:



The social model focuses on identifying and seeking to remove barriers which make life harder for disabled people. Removing these barriers offers disabled people greater independence, choice and control.

Some examples of barriers can be:

* Physical (i.e. buildings not having accessible toilets or ramps. Buildings containing narrow corridors, broken lifts and poor lighting);
* Cultural (i.e. a belief that disability is a punishment and therefore brings shame or embarrassment); or
* Attitudinal (i.e. negative assumptions about disabled people, for example that they cannot work or be independent).

**Disability and Equality law**

Barnardo’s has a legal duty to take steps to remove, reduce or prevent the barriers disabled colleagues face, as well as for job applicants or anyone engaging with the charity or accessing its services.

The Equality Act 2010 (England, Scotland and Wales), Disability Discrimination Act 1995 (Northern Ireland) and the Discrimination (Jersey) Law 2013 were introduced to prevent disability discrimination and provide legal protections for disabled people.

**What is disability?**

The definition of disability under the Equality Act 2010 is defined as ‘if you have a physical or mental impairment or health condition that has a ‘substantial’ and ‘long-term’ impact on how you carry out normal day-to-day activities, including tasks associated with a job role. Under the law, long-term means an impairment or condition has lasted for at least 12 months; is likely to last for at least 12 months; or is likely to last for the rest of someone’s life.

The definition can also include non-apparent impairments or conditions such as diabetes, arthritis, high blood pressure, fibromyalgia or autoimmune conditions.  This means it won’t necessarily be obvious that someone is disabled.

Protection is automatic from the day of diagnosis for people living with HIV, cancer and multiple sclerosis. There are other impairments and conditions that automatically fall within the definition – for further information please refer to [What disability means by law - ACAS.](https://www.acas.org.uk/what-disability-means-by-law)

Not everyone who is protected under the Equality Act 2010 will self-identify as disabled. However, they would still have rights in connection with disability, if they meet the definition of disability. When considering whether there is a substantial impact, it is what the effects are without treatment or medication. Protection under the Equality Act is also granted if someone has met the definition of disability in the past.

**The law on disability discrimination**

Disability is one of nine protected characteristics meaning disability discrimination, including direct and indirect discrimination, harassment and victimisation are unlawful.  Other types of discrimination include:

* Discrimination by perception i.e. discriminating against someone because it is assumed they are disabled.
* Discrimination by association i.e. discriminating against someone because of their connection or association with another person who is disabled.
* Discrimination arising from disability which is less favourable treatment of someone because of something related to an impairment, for example refusing access to premises because someone has an assistance dog.

Discrimination could be part of a regular pattern of behaviour or a one-off incident and can happen at work, including when colleagues are working remotely, or at work social events.

Carers, friends and family members, for example, of a disabled person are also protected because people cannot be directly discriminated against or harassed because of their association with a disabled person.   However, this does not entitle them to reasonable adjustments (please see below), which are solely for disabled people.

The law regarding disability discrimination goes further than other obligations in that it includes the requirement to make reasonable adjustments.  Failure to make reasonable adjustments could amount to disability discrimination.

Any potential discrimination or inappropriate language and behavior towards a disabled person, whether inside or outside of work, will not be tolerated and considered a potential breach of the EDI Policy and EDI Code of Conduct.  Such matters will be investigated in line with the colleague [Resolution Policy.](https://inside.barnardos.org.uk/resolution-policy)

**Reasonable adjustments**

**What are reasonable adjustments?**

A reasonable adjustment is a change to the work environment or to a workplace policy, criteria or practice that aims to remove or minimise any disadvantage experienced by a disabled colleague or job applicant.

There is no set definition of reasonable in the Equality Act. It depends on what is needed, the situation and how much the adjustment might cost.

The duty to make reasonable adjustments will arise when:

* it is known or we would reasonably be expected to know that a colleague is disabled;
* a disabled colleague or job applicant requests adjustments;
* a disabled colleague is having difficulty with a certain aspect of their job; or
* a colleague’s sickness absence record or delay in returning to work is because of or linked to their impairment or condition.

