



Transcript - Reasonable Adjustments Panel Discussion

Know your rights if you're a disabled person in the workplace

0:00:01.790,0:00:05.390

Hello, and welcome to this panel on the right to reasonable adjustments, hosted by Toynbee

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Hall's Free Legal Advice Centre.

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This is part of a continuing series of panels and other discussion events that have the

0:00:11.910,0:00:16.390

aim of increasing knowledge of the general public of their rights, and on some of the

0:00:16.390,0:00:17.670

problems that people in our communities face.

0:00:17.670,0:00:21.810

Before I do the introductions, I just want to do a bit of admin.

0:00:21.810,0:00:26.489

So this panel is being recorded as a video without a live audience.

0:00:26.489,0:00:28.259

It will be closed captioned.

0:00:28.259,0:00:35.180

So if you watch it, after the event, which we'll all be doing, you can access that if

0:00:35.180,0:00:36.180

you need to.

0:00:36.180,0:00:39.900

And also we're planning to have a transcript available that should be available via a

0:00:39.900,0:00:45.180

link in the video description when the video is posted for anyone watching along for those

0:00:45.180,0:00:46.410

who need it written format.

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The second bit of admin, this is to say that none of us are technically lawyers, that this

0:00:55.040,0:00:57.650

is not legal advice video.

0:00:57.650,0:01:03.510

So if you see anything in this video, think, oh my god, I'm being discriminated against.

0:01:03.510,0:01:09.130

Go and get advice from a lawyer, Law Center, do not immediately go to the County Court

0:01:09.130,0:01:10.340

with a claim form.

0:01:10.340,0:01:14.000

And if you do, don't blame us.

0:01:14.000,0:01:18.620

And in case I forget, at the end, I just want to go on record say I've done almost literally

0:01:18.620,0:01:20.710

nothing to organize and run this panel.

0:01:20.710,0:01:26.799

So I want to make sure that Jennifer, my colleague, gets my appreciation right at the start especially

0:01:26.799,0:01:32.600

as there have been many many inconveniences in the run up to today.

0:01:32.600,0:01:37.159

So introductions, my name is Dave Busfield-Birch, my preferred pronouns are he/him.

0:01:37.159,0:01:41.780

I supervise the Employment law advice service and also the Family law and Civil law advice

0:01:41.780,0:01:42.780

services at Toynbee

0:01:42.780,0:01:43.780

Hall Free's Legal Advice Centre.

0:01:43.780,0:01:47.570

I want to be up front and say that I am not a disabled person.

0:01:47.570,0:01:51.210

So I'll do as little talking as I can possibly get away with and let the speakers tell me

0:01:51.210,0:01:56.250

about their experiences and what they found to work and not work.

0:01:56.250,0:01:58.130

And we have two fantastic speakers.

0:01:58.130,0:02:03.650

So the first is, and I'm doing this alphabetically, no preference to either of you.

0:02:03.650,0:02:05.369

Esther Leighton is the first.

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Esther is doing a part time law conversion course, is a trustee of Reasonable Access,

0:02:10.429,0:02:15.349

which supports disabled people to understand and use their legal rights and takes legal

0:02:15.349,0:02:17.180

cases challenging discrimination.

0:02:17.180,0:02:21.319

She delivers inclusion training and consultancy for a range of clients from small charities

0:02:21.319,0:02:23.840

to big private sector organisations.

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So if you like what you see you know where to go.

0:02:27.150,0:02:36.549

Her personal Twitter handle is at @Esther_Leighton, and Reasonable Access @Reas_Access.

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Our second speaker is Zara Todd.

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Zara is an internationally recognized disability activist who specialises in creating organizational

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training to support inclusion and accountability.

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She has advised the UK Government, the British Council, the Fundamental Rights Agency and

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the Council of Europe.

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She is particularly passionate about supporting young people to engage in policy and decision-making

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processes.

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In 2017, she carried out a Winston Churchill Memorial Trust Fellowship looking at inclusion

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disability and leadership and what could be learned from Australia and New Zealand.

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She is the co-author of ACEVO's Hidden Leaders report into disability leadership in the third

0:03:15.670,0:03:16.670

sector.

0:03:16.670,0:03:19.239

And she is currently Head of Training at Campaign Bootcamp, prior to that she was the director

0:03:19.239,0:03:25.290

of the European Network on Independent living where she co-founded their sector leading

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youth

0:03:26.290,0:03:27.290

network.

0:03:27.290,0:03:32.280

In 2017, she was profiled in the Guardian Newspaper for her work in disability rights.

0:03:32.280,0:03:36.930

She is currently a trustee of Volunteering Matters.

0:03:36.930,0:03:40.209

Those are far more impressive introductions than mine.

0:03:40.209,0:03:45.610

So thanks to both speakers for agreeing to be here.

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I'm going to just kind of dive into the question, but I was going to originally do an introduction

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as to the law.

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But I actually think that's not that helpful.

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Because although we've all agreed the law can be fun.

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We can get bogged down in kind of amnesia.

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So I'm just going to move on quite quickly.

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I'm going to start with a question for both of you.

0:04:09.279,0:04:10.519

We'll start with Esther.

0:04:10.519,0:04:15.019

So we know that people with disabilities have a right to reasonable adjustments both at

0:04:15.019,0:04:17.639

work and in the provision of services.

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So the question is, and I suspect I know what the answer is going to be, does the existing

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law on reasonable adjustments and do those existing practices offer effective protection

0:04:27.250,0:04:30.130

to individuals from disability discrimination?

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And Esther if you could kick off.

0:04:33.600,0:04:34.600

Sure.

0:04:34.600,0:04:36.440

So firstly, I prefer 'disabled people'.

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So I'm just going to use that throughout.

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In short, no, it doesn't offer effective protection.

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That said, you know, the law is better than nothing.

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And it has achieved some good things in some areas.

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But there's a lot of areas where it's really failing to provide effective protection.

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And I think a large part of that is that enforcement is so difficult.

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And in some areas, it is effectively impossible.

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And without enforcement nothing really has to change.

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Like even though lots of things are happening that are against the law.

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It's very difficult to shift those practices.

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Yeah, so most of the cases that I take personally are about discrimination in goods and services.

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So I'm a powered wheelchair user, and I have other access needs as well.

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But one of my main access needs is that I cannot get up steps I cannot get up even one

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small step is a complete barrier for me in accessing places.

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And it is a real frustration of mine that we're 25 years after the DDA came in, and

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that I can still not get into an awful lot of, you know, shops and just the sorts of

0:06:06.620,0:06:11.010

things that people wander along the pavement and can go in and out of freely.

0:06:11.010,0:06:12.230

And I can't.

0:06:12.230,0:06:13.230

Yeah.

0:06:13.230,0:06:21.210

Okay, just before we move on, the DDA is the Disability Discrimination Act, which was

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My apologies, the DDA was the Disability Discrimination Act in 95.

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And it was then overtaken by the Equality Act in 2010, which sort of amalgamated other

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acts and took that into it.

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But this sort of duty to make reasonable adjustments that we're talking about today comes initially

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from that Disability Discrimination Act.

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Yeah, Zara.

0:06:46.620,0:06:49.840
I would agree with Esther's assessment.

0:06:49.840,0:06:56.530
I think it's useful that we have any kind
of law, but better than a lot of countries.

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However, the burden of realizing the law is
far too weighted on disabled people themselves.

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And I think this is particularly problematic
because a lot of people don't realize that

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they're legally considered to be disabled.

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And so when they do experience discrimination they don't necessarily understand
it in those

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kind of terms.

0:07:21.960,0:07:31.410
And so I think that the burden of the existing law is weighted far too much
towards the individual,

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and not enough towards those who are actually failing to provide services or
make reasonable

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adjustments.

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Yeah, that makes sense from everything I've experienced, both in my work and
with my wife

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who has two brain tumours.

