

Should I Disclose a Disability to a Potential Employer?

A Careers Service Guide to
**Should I Disclose
a Disability to a
Potential Employer?**

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INTRODUCTION

Looking for work is rarely an easy process for anyone. If you have a disability, you may face other issues as well as those faced by other jobseekers. Many people ask whether they should tell an employer that they are disabled.

You may have a disability that you could not hide at an interview. You may feel unhappy about putting details on your application form. You may have an unseen disability or a disability which has no effect on your ability to do the job. You may feel that there is no need to tell a potential employer in this instance. There is no clear-cut answer as to whether or not you should tell an employer that you are disabled.

You must use your own judgement as the Law does not say that you have to disclose a disability although there are clear advantages of doing so.

Reading this booklet should help you make an informed choice regarding your situation.

DESTINATIONS OF DISABLED GRADUATES – THE NATIONAL PICTURE

Research carried out in 2007 (*What Happens Next? A Report on the First Destinations of 2007 Disabled Graduates*: written by members of the Association of Graduate Careers Advisory Services (AGCAS) Disability Development Network (DDN) revealed that in 2007 just over 190,000 full-time, first degree students graduated from UK universities. **Of this number almost 9% (16,435) identified themselves, during the period of their studies, as having either a disability or a learning difficulty.**

In the midst of the current economic downturn, this year's Survey might have been expected to show a decline in graduate fortunes for both disabled and non-disabled groups. This is clearly not the case. This year has been a very positive one for both groups, particularly the former with gains made across most significant categories.

The number of disabled graduates entering 'graduate level' employment increased to 65.8%, an increase from 64.5% last year and the highest percentage in the five years of the Survey.

A higher percentage of disabled graduates (33.6%) entered associate professional and technical occupations this year than non-disabled graduates (31.4%).

The percentage entering employment as managers and administrators were identical.

The number of unemployed disabled graduates fell to just 7.8% from 8.7% in 2006.

There are several factors that have had an impact on the success of disabled graduates in the labour market. Graduate employers have taken positive action in the recruitment and selection process and are aware of the need to make adjustments. Legislation and the advocacy of disability organisations have hastened change in attitudes and practice.

This has contributed to a climate where disclosure of a disability is becoming more commonplace and something which should help disabled graduates to feel more positive about doing. But they should carefully weigh up the issues around disclosure as part of their overall job hunting strategy in order to ensure that they achieve their personal and career goals.

DEFINITION OF DISABILITY

There is no longer a registration scheme for disabled people. In order to be protected under the law, you must comply with the definition of the term disabled that has been identified. The legal definition of disability is:

‘A physical or mental impairment which has a substantial and long-term adverse effect on your ability to carry out normal day-to-day activities.’

Each part of the definition must apply to you before you can be classed as disabled under the Act. This also means that some people who had not previously considered themselves as disabled may be protected. Fitting the definition simply means that you will be protected under the law if someone unlawfully discriminates against you on the grounds of your impairment or condition.

To identify if you are disabled under the terms of the Act ask the following questions:

Do you have a physical or mental impairment

What does ‘physical impairment’ cover?

It covers all physical impairments including sensory impairments, such as those affecting sight or hearing and medical conditions.

What does ‘mental impairment’ cover?

The term ‘mental impairment’ is intended to cover a wide range of impairments relating to mental functioning, including what are often known as learning disabilities.

Therefore, the term ‘physical or mental impairment’ can include:

- Sensory impairments, e.g. people with visual or hearing impairments.
- Learning difficulties, including specific learning difficulties such as dyslexia.
- Mental health conditions.

- Genetic conditions from the point that the condition affects the ability to carry out normal day-to-day activities.
- Progressive conditions from the point that the condition affects the ability to carry out normal day-to-day activities, apart from multiple sclerosis, cancer and HIV which are covered from the point of diagnosis.
- Conditions which are characterised by a number of cumulative effects such as pain or fatigue.
- A past history of disability.

Does your impairment have a substantial adverse effect?

What is a 'substantial' adverse effect?

A substantial adverse effect is something that is more than a minor or trivial effect and goes beyond the normal differences between people.

Are people who have disfigurements covered?

A severe disfigurement is to be taken as having an adverse effect on a person's ability to carry out normal day-to-day activities. It is not necessary to prove that the disfigurement has that effect.

Are people with genetic conditions covered?

If a genetic condition has no effect on ability to carry out normal day-to-day activities, the person is not covered by the DDA until the condition starts adversely and substantially affecting their normal day-to-day activity.

Other conditions

As a result of recent amendments to the legislation, multiple sclerosis, cancer and HIV are all now covered from the point of diagnosis.

Does your impairment have a long-term effect?

What is a 'long-term' effect?

A long-term effect is one:

- Which has lasted at least 12 months or
- Where the total period for which it lasts is likely to be at least 12 months or which is likely to last for the rest of the life of the person affected regardless of the length of their life.

Some effects are not long-term and would therefore not be included for example: loss of mobility due to a broken limb which is likely to heal within 12 months, and the effects of temporary infections, from which a person would be likely to recover within 12 months.

What if the effects come and go over a period of time?

If an impairment has previously had a substantial adverse effect on your normal day-to-day activities but the situation changes and the condition gets better temporarily, the substantial effect is treated as continuing **if** it is likely to come back or it is probable that it will come back.