To advance outcomes of equality for disabled people, Barnardo’s will consider taking steps to address our colleagues’ needs and overcome barriers even if this involves more favourable treatment as this is permissible under the law.

The need to make adjustments may be required for an existing colleague or a job applicant, and following a discussion with the manager must:

* be considered in relation to every aspect of the job, provided they are reasonable and proportionate for Barnardo’s to implement;
* not be a reason to refuse an appointment to a post or promote you if you are the most suitable candidate with necessary adjustments put in place; or
* not be a reason to disadvantage you at work.

Examples of reasonable adjustments
There is no definitive list. Many reasonable adjustments involve little or no cost and can be agreed immediately, for example:

* Extra time during selection tests at interview;
* changes to your working pattern (subject to the needs of the service);
* providing information in accessible formats.

A couple of examples of reasonable adjustments which may need to be explored with your manager include:

* making adjustments to premises, for example structural or other physical changes such as widening a doorway; and
* reallocating duties to another colleague if you have difficulty undertaking them - for example, if your job involves occasional visits into areas without lifts and you have limited mobility or a condition making it very difficult to climb stairs.

Many factors are considered when determining if a particular adjustment is reasonable.  For example, Barnardo’s will take into account how effective the change will be in overcoming the disadvantage you would otherwise experience and the practicality and affordability of the adjustment. What constitutes reasonable will depend on the circumstances involved in each case.

It is important for managers not to make assumptions about a colleague’s requirements, because some disabled colleagues may not need reasonable adjustments. You should take the lead from the colleague, who will, more often than not, know what barriers they experience and what adjustments are necessary.  If they do not, you should not ask about their medical history or for evidence of their disability, but ascertain if they are facing barriers (rather than seek details of a condition itself) as this can help identify the adjustments they would benefit from.

**Accessibility Passport**

An accessibility passport documents the reasonable adjustments you agree with your manager in order to receive necessary support. It can help reduce barriers and enable your full participation at work.

You are encouraged to complete a [accessibility passport](https://inside.barnardos.org.uk/people-and-culture/wellbeing/accessibility-passport) with your manager to discuss what support and adjustments can be put in place.  If you change roles or your line manager changes you should not have to discuss your requirements again and the arrangements in place should not be withdrawn, unless following a review of your accessibility passport with your manager you and your manager agree that any adjustments previously implemented need to be adapted i.e. because of changes to the job role or fluctuations in a condition.

**Disability and mental health**

Mental health conditions can come under the definition of disability, and therefore reasonable adjustments can be requested to support you wherever we can.  We also have a [wellness action plan](https://inside.barnardos.org.uk/people-and-culture/wellbeing/getting-help-wellbeing-health-and-mental-health-issues) to support with mental health conditions.

Mental health issues can:

* emerge suddenly following a particular traumatic event;
* increase gradually over time;
* be hidden or difficult to notice because many of us find it difficult opening up about our mental health; and
* fluctuate over time, meaning that a colleague’s capacity to cope with the demands of their job can change.

When making reasonable adjustments for mental health, we will consider that every colleague and job role is different so what works in one instance may not be feasible in another. We will therefore work collaboratively with colleagues to monitor any reasonable adjustments over time and evaluate if they are still appropriate.

**Neurodiversity**

Neurodiversity recognises different ways of thinking, engaging with and processing information and communicating. Neurodiversity is an umbrella term which includes conditions such as Attention Deficit Hyperactivity Disorder (ADHD), autism, dyspraxia, dyslexia, dyscalculia and Tourette Syndrome.

Neurodivergent colleagues could meet the definition of disability under the Equality Act 2010 which means that they are protected from discrimination and entitled to reasonable adjustments to remove some of the barriers they experience in the workplace.