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So as Zara said, you know, and we were discussing this before, quite a lot of the impetus in

0:07:58.990,0:08:06.360
certain areas is on the person to do the persuading, the disabled person to do the persuading

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So that kind of segues quite neatly.

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And obviously you two, this is what you do, you advocate and persuade.

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So what steps have you taken to overcome disability discrimination?

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And what would you say to people who either don't know that they have rights or are worried

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about enforcing those rights, because they don't want to be seen in quotes a 'burden'.

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And Zara, sorry, you can kick off there.

0:08:37.560,0:08:42.640
You're not a burden for asserting your right to access what everyone else has access to

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legally we have that right as disabled people.

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And it is beneficial to everyone, if more places are meeting reasonable adjustments

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and providing alternatives.

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One of the biggest principles in universal design is that by opening up something to

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one person, you're opening it up to a lot more.

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And the same applies to anyone who seeks reasonable adjustments, you are helping other people,

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as well as helping yourself by and large.

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I think one of the things I would say is that there is from my experience, and I haven't

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gone anywhere near as much work as Esther has, one of the things that I think a lot

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of people are quite scared to do is to ask for an adjustment in the first place.

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And I think that that's really key, because I don't think that people wilfully are inaccessible

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either as employers or in goods and services.

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In most cases, it's because it's an afterthought, or they've never been confronted with the

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issue.

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I've had several occasions where I've contacted places and asked about accessibility.

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And they've told me, that they haven't thought about it before, and have actually taken steps

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to make places accessible for me.

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And I think the biggest kind of advice I would give anyone, is, if something isn't accessible

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to you, the least that you can do is ask because it may be that someone has the will to make

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something accessible, they just don't know how.

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I've had both in accessing services and accessing employment cases where people have

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had inaccessible systems or processes that just by the asking of the question, they have

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taken intervention such as buying a ramp or finding alternative office space for me to

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work from.

0:10:58.119,0:11:03.990

Yeah, I think in my work 'I didn't think' 'we didn't think of that' is probably

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a very common response.

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Esther do you want to take over?

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Yeah, so I absolutely back up what, what Zara said about that.

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And I agree that politically, anybody doing this, is doing work not just for themselves,

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but for all of us.

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And that this needs to be something that is more normalized.

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And I would actually see it kind of wider than disability, like, if we, if we think about

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the pandemic, for example, lots of us have had to adjust the way we work or the way that

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we do things to new constraints.

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And it's good for organizations and individuals to be able to do that.

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When it's necessary to do so.

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I think in goods and services, I think it's really important to remember that one of the

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things that's different about goods and services to say employment, as Zara was talking about,

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is that the duty is supposed to be anticipatory.

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So that means that it's the responsibility of say shops and so on, to have thought about

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disabled people in advance before they turn up.

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So at the point where somebody is even considering sort of being difficult or a burden, it may

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well be that there's been a failure to make reasonable adjustments at that point.

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And that's really sad, like disabled people are experiencing this kind of psychological

0:12:31.089,0:12:33.970

response to a failure by someone else.

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That said, the other thing that I would like to kind of think about is that it's okay to

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accept that organizational change and societal change takes a long time.

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And that it's alright if you decide that some things are too difficult for you to handle

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at a particular time.

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So if I give a personal example I have never taken a case about toilets.

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And that's not because I'm not excluded by toilets.

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I often am, it's because I, the cases that I take, and some of my cases end up in court,

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I feel that it would be too kind of difficult and humiliating for me to need to explain

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to a judge in great detail, the difficulty that I had with regard to a toilet, and for

0:13:23.569,0:13:25.699

somebody to cross examine me about that.

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And so I choose not to do that.

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And that's not to say that I never would, but it is to say that I've kind of balanced

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that there's so much discrimination, that that one is particularly difficult to handle.

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So I would say to people that, you know, it's okay, if they say, well, you know, this, like

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that, I would validate that their need is as legitimate as my need to not be able to

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get up steps.

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But also, if it's too difficult to challenge it, that is a problem with the system.

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It's not a problem with you.

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Yeah.

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So kind of following on from what you were talking Esther about the anticipatory duty

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in goods and services, what should service providers and employers be doing to make services

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more inclusive, and to make conversations when they arise around reasonable adjustments

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slightly easier.

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I mean, this is the bread and butter of what Zara and I do day in day out, and it's the

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stuff that makes us really excited, like, I would much prefer be doing things to help

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people to proactively not have this problem then, then to be kind of dealing with it at

0:14:42.050,0:14:45.860

other end when it's catastrophically failed.

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So I'm going to focus on service providers.

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Because that, because that seems a good split between Zara and I to respond to this.

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And she is definitely the organizational change expert.

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So, service providers need to be thinking

in advance anticipatorily about disabled people

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that are going to need to access their services.

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So there's lots of different types of disabled people, we exist in the population.

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And, you know, you can't predict when we're coming, we come at any point like any other

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customer.

0:15:21.519,0:15:25.389

So I think there's, you know, there's different groups of people, there's, obviously there's

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wheelchair users, there's people with visual impairments, there's deaf people, there's

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older people, there's people with chronic illness impairments, mental health impairments.

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And for each of those things, service providers need to have thought, what might be difficult

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in accessing my service, and what can I change and make different in order that people can

0:15:49.939,0:15:52.980

access it.

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And, I think, Zara will laugh at this.

0:15:57.989,0:16:04.360

But one of my favorite parts of the Statutory Code of Practice for the enforcement for service

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providers is the paragraph where it says this off the top of my head so it

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might not be word for word perfect, but it's
not just about some access but the law requires

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service providers to make access as close
as possible to that that is enjoyed by every

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other member of the public.

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And I think that's really important.

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It's not just you know, something isn't good
enough.

0:16:32.749,0:16:36.699

You need to be thinking, what, what brings
it to a level?

0:16:36.699,0:16:42.170

What removes the barriers?

0:16:42.170,0:16:49.410

So I guess, in terms of things that can include all sorts of things, like literally every

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area of a shop and business should have been thought about as to who it might
exclude

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and how you can un-exclude them.

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If I take the employment angle, really, really simply, employers could ask and
should ask

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in their recruitment processes, is there anything that we can do to be accessible to you through

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the recruitment process, but also, is there anything that we can do to be accessible to

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you as an employer?

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It's a relatively straightforward thing.

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I think the reason why it's important, as an empowered disabled person who has worked

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outside of disability spaces, I have applied for jobs where I'm not sure how accessible

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the employer is, and I still get nervous when I have to call them up and go I need reasonable

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adjustments.

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If I see that an employer or an organization is asking me what reasonable adjustments I

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need that automatically makes me less nervous about asking for what I need, because it is

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an indication to me that they've already started to think about it.

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I've had some interesting situations in employment, where when I've asked for adjustments or asked

0:18:20.210,0:18:26.740

about accessibility, I've actually been asked to source my own accessibility adjustments

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for interview.

0:18:28.370,0:18:33.730
And that is quite surreal, because you're like, I'm not in charge of this process how

0:18:33.730,0:18:40.390
can I make adjustments to something that I don't know what I'm making adjustments to?

0:18:40.390,0:18:46.210
So I think it's really important that employers start the conversation, I also think it's

0:18:46.210,0:18:52.310
really important if you are successful at an interview stage, that you're being told

0:18:52.310,0:18:58.720
about programs like Access to Work, both the formal program that exists and Access to Work

0:18:58.720,0:19:04.860
is a government funded program that helps organizations pay for reasonable adjustments

0:19:04.860,0:19:12.700
and gives you things like assisted technology or assistance to do your job, if there are

0:19:12.700,0:19:14.790
elements that you can't do yourself.

0:19:14.790,0:19:22.080
There's also an Access to Work program that doesn't require you to inform your employer

0:19:22.080,0:19:25.880
around mental health support to be in the workplace.

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Now, those programs are really relatively easy to access.

