



Government
Equalities Office

Putting equality at the heart of government

Equality Act 2010
Recruitment –
asking questions about
disability and health

This note explains what you can ask a job candidate about their disability and health. If you are reading this online you can find more information on each area by clicking on the links.

What you can do

- You can ask a job applicant relevant questions about their disability and health before you interview them, if / when you interview and before deciding whether to give them a job, in order to find out whether they can do something essential to the job.
- You can also ask a job applicant about their disability and health, if you want to:
 - find out whether they are able to take part in the application / selection process or need special arrangements or assistance (reasonable adjustments).
 - monitor the diversity of applicants for jobs you advertise.
 - support positive action for disabled people.
 - recruit a person with a particular disability.
 - vet them for reasons relating to national security.

Making a job offer

- Once you have offered someone a job you can ask unlimited questions about their disability and health, including questions about sick records. You can make the job offer conditional on the answers to these questions, providing it is reasonable to do so given the nature of the job. Once a job offer has been made, the offer of the job can also be made conditional on passing a medical.

What you cannot do

- You can't ask questions about disability and health on an application form or during an interview before the offer of a job has been made, unless it relates to an intrinsic part of the job.
- You can't reject a disabled candidate just because they're disabled because that would be unlawful disability discrimination. You need to be sure that they can't do the job before you reject them on that basis.

Further guidance

- A person must be disabled as defined in the [Equality Act 2010](#) (the Act) in order to be protected from disability discrimination.
- If a disabled person thinks they have been subject to unlawful disability discrimination they can bring a claim before an Employment Tribunal.

Other GEO guidance on this subject can be found on the [Home Office website](#).

- [The Act](#) and its [Explanatory Notes](#) can be found on the Government's legislation website.
- The [Equality and Human Rights Commission](#) guidance on this issue can be found on their website.

This guidance is aimed at businesses to help them understand what questions the law allows them to ask job applicants when they are recruiting staff.

Of course individual circumstances may vary and employers need to act in accordance with their legal obligations. In the online version, clicking on any of the links will take you to more detailed guidance on these requirements.

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