# Looking for work – Disclosing a Disability

## About this factsheet

This factsheet is part of a series of factsheets on employment issues. This factsheet is a guide for anyone who is thinking about starting a job search or for anyone who is currently in the process of looking for a job. At the end you will find the full list, and details of where to find them.

## For further information

RNIB Helpline can refer you to an employment specialist for further advice and guidance relating to your employment situation. RNIB Helpline can also help you by providing information and advice on a range of topics, such as eye health, the latest products, leisure opportunities, benefits advice and emotional support.

Call the Helpline team on **0303 123 9999** or email **helpline@rnib.org.uk**.

## 1. Disclosing a disability

### 1.1 Should you tell a potential employer that you have a disability?

There are no hard and fast rules in relation to disclosure and you do not have to tell an employer about your disability. It is up to you to decide if, and at what point in applying for a job, you let an employer know that you have a sight problem. Some application forms will ask specifically if you have a disability. You will then have to decide whether to be truthful in your application and consider the consequences if you are not.

### 1.2 Reasons for disclosure

**Equality Act**

If you disclose your disability, the Equality Act protects you from unlawful discrimination. The Equality Act applies to the whole recruitment process - this includes the decision whether or not to offer someone a job.

If you disclose your disability and then feel that you were treated unfairly, you may be able to bring a complaint that you have experienced unlawful discrimination and that this is a breach of the Equality Act.

Remember that the Equality Act duty to make reasonable adjustments only applies if the employer either knows that you are disabled OR could reasonably by expected to know that you are disabled. If you need an employer to make a reasonable adjustment to the recruitment process, then you should very carefully consider disclosing that you are a person with a disability. For example, if you need a reasonable adjustment to complete a test at the interview, the employer does not have to provide this unless you tell him about your disability.

If you have disclosed your disability, the employer can only refuse to offer you a job in certain situations. These are where an exception applies; this is principally an 'occupational requirement' exception. This is a complex situation and is outside the scope of this factsheet. If you believe that you were refused a job and that this situation applies, please contact RNIB and we will provide you with more information.

Employers may also have a defence to a claim that refusing to offer a job amounts to discrimination arising from a person's disability. We can give you more information about this if necessary.

**Access to Work scheme**

You can get funding from Access to Work for any specialist equipment or extra transport costs and help with work related obstacles resulting from a disability. Employers are often worried about the potential costs of taking on a disabled employee and many are not aware of the Access to Work scheme. By openly disclosing your disability you will be able to raise your employer's awareness about the help that is available and allow them to focus on your skills and abilities. For more information, we refer you to our **Access to Work** factsheet. Details of where to find this can be found in section 10 (Other factsheets in this series).

**Equal opportunities policies**

Some employers are signed up to the Disability Confident scheme. The scheme is designed to help employers recruit and retain disabled people and people with health conditions for their skills and talent. You can find out more about this scheme, as well as a list of employers who are signed up to it, at **https://disabilityconfident.campaign.gov.uk/**.

Also, look out for positive statements about disability on an employer’s equal opportunities policy. In some cases, your disability may be viewed as an additional qualification.

**Position of trust**

It is worth bearing in mind that when applying for a job, many employers require you to be truthful in all aspects of the application form and may say that any non-disclosure is a justified reason for dismissal.

**Positive aspects of your disability**

Your disability may also have provided you with unique experiences that may be useful in the workplace. For example, your sight loss may mean that you have acquired excellent IT skills through the use of access technology or that you have developed excellent organisational skills.

### 1.3 Forming a disclosure strategy

If you decide to tell a potential employer about your disability, the next stage is to establish at what point in the application process you should tell them.

**Curriculum Vitae (CVs)**

It is not necessary to mention your disability on your CV. You may feel that an employer will see your disability as the most important thing about you or make assumptions about you on the basis of your disability. Also, there may not be room on your CV to qualify your disability or to highlight the range of positive adjustments that could be made.

If the CV is speculative, or not followed by an application form, you need to decide if you would prefer for an employer to know about your disability before you are called for an interview. This may depend on whether you will need a reasonable adjustment to be made for you at the interview and in order for you to do the job satisfactorily.

**Covering Letter**

A covering letter should be sent with your CV to potential employers. You do not need to disclose your disability on the CV or covering letter. However, if your CV highlights that you have a disability (for example, you attended The Royal Blind School), the covering letter allows you the opportunity to explain your disability in more detail than on a CV. You can also highlight the range of adjustments that are available and that funding for these is available through the Access to Work scheme. Bear in mind that the focus of a covering letter should always be on your skills to do the job.

**Application form**

Some application forms ask direct questions about disability, so you can consider what details you choose to include at this stage.

You may have done voluntary work which may cause the employer to wonder if you have a disability. For example, you may be the secretary of your local voluntary society for blind people and have gained skills and experience that are relevant for the job you are applying for.

**Equal Opportunities Monitoring Form**

Some employers may have a separate equal opportunities monitoring form that they ask all applicants to fill in. These forms are not used to judge application forms and are separated from the form. The people who carry out the short listing process do not see these forms.

**Interview**

It is important to focus at an interview on the ways in which you fit the requirements for the job, rather than your disability.

During an interview you should be prepared to talk positively about your disability and be able to highlight the range of support and equipment that is available.

### 1.4 Pre-employment health questionnaires

The Equality Act says that an employer can only ask questions about a job applicant's disability in very limited circumstances. These types of questions are often called pre-employment disability-related enquiries.

The general principle is that where someone (B) applies to a person (A) for work, A is not allowed to ask about a person's health (which includes disability) before offering B a job. This principle also applies where A isn't able to offer a job at that time, but could include B in a pool of people to whom A intends to select for a job that comes up in the future. For example, B, who is registered partially sighted, writes to company A to ask if it has any jobs. Company A doesn't have any jobs at that time, but says that it will keep B's letter and CV on file. If company A asks about B's sight loss before deciding whether to include him in the pool of candidates, then that could be unlawful.

**Are there any exceptions?**

Yes. A can ask questions if these are necessary to find out whether B can undertake an assessment as part of the recruitment process. For example, an interview or a test which A uses to find out if B is suitable for the job.

A can also ask a question about someone's disability to find out if B needs a reasonable adjustment to the assessment. This is to help A to comply with the duty to make reasonable adjustments.

A can also ask pre-employment disability-related questions to work out whether B can carry out a function which is an essential part of the job.

A can also ask questions to enable it to carry out diversity monitoring and if these questions are necessary to take positive action in relation to disability and disabled people.

This can be quite a complex issue. You can find more information in the Equality and Human Rights Commission's Code of Practice on work and employment.

### 1.5 Summary

You do not have to tell an employer about your disability. By not saying anything it may mean that you face less discrimination, but it also takes away some of the obligations of an employer.

It might be a good idea to form a disclosure strategy, where you plan how you tell an employer about your disability. This means that you can positively discuss your disability on your own terms and retain a focus on your own skills and abilities.

## Other factsheets in this series

We also produce the following factsheets, which you may find of use:

* Access to Work
* Staying in work
* Job seeking resources
* Self-employment
* Your rights in employment
* Looking for Work - CVs and Application Forms
* Looking for Work – Interview Skills
* Looking for Work – Tests
* Looking for Work – Job Search

All these factsheets can be found in electronic form at **www.rnib.org.uk/information-everyday-living/work-and-employment**

For print, braille, large print or audio, please contact our Helpline team on **0303 123 9999** or email **helpline@rnib.org.uk**

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