0:19:33.510,0:19:39.540

And yet, most employers don't mention them or don't have experience of them.

0:19:39.540,0:19:45.260

Actually, they can make quite a considerable difference to people.

0:19:45.260,0:19:52.770

Particularly, this is just an aside, if you are someone with a communication impairment

0:19:52.770,0:19:57.630

that might need an adjustment at interview Access to Work can also support with that

0:19:57.630,0:19:59.930

cost.

0:19:59.930,0:20:02.930

But I think a lot of people don't know about it.

0:20:02.930,0:20:12.640

But I also think that employers can do a lot just to make themselves at least appear more

0:20:12.640,0:20:18.000

interested and open to employing disabled people.

0:20:18.000,0:20:25.260

I think one of the biggest challenges that I've seen is where organizations ask the right

0:20:25.260,0:20:28.780

questions, but then don't follow up.

0:20:28.780,0:20:32.910

So either they don't pass the information on to the people that are actually running

0:20:32.910,0:20:38.060

the recruitment process, or they don't know how to deal with the information that they're

0:20:38.060,0:20:39.060

provided.

0:20:39.060,0:20:44.840

And I think in most circumstances it's really important that they open up a dialogue and

0:20:44.840,0:20:45.840

have

0:20:45.840,0:20:46.900

a conversation.

0:20:46.900,0:20:52.880

Yep, totally agree.

0:20:52.880,0:20:56.200

So Zara you kind of answered the next question I was going to ask which is really, really

0:20:56.200,0:20:57.200

helpful.

0:20:57.200,0:21:03.410

But I do just want to just ask a kind of an adjusted version of that question, which is,

0:21:03.410,0:21:04.410

I've had

0:21:04.410,0:21:10.580

clients who have disabilities that are less visible.

0:21:10.580,0:21:16.050

And one of the questions that they, and in some cases, what they'll do is they won't

0:21:16.050,0:21:22.710

disclose at interview, and then they'll gradually disclose as and when the need arises for an

0:21:22.710,0:21:23.710
adjustment.

0:21:23.710,0:21:30.920
And I wondered Zara if you wanted to say anything about that.

0:21:30.920,0:21:37.080
I think that, so it's one of the findings
from the report I wrote for ACEVO Actually.

0:21:37.080,0:21:43.360
A lot of people don't feel comfortable disclosing disability in the workplace.

0:21:43.360,0:21:48.660
And there are lots and lots of reasons for
that, that mainly relate to systemic oppression,

0:21:48.660,0:21:54.630
and what people hear other people talking
about in regards to disability.

0:21:54.630,0:22:00.390
So if you have a hidden impairment, and I
have a hidden impairment amongst my impairments,

0:22:00.390,0:22:07.560
often, you will hear people saying things
that they really shouldn't, but are quite

0:22:07.560,0:22:11.450
derogatory and dismissive of particularly
hidden impairments.

0:22:11.450,0:22:17.520
And in that kind of environment you're not
necessarily going to feel immediately comfortable

0:22:17.520,0:22:19.870
to disclose access needs.

0:22:19.870,0:22:24.720

I think one of the key things is you've got to do what's right for yourself.

0:22:24.720,0:22:33.640

If disclosure would help you tangibly even, you should investigate what that might mean.

0:22:33.640,0:22:39.850

Also, there are ways to get support without disclosure put around particularly mental

0:22:39.850,0:22:42.120

health.

0:22:42.120,0:22:44.970

For example, the Access to Work scheme I mentioned.

0:22:44.970,0:22:51.770

There is no disclosure required to employers to get support through that program, which

0:22:51.770,0:22:53.350

I think is really important.

0:22:53.350,0:23:04.160

I think it's also coming back to kind of the employer's duty, people's disclosure rate

0:23:04.160,0:23:05.160

increases

0:23:05.160,0:23:11.090

dramatically when they see organizations deal with existing disclosures well.

0:23:11.090,0:23:18.750

So when you're dealing with people's access needs you should be kind of communicating

0:23:18.750,0:23:24.260

to the world, not necessarily what their access needs are, but what access adjustments are

0:23:24.260,0:23:27.810

available, and what you're willing to do as

an employer.

0:23:27.810,0:23:33.830

Because if your staff see that, they're much more likely to consider it a safe space in

0:23:33.830,0:23:36.640

which to disclose it.

0:23:36.640,0:23:45.400

I make it because I'm a disabled person and because I have hidden access needs that particularly

0:23:45.400,0:23:54.210

impact how I work, I make it a point of kind of standard practice that wherever I work,

0:23:54.210,0:24:00.090

one of the first things I do in the induction chat is go: Is there anything I need to know

0:24:00.090,0:24:01.300

about working with you?

0:24:01.300,0:24:05.110

Is there any way that I can work with you in a more accessible way?

0:24:05.110,0:24:13.650

And I also use that conversation to disclose my access needs to people that I'm working

0:24:13.650,0:24:14.650

with.

0:24:14.650,0:24:21.750

Now, I think there's a very clear distinction here, that disclosure of access needs is different

0:24:21.750,0:24:26.430

from disclosure of impairment, or conditions.

0:24:26.430,0:24:33.870

So people don't need to know what my impairment is, in order to meet my access needs.

0:24:33.870,0:24:40.230

Sometimes I will choose to disclose it, because I find that in a leadership position it

0:24:40.230,0:24:43.460

increases disclosure amongst my staff.

0:24:43.460,0:24:50.000

But that's my choice and my prerogative, no one should feel that they have to justify

0:24:50.000,0:24:58.030

why they need access needs to a wider organization, apart from maybe HR.

0:24:58.030,0:25:03.070

Esther, do you want to come in on that point?

0:25:03.070,0:25:09.470

I just wanted to add, like, obviously, Zara has mentioned Access to Work in an employment

0:25:09.470,0:25:16.000

context, and I've used Access to Work personally as a self-employed person, and Access to Work

0:25:16.000,0:25:18.540

functions quite differently.

0:25:18.540,0:25:23.200

So you know, people should know that it is available to them.

0:25:23.200,0:25:28.260

Unlike in employment, where depending on the size of the employer, there might be a contribution

0:25:28.260,0:25:31.430

needed.

0:25:31.430,0:25:35.710

Access to Work covers 100% of your access needs if you're self employed.

0:25:35.710,0:25:43.030

The flip side is that depending on how expensive your needs are, you have to pay for it yourself

0:25:43.030,0:25:47.080

out of your business and then be refunded, and that can take a very long time and make

0:25:47.080,0:25:52.900

real cashflow problems for disabled people who are self-employed and using that scheme.

0:25:52.900,0:26:00.840

But if you know, it's a great scheme more people should know about it.

0:26:00.840,0:26:05.330

I think disclosure is a bit less relevant in goods and services because of this kind

0:26:05.330,0:26:11.210

of anticipatory duty thing, it becomes more relevant if you decide to challenge things.

0:26:11.210,0:26:17.500

So when I talked about what I decide to challenge and what I don't, and part of that is around

0:26:17.500,0:26:23.310

the level of disclosure I guess you could call it that I'm willing to engage, you know,

0:26:23.310,0:26:31.570

in a kind of a process that's inherently adversarial, when I'm challenging somebody.

0:26:31.570,0:26:40.740

But I agree that more people talking about what adjustments they need, and organizations

0:26:40.740,0:26:48.590

being upfront about what they're doing, and welcoming people to say, what can we do better?

0:26:48.590,0:26:53.410

is a good thing in all areas and should absolutely be encouraged.

0:26:53.410,0:27:02.800

Yeah, and I should say – well not as a disclaimer, but I was the Access to Work...I was employed

0:27:02.800,0:27:10.960

because of Access to Work, so Access to Work is great but yes, it comes with slowness of

0:27:10.960,0:27:15.510

refund, in cases where you're self-employed so you know.

0:27:15.510,0:27:16.510

Absolutely.