A person has had rheumatoid arthritis, which has been substantial and adverse, but then it improves for a time (i.e. the person has a period of remission). The effects are to be treated as if they are continuing if the arthritis remains and the person is likely to have at least one recurrence 12 months or more after the initial occurrence.

This would then be a long-term effect.

What about people who have recovered?

People who have had a physical or mental impairment that was within the definition are protected from discrimination even if they have since recovered. Therefore if you are discriminated against because you used to have an impairment, then you could still be protected under the law.

Does your impairment affect normal day-to-day activities

What are 'normal day-to-day activities'?

Normal day-to-day activities are things that most people have to do daily irrespective of their job or occupation. The term is not intended to include activities which are normal only for a particular person or group of people, such as playing a musical instrument, or a sport to a professional standard, or performing a skilled or specialist task at work. However, someone who is affected in such a specialised way, but is also affected in normal day-to-day activities, would be covered by this part of the definition.

The test of whether an impairment affects normal day-to-day activities is whether it affects one of the broad categories of capacity listed in Schedule 1 of the Act. These are:

- mobility
- manual dexterity
- physical co-ordination
- continence
- ability to lift, carry or otherwise move everyday objects

- speech, hearing or eyesight
- memory or ability to concentrate, learn or understand
- perception of the risk of physical danger.

Note:

The information in this section has been taken from the Skill leaflet: "A Guide to the Disability Discrimination Act and the 5-Step Test"

THE DISABILITY DISCRIMINATION ACT (DDA) 1995

What does Part 2 of the DDA say?

Part 2 of the DDA aims to stop discrimination against disabled people at work, applying for work or training for work. This part applies to all employment apart from the Armed Services.

Employers do not have a 'duty of anticipation' which means that they are not required to make adjustments to their premises or working practices until it is actually required by a disabled employee or applicant. Employers do, however, have to take reasonable steps to find out if you are disabled - e.g. asking you on an application form, asking if you need adjustments etc.

If you require ramped access into the building where you are having your interview, you should let the employer know this. They should then ensure that your interview is held in an accessible building.

The main provisions of Part 2 are that:

- Direct discrimination (treating you less favourably directly because of your disability) is unlawful.
- Treating you less favourably for a reason related to your disability without good reason is also unlawful.
- Reasonable adjustments will be expected in all of aspects of employment, so must be made to working conditions or the workplace to enable or assist you to do a job.
- A complaint of discrimination may be presented to an Employment Tribunal (Industrial Tribunal in Northern Ireland).

Discrimination is outlawed in all aspects of employment and occupation including:

- Recruitment and selection including advertising jobs
- Retention of employees

- Promotion
- Training

Harassment at work is also discriminatory.

Justification

Direct discrimination (treating you less favourably directly because of your disability) and the failure to make reasonable adjustments can never be justified.

If a deaf person applied for a job as a nursery assistant, and the employer assumed they would not be able to do the job because they would not be able to communicate with children, this would be direct discrimination and could not be justified.

However, disability-related less favourable treatment may be justified if the reasons for it are both 'material to the circumstances of the particular case' and 'substantial'.

A factory worker with clinical depression is sometimes absent because of his condition. Due to this, he is dismissed. However, the amount of time away from work is not much more than the employer accepts as sick leave for other employees. This may amount to discrimination under the Act.

A blind person applies for a job that requires a lot of driving. If it is not reasonable for the driving to be reallocated to another staff member, the employer's need for a driver could be seen as a reason for not employing the blind person. This is related to his impairment, but may be justified under the Act.

Reasonable Adjustments

Employers are required to make reasonable adjustments both to the workplace, working practices and to the job description when required. Adjustments that may be considered reasonable include adjusting buildings and access to buildings, altering working hours or providing alternative equipment. However, not everything will be considered reasonable and it is dependent on the circumstances in each case. You should think about what adjustments you might need, how effective a particular adjustment might be and how much it will cost to carry out. Larger companies with more money and resources could be expected to do more to change the workplace if needed than smaller companies who may not have the same amount of money to spend. However, all employers must show that they have looked into the costs of adaptations and what funding is available from other sources.

It would help you to know what sort of adaptations if any, you need, what sort of cost might be incurred and whether you can get funding from Access to Work. Access to Work, available through Jobcentre Plus (the Training and Employment Agency in Northern Ireland), can pay for the full cost of adjustments for applicants or new members of staff and can contribute to the cost of adjustments for existing staff. Refer to Skill's information booklet **Help for Disabled Jobseekers from Jobcentre Plus**.

Government research has shown that 44% of adjustments cost less than £50 (with many having no financial cost) and 95% cost less than £5,000.

An employee with ME needs to have rest periods during the day. This is refused, despite the employee working the full number of hours and completing the work that is required. This may amount to discrimination under the Act.

Trade Organisations and Qualifications Bodies

The Employment section of the law also covers trade organisations and qualifications bodies. A qualifications body is an organisation that gives qualifications or registers people for a particular profession or trade such as the Law Society, General Medical Council or CORGI. Trade organisations and qualifications bodies have to take reasonable steps to prevent any arrangements they make which place a disabled student, member or applicant at a substantial disadvantage compared with people who are not disabled. Qualifications bodies are not required to lower or make adjustments to professional or 'competence' standards (the standards which are essential to the profession or trade) but they must ensure that the standards they set are justified. They should also make reasonable adjustments to the assessment process where necessary. There is a separate Code of Practice for trade organisations and qualifications bodies.

