

## 4 Being an Accessible Employer

### 4.1 Equality Act 2010

The Equality Act 2010 (the Act) covers nine protected characteristics – age, disability, gender reassignment, marriage and civil partnership race, pregnancy and maternity religion or belief, sex, and sexual orientation. Learning disability is a type of disability within the disability protected characteristic. Some key points of the Act relevant to learning disabilities include:

- A duty on employers to make reasonable adjustments for disabled staff to help them overcome disadvantage resulting from their impairment;
- Allowing positive action if you think that employees or job applicants who share a particular protected characteristic are disadvantaged, or if their participation in an activity is disproportionately low (the above statistics show that people with learning disabilities have disproportionately low participation in the workforce).

If you would like more information on the Act and how to apply it please refer to the [Equality and Human Rights Commission](#) or NHS Employers' [briefing](#) on the implications for the NHS.

#### 4.1.1 What is a reasonable adjustment?

The Act requires employers to make [reasonable adjustments](#) to make sure all disabled workers, including people with learning disabilities, are not disadvantaged when doing their jobs. These adjustments apply to all contract workers, trainees, apprentices, and full and part time employees. Adjustments apply throughout the recruitment process and the duration of employment at an organisation.

Everyone is different, which means that not everyone will need the same adjustments; employees need to be engaged in conversations about adjustments needed to support them in the workplace.

Adjustments should be reviewed frequently to ensure that the adjustment is effective. Several adjustments may be required to reduce an array of disadvantages that may not be obvious to an employer.

There are several considerations that should be made when thinking about reasonable adjustments:

- how effective the change will be in avoiding the disadvantage the worker would otherwise experience;
- is it practical;
- the cost;
- your organisation's resources and size;

- the availability of financial resources.

[Access to Work](#) can help pay for reasonable adjustments. This will minimise the financial burden on organisations.

The duty contains three requirements that apply in situations where a disabled person would be substantially disadvantaged compared to people who are not disabled.

**1. Changing the way things are done** – where a disabled worker is put at a disadvantage by a provision, criterion or practice of their employer.

For example, NHS organisations have mandatory training that has to be completed each year, including health and safety and information governance. Often, the training is conducted online through e-learning. Examples of adjustments to this within the NHS include a face-to-face mandatory training option, and undertaken with the aid of a support worker.

**2. Changes to overcome barriers created by the physical workplace**

Thinking creatively about the physical environment and considering adding prompts may help people with learning disabilities complete their jobs more efficiently.

Some adjustments that NHS organisations have taken include restructuring working hours, such as shifting the start and end times of the working day, or working shorter days.

**3. Providing extra equipment**

Additional or different equipment may make it easier for people with learning disabilities to communicate or access information within the team and wider organisation. This can take the form of providing specialist software, easy read documents, or by working with a support worker when necessary.

The [Equality and Human Rights Commission](#) provide examples of how the three requirements work in practice. Please refer to their webpage for an in-depth explanation of [reasonable adjustments in practice](#).

**4.1.2 Positive Action**

The Act allows you to take a protected characteristic into consideration when deciding who to recruit or promote.

As employers, you can take positive action pre-application to encourage applications from under-represented groups, such as targeted advertising, offering pre-application training, offering work shadowing or open days for specific groups.

At the point of making job offers, employers can also take positive action to select candidates from a protected characteristic. However, candidates have to be as qualified as each other; this does not mean the same qualifications, but it does mean that the selection assessment on a range of criteria can rate applicants as equally capable of doing the same job.

## **4.2 Communicating**

*Communicating is really important because that's the way of expressing yourself. If we don't communicate clearly, then there is no point in communicating at all. - Mencap*

Organisations should consider how to support staff to communicate in ways which are more accessible and inclusive to support the recruitment and retention of colleagues with learning disabilities.

Some general tips when communicating either verbally or through written means include:

- use plain English;
- avoid jargon, acronyms and figures of speech;
- use clear, short sentences.