0:27:16.510,0:27:22.090

Don't let that discourage you but just bear that in mind when you're thinking about it,

0:27:22.090,0:27:23.090

okay.

0:27:23.090,0:27:26.670

And hopefully we'll have links for that when the video goes up.

0:27:26.670,0:27:35.390

So I just want to talk about reasonable adjustments, the kind of different types of reasonable

0:27:35.390,0:27:40.110

adjustments that you can expect because I think a lot of people think of a reasonable

0:27:40.110,0:27:45.470

adjustment as you know, a chair for your back, or step free access.

0:27:45.470,0:27:51.710

And actually it can be a lot more broad and lot more I want to say creative, but there

0:27:51.710,0:27:56.220

are a lot of tiny adjustments, perhaps that you might not think to ask for.

0:27:56.220,0:28:03.490

And if either of you two have any advice in working out kind of what your access needs

0:28:03.490,0:28:11.610

might actually be, but also how to kind of package them almost or how to ask for them

0:28:11.610,0:28:20.370

in a way that an employer can or when a service provider isn't meeting access needs to

0:28:20.370,0:28:21.870

go along with?

0:28:21.870,0:28:24.920

And I think it's probably Esther's turn to go first, do you want to talk about service

0:28:24.920,0:28:25.920

providers?

0:28:25.920,0:28:27.710

Yeah, sure.

0:28:27.710,0:28:28.710

So.

0:28:28.710,0:28:34.140

So yes, I think it absolutely can be really really broad.

0:28:34.140,0:28:40.280

And I think the ones that are most often not thought about.

0:28:40.280,0:28:46.900

So the law for some reason splits into physical features, which is your like steps and ramps,

0:28:46.900,0:28:54.000

and all of that your jazz, auxiliary aids,

which might be your hearing loop or your large

0:28:54.000,0:28:57.690

print menu in a restaurant, or these kind of things.

0:28:57.690,0:29:03.690

But then the ones which I think, are the least understood, and almost the most exciting,

0:29:03.690,0:29:10.140

are the PCPs, the lawyers refer to them as, so that's policies and how people actually

0:29:10.140,0:29:11.730

do things.

0:29:11.730,0:29:22.260

So that's things like asking somebody to move something, or asking for the way that a queue

0:29:22.260,0:29:31.730

is organized to be done differently, or being able to skip the queue, or having help to

0:29:31.730,0:29:36.590

take your food to the table, rather than taking it there yourself.

0:29:36.590,0:29:39.760

You know it's completely endless.

0:29:39.760,0:29:44.300

It's how people do things and how organizations do things.

0:29:44.300,0:29:48.920

So yeah, it's, that's, that's really broad.

0:29:48.920,0:29:56.630

I think one of the things that is least understood about reasonable adjustments, particularly

0:29:56.630,0:30:02.960

probably in work, but also in goods and services, is that sometimes it can be and needs to be

0:30:02.960,0:30:04.710
a kind of iterative process.

0:30:04.710,0:30:12.350
So while I can say very, very specifically,
what kind of step I can and can't get up

0:30:12.350,0:30:18.100
and you could measure it with a tape measure, and, you know, make, say very
specific things

0:30:18.100,0:30:20.890
about what is and isn't doable.

0:30:20.890,0:30:25.660
In a lot of situations, you might not know
what you need in order for it to work.

0:30:25.660,0:30:29.950
And you might need to try something, see if it works, and then have a
conversation and

0:30:29.950,0:30:31.560
try it again.

0:30:31.560,0:30:37.880
And that's particularly the case, I'd say,
in employment and also at university, or in

0:30:37.880,0:30:42.920
other education settings that you might not know, you might know that you're
having difficulty

0:30:42.920,0:30:48.110
accessing something, that you're experiencing a barrier or a disadvantage, the
law would

0:30:48.110,0:30:49.590
call it.

0:30:49.590,0:30:55.170
But you might not know what the solution is yourself.

0:30:55.170,0:31:03.520

And the service provider or the education provider, or the employer, or whatever, should

0:31:03.520,0:31:06.090

work with you to find the solution.

0:31:06.090,0:31:10.080

They don't always and that's the kind of PCPs bit.

0:31:10.080,0:31:13.940

But that's what I really like people to do, is to be saying: What is the problem?

0:31:13.940,0:31:15.510

And how can we fix it?

0:31:15.510,0:31:22.960

Yeah, I mean, just just to come in on what you were saying about policies and practices,

0:31:22.960,0:31:29.110

what we like to call policies criteria and practices, but policies works perfectly well.

0:31:29.110,0:31:32.980

There's the law, it always gives you three definitions, when one works perfectly well.

0:31:32.980,0:31:37.180

It's just to say that in kind of employment, we come up with it a lot things like adjusting

0:31:37.180,0:31:38.180

policy.

0:31:38.180,0:31:43.410

So adjusting a sickness policy or an absence policy, so it doesn't penalize you for being

0:31:43.410,0:31:47.060

off work, either because of your illness or where you go to medical appointments.

0:31:47.060,0:31:53.010

Or adjusting a disciplinary policy so that you can have someone who is not, in a disciplinary

0:31:53.010,0:31:57.440

meeting, you can have someone who isn't just from the two legally mandated categories.

0:31:57.440,0:32:04.210

And of course, you mentioned universities, I mean, I know lots of people who have been

0:32:04.210,0:32:11.300

asking for years for remote access to universities and now magically suddenly the not feasible

0:32:11.300,0:32:12.790

has become feasible.

0:32:12.790,0:32:14.520

Zara, sorry, do you want to -

0:32:14.520,0:32:29.440

I will build on what Esther's said in terms of I think one of the least understood reasonable

0:32:29.440,0:32:35.030

adjustments in the workplace is things like flexible working, and potentially needing

0:32:35.030,0:32:40.890

more breaks or quiet spaces or quiet time in the working day.

0:32:40.890,0:32:50.220

I also think that one of the things I've experienced both as an employee and an employer at some

0:32:50.220,0:32:51.710

level or a manager

0:32:51.710,0:33:00.350

is that actually, as disabled people, we might know what access adjustments work for us in

0:33:00.350,0:33:04.850

one setting, but that doesn't mean that they are transferable to another.

0:33:04.850,0:33:14.390

So there is no harm in asking for an assessment of your needs or what is available in terms

0:33:14.390,0:33:17.490

of reasonable adjustments.

0:33:17.490,0:33:22.200

Because just because something's worked in one place does not mean that it will work

0:33:22.200,0:33:23.200

in another.

0:33:23.200,0:33:28.300

And also, as much as I've been a disabled person for as long as I can remember, and

0:33:28.300,0:33:30.140

I have multiple impairments.

0:33:30.140,0:33:36.650

And I've been exposed to lots and lots of different reasonable adjustments and pieces

0:33:36.650,0:33:37.650

of technology

0:33:37.650,0:33:42.670

and everything else, that doesn't mean that my knowledge is infinite, it doesn't mean

0:33:42.670,0:33:49.960

that there hasn't been some kind of technological or ideological advancement since I last considered

0:33:49.960,0:33:52.540

what reasonable adjustments worked for me.

0:33:52.540,0:34:01.090

There are people who their entire job is to keep on top of these kinds of adjustments,

0:34:01.090,0:34:06.100

and these kinds of developments, particularly around assisted technology.

0:34:06.100,0:34:11.550

So what was available five years ago might be really outdated now.

0:34:11.550,0:34:20.460

And so it's always a good idea to have, like a check-up of what's available for you and

0:34:20.460,0:34:22.139

what you can access.

0:34:22.139,0:34:27.820

I think and I'm sure Esther would support me in this recommendation.

0:34:27.820,0:34:33.810

Another thing that I found particularly useful, is talking to other disabled people about

0:34:33.810,0:34:42.740

what reasonable adjustments they've had and how they cope with certain access challenges,

0:34:42.740,0:34:48.040

because it might just be that they've come across something that would be helpful to

0:34:48.040,0:34:49.040

you.