Work Placements

Work placements which are undertaken as part of a vocational training programme, e.g. as part of a higher education course or an NVQ, are also covered by the Act. It is unlawful for work placement providers to discriminate in:

- selecting work placement candidates
- the terms of the placement
- dismissal

Reasonable adjustments may depend on the length of the placement, as an adjustment that may be considered reasonable for a one-year placement may not automatically be considered reasonable for a one-week placement.

How Can These Rights Be Enforced?

If you feel that you have been discriminated against in work or when you applied for a job, you will need to go to an employment tribunal. This is different from a court and has different powers. If you win a case at a tribunal they may make a declaration of rights, award financial compensation or a recommendation for action to redress the wrong. You must lodge a complaint **within 3 months of the discriminatory act**. Legal Aid is not available.

Unions are a good source of advice and guidance. The Disability Rights Commission or ACAS (the Advisory, Conciliation and Arbitration Service) can also be contacted for help. In Northern Ireland, the relevant body is the Equality Commission.

Note:

The information in this section has been taken from the Skill leaflet: "A Guide to the Disability Discrimination Act and the 5-Step Test"

TIMING A DISCLOSURE

If you decide to disclose, there are several points at which you might choose to do so and the choice point may well change with different jobs. In brief, disclosing a disability at the application stage has the advantage of getting it out into the open sooner, which might reduce the amount of time you might have to spend on it at the interview if you decide to disclose at that stage.

It also has the advantage of giving the employer enough notice of reasonable adjustments that you may require during the interview process. The possible disadvantage of disclosing at the application stage is that it could leave you open to discrimination at an earlier stage. It might not always be possible to detect whether someone was rejected at this stage specifically because of their disability.

Disclosing a Disability on the Application Form?

Some application forms ask direct questions about health and disability so you have a clear opportunity to provide all the details here.

You may feel that your disability, and your life experiences due to your disability, increase your ability to do the job. You may wish to include these in the section on the application form that asks about why you feel you are suitable for the job or the section of the form asking you to make a statement in support of your application.

It is very likely that you will also be faced with competency-based questions on the application form. Use these to highlight any strengths or positive consequences of your disability or health problem. An example might be developing IT expertise through early exposure to complex software as a result of a visual impairment.

Think about what your disability has taught you. What skills can be transferred into the workplace? Some application forms ask questions about your strengths and weaknesses, and your most important achievements. These can form the basis of a declaration, for example:

'Because of my hearing loss I have developed a good level of concentration. This is demonstrated in my ability to analyse spreadsheets and make performance related forecasts.'

or

'Having restricted mobility has meant that I have developed an interest in Information Technology at an early age and have worked with a range of software. I am keen to make this personal interest my career.'

Disclosing a Disability on Medical Questionnaires?

You may be asked direct questions about disability and health on a medical questionnaire. Whether you will need to fill one out, and at what stage you do this, depends on the type of job. You will have to answer honestly. If your disability has any health implications, you will need to put this down on this form.

Disclosing a Disability on Equal Opportunities Monitoring Forms?

An employer may 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 where they advertise job vacancies.

These Equal Opportunities forms are not used to judge your application. They are separated from the main application form, usually by Personnel or Human Resources at an early stage. This means that the people who decide which candidates to interview do not see these forms. They should judge the applicants on the basis of their skills and work experience only.

Disclosing a Disability on the CV/Covering Letter?

If you are applying for a job with a CV (Curriculum Vitae) and a covering letter, you could mention your disability in the letter. Your disability might account for aspects of your CV that might otherwise count against your application e.g. a gap in your educational history or career may have been due to a rehabilitation period. Again, mention any additional skills and qualities gained through managing a disability.

Disclosing a Disability before going for an Interview?

If you are shortlisted for an interview and need practical support, such as a sign language interpreter or help getting to the interview or extra time to do an aptitude test if you have dyslexia, you could contact the employer to arrange this. It is much easier for employers to respond to your needs if they can prepare in advance.

It will also show how you can manage matters relating to your disability, and may also improve how well you do at an interview. You will feel more relaxed if you know the right support will be in place.

Disclosing a Disability at the Interview?

You may have a disability that is visible and it may surprise them if you have come this far in the application process and not said that you have a disability (even if it has no effect on your ability to do the job). They may end up asking irrelevant questions about your disability that you could have simply explained in the application form. This time should be spent explaining how you are suitable for the job, not focusing on any disability.

Talking about your disability at an interview may be difficult. This is true if you do not find it easy to discuss personal matters in such an environment. It may be easier to put any relevant information down on paper when you first apply rather than having to deal with it in a face-to-face situation when you may be nervous. You will also have the time to prepare what to say, rather than having to come up with what to say at the interview.

But you may feel happy to tackle this kind of question in an interview. You may be better at explaining your disability or learning difficulty by talking about it, rather than putting it in writing.

Disclosing a Disability at the Job Offer Stage?

