



disability appraisal performance & solutions

Introduction

Appraisal and performance systems are often linked to pay. Where there are discretionary-based pay systems or payments linked to productivity, disabled people may be disadvantaged.

Appraisal systems are also used to inform promotion or development opportunities. If disabled workers consistently receive low scores they may again miss out and are likely to feel undervalued. Yet they may have had difficulty accessing training and development opportunities..

If a disabled person is marked down in their appraisal or performance review for a reason related to their disability e.g. not meeting their targets due to the absence of a reasonable adjustment, this is likely to be **discrimination**.

Advice for reps & negotiators

Prospect Negotiators' Guide to [Disability Equality](#) addresses potential discrimination in appraisal and performance systems.

Negotiators and reps are advised to examine whether the appraisal and performance systems themselves are discriminatory, i.e. the factors/criteria under consideration may be biased or subjective.

Advice for members

An appraisal interview is an opportunity for a disabled member to disclose to their disability to their line manager, if they have not done so, or to share any changes in their condition. Although there is no requirement to disclose a disability, there is some responsibility on individuals to do so (particularly for non-visible disabilities) to invoke the employer's duties to make reasonable adjustments. It is also an opportunity to discuss workloads, adjustments they may need to enhance their performance or to review existing adjustments.

How to avoid discrimination when conducting appraisals:

- make sure that performance is measured by transparent, objective and justifiable criteria using procedures that are consistently applied;
- check that, for all workers, performance is assessed against standards that are relevant to their role;
- ensure that line managers carrying out appraisals receive training and guidance on objective performance assessment and positive management styles; and
- monitor performance assessment results to ensure that any significant disparities in scores apparently linked to a protected characteristic are investigated, and steps taken to deal with possible causes.

Source: EHRC

Advice for line managers

Line managers, who generally conduct appraisals, are key to avoiding discrimination so it is crucial they are appropriately trained. They need an understanding of disability, disability discrimination and the need to make reasonable adjustments.

Awareness training should address:

- assumptions about disabled peoples' capabilities
- the fact that most people develop impairments during their working lives, rather than being born with their disability
- performance may be affected by a nonvisible disability which may not have been disclosed
- the individual may be unaware of a disability: for example, many adults do not know they have dyslexia, having developed coping mechanisms, and only realise after a formal assessment. However, the line manager should be careful not to suggest to the individual that they think they have a disability.

It is the line manager's responsibility to ensure that paperwork for the review should be accessible, as well as the time and venue for the meeting. Employees should be given enough time and information to prepare for the review.

Where behaviours are part of the assessment, line managers should be aware of how neurodiversity or mental health conditions affect performance. For example, someone with Asperger's syndrome may not be able to work as part of a team. Therefore, as a reasonable adjustment, this should be discounted from the criteria for assessment. People with neurodiverse conditions may not perform well in a culture of presenteeism and long working hours.

If targets are reduced for disabled employees, managers should consider how this is communicated to others, particularly if they are part of a team, so that there is no peer resentment. Focusing on the disabled member's strengths within the team, or a reallocation of duties within the team may help to overcome this.

Records of each interview should be kept by the line manager, together with any goals and objectives agreed. They should also record the reasons for awards or performance markings they give in individual appraisals.

Any absences related to an employee's disability or impairment should be discounted in any criteria for appraisals/performance reviews.

Employers and line managers should assess performance after a reasonable adjustment has been put in place.

Remember that in relation to disability discrimination, employers are able to treat disabled people more favourably than others in order to remove barriers and ensure equality of outcome.

Reasonable adjustments may include:

- ensuring any paperwork for the appraisal/performance review is accessible
- ensuring that the meeting itself is accessible in terms of timing, venue etc
- allowing the disabled worker more time to complete tasks, or more breaks
- providing equipment that would remedy any shortfalls in productivity
- provision of voice recognition or text reader software
- provision of quiet spaces in which to work
- changing the ambience in the workplace, i.e. lighting or temperature
- ergonomic adjustments to the workstation, e.g. seating, keyboard, mouse etc
- flexible working hours
- coaching or mentoring
- help with planning or prioritising tasks
- training in particular skills, e.g. project or time management
- reallocation of duties
- changing or reducing targets
- transfer to a suitable alternative post

In relation to the last point above, transfer to a suitable alternative post, this may be a reasonable adjustment where the adjustments put in place for the individual in their current post have not been effective and the alternative would be to dismiss the employee.