### **4.2.1 Face-to-face**

Some 'top tips' for effective face-to-face communication with people with learning disabilities are as follows:

- clearly identify or introduce yourself - if appropriate, explain who you are and what you do;
- find a suitable place to talk, ideally away from noise and distractions;
- speak clearly and perhaps a little slower than you would do usually, but do not shout;
- use gestures and facial expressions to support what you are saying;
- if necessary, repeat phrases, re-phrase the sentence or use simpler words or phrases;
- check if the person has understood what you are saying; look for visual clues as well as asking if they have understood;
- encourage people to ask questions or request further information; ask if they would like anything in writing as a reminder or reference;

- try different ways of getting your point across, for example writing things down, drawing or using symbols or objects to support your point.

#### **4.2.2 Written and Printed**

Equally, it is important to ensure that written or printed communication is accessible. Some 'top tips' for accessible printed communication are as follows:

- use a minimum font size of 12 point, preferably 14;
- use a clear, uncluttered and sans serif font such as Arial;
- align text to the left margin and avoid 'justifying' text;
- ensure plenty of 'white space' on documents, especially between sections and avoid 'squashing' text onto a page; if possible, include a double-space between paragraphs;
- print on matt, not gloss, paper;
- use page numbers;
- if printing double-sided ensure that the paper is of sufficient thickness to avoid text showing through from the other side;
- consider making all 'standard' printed letters / documents 'easier to read' – using plain English, highlighting important information, and supporting text with diagrams, images or photographs.

Many people with a learning disability will need written information in 'easy read' format. 'Easy read' refers to information which is written using simpler words and phrases, supported by images, symbols or photographs. It is good practice to ensure that people with learning disabilities are involved in the development of easy read documents.

Organisations should take steps to ensure that their internet and intranet sites are accessible, including to people with a learning disability and to users of assistive technology.

For more information on how to make your webpage recognised as accessible refer to the [Web Content Accessibility Guidelines](#).

The BBC has commissioned research on web accessibility for people with learning disabilities – it will be published to the [My Web My Way](#) page when complete.

Consideration should also be given to colleagues with other information or communication needs, and to the fact that some people with a learning disability may also have additional communication needs, for example because of sensory loss. More information about correctly formatting documents to ensure that they are

accessible to users of assistive technology is included in the [NHS Guide in Creating Accessible Documents](#).

### **4.3 The Accessibility Information Standard**

The new 'Accessible Information Standard' (officially known as SCCI1605 Accessible Information) was released following formal approval. All organisations that provide NHS or adult social care have a [legal duty](#) (produced under section 250 of the Health and Social Care Act 2012 and supported by the Equality Act 2010 obligations) to follow the Standard. The aim of the Accessible Information Standard is to ensure that people who have a disability or sensory loss get information that they can access and understand, and any communication support that they need. This includes providing accessible information and communication support for people with a learning disability.

The Standard applies to patients and service users (and their parents and carers), rather than to employees or staff. However, the principles and processes will support the recruitment and on-going support for staff with learning disabilities too. The Standard should be considered by NHS organisations when applying and implementing EDS2.

Please refer to the [NHS Guide in Creating Accessible Documents](#) and [Implementation Guidance for the Accessible Information Standard](#). More information available on the NHS England website at <http://www.england.nhs.uk/ourwork/patients/accessibleinfo-2/> or email [england.nhs.participation@nhs.net](mailto:england.nhs.participation@nhs.net)

## **4.4 Training**

### **4.4.1 Equality and Diversity Training**

Equality and diversity training in NHS organisations already exists, nonetheless additional training with specific learning disability components could help promote culture change. Additional training at all levels should be considered, particularly for managers, leaders and team members of someone with a learning disability. Key messages to include in additional equality and diversity training include:

- myth busting;
- tailor work to make the most of employee's skills and experience, as well as thinking about development;
- everyone is different;
- reasonable adjustments;
- communicating in an accessible way.

