

# Supporting disabled people at work

## 1 . Talking about disability

Nobody has to tell their employer they're disabled. But when they do, the employer has a legal responsibility to support them.

Employers should do all they reasonably can to create an environment where people feel safe and comfortable to talk about disability. This can help towards:

- making sure disabled people get support and are not put at a disadvantage or treated less favourably
- recognising the benefits of an inclusive and diverse workforce that does not exclude disabled people
- recruiting and retaining staff who often have more resilience and problem-solving skills through developing ways of living with a disability
- avoiding situations where an employer does not know someone is disabled and just thinks they cannot do their job
- improving wellbeing and productivity for everyone

Employers also have a responsibility to consider whether anyone might have a disability that puts them at a disadvantage at work. This does not mean asking intrusive questions. Employers should focus on the support they can give.

## Who is considered to be disabled

The Equality Act 2010 sets out when someone is considered to be disabled.

The law says someone is disabled if both of these apply:

- they have a 'physical or mental impairment'
- the impairment 'has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities'

A small number of conditions and impairments are automatically classed as a disability.

[Find out more about what disability means by law](#)

## When to talk about disability

By law, nobody has to tell their employer they're disabled. But someone should talk with their manager if:

- they need support
- there's a health and safety risk to them or other people
- they feel that telling them now might prevent problems later

It's up to the person to decide when they want to tell their employer. Some people might choose to do this when something changes, for example their condition starts affecting them much more than it used to.

In some cases this might be the first time the employer realises the person is disabled. For example, if it's a hidden disability where the manager could not reasonably be expected to know the person is disabled.

Once an employer knows someone is disabled, they have a legal responsibility to:

- support them, including making reasonable adjustments
- protect them from disability discrimination, including harassment and victimisation

An employer has the same legal responsibility if they could reasonably be expected to know someone is disabled, even if the person has not told them.

Find out more about:

- [how an employer should support disabled people](#) – including making reasonable adjustments
- [disability discrimination](#)

## Example of talking about disability

An employer notices someone in their team has difficulty with spelling and remembering instructions. They also take longer to read things. It's reasonable for the employer to consider whether the person might have a disability.

The employer should talk to the person about what they've noticed and ask what adjustments might help.

The employer should not ask directly "do you have a disability like dyslexia?" The employer should not try and diagnose someone – only a medical professional can do that.

## When an employer can ask about a disability by law

By law, an employer can only ask an employee whether they have a disability if it's for specific reasons. For example to:

- prevent health and safety risks
- avoid disability discrimination
- monitor the number of disabled people in the organisation

In some circumstances, employers might need to ask their employees to do a health check for a role. To avoid discrimination, employers must ask everyone who does the role to do the health check – not just disabled people.

### In recruitment

You might be able to ask questions about disability in some circumstances during recruitment.

[Find out more about following discrimination law throughout recruitment](#)

## Using the right language

Use appropriate language when talking about disability. Language can affect how people feel and cause distress.

Ableist language is not acceptable. This means language that's inappropriate, offensive or negative towards disabled people, including things some might consider as 'banter' or jokes.

Be sensitive in the terms you use. Do not use words that are offensive or negative, for example handicapped, crippled or wheelchair-bound.

Other terms can depend on people's preferences and experiences. For example, individual people might prefer to say:

- "I'm disabled"
- "I have a disability"
- something different, for example "I'm deaf", "I'm autistic" or "I have cancer"

Employers should talk with disabled staff about how they feel about these terms and others. Language and preferences can also change over time.

For more advice, read [inclusive language guidance on GOV.UK](#).

## **Example of not using the right language**

A trainer asks "does anyone have special needs?" during a course. This could make disabled people feel they're seen as a problem, and that the trainer has drawn unwanted attention to them. It's not appropriate to ask this.

The trainer should have asked before the course took place if anyone needs reasonable adjustments. This language moves the focus from the person to the things that could be disabling for them.

## **If someone uses inappropriate or offensive language**

If a manager or colleague says something inappropriate or offensive, it might be enough for someone to explain how it makes them feel or why they would prefer different terms. It might be that the person who said it did not realise and is happy to learn.

Inappropriate, offensive or ableist language, however, can be disability discrimination.

[Find out more about disability discrimination and how to report it](#)

## **Talking with someone about their disability**

When someone's talking with their manager about their disability, the manager should take the lead from the disabled person. It's up to the person how much they share.