0:34:49.040,0:34:58.680

Because one of the things particularly is that often within formal assessments systems

0:34:58.680,0:35:07.360

we continue to kind of venerate medical understandings of what access needs are, and actually, for

0:35:07.360,0:35:15.369

most disabled people is much more holistic than just a medical diagnosis or a limitation.

0:35:15.369,0:35:23.270

And so actually, other disabled people can often find ways or things that work and that

0:35:23.270,0:35:24.730

might work for others.

0:35:24.730,0:35:32.119

Yeah, Esther did you have anything you want to add to that?

0:35:32.119,0:35:35.330

No, no, that's, that's fine.

0:35:35.330,0:35:36.330

Thanks.

0:35:36.330,0:35:44.330

So I'm gonna move on to a question that Zara can speak to particularly well to, but Esther

0:35:44.330,0:35:46.310

you definitely might want to come in as well.

0:35:46.310,0:35:53.100

So are there specific, well there are, specific challenges that younger people face when it

0:35:53.100,0:35:58.850

comes to getting employers to make reasonable adjustments or even to be accepted as a person

0:35:58.850,0:36:00.840

with access needs or a disabled person?

0:36:00.840,0:36:06.060

Do you have any specific advice for younger disabled people Zara?

0:36:06.060,0:36:13.610

That first one, to be honest, I would say younger and newly disabled people because

0:36:13.610,0:36:19.619

I think if you acquire an impairment at some point in life, essentially, it's a whole

0:36:19.619,0:36:26.230

new set of challenges that you're dealing with, and a whole new kind of thing that you're

0:36:26.230,0:36:27.230

negotiating.

0:36:27.230,0:36:31.680

I think it's something that we've touched on quite a lot already.

0:36:31.680,0:36:42.510

But basically, I think, to be kind of not afraid to ask for help, and not afraid to

0:36:42.510,0:36:46.670

ask for support if that's something that you need.

0:36:46.670,0:36:53.720

I think one of the things that I've come across quite a lot is that people are scared to disclose.

0:36:53.720,0:37:02.050

But also, the jump between education and employment is quite big sometimes.

0:37:02.050,0:37:09.991

And actually, it's okay to ask questions about what you're expected, what's expected of you

0:37:09.991,0:37:11.670

as an employee.

0:37:11.670,0:37:18.890

Because it's a change in how you interact compared to education.

0:37:18.890,0:37:25.720

So ask questions if you're not certain of something or if you don't know what's...what's

0:37:25.720,0:37:27.730
available, ask.

0:37:27.730,0:37:32.550
I remember one of my first jobs out of university.

0:37:32.550,0:37:38.690
Everyone was writing emails with EOM at the end of it and I had no idea what EOM stood

0:37:38.690,0:37:39.690
for.

0:37:39.690,0:37:44.450
And I was getting really confused because
I would open up the emails and there would

0:37:44.450,0:37:49.970
be nothing in them and it turned out that
EOM stood for 'end of message'.

0:37:49.970,0:37:55.800
So there's lots of stuff that you
can not know.

0:37:55.800,0:38:05.610
And it's not because you're stupid or because you are somehow not ready to be
employed.

0:38:05.610,0:38:11.430
There are just lots of things that kind of
happen in the workplace that it's okay not

0:38:11.430,0:38:16.380
to know, I would suggest if you're really
anxious about it, looking to see whether you

0:38:16.380,0:38:24.230
can get a mentor or some peer support to help you navigate what the workplace
means.

0:38:24.230,0:38:32.080
I also think there is a fundamental duty,
well, not duty, but a fundamental kind of

0:38:32.080,0:38:40.140

ask of employers that employers think about what it is to be a younger person or a newly

0:38:40.140,0:38:43.490

disabled person coming into the workplace.

0:38:43.490,0:38:50.650

Currently, the way the system works puts far too much burden on the individual to be required

0:38:50.650,0:38:56.470

to either come up with their own solutions, or to understand what they need, particularly

0:38:56.470,0:39:02.910

one of the areas that I think is very challenging is the management relationship between an

0:39:02.910,0:39:04.610

employee and their manager.

0:39:04.610,0:39:14.610

And a lot of organizations sort of expect the disabled member of staff to somehow fit

0:39:14.610,0:39:20.610

into how the organization works even if some access need means that they can't.

0:39:20.610,0:39:30.360

And I think employers should be giving more support to managers to be more accessible

0:39:30.360,0:39:31.360

of

0:39:31.360,0:39:37.700

disabled people to understand what it might mean to manage someone who is neurodiverse

0:39:37.700,0:39:44.340

or processes things differently from how you do, is a really fundamental management skill

0:39:44.340,0:39:51.080

which benefits everyone but particularly benefits disabled people.

0:39:51.080,0:39:52.760

Yeah.

0:39:52.760,0:39:58.369

Esther do you want to come in on that one?

0:39:58.369,0:40:02.190

Yes sure, so...as always I agree with Zara on this.

0:40:02.190,0:40:09.250

I think it's really helpful for people to know, not necessarily as friends, but to have

0:40:09.250,0:40:16.930

kind of networks of people who have got some overlapping needs because that can be really

0:40:16.930,0:40:26.160

helpful in kind of gauging both what might be helpful and how to ask for it, and, yeah,

0:40:26.160,0:40:34.120

I would really encourage people, particularly who are newly disabled to try and get some

0:40:34.120,0:40:40.030

people who aren't newly disabled in their life who might be able to help them out because

0:40:40.030,0:40:46.080

most of us are quite generous with helping other people out and that kind of thing.

0:40:46.080,0:40:53.030

And then I think try asking would probably be the advice that I would give like, learn

0:40:53.030,0:41:01.090

to be assertive, not aggressive and not upsetting people, but try asking and see what happens.

0:41:01.090,0:41:03.090

It might not be as bad as you think.

0:41:03.090,0:41:04.670

Okay, great.

0:41:04.670,0:41:12.880

So, we're trying to be positive but obviously a lot of the experiences are not going to

0:41:12.880,0:41:13.880

be positive.

0:41:13.880,0:41:18.720

So, just want to talk about...obviously there's a duty to make adjustments but what do you

0:41:18.720,0:41:25.380

do if you ask for an adjustment, and the answer you get is yeah we're not going to do that.

0:41:25.380,0:41:28.390

And Esther, I think it's your turn.

0:41:28.390,0:41:29.390

Sure.

0:41:29.390,0:41:36.940

So, I always think that, and in my time I've made, well, not mistakes but learnt from things

0:41:36.940,0:41:39.960

that I wouldn't necessarily do the same thing now.

0:41:39.960,0:41:44.200

So, I think the most important thing to do in those kinds of situations is to assess

0:41:44.200,0:41:52.960

what you want out of a situation and how important it is to preserve the relationship, how important

0:41:52.960,0:41:58.100

it is for you to challenge it, how important change is to you.

0:41:58.100,0:42:05.270

Sometimes challenging things formally can result in...I mean nobody for example is going

0:42:05.270,0:42:10.220

to actually ban you from their shop for insisting that they get a ramp, but they might make

0:42:10.220,0:42:14.330

it really unpleasant for you to go there and it might be that all the staff members know

0:42:14.330,0:42:20.280

that you're the one that complained and that people are a bit upset with you, and that

0:42:20.280,0:42:23.910

can be really difficult and uncomfortable.

0:42:23.910,0:42:30.570

So, and to go back to a completely different personal example, when I was at university

0:42:30.570,0:42:39.380

I had some problems with reasonable adjustments, and the main one was that in the end, I became

0:42:39.380,0:42:45.600

the first student at Cambridge University who spread their course over longer than three

0:42:45.600,0:42:48.010

years, and that was as a reasonable adjustment.

