

Following discrimination law

You must follow the law on discrimination when advertising, interviewing and deciding on new staff.

This means you must not discriminate against an applicant because of any of the following 'protected characteristics':

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

Discrimination includes both direct and indirect discrimination.

Direct discrimination is when someone is put at a disadvantage or treated less favourably because of a protected characteristic.

Indirect discrimination is when a working practice, policy or rule is the same for everyone but has a worse effect on someone because of a protected characteristic.

In recruitment, discrimination could happen through:

- the arrangements you make for deciding who to offer the job
- the terms under which you offer the job
- not offering someone the job

[Find out more about the different types of discrimination](#)

When you can ask about protected characteristics

You may be able to ask questions about protected characteristics in the following circumstances during recruitment:

- for equality and diversity monitoring
- to make reasonable adjustments
- to use 'positive action during recruitment'
- if there's a disability exception
- if there's an occupational requirement
- if you need to be a certain age by law to do the job

If you do this you must follow the law.

Equality and diversity monitoring

You can ask job applicants or new starters to complete an [equality and diversity monitoring form](#). To avoid discrimination, you must keep the information on this form separate from the application form and CV.

If you ask applicants to complete an equality monitoring form:

- anyone involved in interviewing or deciding who to hire must not have access to the information
- you should not ask applicants to enter their name or any other information that identifies who they are

Asking questions about health and disability

You must not ask a job applicant about their health or any disability at any stage in the application or interview process, unless an exception applies.

Exceptions are:

- to find out if you need to make reasonable adjustments to the assessment process
- to find out if, after you made reasonable adjustments, the person could do the essential parts of the role
- to confirm someone has a disability because you're using the disability exception for recruitment
- the equality and diversity monitoring form
- to take positive action – when you [use protected characteristics to help a disadvantaged or an underrepresented group](#) in specific circumstances

You can ask someone about their health or any disability once you have:

- selected them for a group of potential candidates for the job
- offered them a job either outright or on a conditional basis

This is because at those stages of recruitment, you are making sure that someone's health or disability would not prevent them from doing the job. You must also consider whether there are reasonable adjustments that would enable them to do the job.

You could also consider joining the government's Disability Confident scheme. This helps employers to recruit and retain disabled people and those with health conditions. Find out more about [Disability Confident on GOV.UK](#).

Making reasonable adjustments

By law (Equality Act 2010), you must make [reasonable adjustments](#) for job applicants or interviewees if they are disabled.

This can be relevant at any stage of the recruitment process. For example:

- providing an application form in a different format
- making sure you hold interviews in a wheelchair-accessible room

Someone might ask for reasonable adjustments, in which case you can ask them what is needed.

If someone does not ask, you can ask them if reasonable adjustments might be needed.

Contact the Acas helpline

The law around discrimination and protected characteristics can be complex. If you have any questions or need to talk it through, [contact the Acas helpline](#).