Knowing that you have a job offer will probably take away a lot of the pressure and you might prefer to wait until this stage before disclosing a disability and agreeing any necessary adjustments on the part of the employer. There should not be a problem with this as long as the employer can justify making a 'reasonable adjustment'.

Disclosing a Disability Once in Post?

If you wait until this stage before disclosing and you subsequently suffer discrimination, you will not have a legal case as the employer can rightly claim that they did not know about your disability even though you were probably given opportunities to disclose during the selection stage.

Other things to consider when in post are the questions and attitudes of colleagues towards your disability. Once in work your colleagues may show some prejudices, especially if they have had limited contact with disabled people or knowledge of disability. This could be the case even if people are genuinely committed to equal opportunities and the employment of disabled people and even if staff have been on all the relevant courses!

People may ask lots of questions about your disability. Often this is relevant, if it is about how you will do the job and what reasonable adjustments can be made, for example:

'Is this print large enough?'
'Is this lighting OK?'
'Are the shelves at the right height?'

However, you may have to deal with irrelevant personal questions about your disability, such as:

'How much can you see?'
'What is wrong with your legs?'
'How much can you hear?'
'When did it happen?'

Also, people may not be aware of subtle things that you may have to explain to them, for example:

- Your condition may vary.
- You may manage small print but trip over a chair.
- You may be able to hear one type of sound better than another.
- Your speech may be clearer one day and not so clear the next.

It may help if your team is given some awareness raising before you start your job and you are involved in this as much as possible.

Some people can be awkward and embarrassed, preventing you from bonding with colleagues. They may have negative expectations about what you are able to do, and see only the disability and not other things about you.

Being good-humoured and helping people to be relaxed about your disability can go a long way to breaking down barriers. Of course, there is no excuse for people making offensive comments, either through ignorance or prejudice. Your line manager or personnel officer may be able to help with this. A chat with colleagues at the team meeting or an informal drink after work may help. If not, you should have recourse to the internal grievance procedures and the protection of the Disability Discrimination Act.

REASONS FOR DISCLOSURE?

1. Employment and Education are covered by the Disability Discrimination Act (1995)

If you declare your disability and feel that you have been treated unfairly in the application process, you can make a complaint to an Employment Tribunal. A complaint must be lodged within three months. This is where you can appeal against decisions. The Employment Tribunal can:

- Say whether what happened to you was against the law.
- Recommend that the employer takes certain action (e.g. employs you, changes its policy etc).

- Order the employer to pay compensation. If you have declared your disability, the employer cannot lawfully refuse to employ you, without good reason, just because you are disabled. They must also consider making 'reasonable adjustments' you might need in order to work there. For example, if specialist computer equipment enables you to overcome the effects of your disability it would be unreasonable of the employer not to take this into account. The employer would have to decide whether it is reasonable for them to provide the equipment. The Employment Service's *Access to Work* scheme can assist employers to provide equipment or alter existing equipment. If you do not declare your disability, an employer could say that they did not know and that you are unable to do the work set out in your job description. An employer does not have a duty to make adjustments for disability that is not disclosed. They may have grounds for dismissal.

If you declare your disability and the employer tries to dismiss you, then you have more grounds for complaint. You would also have a reason to ask for support so that you can do your job within the workplace.

2. Many Employers have Equal Opportunities Policies/Disability Statements

If an employer has an Equal Opportunities Policy or statements they have a certain commitment to recruiting and employing without prejudice. You can ask to see the company policy or ask what they do to ensure equal opportunities in their recruitment. You might feel more comfortable disclosing a disability if the company has stated that it will not discriminate against you on that basis. You might also prefer to disclose if you feel that the way they recruit will protect you from being disadvantaged e.g. they evaluate applicants solely against the person specification. If the organisation has a written policy, this will give you a basis for appeal if you feel you have been discriminated against.

3. Some Employers are keen to employ disabled people



Look out for the Employment Service 'two ticks' disability symbol on job adverts. This means the employer has made some commitment to employing disabled people. The 'two ticks' symbol also means you are guaranteed a job interview if you meet the minimum criteria of the person specification. However, if you are not selected for interview but believe that you meet the minimum criteria, it is worth following this up with the organisation. Also, look out for positive statements about disability or equal opportunities. In some cases, your disability may be viewed as an additional qualification.

4. It is an opportunity to describe your disability positively

Your experiences may have provided you with skills that are useful in the workplace. For example, having a personal assistant may mean that you have gained additional skills, such as organisational skills, communication skills or managing a budget. If you decide to disclose this information when you are ready to do so, you will be more confident. If you are forced to explain at a later stage, it may be harder to explain the positive aspects of your disability.

5. Many application forms or medical questionnaires for jobs ask direct questions about disability and health

If you give false information about this, and an employer finds out the truth later, you could risk losing your job.

6. If your disability has any implications for the health and safety of yourself or your colleagues, you are obliged to inform your employer under the Health and Safety at Work Act (1974)

If an accident happens as a result of a disability, and you have not told your employer about it, you as an employee could be judged legally responsible (although prosecutions are very rare).

7. There is funding available for making adjustments

Employers can get free advice on adaptations to the workplace for a disabled employee or applicant from the Disability Employment Adviser (DEA) at the local Job Centre. You can also get funding from the Access to Work scheme via the Disability Employment Adviser. Access to Work may help to fund specialist equipment or extra transport costs. You should always point this out to employers if they are worried about how much it will cost to employ you. In fact, the cost of most adaptations is negligible.

