

Disability Rights UK Response to the Work and Pensions Select Committee's Disability Employment Inquiry

Disability Rights UK (DR UK) is a national charity and Disabled People's Organisation (DPO). We are the UK's leading organisation led by, run by, and working for Disabled people. Our vision is a world where Disabled people have equal rights, opportunities, and access to power and our work is rooted in the lived experience of Disabled people. We are a membership organisation and work closely with DPOs across the country.

We are also a founding member of the Disability Employment Charter and have a long-standing history of advocating for Disabled people's rights in employment. Our holistic and pan-disability approach means that our work focuses on all policy areas that impact the barriers we face to accessing and staying in work – rather than just focusing on employment.

Introduction

Before exploring the barriers faced by Disabled people when trying to access and stay in work, this inquiry must consider the context in which those barriers sit.

Barriers to employment are systemic – beginning with [no support in school](#) leading to [poorer outcomes](#), a higher rate of [social exclusion and abuse](#), and a [punitive social security system](#) which sanctions and demonises Disabled people rather than supports them into work.

We are [hit hardest by the Cost of Living Crisis](#), and substantially [more likely to live in poverty](#) – whether we are Disabled ourselves or live with somebody who is. Barriers to adequate housing, social care and healthcare also lead to us falling out of work and not being able to re-join the workforce.

Government policy has led to a regression in our rights, as Disabled people are scapegoated for a failing economy. After the UN found [“grave](#)

[and systemic](#)” violations of Disabled people’s rights in 2017, their [most recent investigation](#) into the UK Government’s violations of the UNCRPD described our social security system as something that “devalues Disabled people and undermines their human dignity.” Members of the United Nations Committee on the Rights of People with Disabilities also said that social security reforms “tells Disabled people they are underserving citizens”, makes us “feel like criminals”, and that going through the process causes “trauma and preventable mental distress” – too often leading to death by suicide and destitution.

It's essential that any Government plans to tackle the disability employment gap do so by tackling all the above systemic barriers, rather than force Disabled people into unsafe, unsustainable, and exploitative work.

Answers to questions:

1. What progress has been made, especially since our 2021 report on the disability employment gap, on supporting disability employment?

- How has this progress been achieved?
- What should be the priority actions to enable further progress with supporting disability employment for: i) employers; and ii) the Government?

There has been little to no progress in closing the disability employment gap. Although the Government claim to have met their goal early of 1 million more Disabled people in work by 2027, this statistic is a misrepresentation of employment inequality and doesn’t recognise the reality that Disabled people currently face.

[Research shows](#) that what has driven this increase in numbers is the level of overall employment – which is determined by the economic cycle – and an increase in the number of people identifying as Disabled, especially after the COVID-19 pandemic.

[The disability employment gap](#) has remained stubbornly at just under 30% since 2019 – sticking at 28% from 2019-2022 and fluctuating between 29%-27% throughout 2023.

[Research by the TUC](#) also highlights that employment levels don't show the full extent of employment inequality - reporting in November 2023 that the disability pay gap is rising and is higher now than a decade ago. Disabled workers earn around a sixth less than non-Disabled workers (14.6%). This gap is even more significant for Disabled women at 30%. Just because Disabled people are in work, that doesn't mean that we are in good work. This is even more important to note when our social security system is set up in a way that pushes us into unsuitable and inaccessible jobs.

If the Government want to make progress on closing the disability employment gap, then they must start by changing their approach to social security from punitive to supportive. Policies should be created to tackle the many systemic barriers we face, so we can not only access but thrive in employment, rather than tackle the number of Disabled people receiving benefits. There are many ways that this support should be delivered, including:

- **Accountable delivery of the Equality Act 2010** – Holding employers responsible when they unlawfully refuse reasonable adjustments and don't work to make their setting inclusive. Employers should be creating an environment where we feel comfortable to share that we're Disabled and know that we'll be able to access whatever personal and tailored support may be necessary.
- **Fill the SEND funding deficit** – Improve education, and consequent employment, outcomes by funding local authorities to the level that they can effectively deliver the Children and Families Act and Equality Act. Fill the [over £3 billion SEND funding deficit](#) and stop gatekeeping legally obligated support.

- **Amend and invest in current employment support programmes**
 - Access to Work is effective but the 13 weeks wait time is not practical, and there is not enough awareness raised about its existence. Disability Confident is unworkable and needs a complete overhaul – starting with the fact that an employer can currently reach and remain at Level 3 having never hired any Disabled people.
- **Be led by lived experience** - Co-produce employment support policies with Disabled People and our organisations.

We also recommend that you implement the 9 asks from the [Disability Employment Charter](#) and work towards delivering [Article 27 of the UNCRPD](#), rather than continue to violate this international law.

2. How can people with disabilities and health conditions be better supported to start and stay in work?

A. Accessing employment

➤ Improve access to education

Disabled people can be better supported to start work by accessing a full and inclusive education. Before Disabled young people even reach the point of trying to access employment, their unequal access to education compared to their non-Disabled peers has already put them at a substantial disadvantage. For some Disabled people, this disadvantage will result in them never being employed. Our recommendations include increasing funding for SEND provision and ensuring every Disabled child has access to an effective support plan – the implementation of which should be a fully accountable and transparent process. For a full list of education recommendations, read [our education policy positions](#) and past consultation responses on our website.