0:42:48.010,0:42:55.680

And I could have taken that very adversarially and carried on taking a legal case against

0:42:55.680,0:43:01.460

them and so on, but, actually, once the adjustment had been agreed, although it had been very

0:43:01.460,0:43:07.610

long and drawn out and very very distressing for me, what I really wanted was to get on

0:43:07.610,0:43:13.550

with my degree and to be left alone and to try and, you know, preserve some of those

0:43:13.550,0:43:19.020

relationships and not to have something that was difficult, and adversarial.

0:43:19.020,0:43:26.670

So, while the law is broken all the time, I would really encourage people, that unfortunately

0:43:26.670,0:43:34.330

because of the way that it is enforced, which is not very much and only by individuals,

0:43:34.330,0:43:41.080

that often something might not be legal, but you're still not going to want to do anything

0:43:41.080,0:43:45.520

about it and you have to pick your battles.

0:43:45.520,0:43:51.690

That said, on the other hand, if you do want to challenge things, and I do challenge things

0:43:51.690,0:43:56.869

particularly these kind of what I see is utterly egregious, like not being able to get into

0:43:56.869,0:44:02.390

a shop in 2021 is ridiculous.

0:44:02.390,0:44:10.490

Then you can deal with it more informally so you can like, ask to speak to the manager,

0:44:10.490,0:44:16.800

you can try and deal with it that way, or
you can deal with it formally so you can write

0:44:16.800,0:44:23.530

a formal letter, and you can complain and
you can ask for it to be fixed and also for

0:44:23.530,0:44:28.870

compensation, and if that is doesn't sort
the issue then you can take it to the County

0:44:28.870,0:44:31.100

Court.

0:44:31.100,0:44:37.710

And some of us do that but even those of us who do that don't do it for all the
times

0:44:37.710,0:44:42.400

that we're discriminated against because
there just aren't enough hours in the day.

0:44:42.400,0:44:51.050

And there is some but very little legal support so you very often end up doing if
not all

0:44:51.050,0:44:53.359

of it then most of it on your own.

0:44:53.359,0:44:58.070

Yeah, and of course there's also the question of how accessible the courts are,
but that's

0:44:58.070,0:44:59.770

probably a question for another day.

0:44:59.770,0:45:03.290

Zara, do you want to come in on that Zara?

0:45:03.290,0:45:06.550

Just to echo what Esther said...

0:45:06.550,0:45:17.950

like, I think, sometimes, requests for reasonable adjustments don't work out and you have to

0:45:17.950,0:45:24.580

make a judgment call about whether it's worth it, whether it's worth and whether you have

0:45:24.580,0:45:27.460

the energy to pursue it.

0:45:27.460,0:45:36.619

And I think it's absolutely okay if you don't have the energy to pursue it, like,

0:45:36.619,0:45:44.890

one of the things living as a disabled person is that you experience discrimination and

0:45:44.890,0:45:52.910

oppression a lot of the time and you have to balance out how much this particular instance

0:45:52.910,0:46:01.240

is worth your energy and where it goes.

0:46:01.240,0:46:07.220

I know that might not be kind completely on message but you're allowed to not be in fighting

0:46:07.220,0:46:11.080

mode all of the time.

0:46:11.080,0:46:19.650

And so, it's okay to go I've tried and it hasn't worked or I don't have the energy for

0:46:19.650,0:46:20.970

this.

0:46:20.970,0:46:24.680

I'd just love to chip in there too.

0:46:24.680,0:46:29.300

I absolutely back that up but it's also okay to be fighty.

0:46:29.300,0:46:36.080

And, you know, we can't be fighting about everything, all the time, but I would really

0:46:36.080,0:46:41.630

encourage people who really have a bee in their bonnet about something to follow it

0:46:41.630,0:46:43.830

up.

0:46:43.830,0:46:48.720

That is something that you do for yourself as an individual and the law sort of individualizes

0:46:48.720,0:46:54.430

this stuff and makes it about you, and you basically can't challenge stuff legally if

0:46:54.430,0:46:59.840

it doesn't affect you personally, but you're also doing it for everyone else, and we all

0:46:59.840,0:47:00.900

need that.

0:47:00.900,0:47:06.660

So, you know if you're really bothered about something and you want to follow it up then

0:47:06.660,0:47:07.770

you rock on.

0:47:07.770,0:47:15.390

And remember that it's not just for yourself and it's okay to really push the point, as

0:47:15.390,0:47:18.800

well as to let it go.

0:47:18.800,0:47:25.270

And can I just add to that it's always good to get a support network around you because

0:47:25.270,0:47:31.840
you don't have to carry that burden on your own and there are other people who can help

0:47:31.840,0:47:33.780
you in your fight.

0:47:33.780,0:47:34.780
Yeah.

0:47:34.780,0:47:39.990
Sorry, someone seems to be doing some hovering right outside my door so I apologize for that

0:47:39.990,0:47:41.190
if that noise comes through.

0:47:41.190,0:47:45.530
I guess the solution is for me to talk as little as possible.

0:47:45.530,0:47:50.880
Okay so just kind of getting towards the end, I just want to talk about Covid because it

0:47:50.880,0:47:56.050
is kind of the overarching scenario in which we all exist in right now.

0:47:56.050,0:48:01.261
Do either of you want to talk about specific challenges or maybe even opportunities that

0:48:01.261,0:48:04.430
it's raised in regards to reasonable adjustments.

0:48:04.430,0:48:05.680
Zara?

0:48:05.680,0:48:08.170
Or Esther?

0:48:08.170,0:48:09.420

Whoever.

0:48:09.420,0:48:16.670

Okay, so I think there's a couple of things.

0:48:16.670,0:48:22.630

So firstly, I am really really hoping that
on some of particularly the stuff about policies

0:48:22.630,0:48:26.670

that we were talking about that it might have really shifted the mood.

0:48:26.670,0:48:32.130

I think it's going to be really really difficult
for people to say, oh well it's not reasonable

0:48:32.130,0:48:40.580

to do it on video, or we can't do it any other
way except in person, when we have all managed

0:48:40.580,0:48:47.800

to exist, and, you know, run the world, sort
of, in such different circumstances.

0:48:47.800,0:48:53.580

And when we have all repeatedly had to change the way that we do things.

0:48:53.580,0:48:56.490

So I think that's the positive.

0:48:56.490,0:49:01.770

Another positive for me is that I have not
asked anybody for a ramp into a shop for like

0:49:01.770,0:49:05.750

a year and honestly it's been nice to have
some time off.

0:49:05.750,0:49:10.170

I remain hopeful that when I go back onto
the high street that I will never ever have

0:49:10.170,0:49:15.530

to do it again, because they will all have
fix the problem in the time.

0:49:15.530,0:49:25.340

So, and then I think the flip side is that
it's become for a lot of people, a lot more

0:49:25.340,0:49:31.510

about kind of basic existence, like the difference between disabled people's
experience of the

0:49:31.510,0:49:37.770

pandemic and non-disabled people's experience has been really big in some
places, and the

0:49:37.770,0:49:44.010

impact has been wider and there's been much more death and serious injury,
serious illness,

0:49:44.010,0:49:51.599

sorry, and people having difficulty doing
very everyday things like getting food that

0:49:51.599,0:49:54.200

maybe they weren't having before.

0:49:54.200,0:50:01.830

and so that can make it seem like that's the, you know, obviously we all have to
deal with

0:50:01.830,0:50:07.970

basic existence stuff first, but when we all
get back to normal all of the other stuff

0:50:07.970,0:50:12.330

is still really important it is still really
vital we do need both.

0:50:12.330,0:50:19.490

So yeah, I think it's been, I think it's been
a mixed bag.