For more information see Skill's leaflet 'Help for Disabled Jobseekers from Jobcentre Plus'. Skill's contact details are found at the end of this booklet.

8. Adjustments can be put in place earlier

The earlier that you disclose your disability, the easier it will be for adjustments to be put in place in time for you to start your course or your job. Talking to the disability adviser or HR department about adjustments, will enable them to make arrangements before you start working or studying.

9. You might build a better 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. You may want to build up a relationship with your supervisor/line manager before disclosing your disability to them.

10. You might need to explain aspects of your CV or application form

Your disability might account for aspects of your CV that might otherwise count against your application e.g. a gap in your educational history or career may have been due to a rehabilitation period, or you may have had to retake your examinations due to a period of illness.

11. Your 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 onto others without permission from you and it needs to be processed in a confidential manner.

REASONS AGAINST DISCLOSURE?

1. You may be discriminated against or rejected by employers with pre-set ideas about the effects of disability

You may feel that the competition for jobs and course places means that employers or education providers will look no further than your disability and not look at your abilities. You may feel that an employer will automatically see you as a problem and possibly a potential expense. They may assume that you will take lots of time off through ill health or need special employment arrangements. However, if you do declare your disability and later feel that you've been discriminated against during the application process you can take your grievance to an employment tribunal.

2. You may feel that it will give the employer the chance to label you by your disability

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.

3. You may not want to discuss your disability with a stranger

You may feel that the application process does not allow the time or space for someone who does not know you to get an accurate understanding of your disability, or that it is just not his or her business.

4. You may feel that your disability has no effect on your ability to do a job or course

You may feel that your disability is not relevant to the job or the application, and so there is no reason to disclose it to an employer. However, you should bear in mind that you may need adjustments as your course or job develops.

DISCLOSING DYSLEXIA

It may be helpful to explain dyslexia not just as a specific learning difficulty but as a lifelong thinking and learning difference. It occurs in around 10% of the general population and it is one of several conditions resulting in a neurodivergent thinking style that present particular strengths and challenges for the individual.

As already mentioned in this booklet, you are under no legal obligation to disclose dyslexia but there are particular benefits to doing so earlier rather than later so that any reasonable adjustments can be made during the job selection process e.g. disclosure of dyslexia at the application stage can give the employer time to make any necessary adjustments such as allowing extra time to undertake psychometric tests or other selection activities.

Disclosure of Dyslexia should always be done in a positive and upbeat manner where the individual clearly states:

- Their personal strengths
- Areas of challenge for them
- Suggested adjustments which may help

Common benefits of dyslexia include visual/spatial skills, visualisation skills, creative skills, artistic skills, spoken communication skills, empathy, determination/hard working, big picture thinking, practical and craft skills.

Some positive words for disclosure could include:

- Hardworking
- Original thinker
- Creative
- Focused
- Gregarious
- Team player
- Systematic
- Big Picture thinker
- Detail thinker
- Self-aware
- Resilient
- Self-sufficient

Potential areas of difficulty which may require reasonable workplace adjustments include visual differences, spatial awareness, auditory differences, sequencing confusion, slow processing, cognitive style, short-term/long-term memory.

Organisations like the British Dyslexia Association www.bdadyslexia.org.uk have produced guidelines for employers on how to make the workplace dyslexia friendly. You may wish to refer to these when discussing your particular needs with employers so that you ensure that the workplace you enter will be one that draws out your potential and maximises your contribution.

DISCLOSING DYSPRAXIA AND OTHER CONDITIONS

The above principles concerning disclosure of dyslexia could also apply to Dyspraxia and other neurological conditions that result in a variety of neurodivergent thinking styles like Attention Deficit Hyperactivity Disorder, Attention Deficit Disorder, Autism Spectrum Disorders, Asperger's Syndrome, Tourettes Syndrome and others.

Key 4 Learning is an organisation that provides skills, resources and information to promote understanding of hidden conditions such as Dyslexia, Dyspraxia, Attention Differences and Autistic Spectrum Disorders and gives some guidelines on disclosure on its website: www.key4learning.com/

DISCLOSING MENTAL HEALTH DIFFICULTIES

According to the Mental Health Foundation, on average one in four of us will experience a mental health problem in the course of a year.

A recent Health and Safety Executive Stress and Health at Work Study (SHAW) found that one in five of all working individuals thought their job was very or extremely stressful.

Mind, the leading mental health charity in England and Wales gives the following guidelines on disclosure:

If you are not asked specifically about your mental health problem (i.e. on the application form or during an interview), then you are not obliged by law to disclose it. However, if you are asked specifically about your health, or about a gap in your employment history, and you do not disclose, then you can be dismissed for deliberately withholding information concerning your mental health history, if found out at a later date.

If at the time of applying for the job no questions concerning mental health arose, and you chose not to disclose, yet at a later date, within a one year period, difficulties occurred as a result of the mental health problem, the employer could dismiss you with appropriate notice.

However, if the problem only comes to light after a year of continuous service, then the employer cannot simply dismiss you on the grounds of failure to disclose. If s/he does then you can make a claim for unfair dismissal. The employer will either need to justify dismissal on the grounds of capability or conduct, where the disability affects job performance, or on the basis of some other substantial reason.

