

Disability Rights UK

Response to Disability workforce reporting Consultation 2022

Disability Rights UK is a national organisation led by Disabled people. Our vision is a world where Disabled people have equal rights, opportunities, and access to power. Our work is rooted in the lived experience of Disabled people. We are a membership organisation and work closely with organisations led by Disabled people, across the UK.

Key recommendation: Disability workforce reporting must be mandatory for all large employers (250+ employees) and published publicly.

Using the same framework as Gender Pay Gap reporting, disability workforce monitoring should be mandatory for all large employers with over 250 employees. We recommend that there is a legal obligation for all large employers to record and publish data on what percentage of their staff are Disabled. This data should already exist in confidential personnel files.

The timeframes and 'snapshot' day logistics used for Gender Pay Gap reporting should be extended to include disability, as employers are already used to this framework. Therefore, using a similar framework for capturing workforce data on disability will mean it's not difficult to introduce the process.

We recognise that monitoring won't itself close the disability employment gap but it will enable Government and employers to assess whether the positive actions they are taking are effective. Mandatory reporting will stimulate employers to support conversations about disability and reasonable adjustments and create cultures which are disability friendly. Voluntary monitoring will not drive this behaviour.

Therefore, as recommended by the Centre for Social Justice Disability Commission in their ['now is the time' report](#) last year, this consultation response calls for mandatory workforce reporting. Next, we will provide justification as to why this needs to happen.

Justification for mandatory reporting:

I. Vast disability inequality exists in employment and the Government is committed to reducing the employment gap.

According to ONS, the disability employment gap is currently 28.1%.¹ Many factors lead to this gap, including barriers to education and housing. The Centre for Social Justice highlights that Disabled adults are 2.5 times less likely than non-Disabled adults to hold academic qualifications, and that Disabled adults who live in an

¹ ONS, 2022 - Outcomes for disabled people in the UK: 2021 - <https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/disability/articles/outcomesfordisabledpeopleintheuk/2021#employment>

inaccessible home are 4 times more likely to be unemployed than those who have access to accessible housing.²

We also know that these inequalities have grown during the COVID-19 pandemic. Research published by the House of Commons Library showed last year that 76,000 more Disabled people became unemployed during 2020 - totalling to 400,000 Disabled people in unemployment in 2020.³

The government confirmed their commitment to tackling this employment gap in their manifesto and the disability strategy: “*the strategy also sets out how we will help disabled people fulfil their potential through work, aiming to fulfil another manifesto commitment of reducing the disability employment gap.*”⁴ The conversations and actions that mandatory workforce reporting would encourage employers to do, would be an impactful and positive step towards tackling the inequalities that the government has committed to improving.

II. The Equality Act anticipates that employers ask about reasonable adjustments and therefore have access to disability workforce data.

The consultation asks many questions about how employers should collect this data, and how they should define disability. Workforce monitoring for disability does not need to be any more complicated than gender or ethnicity reporting.

Just like gender and race, employers should already have access to data on the issue – even if this data is not perfect. The legal obligation to implement reasonable adjustments under the Equality Act 2010 is an anticipatory duty. Therefore, employers should already be asking employees whether they require reasonable adjustments and putting those adjustments in place. HR departments with over 250 employees will have access to this information – and would be able include it with any other data they collect on ‘snapshot’ day.

There can be hesitancy towards Disability workforce reporting due to the stigma around discussing disability and adjustments in the workplace. Also, not all employees wish to share whether they have a disability. Concerns around sharing this information is often the result of bias and inaccessibility in the workplace. Highlighting the areas where employers can improve these issues would likely assist in reducing stigma and make employees more comfortable in sharing what they choose to. Mandatory workforce reporting is needed to open the conversation around Disability Inequality in the workplace.