0:50:19.490,0:50:26.280

I feel really sad about the number of times

that the government hasn't thought about disabled

0:50:26.280,0:50:31.600

people in the way that it's put policies together and there's been an awful lot of successful

0:50:31.600,0:50:36.860

challenges, but actually disabled people have been the sort of victims of that, even if

0:50:36.860,0:50:42.880

a policy's been fixed there's been, you know, often quite long periods of time when something

0:50:42.880,0:50:50.099

hasn't been provided, where people haven't had access to the government briefings because they haven't been available in BSL

0:50:50.099,0:50:57.160

where, you know, these things have real impacts on people

0:50:57.160,0:51:05.310

and have made this experience, unnecessarily difficult.

0:51:05.310,0:51:09.960

I would echo Esther almost entirely.

0:51:09.960,0:51:18.250

I think the pandemic has disproportionately affected disabled people.

0:51:18.250,0:51:27.060

I also think the framing around disability as a result of the pandemic also has been

0:51:27.060,0:51:35.109

quite problematic, and it's quite problematic for what it means to go back to any sense

0:51:35.109,0:51:41.390

of normality, whatever that might look like, I'm assuming there's going to be a new normal,

0:51:41.390,0:51:52.070

but I think we need to carefully consider
how disabled people and impairments are seen

0:51:52.070,0:52:01.660

in our building back around Coronavirus because a lot of what happened at the
start of the

0:52:01.660,0:52:09.210

pandemic, particularly, kind of framed equality issues as if they were nice to
haves rather

0:52:09.210,0:52:10.510

than necessities.

0:52:10.510,0:52:17.900

The reality is, we've seen the consequences of that in terms of the number of
disabled

0:52:17.900,0:52:25.140

people that have died during the pandemic, like it's not, access and inclusion is
not

0:52:25.140,0:52:27.660

a nice to have it's a necessity.

0:52:27.660,0:52:30.880

It's a necessity in law as well.

0:52:30.880,0:52:38.160

I do think that it's going to set an interesting precedent around reasonable
adjustments, particularly

0:52:38.160,0:52:45.740

around remote working as a result of the pandemic because many disabled
people have been asking

0:52:45.740,0:52:51.720

for altered working hours or remote working for years and they've been told that
it's

0:52:51.720,0:52:54.660

not possible for a variety of reasons.

0:52:54.660,0:53:01.880

We've now all seen that in fact it is possible and it was relatively easy to do in a quick

0:53:01.880,0:53:02.880
turnaround.

0:53:02.880,0:53:08.560

So I think there are going to be some reasonable adjustments and some access requests that

0:53:08.560,0:53:15.020

are going to be much harder for employers to argue now as a result of having made them

0:53:15.020,0:53:16.530

for the whole workforce.

0:53:16.530,0:53:26.240

I think that employers in particular in the wake of the pandemic need to be more conscious

0:53:26.240,0:53:34.599

of mental health access needs and what it takes to at least be able to function in a

0:53:34.599,0:53:44.000

work environment with stress etc because actually a large proportion of the population are going

0:53:44.000,0:53:51.230

to come out of this pandemic traumatized, to want of a better word, and that's actually

0:53:51.230,0:53:57.970

not going to stop overnight, so we need to be thinking about how we can make workplaces

0:53:57.970,0:54:06.740

more aware and responsive to people's access needs around mental health going forward.

0:54:06.740,0:54:07.780

Yeah.

0:54:07.780,0:54:16.070

That's a really good point, and mental health, kind of, has become almost a buzzword but

0:54:16.070,0:54:23.430

it's still I think one of the forgotten aspects of sort of how people are treated at work.

0:54:23.430,0:54:30.460

I think that's really helpful and in terms of just talking about what you're talking

0:54:30.460,0:54:35.940

about trauma, Legal Action Group actually just published a book called Secondary Trauma

0:54:35.940,0:54:40.619

for Legal Advisors so if there are any legal advisors out there I'd recommend that you

0:54:40.619,0:54:42.060

pick that up.

0:54:42.060,0:54:45.900

Okay, Esther did you have anything else you wanted to say following on from what Zara

0:54:45.900,0:54:47.349

said or

0:54:47.349,0:54:48.530

No

0:54:48.530,0:54:49.720

Good.

0:54:49.720,0:54:50.910

Okay.

0:54:50.910,0:54:57.420

So I think that's been a good hour, so I'm just going to offer either of you the chance

0:54:57.420,0:55:05.520



to kind of sum up or talk about anything that we that we've missed or that I've missed.

0:55:05.520,0:55:09.850

Whoever wants to go first it's fine.

0:55:09.850,0:55:15.270

Esther you're not on mute so you might as well go first.

0:55:15.270,0:55:19.090

Okay, so something that I've not talked about.

0:55:19.090,0:55:26.830

So is that one of the reasons why it is so so so difficult to take goods and services

0:55:26.830,0:55:33.670

cases in the County Court is due to something called the costs risk which means that there

0:55:33.670,0:55:44.430

can be a big financial kind of gamble for people and there has been a campaign, and

0:55:44.430,0:55:50.720

several...lots of people who know lots about this stuff, have been suggesting that something

0:55:50.720,0:55:56.450

called qualified one-way cost shifting (QOCS), which is used in personal injury cases should

0:55:56.450,0:56:00.349

be extended to Equality Act cases.

0:56:00.349,0:56:07.260

And I would just like to say that certain, you know, QOCS, which is what this...the acronym

0:56:07.260,0:56:15.810

for that or some other method of making it less risky and more people being able to access

0:56:15.810,0:56:22.359

legal advice is just imperative if the Equality Act is going to work.

0:56:22.359,0:56:27.510

If enforcement is individual, then individuals need to be able to take cases, and at the

0:56:27.510,0:56:35.010

moment, for all the reasons we've discussed very very few people can, so that is really

0:56:35.010,0:56:44.680

important and while it sounds like kind of legal nerding that cost risk is really important

0:56:44.680,0:56:48.180

and we really really need to do something about it.

0:56:48.180,0:56:55.660

And then otherwise know stuff about your rights, learn about the Equality Act even if you never

0:56:55.660,0:57:03.520

ever take a case, it can be really helpful in making things better in the spaces that

0:57:03.520,0:57:06.800

are nearest to you, and, you know, those which you're not in very often.

0:57:06.800,0:57:14.070

Yeah, just before I bring Zara in, I just want to pick up on something Esther said about

0:57:14.070,0:57:18.830

accessing the courts which is to say that it's important to remember that the Employment

0:57:18.830,0:57:24.000

Tribunal especially you have a very short time limit to bring lots of types of cases

0:57:24.000,0:57:27.470

and the Employment Tribunal you only have three months to bring a claim which is a very

0:57:27.470,0:57:28.550
short period of time

0:57:28.550,0:57:36.730
Yes, it's usually six months in goods and services, but you know obviously that's

0:57:36.730,0:57:44.440
usually which is a bit longer but still not, you know, not all that long so you want to

0:57:44.440,0:57:47.920
get on it if you're wanting to do that kind of challenge.

0:57:47.920,0:57:53.440
Yeah, that's, that's exactly what I was saying thanks Esther that's really helpful.

0:57:53.440,0:57:58.420
Zara sorry I jumped in, over to you.

0:57:58.420,0:57:59.420
That's okay.

0:57:59.420,0:58:04.210
So I guess I have three kind of wrap up points.

0:58:04.210,0:58:11.860
The first is, both disabled people, and employers and potentially employers of disabled people,

0:58:11.860,0:58:17.109
disabled people are an asset to the work place.

0:58:17.109,0:58:27.170
We are, as a cohort, natural problem solvers and very adaptable and you should see yourself

0:58:27.170,0:58:33.599
as an asset, not a burden when it comes to employment because, actually, if we were all

0:58:33.599,0:58:38.010
same it would be a really boring world.

0:58:38.010,0:58:46.920
So actually diversity strengthens organizations and strengthens like delivery of just almost

0:58:46.920,0:58:49.349
everything I can think of.