Advantages of Disclosing Mental Health Difficulties?

You do not have to worry about being 'found out', or explaining visits to a doctor, or possible side effects of any medication.

You might receive support, understanding, and even counselling.

If an employer did take you on in full knowledge of your medical history, and any major difficulties did arise as a result of your mental health problem, it would be expected that your employer would find it more difficult to dismiss you without first discussing the issue with you and offering reasonable assistance.

Before offering you the job, the employer would have had to consider your suitability in the light of your mental health problems and provide adequate back up and support. In fact, employers may be held liable if pressure at work can be shown to be responsible for employees' illnesses, as shown by the case Walker v Northumberland County Council 1995. You would be covered by the Disability Discrimination Act provided that your mental health problem fell within the definition of 'disability'.

Disadvantages of Disclosing Mental Health Difficulties?

Disclosing could result in discrimination, due to lack of awareness of mental health issues on the employer's part.

If a mental health problem recurs or becomes more severe, and starts to cause you difficulties at work before you have been employed for one year in continuous service, then it will be easier for your employer to dismiss you with the appropriate notice. But you might have a case under the Disability Discrimination Act, and this is not affected by any time restriction i.e. it could apply if you had been employed for less than a year.

If you are accepted for a job on condition that you pass a medical, and you and your GP are asked specifically about your mental health on a questionnaire, then it is possible that your employer could discriminate against you, on return of the form.

However, if you disclose at an interview, you have the opportunity to justify and explain why your mental health problem would not prevent you from carrying out the job efficiently, and maybe even make you a more tolerant and understanding employee.

Only You Can Decide To Disclose

If you do decide to disclose, you might like to work out a strategy in advance, about how and when you will disclose, how much and to whom, in order to keep some control of the process. It might also be worthwhile obtaining a supportive letter from your psychiatrist or other mental health professional, stating your ability to work.

TOP TIPS ON DISCLOSURE - DOS

Remember that the decision to disclose is YOURS to a point

There are, of course, exceptions to this, such as when an employer states on the application form that non-disclosure of disabilities and conditions will result in disciplinary action. In this case, you have no choice but to disclose. But the decision is still yours as to HOW you disclose.

Provide positive examples of when you have overcome challenges

By stressing the positive aspects of your disability you can confront any negative perceptions at the earliest stage possible. Admitting the difficulties you have had and stressing the ways you have found to overcome them shows maturity and determination to an employer.

Demonstrate, with examples, the skills gained from managing a disability

Don't just tick the box. Think about what your disability has taught you. What skills can be transferred into the workplace? Do not be afraid to mention these. For example, if you have a hearing impairment your listening skills may be strong, such as attention and use of eye contact or body language. If you will be working with the public your awareness of disability may improve your service to disabled people.

Be prepared for the interviewer to ask you about your disability

Try to anticipate any anxieties that the interviewer may have. Make a list of possible questions or concerns they may have and consider how you would answer them.

Alert your referees in advance to your decision to disclose or not

Your referees may not be aware of your disability and you might not feel it appropriate to tell them. If your referee is aware of your disability, then use the opportunity to speak to them in advance about the relevant issues in terms of the how and when of your disclosure, so that they can be as supportive as possible in their reference for you.

TOP TIPS ON DISCLOSURE – DON'Ts

Use complicated medical terminology to describe a disability

Do make sure you understand your condition and are comfortable enough with it to describe it clearly, positively and concisely to an interviewer.

Assume that an employer will view your disability in a negative way

There are now over 400 company members of the Employers Forum on Disability. Each is committed to improve the job prospects of disabled people. The Employment Service awards the 'two ticks' Disability Symbol to organisations that commit themselves to promoting opportunities for disabled people. Other organisations may have good equal opportunity policies, but not have the 'two ticks' symbol, so find out more about the organisations or companies you want to work for.

Allow the interview to dwell on your disability

Sometimes it can be tempting to use the interview as a chance to air past grievances. However, do not allow them to dwell on any negative aspects. Employers and tutors will want you to be positive and enthusiastic.

Allow room for doubt

The interviewer will need to be convinced that your disability will not limit your ability to do the job. Therefore, demonstrate, with examples, that your disability has not limited your personal achievements and study or work experience to date.

INFORMATION AND ADVICE AVAILABLE THROUGH THE CAREERS SERVICE

The Careers Service aims to offer a fair and equal service to all its clients, regardless of their sex, ethnic origin, age, sexuality, religion or disability. We are able to offer additional support to students who may benefit from extra help.

Parking

We have a disability car parking space at the back of the building. Please contact us beforehand if you require this so that we can ensure it is available.

Access to the Careers Service

We have a ramp up to the building both at the front and the back. Reception and the Careers Service Library are on the Ground Floor.

The Careers Service Library

The Careers Service Library is on the Ground Floor with access for wheelchair users. The Information Team are available to answer any queries you may have and to provide you with relevant files.

Information available of specific interest might be:

A file on Disability - This contains materials and information that might be particularly useful for students and postgraduates with a disability, together with some publications outlining the DDA.

A file on Equal Opportunities – General information.

SKILL publications on various occupational information. These can be found in the relevant occupational folders.