Pay and bonus payments:

Research studies have shown there is a significant pay gap between disabled and non-disabled employees. Having fair and transparent pay systems is, of course, the first step in ensuring equal pay practices for all. See the Negotiators' Guide on [Equal Pay](#) - although written in terms of dealing with the gender pay gap, the principles will apply to ensuring equal pay for disabled employees as well.

Where pay and bonus payments are dependent upon performance markings and there is evidence that disabled employees are consistently marked down, then their salary will also be adversely affected. Denying disabled employees' bonuses or performance-related pay may be direct or indirect discrimination under the legislation. It may also be discrimination if the operation of any performance-related pay system adversely affects disabled employees. Therefore employers must consider what adjustments can be put in place to overcome this disadvantage.

If lower targets have been agreed as a reasonable adjustment for the disabled member, then this should not be taken into account when assessing performance for appraisals etc.

Training and development

Appraisal and performance reviews are an opportunity to identify training and development needs. The disabled employee may also need specialist training to help them stay in their current role or adapt to a new role, for new equipment or adaptations

provided to them. The time taken for training for a new role or to get used to new equipment etc should be discounted in terms of their appraisal/performance review.

Training and development opportunities must be accessible for the disabled employee, and they should be consulted about the best ways to make the training accessible for them.

Examples of reasonable adjustments for training:

- sending handouts before the day
- one-to-one training for particular tasks
- adjustments to physical access to training locations
- improved lighting
- better signage
- adjustments to residential accommodation
- different timings for courses
- using more frequent rest breaks
- changes in style of presentation
- allowing the trainee to bring a personal care attendant
- providing training over a longer period of time
- providing follow-up mentoring

Monitoring

Monitoring is not only good practice but is essential in establishing whether there are any inequalities embedded within the organisation's employment processes, including appraisal and performance systems and to map trends over time.

Monitoring the application of appraisal and performance systems will identify whether disabled employees are being treated less favourably by receiving lower performance markings and therefore whether this impacts upon their pay or benefits.

Negotiators and representatives can then start to address this disadvantage by raising questions about why this has happened and what reasonable adjustments can be made to address this. This may involve a review of the appraisal and performance systems themselves, the competency frameworks and perhaps addressing attitudes and perceptions of disabled employees generally but also by line managers in particular. See the Negotiators' Guide to Disability Equality for good practice guidelines on monitoring in relation to disability.

Good practice

Performance management is an ongoing process for all staff, not just disabled staff. It should not be a surprise to the individual at their review meeting that their performance may need to improve or that they receive a lower box marking than they were expecting. It is therefore good practice to have regular reviews which will give disabled staff the opportunity to assess whether their reasonable adjustments are effective and whether they may need additional support.

Studies show that proper management systems that support disabled staff lead to lower levels of sickness absence than in non-disabled colleagues and greater loyalty.

It is best practice for employers to recognise that anyone who needs to work differently within the workplace should be accommodated, whether they have a disability or not.

Public sector employers

Don't forget that public sector employers have a positive duty to promote equality and eliminate discrimination for disabled people (as well as for those with the other protected characteristics). In relation to disability, a crucial part of the duty is to remove the barriers that disabled people face in regard to obtaining employment and fulfilling their potential once employed.

Good practice operated by public sector employers in relation to promoting disability equality will also, of course, apply to private sector employers.

Resources and Links

Prospect webpages on:

- disability www.prospect.org.uk/disability
- stress www.prospect.org.uk/stress
- performance management
www.prospect.org.uk/advice_and_services/at_work/performance

Prospect Guide to Disability Equality <http://library.prospect.org.uk/id/2008/00088>

Prospect Members Guides

This information is available in alternative formats sandie.maile@prospect.org.uk

stress stigma solutions