The manager should:

- listen to the person
- try to understand how their disability affects them – for some people the effects might fluctuate or change at different times
- consider the person's specific situation – everyone is different
- not make assumptions about what someone can and cannot do
- talk with the person about the support they need
- ask before helping – some people might not want or need help
- ask how they would like their disability to be referred to or talked about
- understand they might have their own coping strategies and ways of managing their disability

Employers and employees should work together to build the best working environment.

Managers and colleagues should also:

- communicate with someone directly rather than through a support worker, for example a sign language interpreter or job coach
- speak to the person in the same way as anyone else, unless they've asked people to communicate in a different way – if it's difficult to understand each other, ask if there's a way of communicating that works better for them

- not touch someone's mobility or assistance aids without their permission, for example their wheelchair, walker, cane or assistance dog – these are part of someone's personal space
- consider sitting down when talking for a longer time with someone using a wheelchair

## If a disability is new

Be sensitive when talking with someone who's been diagnosed recently. They might:

- be struggling to come to terms with their diagnosis, as well as the effects of their condition or impairment
- experience a mental health issue
- be worried that people will treat them differently if they know they're disabled
- not feel ready to ask for support, or not know what they need yet

Have regular catch-ups to check:

- how the person is feeling
- what support they need – this might change over time

Someone might find it particularly difficult or distressing to talk about:

- a progressive condition – this means it will get worse over time
- a condition that's terminal or life-threatening

Find out about:

- [managing a disability that gets worse over time](#)
- [more support for managing disability at work](#)

## Confidentiality

An employer should keep someone's disability confidential, unless the person is happy for it to be shared.

If information is going to be shared, the disabled person should agree with their employer:

- what they want to share
- who to share it with
- whether they want to tell people themselves or would like their employer to do it

It can be helpful to put in writing what's been agreed, for example in a letter or email.

### When confidentiality might not be possible

Confidentiality is not always possible when there are obvious signs of a disability, for example if someone uses a wheelchair or has an assistance dog.

Keeping something confidential might be limited in other circumstances too, such as:

- if someone needs specific support – for example they need information presented in a certain way
- health and safety reasons – for example if someone cannot operate certain equipment
- people at work need to be aware – for example what to do if someone with epilepsy has a seizure

## Sharing experiences with others

If someone is comfortable talking about how their disability affects them, they might want to tell other people at work. This might help to:

- increase people's understanding of disability
- create an open, inclusive and accessible work environment

Managers and colleagues might be curious and ask questions. It should always be the disabled person's choice who they tell and how much they share.

Some organisations might have more formal ways of sharing experiences, for example:

- as part of a staff induction programme
- through a group like a disability network

## 2. What employers should do

Employers must do all they reasonably can to support disabled employees, workers and job applicants and protect them from disability discrimination.

It's important to understand that:

- some disabilities are not obvious to others – often called non-visible, invisible or hidden disabilities
- everyone is different – even people with the same disability might be affected in very different ways
- not everyone who's considered by law as having a disability will consider themselves to be disabled

## Areas of work to consider

Employers must support disabled people in all areas of work, including:

- accessibility of the workplace or the tools and systems people need to use
- ways of working, for example flexible working or hybrid working
- recruitment
- redundancy and dismissals
- sickness and absence
- terms and conditions of employment, including pay and promotion
- training
- working hours or rest breaks
- work-related events – for example away days, conferences or team social events

## What the law says

The law (Equality Act 2010) sets out [when someone is considered to have a disability](#). At work, the law protects:

- employees and workers
- contractors and self-employed people hired to personally do the work
- job applicants

By law, employers must:

- make reasonable adjustments when they know, or could reasonably be expected to know, someone is disabled
- do all they reasonably can to support disabled staff and job applicants and protect them from discrimination
- take steps to prevent disability discrimination – this includes recognising the benefits of having an inclusive and diverse workforce that does not exclude disabled people

It's also the employer's responsibility to make sure other people do what's needed for a reasonable adjustment to work well. For example, if someone needs information presented in a certain format, the employer must make sure other people do that.

An employer could be liable under the law if they do not do these things. For example, an employee or job applicant could make a disability discrimination claim to an employment tribunal.

[Find out more about disability discrimination](#)

## Making reasonable adjustments

Reasonable adjustments are changes an employer makes to remove or reduce a disadvantage related to someone's disability.

By law, an employer must make reasonable adjustments if they know, or could be reasonably expected to know, that someone is disabled.

It could be disability discrimination if an employer fails to make reasonable adjustments.

[Find out more about reasonable adjustments](#)

## Supporting people with a mental health condition

Some people with mental health conditions will be [considered as having a disability by law](#).