We have a varied assortment of careers books. These can be made available on overnight loan to students.

We have six main in-house careers publications. These are available on disc for students who may find it easier to receive them in this format so that the data can be manipulated in a preferred way. We also have Braille copies of the CV and interview booklets.

We have a system where employers who are members of the Employers Disability Forum are highlighted.

Please ask a member of the Team to show you any of these publications if you cannot find them.

The Careers Service Website

We have a section of our website called 'Equality & Diversity' www.cardiff.ac.uk/carsv which specifically addresses issues in the areas of disability, age, ethnicity, sexuality, gender, religion and gives a list of useful websites.

Careers Advice and Guidance

You may find it helpful to talk through any concerns you have about disclosing your disability.

We operate two types of Careers Appointments:

The Quick Enquiry appointment lasts for 15-minutes and can only be booked on the day or from 5.00pm on the previous day. These appointments are held on the Ground Floor and are used to answer quick queries, check CVs, get students started etc.

The Careers Guidance appointments last 30-minutes and can be booked up to two weeks in advance. You will be allocated a Career Consultant according to the subject that you study. If you require a Careers Guidance interview, please inform the Careers Service of any specific provision you require when you book your interview. We will make every effort to meet your needs.

These interviews can be extended at the time of booking if required.

Graduate Employment Advice Centre (GEAC)

GEAC is located on the Ground Floor of our building, next to Careers Reception. This is a service providing advice, support and resources to graduates and postgraduates who are seeking employment. **Once registered with GEAC, you can receive advice on any of the following:**

Job Hunting Strategies

CVs and Covering Letters

Application Forms

Interview Skills

Careers Workshops/Drop-Ins

We run drop-in session every term on: Should I Disclose Dyslexia/Disability/Health Condition to an Employer, and one booklet which is particularly relevant to this is:

'How to Identify Disability & Diversity Friendly Employers' – this booklet is downloadable from our website.

Careers workshops are normally held on the Second Floor of our building. Please give us advance warning when booking a place on a workshop. We will make every effort to ensure that our workshop is accessible to you.

Handouts can be made available in alternative formats. Please contact us if you require this service.

Graduate Recruitment Visits

Each year a number of employers come to the University to interview students on our premises. If you get an interview with an employer we will ensure that the interview is in a room that is accessible.

OTHER SOURCES OF HELP AT CARDIFF UNIVERSITY

1. Disability & Dyslexia Service (also available at Heath Park Campus)

Provide confidential advice and support for students who are disabled or who have a specific learning difficulty (dyslexia) or long-term medical condition. Their services are aimed at both prospective students and those students who are already enrolled at Cardiff. You can contact them on www.cardiff.ac.uk/studentssupport

Or you can contact their Advisers direct on (029) 2087 4528 (Cathays Park) or (029) 2074 3811 (Heath Park).

2. Student Advice Centre

Information and advice on: accommodation, course transfer, council tax, finance/debt, grants/loans, immigration, benefits, consumer, employment rights, health, registering with GPs and dentists etc.

Drop in from 11.00am – 4.00pm Monday to Friday (Tuesday 1.00pm-4.00pm only) at the Cathays Park Campus.

Drop in at the Heath Park Campus is Monday, Wednesday, Thursday 9.30am – 4.00pm.

Tel: (029) 2087 4844

3. **Unistaff JobShop**

Unistaff JobShop is a free service which provides all registered Cardiff University students and students from any UK university with a central starting point in their search for casual employment.

Opening hours: Monday – Friday 10.00am – 4.00pm

Telephone: (029) 2078 1535 or (029) 2078 1536

E-mail: jobshop@cf.ac.uk

SOURCES OF HELP OUTSIDE CARDIFF UNIVERSITY

1. **Association of Disabled Professionals**

BCM ADP, London WC1N 3XX

Tel: 01204 431638

Fax: 01204 431638 (9.00am to 5.00pm)

E-mail: adp.admin@ntlworld.com

www.adp.org.uk

Membership organisation for disabled people who are or aim to be professionally employed. Publish a quarterly newsletter and a series of employment guides for disabled people.

2. **The United Kingdom's Disabled People's Council**

Litchurch Plaza, Litchurch Lane, Derby DE24 8AA

Tel: 01332 295 551

Fax: 01332 295 580.

Text: 01332 295 581.

www.bcodp.org.uk

E-mail: general@uksdc.org

National organisation representing groups run by disabled people. Can put you in touch with a local group of disabled people.

3. **Employment Opportunities www.opportunities.org.uk**

A national charity offering information and advice to disabled students and graduates about getting into employment including disclosure. They also provide advice and support to employers about the recruitment and retention of disabled people.

Complete the on-line form to register with their Graduate Programme, telephone 020 7448 5420 or e-mail graduates@eopps.org

4. Jobcentre Plus

Visit the website at www.jobcentreplus.gov.uk/ to find your nearest office. Disability Employment Advisers or DEAs are based in Job Centres run by the Employment Service (now a part of Jobcentre Plus). DEAs can provide specialist support for disabled job seekers. The website gives details of a range of specialist Employment Service programmes for disabled people such as: Access to Work, New Deal, Job Introduction Scheme, WORKSTEP etc.