Learning for managers on supporting neurodivergent colleagues is available on [Access b-Learning (to be uploaded).](https://barnardos.clcmoodle.org/local/sites/barnardos/login/)

**Guidance for line managers on supporting disabled colleagues**

**Reasonable adjustments**

* Focus on the barriers that your colleague is experiencing, rather than their condition or impairment.
* Talk to your colleague about what adjustments they may need to help them perform their role;
* Take the lead from your colleague who will, more often than not, know exactly what adjustments they need.
* Discuss an application to [Access to Work.](https://www.gov.uk/access-to-work/apply) Applications can be made up to 6 weeks before employment starts for new starters once an offer has been made.
* If your colleague is not sure or further advice is needed about adjustments, talk to your colleague about a referral to occupational health who can provide advice on reasonable adjustments;
* Ensure your colleague knows how to access support (see sources of support).
* Check in with your colleague regularly to ensure that any adjustments are still appropriate and effective.
* As a manager you should create a space where colleagues feel comfortable having open and trusting conversations in respect of reasonable adjustments.

**Recruitment**

* As a hiring manager you are responsible for running an inclusive recruitment process and ensuring that reasonable adjustments requested are made.

**Performance management**

* There may be times where colleagues are not performing well at work. In these instances, consideration will be given to whether a colleague’s condition or impairment is contributing to their performance and whether adequate and appropriate reasonable adjustments have been provided to support the colleague.
* Managers must contact the People Team if considering applying any stage of the [Performance improvement policy](https://inside.barnardos.org.uk/employee-and-volunteer-support/performance/performance-improvement-policy) in respect of a disabled colleague if performance issues persist after reasonable opportunities for improvement have been given and reasonable adjustments have been put in place.

**Using disability inclusive language**

Barnardo’s recognises the need to promote inclusive, respectful language which is not patronising, infantilising or offensive to colleagues at all times.

We need to be respectful around the terms used about disability and require the same of others irrespective of whether a disabled person is nearby or not.  Words can convey how people can be made to feel less capable not necessarily because of any impairment or condition but through societal barriers that create exclusion and lead to negative stereotypes.

Social model language rejects terms with negative associations and prefers words describing disabled people’s experience more appropriately, for example:

* disabled people
* wheelchair user instead of wheelchair bound
* access needs rather than special needs.

From a social model standpoint, the phrase ‘disabled people’ reinforces the extent of the exclusion and discrimination faced by disabled people and that they are disabled by society not by any impairments or conditions.   Within Barnardo’s we use the collective term of disabled e.g., disabled colleague, person or people to reflect the social model of disability whilst recognising that individuals may describe themselves in another way.

People should be spoken to as individuals to see what language they use and why, but a person should not be labelled by an impairment or condition.  However, some disabled people may use identity-based terms in a political and cultural sense such as Deaf or autistic. Avoid terms that insinuate a disabled person is a ‘victim’ or vulnerable and bear in mind that people with impairments and conditions that are not visible may consider themselves disabled.

Disabled people will often have their own views on what language they find acceptable.  If you’re unsure about how to phrase something, ask them politely what they would prefer.

**Telling us**

You may not want the charity to tell other colleagues that you are disabled if you feel that doing so would breach your confidentiality and privacy, and there is no legal obligation for anyone to disclose they are disabled.  If you do discuss your impairment or health condition with your manager, the information will be treated sensitively and confidentially. Tell them what information you want and don’t want other colleagues to know and how.

We will respect your decision not to share information if this is what you want. However, if you would prefer other colleagues not to know, but Barnardo’s believes that a reasonable adjustment requires the co-operation of your colleagues, it may not be possible for us to make the adjustment unless you are prepared to share some information. It does not have to be detailed, just enough to explain what others need to do to assist you appropriately, for example where a condition could lead to a life-threatening situation, such as severe epilepsy or the emergency use of an EpiPen for an allergy triggered by a substance.

**'This is me’ Campaign**

It's important that our HR system, Dynamics 365, has accurate information about all of us. Colleagues can update their personal details including EDI characteristics. We'll be launching the form through a campaign, 'This is me'. Having this information will enable us to better understand the makeup of our charity, to best inform our culture and decision-making to be as inclusive as possible. [Please consider updating your EDI profile on D365.](http://inside.barnardos.org.uk/me)

**Recruitment**

Barnardo’s promotes an accessible and inclusive application process for disabled candidates and takes action wherever necessary to improve how we recruit and retain disabled people. Reasonable adjustments are offered throughout the recruitment process.