➤ Improve the transition from education to employment

The lack of support and mismanagement of the transition from education to employment as a young Disabled person is an additional barrier to starting work. The full list of recommendations on this point can be found in the [written](#) and [oral evidence](#) we provided the House of Lords Public Services Committee last winter.

Some key recommendations include improving the EHCPs ability to practically transition to 25, improving careers advice, and preventing the 'cliff-edge' of support across all public services that a young person experiences when they turn 18.

Delays to the application and implementation process of Access to Work also place additional barriers on young Disabled people entering work. We recommend improving access to such schemes, particularly focusing on reducing Access to Work delays and introducing formal support for those on short term placements and T Levels.

B. Remaining in employment

Disabled people face disproportionate barriers to accessing work and staying in work. The systemic reasons for this are many, including but not limited to, discrimination in the workplace and societal barriers such as inadequate transport, lack of training and a lack of support for those who acquire disabilities while in work. The [Disabled People's Manifesto](#) outlines many ways that these barriers should be tackled.

➤ Holding employers accountable

One of the most impactful barriers to Disabled people staying in work is employers refusing to implement the reasonable adjustments required to make their workplace accessible.

A lack of accountability for public and private employers can lead to employers being either unaware, or choosing to ignore, the anticipatory nature of their legal obligations under the Equality Act 2010. The onus falls on the Disabled person to advocate for their rights in an economically unequal environment.

It is essential that Disabled people can rely on the Equality Act being enforced, otherwise in practice it gives us no protection.

The Government are responsible for ensuring that accountability is enforced for employers with unlawful practices, and one recommendation on how to do this is improve transparency. For example, make Disability Workforce Reporting mandatory for all employers – putting it in line with gender pay gap reporting.

As already outlined, Disability Confident fails to place any tangible additional responsibility on employers to improve their inclusion or representation. The Government should reform Disability Confident in co-production with Disabled People's Organisations.

The Government should also require employers to notify employees on decisions regarding reasonable adjustment requests within two weeks, make the option to work flexibly from day one the legal default for all jobs, introduce stronger rights to paid disability leave for assessment, rehabilitation and training, and fund an increase in Statutory Sick Pay to the European average.

3. Which disabilities are associated with the greatest barriers to work?

We recommend that the Government take a social model approach to disability, rather than the medical model approach outlined in this question.

Dividing the Disabled community into factions of those deemed most or least likely to work is not a beneficial approach to tackling the common barriers that we face in employment.

Although there is merit in understanding the range of barriers to employment, so they can all be removed, categorising people into impairment groups can lead to the false assumption that all individuals with the same impairments have the same experience and support needs. We are not a homogenous group.

One of the key barriers to accessing and staying in work is assumptions about our skills and a refusal to listen to and deliver our reasonable adjustments. The Equality Act is very clear, and all Disabled people should be able to access personalised support if needed.

Categorising us into impairment groups also fails to recognise that support most beneficial for some individuals, is likely beneficial for everybody. Just like how inclusion for Disabled people – e.g. flexible working and inclusive recruitment practices – can also benefit non-Disabled employees who face barriers to work. Focusing on individual impairments also ignores the fact that we may have multiple and intersecting impairments. Employers adopting standardised approaches won't meet the needs of Disabled individuals.

4. What are the barriers to employers hiring Disabled people and ensuring those people stay in work?

- How can employers be better incentivised and supported to employ Disabled people and to adapt jobs and workplaces to better accommodate their needs?

The framing of this question demonstrates a key barrier employers face when hiring Disabled people: ignorance and bias. To ask how employers can be incentivised to employ Disabled people suggests that to hire us is a favour. A Government consultation would never ask how employers can be incentivised to employ individuals from any other marginalised groups, as there is no baseline assumption that individuals from said groups would be inefficient employees. The wording of this question reflects an unsupportive approach to closing the disability employment gap – framing us as the problem, rather than the barriers that exclude us from society.

The suggestion that employers must also be incentivised to make jobs accessible highlights how unaccountable the enforcement of the Equality Act is. Because the answer to this question is, it's the law to support Disabled employees and it has been for nearly 30 years. Whether employers are incentivised to deliver the law or not, they should be held accountable if they have unlawful practice.

One recommendation would be for the Government to move away from the deficit model of disability, and instead highlight to employers what can be gained from accessing such a variety of talent. Everybody works in different ways – to have reasonable adjustments in place does not mean that those employees are working less. Having access to a variety of perspectives and lived experience leads to better and more original outcomes.

Raising awareness of Access to Work may also prevent as many employers refusing adjustments for not being 'reasonable', when they discover that implementing said adjustments may not cost them anything. Working with DPOs to co-produce training and awareness campaigns to challenge employer bias and ignorance would also be beneficial.

5. How successful have policies, such as Access to Work and the Disability Confident Scheme, been at increasing employment rates among Disabled people and ensuring Disabled people stay in work? How could they be improved?