5. MIND website – Factsheet on Disclosure of Mental health Difficulties under ‘Disability Discrimination Act’ and ‘Seek Employment Factsheet’ www.mind.org.uk/Information/Factsheets/Index.htm

6. Skill: National Bureau for Students with Disabilities www.skill.org.uk/

Skill is a national charity promoting opportunities for young people and adults with any kind of disability in post-16 education, training and employment across the UK. They have an Information Service and a range of information booklets available on-line including one on Disclosing Disability.

E-mail: info@skill.org.uk

Free helpline: 0800 328 5050

Textphone: 0800 068 2422

7. Key 4 Learning www.key4learning.com/

An organisation offering consultancy and support to individuals and organisations on a range of hidden neuro-diverse conditions such as Dyslexia, Dyspraxia, Autism Spectrum Disorders, Attention Deficit (Hyperactivity) Disorder, Asperger’s Syndrome etc.

8. The Disability Discrimination Action Information Line 08457 622 633 or 08457 622 644 (textphone).

9. The Advisory, Conciliation and Arbitration Service (ACAS) www.agcas.org.uk

10. The Employment Tribunals Service www.ets.gov.uk

FURTHER HELP

If you have found this booklet useful, you may want to pick up or download our other booklets, from:

www.cardiff.ac.uk/carsv

The Careers Service also runs a series of workshops in conjunction with these booklets. You can find out more about these on our website.

We offer Career Management Skills (CMS) Workshops in many Departments. To find out if your Department hosts these sessions, contact your Department or School Office.

THIS BOOKLET IS AVAILABLE IN WELSH AND ON CD
on request at the Careers Library

The Careers Service aims to offer a fair and equal service to all its clients, regardless of their sex, ethnic origin, age, sexuality, religion or disability. We are able to offer additional support to students who may benefit from extra help. Please contact us for further details.

DISCLAIMER

The information and advice provided by the Careers Service is given in good faith and all reasonable efforts have been made to ensure accuracy. Neither Cardiff University nor the individual members of staff shall be liable to any person in contract, tort, statute or otherwise for any loss, distress or damage of any kind howsoever caused (except for death or personal injury caused by the negligence of Cardiff University or the individual members of staff). All information and advice is provided only on the basis of this disclaimer.

What is the Careers Service?

The Careers Service is part of the University's Registry, Governance & Students Directorate. The Service is designed to provide you with the professional careers-related support you need during your studies and beyond.

The Careers Service is free for you to use and is open weekdays from 9am - 5pm throughout the year. Whether you are just beginning to think about your future, have made some plans or simply haven't a clue what you want to do, there is an array of help available to you so please make use of it. Start today by reading this booklet and utilising the events and services on offer.



Where is the Careers Service?



5 Corbett Road, Cathays Park, Cardiff

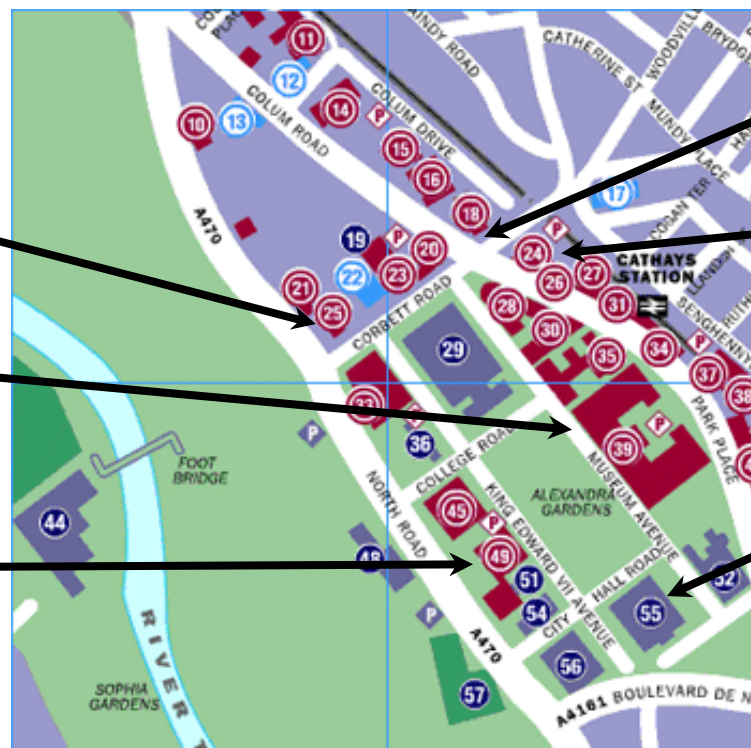
- Just down from Barclays Bank, Law and Music Buildings and next door to Aberdare Hall.
- Minutes from the Students' Union.
- A short walk from most Academic Schools.
- Well worth a visit!

We also have our Centre for Work Experience and GO Wales situated at 56 Park Place, Cardiff, as well as services at the Student Support Centre, Cardigan House, Heath Park Campus. Please see the Web for further details: www.cardiff.ac.uk/carsv

Careers Service

Main Building

Glamorgan Building



Barclays Bank

56 Park Place

Students' Union

City Hall

5 Corbett Road, Cardiff CF10 3EB

Tel: (029) 2087 4828 Fax: (029) 2087 4229

e-mail: careers@cardiff.ac.uk web: www.cardiff.ac.uk/carsv/