² Centre for Social Justice, 2021 – Now is the time -

<https://www.centreforsocialjustice.org.uk/newsroom/new-report-disability-commission-now-is-the-time>

³ House of Commons Library, 2021 - Disabled people in employment -

<https://researchbriefings.files.parliament.uk/documents/CBP-7540/CBP-7540.pdf>

⁴ HM Government, 2021 - Disability Strategy -

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1006098/National-Disability-Strategy_web-accessible-pdf.pdf

Data will likely not be perfect initially – but the aim of obtaining perfect data should not stop employers from starting the conversation. Even without perfect data, trends and areas for improvement will still be clear.

III. Gender Pay Gap reporting has shown the positive impact of measuring and publishing workforce data.

A legal obligation for Gender Pay Gap reporting has proven useful in highlighting disparities in pay and representation for women – it also improves transparency and accountability across employers, increasing opportunity for women. As the Equality and Human Rights Commission outlines below, workforce reporting is first and foremost a useful tool for employers to learn what areas they can improve upon, rather than a test they need to pass first time: ⁵

‘Reporting on pay gaps helps organisations understand the size and causes of their pay gaps and identify any issues that need to be addressed... Publishing and monitoring pay gaps will help employers understand the reasons for any gap and consider whether they need to develop action plans to tackle the causes.’

Although this consultation is regarding the monitoring of workforce numbers, rather than pay – the success of gender pay gap reporting highlights the positive impact that workforce monitoring can have on tackling employment inequalities.

IV. Large UK employers have already highlighted how such reporting is possible.

Some large employers in the UK are already publishing data on disability and working to understand where they can improve.

For example, the NHS is one of the UK’s largest employers - with over 1.2 million staff, and they voluntarily carry out detailed disability workforce reporting.⁶ The NHS collect data on a number of areas ranging across both numbers of staff and pay grades, to how Disabled employees feel about work. Including but not limited to: their engagement, how much they feel their work is valued, and whether they feel pressure to attend work when ill. The full report can be found [here](#).

The Greater London Authority – including all Transport for London staff, the Met Police, London Fire Brigade and others – have also recently published a disability pay gap report.⁷

⁵ EHRC, 2021 - Gender pay gap reporting - <https://www.equalityhumanrights.com/en/advice-and-guidance/gender-pay-gap-reporting#:~:text=Reporting%20on%20pay%20gaps%20helps,that%20unlawful%20discrimination%20is%20happening>.

⁶ NHS, 2020 - Workforce Disability Equality Standard - <https://www.england.nhs.uk/wp-content/uploads/2021/10/wdes-2020-data-analysis-report.pdf>

⁷ London Assembly, 2022 - Mayor leads the way by publishing disability pay gap data - <https://www.london.gov.uk/press-releases/mayoral/mayor-publishes-pay-gap-data>

If some of the largest employers in the UK can do this, often including more detail than basic staff percentages, then any UK employer should be able to do so.

Additional recommendation: Improve the current voluntary framework for disability workforce reporting so it can complement mandatory basic reporting. This can be used by employers who wish to explore the issue in more detail.

The collection and publication of data on the percentage of Disabled staff must be mandatory for all large employers in the UK. However, if employers wish to collect more data, then there should be a voluntary additional step which would enable them to undertake a more detailed analysis.

The current voluntary framework for disability workforce reporting⁸ should be developed as an additional tool for employers to collect data not dissimilar to that which the NHS collects. Enabling employers to collect a combination of qualitative and quantitative data would give them the opportunity to see the bigger picture and know what areas to tackle first. This voluntary framework would be beneficial to employers whose mandatory reporting has highlighted inequalities that they don't know how to redress.

The development of this framework should be done in collaboration with Disabled people and DPOs, to ensure that the details employers are collecting would be beneficial to Disabled employees and effectively highlight the barriers that we face in the workplace.

Response to be sent to:

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⁸ DWP and DHSC, 2018 - Voluntary reporting on disability, mental health and wellbeing - <https://www.gov.uk/government/publications/voluntary-reporting-on-disability-mental-health-and-wellbeing>