Face-to-face training is a good way to increase understanding of the day-to-day issues facing people with learning disabilities. This enables training to be more interactive, giving more hands-on practice on specific areas of support and increasing confidence in communicating and interacting with colleagues with a learning disability.

Think about involving people with a learning disability as part of your training. This will provide a user-led perspective, which will give groups a better understanding of the issues and how best to adjust practice.

#### **4.4.2 Additional Training Resources**

[Disability Matters](#) provides a range of free training resources:

1. Downloadable toolkits to help managers facilitate training on equality and diversity for their staff. This method of training will provide additional resources for managers to easily lead training sessions without having to hire an external facilitator.

2. E-learning training modules are also available, which cover an array of material including: communication tips, understanding learning disabilities, complex conditions, and different meanings of emotions and behaviours.

Furthermore, there are learning disability theatre performance groups that raise awareness and give a valuable insight as to what it is like living with a learning disability.

Contact your local VCSEs and Jobcentre Plus to discover what other training resources are available locally.

### **4.5 Creating a Supportive Environment**

#### **4.5.1 A Shared Responsibility**

Below are three ways that NHS organisation can promote equality and diversity in their organisation and help create a supportive environment for people to work in.

#### **4.5.2 Staff Engagement Group**

Staff engagement groups are one way of supporting staff and providing a forum to listen. They can facilitate the creation of a safe space for sharing experiences. Examples of how staff engagement groups can be used include: sharing their day-to-day experiences of work; thinking through what is working well, and not so well, learning from their experiences; and developing practical solutions could help spread good practice or fix other issues.

Listening to staff will help managers identify the type of additional support needed to increase their confidence in working together and ultimately show that the NHS is serious about employing people with learning disabilities. Staff groups can also be a useful mechanism to reach others from learning disability groups for future recruitment.

The formality of the staff engagement group can depend on what the need and purpose is in your organisation. Some practical considerations are set out below.

- will there be a senior leader or sponsor? How will insights report back to the senior management team;
- appoint a chair;
- administrative support for the group (including meetings, room booking etc); access to meeting rooms;
- allow reasonable time to attend meetings, with agreement and support from line managers.

#### **4.5.3 Learning Disability Champion**

Learning disability champions in your organisation can promote and help maintain momentum around diversity culture change

Learning disability champions are volunteers who become expert points of contact in their organisation, and promote best practice. This includes disseminating information to colleagues, encouraging myth-busting and becoming experts on Access to Work, learning disability programmes and networking with other partners.

Areas of responsibility could include:

- promoting the safety and wellbeing of employees with learning disabilities;
- sharing lessons learnt and best practice across the organisation;
- ensuring communications are in an accessible format;
- being an advocate for employing people with learning disabilities in the organisation and sharing successful case studies;
- supporting the training, recruitment and retention of employees with learning disabilities;
- liaising directly with employees with a learning disability, managers and staff groups;
- supporting colleagues who are new to working with someone with a learning disability.

#### **4.5.4 Individual Support**

Someone with a learning disability may need additional individual support for various aspects of their role. This could be during training and induction or when completing certain tasks. There isn't a one-size-fits-all model that can be applied to all employees as everyone is different. Individual centred support will go beyond establishing what support is needed to give insight to their employee's skills and experience. Consequently, jobs can be tailored to their skills to facilitate a successful role, and will need individual specific goals and training.

Individual support for colleagues and managers is equally important, especially where adjustments are being made to team working practices or changes to responsibilities. The onus remains with the manager to find solutions to potential problems that arise and ensure all colleagues can work effectively in their surroundings.

National Institute for Health and Care Excellence ([NICE Guidelines](#)) can help develop proactive intervention strategies that are based around each person's need. Consult a learning disability advisor through your local network and take into account the severity of the learning disability when developing individual support.