It might not always be obvious that someone has a mental health condition unless they tell their employer. But in some circumstances an employer might reasonably be expected to know.

[Find out more about supporting mental health at work](#)

### Example of when an employer might reasonably be expected to know about a mental health condition

Kiran's employer knows Kiran is sleeping badly, not eating and showing no interest in work they used to enjoy. It's gone on for over a year including several self-certified absences. It does not occur to the employer that Kiran might be experiencing poor mental health.

Kiran is diagnosed with clinical depression. It's considered a disability because it's having a substantial and long-term adverse effect on Kiran's ability to carry out day-to-day activities. It might have been reasonable for the employer to know this because of the change in Kiran's behaviour and the time off work.

## Disability and the covid pandemic

Disabled people and many people with health conditions were disproportionately affected by the covid-19 (coronavirus) pandemic. Some disabled people will still be at high risk from covid.

By law, employers must consider this when they make decisions, for example around workplace safety or ways of working.

Long covid could be a disability, depending how someone is affected by it.

[Read our covid advice for employers and employees](#)

## Making the workplace accessible

Accessibility at work is about removing barriers to make sure disabled people can take an active part in working life.

Employers should make sure their workplace, and the way they work, is accessible to as many people as possible. This is on top of the legal requirement to make reasonable adjustments.

[Find out more about accessibility at work](#)

## Get more advice and support

[Find more support for managing disability at work](#)

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## 3. Disabilities that get worse

Some disabled people have conditions or impairments that get worse over time. For some people, ill health might progress into a disability.

This might mean changes to:

- the support someone needs
- what they're able to do at work
- whether they want to continue working or change the work they do

Depending on the disability and how it affects someone, this might happen over a short period of time or over many years.

## When someone's condition or impairment changes

When someone's condition or impairment changes and that has an impact on their work, they should talk with their employer.

For some people, this might be the first time they've told their employer about their disability. By law (Equality Act 2010), nobody has to tell their employer they're disabled. But talking about it can help people get the support they need.

Examples of when someone should talk to their employer include when:

- they're finding it more difficult to do some or all of their job
- they can no longer use a particular system or tool
- there's an issue with the workplace – for example it's harder to get around
- they feel there might be a health and safety risk if they continue doing something

## What employers should do

By law, an employer must:

- continue to do all they reasonably can to support an employee
- make reasonable adjustments and continue to review and change them as an employee's needs change
- in all decisions, make sure they do not unlawfully discriminate

The employer should not assume what someone can or cannot do, or what someone wants to do. Talk with the person, listen and consider their specific situation.

Find out more about:

- [talking about disability at work](#)
- [reviewing reasonable adjustments](#)

## Time off for medical appointments and treatment

When someone's condition gets worse, they might need more time off. This could be to manage their symptoms or for medical appointments, treatment and recovery.

[Find out about managing absence when someone is disabled](#)

## If someone can no longer do their work

If someone can no longer do their work but they would like to continue working, they should:

- make sure they have explored all reasonable adjustments with their employer
- see if other support is available – [find more support for managing disability at work](#)

If there are no adjustments or support that would allow the person to continue in their job, the employer should consider whether there's a suitable alternative job. This might include retraining or considering other adjustments.

The employer should do everything they can to keep the person in work. But in some circumstances an employer might need to consider ending someone's employment or taking other action.

[Find out about capability or performance when someone is disabled](#)

## When someone has a terminal illness

A terminal illness is likely to be considered a disability, even if the person appears well.

Someone with a terminal illness might want to carry on working, change the work they do, or stop working. Every situation is different.

[Read Marie Curie advice on what to do at work when you have a terminal illness](#)

## Get more advice and support

These issues can be very difficult to deal with. An employer should be sensitive in how they talk with their employee, and offer support.

Some organisations offer support through work, for example counselling or mental health support through an employee assistance programme (EAP). Other support is available if your organisation does not offer this.

[Find more support for managing disability at work](#)

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## 4. Disability-related absence

Some disabled people might need time off for reasons related to their disability. For example if they're:

- too ill to work
- going to medical and hospital appointments
- having treatment or therapy
- recovering from treatment

### Check your absence policy

Employers should have an absence policy that includes what to do if someone needs time off for reasons related to their disability.

If there's no absence policy, the person should ask their employer what type of leave to use and how to record the absence.

### Reasonable adjustments for absence

If someone's had a number of absences related to their disability – or they're likely to – they might need reasonable adjustments.

By law (Equality Act 2010), an employer must make adjustments for someone who's disabled if the adjustments are reasonable. What's considered 'reasonable' depends on the circumstances.