Barnardo’s has achieved [Disability Confident Leader status (Level 3)](https://r1.ddlnk.net/4ZNU-WHLU-1FMK2K-UXE58-1/c.aspx). This Government accreditation is recognition of the work we have done and will continue to do to create an open and supportive culture for disabled colleagues, volunteers, and the children and families we support.

We offer all job applicants who disclose they are disabled on their application, an interview when they meet the minimum criteria for the role. See our [Recruitment and selection policy.](https://inside.barnardos.org.uk/employee-and-volunteer-support/recruiting-employees-and-apprentices/recruitment-and-selection)

Barnardo’s will not ask about the health of any job applicant before making a job offer because this is prohibited under the Equality Act. Recruiting managers should bear in mind that gaps in an individual’s employment history could possibly have arisen as a result of medical treatment or rehabilitation.

**Sickness absence related to disability**

Where sickness absence is disability related, line managers should be supportive and flexible when applying the sickness absence procedure including considering the need to make reasonable adjustments to sickness absence triggers see [Resources for managing sickness absence | Inside Barnardos.](https://inside.barnardos.org.uk/people-and-culture/taking-time/resources-managing-sickness-absence)

Sickness absence triggers may need to be either adjusted e.g. increasing the numbers of absences that will trigger a review, or not counting some or all sickness absence related to disability if it would be impossible for the colleague to meet them.

Reasonable adjustments should be reviewed regularly to see if they are still appropriate. Colleague conversations and return to work interviews can provide useful opportunities to review arrangements.

Time off for medical appointments or appointments related to disability is available under our [Additional leave (paid and unpaid) policy](https://inside.barnardos.org.uk/people-and-culture/taking-time/additional-leave-paid-and-unpaid-policy).

If you are returning to work after a long-term absence, your manager should discuss adjustments that can help facilitate your return, such as a phased return to work, redesigning your job role or consider redeployment to a different role, if necessary.

Managers should contact the People Team for advice on how to apply the procedure where attendance levels are not improving after reasonable adjustments have been implemented. Managers can also obtain advice from Occupational Health, on identifying and removing barriers for disabled colleagues and advise on other reasonable adjustments that can be considered to facilitate a return to work.

**Redeployment**

We will see if it is possible to redeploy you into a suitable alternative role if it becomes apparent that you are no longer able to fulfil the essential elements of your job role following occupational health advice. A vacancy may be suitable if different reasonable adjustments are considered i.e. allocating to someone else tasks that a disabled person cannot undertake. Case law has established that it may be permissible as a reasonable adjustment to transfer a disabled person to a suitable alternative vacancy where they meet the minimum role criteria without a competitive interview process.

**Support for colleagues**

There are a number of sources of support available to colleagues and their line managers including:

**Access to Work**

If you are disabled, [Access to Work](https://www.gov.uk/access-to-work) is a government scheme which can help you to obtain or remain in work by providing support. Your home could be classed as your workplace if you work part of or all of the time there.

There is also a free and confidential support service available to paid colleagues in England, Wales and Scotland who are having difficulties with their mental health, that has resulted in time off or if it is making it difficult for you to remain in work. For additional information, please see our [Access to Work Factsheet.](https://barnardosorguk.sharepoint.com/%3Aw%3A/s/PeoplePolicyDevelopment/EdrGNT2XSrNEncGg5u0TLGgBPhLGQtcbxwNO52RDUzlovw?e=DHhHPJ)

Other sources of support include:

* Your line manager
* Your People Team
* Occupational health - please discuss a referral with your line manager. See [Occupational health support](https://inside.barnardos.org.uk/people-and-culture/wellbeing/occupational-health-support) for more information.
* UNISON - if you are a member see [UNISON | Inside Barnardos](https://inside.barnardos.org.uk/people-and-culture/unison)
* Barnardo’s disability network. Details about the network can be found at [Disability Network (Open)](https://barnardos.workplace.com/groups/379998592441022) [Disability Network (Closed Group for Disabled Colleagues)](https://barnardos.workplace.com/groups/888264841332558)
* Barnardo’s [Neurodiversity Signposting and Support](https://barnardos.workplace.com/groups/180091936699188) workplace group