0:58:49.349,0:58:57.339
So, I think, rather than being something to be scared of or afraid of kind of embrace

0:58:57.339,0:59:03.260
it and take it as an opportunity to kind of grow and learn and change.

0:59:03.260,0:59:10.930
I think related to that goodwill goes a long way.

0:59:10.930,0:59:18.010
People are not going to immediately assume that you are being mean to them if you're

0:59:18.010,0:59:26.640
engaging them in conversation and having a dialogue about what you will do as an employer

0:59:26.640,0:59:32.820
particularly, so actually you don't necessarily immediately need to know all the answers or

0:59:32.820,0:59:41.870
have all of the solutions, that's something that as Esther indicated to you earlier on

0:59:41.870,0:59:47.820
You can work out as you go along, like it, you will not necessarily going to land on

0:59:47.820,0:59:55.170

perfect immediately and perfect might also change over time, so what worked initially

0:59:55.170,1:00:00.010

might not work for you in six months time because something about your access needs

1:00:00.010,1:00:04.180

has changed or something about what you're requested in your job has changed.

1:00:04.180,1:00:13.490

So being open and being kind of out there, kind of adapting is always good from both

1:00:13.490,1:00:16.550

sides, you don't have to be fixed on something.

1:00:16.550,1:00:21.430

And my final thing and I know I've talked about it a lot, but Access to Work is out

1:00:21.430,1:00:28.760

there it exists when you're starting a job or when you're employing a disabled person

1:00:28.760,1:00:34.740

at least make sure you understand how it works as a system, because it might be something

1:00:34.740,1:00:39.720

that's useful...of use to you or the people you employ.

1:00:39.720,1:00:46.900

Yeah, and like I said, hopefully we'll have a link to information about Access to Work

1:00:46.900,1:00:53.070

in the...I was going to call them show notes as if I was doing some fancy podcast but in

1:00:53.070,1:00:56.020

the description underneath the video.

1:00:56.020,1:01:01.650

Okay so I think unless either you have anything that you want to say I think we've done the

1:01:01.650,1:01:04.800

full hour and I don't want to keep you much longer.

1:01:04.800,1:01:15.150

So I'll just round up by saying thank you both for doing this for agreeing to do this

1:01:15.150,1:01:18.930

and thank you to Jennifer for doing all the behind-the-scenes stuff that is literally

1:01:18.930,1:01:24.300

invisible to the people at home but without which I would just be a person staring at

1:01:24.300,1:01:27.480

a screen on my own, so I'm very grateful.

1:01:27.480,1:01:31.810

Can I share my favourite bit of the law just before we finish?

1:01:31.810,1:01:35.850

Oh yes, I'm always happy for some legal nerdy enthusiasm

1:01:35.850,1:01:41.200

I meant to share it earlier but one of my favourite bits of the Equality Act is the

1:01:41.200,1:01:46.300

bit which says a failure to make reasonable adjustments is discrimination and I would

1:01:46.300,1:01:51.330

encourage people to always remember that that you're not asking for something that's different

1:01:51.330,1:01:56.369

to other people and that a failure to make reasonable adjustments, you know, even when

1:01:56.369,1:02:02.489

it's well intentioned is stopping you accessing stuff like other people and it's okay to feel

1:02:02.489,1:02:03.850

aggrieved by that.

1:02:03.850,1:02:10.440

Yeah, actually I'll just follow up by saying that...referring to ill intention for or not

1:02:10.440,1:02:16.530

being ill intentioned, both the right to reasonable adjustments and discrimination arising from

1:02:16.530,1:02:22.420

a disability and indirect discrimination, none of those care about what the person's

1:02:22.420,1:02:28.099

intention is, so it doesn't matter if they have a problem with disabled people.

1:02:28.099,1:02:29.400

Okay, that's not the issue.

1:02:29.400,1:02:34.470

I mean they might also do but that's not the issue, so don't feel like you have to go easy

1:02:34.470,1:02:40.170

on someone or ignore your rights just because that person is trying to do their best.

1:02:40.170,1:02:45.000

Sometimes, it's about helping that person to do their best

1:02:45.000,1:02:51.960

It's a difficult balance though, isn't it, because intention matters so much in organizational

1:02:51.960,1:02:57.090

change you know if somebody has nearly done it right and actually on the next iteration

1:02:57.090,1:03:05.120

they're going to then, but then, then that is important but on the other hand, it's also

1:03:05.120,1:03:06.120

irrelevant.

1:03:06.120,1:03:10.720

We have to hold those kinds of conflicting things at once.

1:03:10.720,1:03:14.400

Yeah, yeah, I agree with that wholeheartedly.

1:03:14.400,1:03:21.960

Okay, I think unless the two of you have anything that you want to plug I talked a lot about

1:03:21.960,1:03:26.610

what you do in the intro but if any of you've got anything out or anything that's coming

1:03:26.610,1:03:28.991

up an event you've got that you want to refer people to.

1:03:28.991,1:03:31.329

I'm happy to do that I see shakes of the head for Esther

1:03:31.329,1:03:36.170

I'm a trustee of Reasonable Access and we try to support disabled people who are using

1:03:36.170,1:03:42.849

the law to try and create change and we would absolutely love you to tweet at us and tell

1:03:42.849,1:03:48.829

us things that you find interesting about the law or ways that you're challenging it.

1:03:48.829,1:03:53.800

We always love to connect with people who are thinking about reasonable adjustments.

1:03:53.800,1:04:00.700

I gave it at the start but I'll give it again
the Twitter handle for Reasonable Access is

1:04:00.700,1:04:07.160

@Reas_Access and again hopefully that will be in the video description as and
when this

1:04:07.160,1:04:09.450

becomes an actual video.

1:04:09.450,1:04:10.790

Okay.

1:04:10.790,1:04:13.099

Zara did you have anything?

1:04:13.099,1:04:16.380

No, there's a shake of the head.

1:04:16.380,1:04:17.380

Good.

1:04:17.380,1:04:18.380

Okay, then.

1:04:18.380,1:04:24.270

Thank you very much everyone for coming and for watching this in the future,
and that's

1:04:24.270,1:04:25.380

it from us.

1:04:25.380,1:04:25.880

Goodbye.

Links to resources mentioned

Access to Work scheme: <https://www.gov.uk/access-to-work>

Equality Act 2010: <https://www.legislation.gov.uk/ukpga/2010/15/contents>

Reasonable Access: <https://www.reasonableaccess.org.uk/>

ACEVO's Hidden Leaders Report:
<https://www.acevo.org.uk/reports/hidden-leaders/>

Developing Inclusive Leadership in the Disability Movement: Lessons and Learning from Australia and New Zealand by Zara Todd:
<https://www.wcmt.org.uk/fellows/reports/developing-inclusive-leadership-disability-movement-lessons-and-learning-australia>

Further information & resources

We have more resources on reasonable adjustments. Please see our resources here:
https://www.toynbeehall.org.uk/know-your-rights/?_resource_category=employment

Resources and guides on reasonable adjustments by Scope here:
<https://www.scope.org.uk/advice-and-support/reasonable-adjustments-at-work/>

Organisations

Disability Law Service provides legal advice and representation on disability rights: <https://dls.org.uk/>

Disability Rights UK provides advice and carries out policy campaigns:
<https://www.disabilityrightsuk.org/about-us>

Toynbee Hall's Free Legal Advice Centre

If you need free one-off legal advice, you can fill in this form by Free Legal Advice Centre (FLAC) of Toynbee Hall:
<https://www.toynbeehall.org.uk/free-advice/legal-advice/#online-flac-ia-form>
or you can email FLAC here: flac@toynbeehall.org.uk

Please know that we do not offer representation or do case work. We provide advice on housing, employment, immigration, consumer, civil matters and more.

If you want to find other free legal clinics or you need representation, please look at LawWorks here: <https://www.lawworks.org.uk/legal-advice-individuals>