Reasonable adjustments are specific to an individual person.

Some adjustments might be around [trigger points](#) for absence, if the organisation uses a trigger point system. This is a system that triggers an absence review if an employee reaches a certain level of absences.

Examples of reasonable adjustments could be:

- not counting some or all sickness absence related to a disability towards any trigger points
- increasing the number of absences that will trigger a review

Another example of a reasonable adjustment could be recording disability absence separately to other sickness absence. This is sometimes known as disability leave or disability-related sickness absence.

### Example of a reasonable adjustment for absence

Leslie needs time off for cancer treatment and recovery. Their employer agrees they can take a period of disability leave as a reasonable adjustment, then return to their job.

Later, Leslie's employer uses attendance as one of the criteria for selecting people for redundancy. The employer discounts Leslie's period of disability leave so Leslie is not put at a disadvantage during the redundancy process.

### Deciding if absence adjustments are reasonable

The employer should talk with the person, listen and consider their specific situation. The employer could consider getting medical advice, for example an occupational health report, to help them decide what adjustments to make.

The employer's decision should take into account:

- why someone needs time off and how much time they might need
- the impact on the person of not making an adjustment
- the impact on the organisation or team

An employer does not have to make adjustments if they're not reasonable. But they must make sure they're not putting the person at a disadvantage because of their disability. Otherwise it could lead to a disability discrimination claim, for example 'discrimination arising from disability'.

Find out more about:

- [reasonable adjustments](#)
- [types of disability discrimination](#)

## Pay while someone is off work

How much pay someone is entitled to while they're off work depends on whether their employer offers:

- statutory sick pay (SSP) – the minimum amount employers must pay if the person is eligible for it
- 'contractual' sick pay – more than the legal minimum

To find out, check the employment contract and the organisation's absence policy.

If someone's off work for a while, the employer should make sure the person knows their employment rights, including:

- sick pay and holiday pay
- benefits they might be entitled to if their sick pay runs out

[Find out more about sick pay entitlement](#)

## Returning to work after absence

If someone is not ready for a full return to work, they might need different arrangements, for example working more flexibly or a phased return. This might apply to both short absences and long-term absence.

[Find out more about returning to work after absence](#)

## Get more advice and support

[Contact the Acas helpline](#) for confidential, free advice for employees and employers.

Acas support for employers and managers includes:

- [tailored support for your organisation](#)
- [training on managing absence](#)
- [training on reasonable adjustments](#)

[Find more support for managing disability at work](#)

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## 5. Capability and performance

If someone cannot do their job because of their disability, or they're not meeting their employer's standards, their employer should follow a capability or performance procedure to investigate.

Before doing this, the employer must make sure they have done all they reasonably can to [support the disabled person](#).

By law (Equality Act 2010), an employer:

- must not make someone redundant, dismiss them or discipline them just because they're disabled
- must not force someone to retire or resign because of their disability

If the employer does not follow the law, it would be [disability discrimination](#).

Any formal procedures – for example dismissal or demotion – should be a last resort. But in some circumstances an employer might need to consider ending someone's employment or taking other action.

## Managing performance

If an employer thinks there's an issue with someone's work performance, they should talk with the person about:

- how they're currently performing
- what the employer expects
- what support and [reasonable adjustments](#) might help

An employer should:

- keep a record of what's been discussed and agree that with the person
- keep an open mind – some people might be able to do a task but in a different way to others
- never assume someone is not capable of doing their job, or why someone is behaving in a certain way

### Example of managing performance

Eden had a performance review because of a sudden drop in work quality. During the meeting Eden explained that they had been in severe pain because of the symptoms of their disability.

Eden's manager agreed how they could offer support at times when Eden was struggling. They also agreed a small reduction in Eden's targets so they can maintain the quality of their work.

### If someone does not want to discuss reasonable adjustments to help their performance

Some people may not want to talk with their employer about their disability. If the employer thinks a reasonable adjustment would help with a performance issue but the person does not agree or does not want to talk about it, the employer should:

- try to talk with the person to see if they can find a way forward together
- explain why they believe a reasonable adjustment would help
- be sensitive and take the person's lead in how much they want to share about their disability
- follow a capability or performance procedure if they cannot get a better understanding of the issue by talking with the person

[Find out more about talking about disability](#)

## Carrying out a capability or performance procedure

Every situation will be different. The employer must consider the specific needs of the person and the organisation.