Access to work

As already outlined, Access to Work is a helpful scheme when run effectively – but it's practical support is limited given the three month delay. More funding and increased staff are needed to remove these delays.

The government should: remove the Access to Work support cap; ensure application/renewal processes are efficient, personalised, and flexible; entitle Disabled jobseekers to 'in principle' indicative awards; facilitate passporting of awards between organisations and from Disabled Students Allowance to Access to Work; and increase awareness of Access to Work support. Access to Work should also be available for volunteers as volunteering is a route into work, and should be made available to those seeking employment – as job centres often don't provide the tailored support needed for Disabled jobseekers.

Given that Access to Work is a scheme for just Disabled people, the lack of engagement and representation of Disabled people in the shaping and delivery of this scheme is pitiful.

Disability Confident

Disability confident is unworkable. While it should represent the gold standard in creating an inclusive working environment for Disabled people, employers can reach and remain at the highest level with inaccessible, non-inclusive, practices and without ever hiring any Disabled people.

If it's going to stay, then it requires a complete re-structure. The scheme should cover leadership, culture, colleague engagement, HR policies, accessible premises, and digital systems. The Government should also require all employers at Disability Confident Levels 2 and 3 to meet minimum thresholds and make year on year improvements in the number of Disabled people in their workforce; and remove accreditation from employers that do not move up within 3 years from Level 1 to Levels 2 or 3. Any re-structuring of Disability Confident, or a new scheme, should be co-produced with Disabled People's Organisations.

- 6. Does self-employment provide a valuable route for Disabled people to find and stay in work? How could support for self-employed Disabled people be improved?**

Self-employment can provide a route into employment for some Disabled people. [IPSE reported in 2022](#) that the number of Disabled self-employed workers had risen since 2013 but they also reported that many of the Disabled self-employed community lacked the benefits and support they needed to thrive in self-employment.

Ensuring the workplace is inclusive and removing barriers to employment (as already noted) must be considered in conjunction with improving support for self-employed Disabled people.

No Disabled person's employment choices should be limited, and all options in the employment market should be equally accessible and valuable routes for us. No Disabled person should be forced into self-employment as a result of inaccessible and discriminatory employment practices.

7. How will the Government's announced reforms to disability employment support, such as Universal Support, WorkWell and the proposals in the Back to Work Plan, help close the disability employment gap?

The Government's announced work capability assessment reforms will not help to close the disability employment gap, in fact it will widen it. This is because the aim of these policies is to reduce the benefits bill, rather than support Disabled people into accessible, secure, and sustainable work.

[The OBR reported](#) in November 2023 that changes to the Work Capability Assessment would only lead to 10,000 more Disabled people in work but push 370,000 more Disabled people onto lower benefits. This will cut benefits from hundreds of thousands of Disabled people, but the net result will be that only a tiny fraction of those losing benefits will gain employment – pushing more Disabled people into poverty and excluding us further from the job market and society.

The proposed WCA changes also came after a consultation limited to 8 weeks and no Equality Impact Assessment. Our full [consultation response to the WCA proposed change](#) can be found on our website.

Despite the Government's claims that more money is being invested in employment support – e.g. the Back to Work plan, Enhanced Support, Access to Work, WorkWell – nothing has been made clear about who is running these plans or their ensuring efficiency. No evidence has been provided that any of it is working, and Disabled people have not been involved in shaping any of these new schemes. Given the lack of transparency, one can only look to the lack of progress in closing the disability employment gap as evidence of these schemes' efficacy.

The easiest and most constructive way to help more people into work is to ensure the workplace is inclusive. The growing number of people who are out of work because of ill health is a reflection of demographic changes and discrimination in the workplace. The focus needs to be on improving the workplace, not on pushing people into poverty. Or, as the [UN described last month](#), “making [Disabled] people feel like criminals”.

We're also incredibly concerned new Health Element of Universal Credit which requires someone to receive PIP. The [Institute of Financial Studies](#) estimates that more than half a million Disabled people who can't get PIP will lose out by £390 a month. The social security process is traumatising, the extent of which is shrouded in secrecy as the DWP refuse to release the [number of benefit-related deaths](#). [Benefit tribunal figures](#) also show how support is unfairly gatekept at the first stage.

Under the proposed changes assessments of someone's ability to work will be devolved to work coaches who are not specifically trained in the nature and effects of physical or mental health disabilities or health conditions.

This will likely result in incorrect work conditionality commitments and the use of sanctions in decision making and will reduce accountability, certainty, and the ability of the claimant to challenge.

The proposed approach to force support on people who are not able to work because of health conditions will lead to further deterioration in people's health, greater pressure on the NHS and other services and will cause lost lives. There is no evidence that sanctions work for Disabled people, there is plenty of evidence about the negative impact they have.

The work coach will not be able to fast-track people through waiting lists for medical treatment, they will not be able to put in place appropriate social care and other support.

These proposals must be scrapped, and new Employment programmes targeted at Disabled people need to be co-produced by Disabled people and Disabled People's Organisations.

April 2024