The employer should be clear on what the law says, including:

- [who is considered to have a disability by law](#)
- [how an employer should support disabled people](#)

The employer must carry out a full and fair capability or performance procedure before deciding if any further action is needed. This includes:

- talking with the person about their disability, how it affects them, and their capability to do the job
- gathering relevant evidence about the person's capability and any support that's been put in place

Examples of evidence include:

- notes of meetings and conversations with the person and their representative if they have one, for example a trade union representative
- information about reasonable adjustments the employer has made
- information about how reasonable adjustments have been reviewed and if the adjustments have helped
- details of other support that's been considered, including what has not been done and why
- medical evidence, for example an [occupational health report](#)
- if someone is off work, their opinion on how long they might be unable to work or how much time off they might need in the future because of their disability

If an employer takes disciplinary action against someone who later makes an employment tribunal claim, the tribunal will ask the employer about the evidence they gathered.

[Find out more about capability procedures](#)

## When a dismissal might be justified

An employer might be able to justify dismissing someone if they show evidence that proves all of these things:

- the person cannot do their job after everything has been tried to remove all barriers, including all possible support and [reasonable adjustments](#)
- there are no other suitable roles the employer can offer as a reasonable adjustment
- there is no other way the work can be done, for example distributing the work differently within a team
- the decision to dismiss is reasonable, when all the circumstances have been considered

Depending on the circumstances, the employer might also need to prove that:

- the person no longer meets the health requirements for the role, because of the progressive nature of their disability
- the person has reached the agreed maximum number of absences, including any [adjustments for disability-related absences](#)
- medical evidence shows the person is not likely to return to work within a reasonable timescale, and the person agrees with this
- the employer cannot reasonably continue to support such a high rate of absence
- the person's absence is having a significant impact on the organisation

This can be a complex area. Before considering any dismissal, the employer should [get legal advice](#).

## If you think you're being treated unfairly

If you think you've been treated unfairly or discriminated against, you could make an informal or formal complaint to your employer.

If the problem is not resolved, you could consider making a claim to an employment tribunal.

If you think you've been unfairly dismissed you could make an employment tribunal claim for both disability discrimination and unfair dismissal. For discrimination claims, you do not need to have worked for your employer for 2 years. For most unfair dismissal claims you will need 2 years' service.

Find out more about:

- [reporting disability discrimination](#)
- [unfair dismissal](#)

## Get more advice and support

[Find more support for managing disability at work](#)

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## 6. Specialist help and support

Specialist help and support is available for anyone who's managing a disability at work or supporting others.

## Employment law or workplace advice

For any work-related problems or questions around disability, employees and employers can:

- [contact the Acas helpline](#)
- [get legal advice](#)
- talk to your trade union or employers' association if you're a member

### For employees

If you're disabled and think you're being discriminated against or unfairly dismissed, you can:

- [contact the Equality Advisory and Support Service \(EASS\)](#)

If you're thinking about leaving work:

- [read Scope's advice on stopping work or taking ill health retirement](#)

### For employers

Employers can:

- [find support with employee health and disability on GOV.UK](#)

- [read the Health and Safety Executive's guidance on supporting disabled workers](#)

## Access to Work

Access to Work is a government scheme that can help people with a physical or mental health condition or disability to get or stay in work. Someone might be eligible for:

- a grant to help pay for practical support with work
- advice about managing mental health at work

[Find out more about Access to Work](#)

## Business Disability Forum

Business Disability Forum is a not for profit membership organisation that helps employers support disabled staff and customers.

[Find out more about Business Disability Forum](#)

## Disability Confident employer scheme

Disability Confident is a government scheme to help employers recruit, retain and develop disabled people.

[Find out more about the Disability Confident employer scheme](#)

## Support for specific disabilities

[Help with work from Macmillan Cancer](#) – for people who have or had cancer and employers

[Learning disability employment services from Mencap](#) – for people with a learning disability and employers

[Mental health support from Mind](#) – advice and support, including a legal advice line

[Advice on specific conditions on GOV.UK](#) – advice and support for a wide range of health conditions and disabilities

## Emotional support

Some employers offer support through work, for example:

- counselling or mental health support through an employee assistance programme (EAP)
- staff support networks – for example a disability network
- a mentoring scheme to support disabled people

If you need someone else to talk to, you can contact:

- [Samaritans](#)
- [Scope](#)
- [Disability Information Scotland](#)

## Training and tailored support for employers

Acas offers [tailored support for employers](#) to address specific challenges in an organisation.

Our training for employers and managers includes:

- [reasonable adjustments training](#)
- [equality, diversity and inclusion training](#)
- [mental health in the workplace training](#)
- [free online training](#) – including disability discrimination and reasonable adjustments

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