

## **Disability Workforce Reporting**

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Submission to the Disability Unit

**Chartered Institute for Personnel and Development (CIPD)**

**April 2022**

## **Background**

The CIPD is the professional body for HR and people development. The not-for-profit organisation champions better work and working lives and has been setting the benchmark for excellence in people and organisation development for more than 100 years. It has 160,000 members across the world, provides thought leadership through independent research on the world of work, and offers professional training and accreditation for those working in HR and learning and development.

Public policy at the CIPD draws on our extensive research and thought leadership, practical advice and guidance, along with the experience and expertise of our diverse membership, to inform and shape debate, government policy and legislation for the benefit of employees and employers, to improve best practice in the workplace, to promote high standards of work and to represent the interests of our members at the highest level.

## **The CIPD's approach to disability inclusion and health and wellbeing support**

We are a Disability Confident Leader, serve on the Department for Work and Pensions *Disability Confident* Professional Advisers' Group, and have worked with *Disability Confident* on important guidance for line managers: [Recruiting, managing and developing people with a long-term health condition](#). We regularly produce guidance and resources to support other employers and our community of people professionals.

### ***People policies***

Our people policies set out how we support the recruitment, retention and progression of people with a disability or health condition. They also address the prevention of ill health and promotion of good work to enhance wellbeing. They include well-communicated responsibilities and guidance for managers and employees on, for example, making reasonable adjustments, mental health, flexible working, alcohol use, smoking, bullying and harassment, bereavement leave, carers' leave, and financial wellbeing. We run awareness training on disability issues for all employees, including a 'Demystifying Neurodiversity' session.

### ***Recruitment***

We regularly review our hiring practices, not just because of our commitment to inclusion and diversity, but because we don't want to miss out on talented people. We are clear about our commitment in our website and recruitment materials, and we're proud to display the *Disability Confident* Leader badge. We are experienced in discussing and making adjustments for people who are disabled, both at the recruitment stage and throughout their employment.

### ***Flexible working***

Offering flexibility has become a key element in our aim to make the CIPD an attractive and inclusive place to work for everyone, including those with a disability or health condition. We already provide flexibility in work hours and we discuss individual solutions that allow people to balance their work and home responsibilities. All of our job advertisements make it clear that we are happy to talk about flexible working. The principle of building an inclusive and accessible workplace drove the design of our head office. Furniture and workspaces accommodate wheelchairs, we source technology to assist with specific impairments, and our new IT 'workpoint' booking system supports people who are neurodivergent.

### ***Health and Wellbeing***

Caring for our people's physical and mental health is a big responsibility and one that we take very seriously. Our People team promotes the services we provide, such as our employee assistance programme and financial wellbeing hub, with the support of our enthusiastic mental health and wellbeing champions and our disability employee resource group. Our regular employee engagement survey shows consistently high scores, above the industry benchmark, for how well people feel their physical and mental health is supported at work, highlighting management support as one of the CIPD's organisational strengths.



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## Evidence gathering

The CIPD [Health and Wellbeing at Work survey report 2021](#) explores how UK organisations support and manage people with a disability or long-term health condition, including current practice and views on workforce disability reporting. The survey was sent to HR and L&D professionals (CIPD members and non-members) and was conducted online from late November to mid-December 2020. The analysis is based on responses from 668 organisations in reference to 2.7 million employees. Respondents come from organisations of all sizes and work within a wide range of industries. Overall, 55% work in the private sector (41% of respondents in private sector services, 14% in manufacturing and production), 28% in the public sector and 17% in voluntary, community and not-for-profit organisations. The results of the survey will form the backbone of our response to the consultation questions.

CIPD published its [Health and Wellbeing at Work report 2022](#) on 5 April 2022.

In addition, to gather qualitative data for our response, we held roundtable discussions with the CIPD Policy Forum – a group of senior HR professionals including experts and those with lived experience of disability issues, and regional roundtables with HR professionals in Scotland and Wales.

## Our response

### Part 2: Employer perspectives

#### Section A: Understanding the Current Landscape

##### **Information collected or published by organisations on the proportion of disabled people in their workforce**

We fully support the objective behind disability workforce reporting and the need for meaningful action in this area that will drive genuine change. Our findings show that we need a considerable step change on the part of most employers to meet any mandatory requirement on them to report and publish people data on disability. Overall, just two-fifths (40%) of respondents report that their organisation currently collects some form of workforce disability data or narrative information and very few publish the information they collect externally (Table 1).

These figures, however, mask considerable sector differences. Public sector respondents are more than twice as likely to report their organisation collects some form of disability data (69%) compared with those in the private (29%) or non-profit sectors (34%), not surprising given their responsibilities under the Public Sector Equality Duty. They are also more likely to publish at least some disability data externally (27% compared with 8% of non-profits and 5% of private sector organisations).

**Table 1: Collecting and disclosing workforce disability data and narrative information (% of respondents)**

	We collect this information and publish it externally	We collect this information	We don't collect or publish this information
Disability pay gap data	3%	15%	82%
A set of disability inclusion targets and/or milestones	5%	16%	80%
Narrative information (Eg details of disability inclusion strategy)	7%	16%	77%
Categorised (anonymous) disability rates for all employees	3%	19%	77%
Broad uncategorised disability rates for all employees	5%	18%	77%
Base: 418			

### **Awareness of the Disability Voluntary Reporting Framework**

Our findings show that awareness of the framework remains limited. Just over a fifth (21%) of respondents were aware of the framework, regardless of sector or whether they worked in small, medium or larger size organisation. Of these, nearly two-fifths (37%) had adopted at least part of the framework (21% in full, 16% in part) and a further 35% were working towards adopting it.

Over a quarter (28%) report their organisation has no plans to adopt the framework, although this rose to 54% of SMEs (compared with just 16% of organisations with more than 250+ employees).

### **How could voluntary reporting on disability be increased?**

Government, in partnership with employers, as well as business/professional bodies, could do much more to publicise, educate and engage with employers around the existing voluntary reporting framework, with the aim of building on this to introduce a mandatory approach. Since it was published, the CIPD has been using its reach and influence as a professional body of 160,000-plus HR professionals, for example through dissemination of research and good practice content, via our social media channels, in our membership newsletters etc., to increase awareness of the voluntary framework.

We need to shift negative misconceptions among many employers about disability workforce reporting necessarily being onerous and costly, and promote a greater understanding about the value it can bring to an organisation.

There are a number of ways that use of the voluntary reporting framework could be increased, as part of a wider, well-funded national awareness campaign to build disability inclusive workplaces in collaboration with employers, *Disability Confident* members and relevant special interest group and stakeholders. We have consistently called on the Government to launch a major, ongoing and well-resourced publicity and education campaign to raise awareness and encourage a culture of inclusion among employers that is broader than, but aligned with, the *Disability Confident* scheme. Such a campaign could specifically call on employers to measure and report on meaningful disability metrics and outcomes.



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At the national level, Government as an enabler can convene prime organisations and encourage them to promote use of the framework across their supply chains. Government could also consider the role of business advisory networks (e.g. CBI, Chambers of Commerce) in disseminating best practice and supporting businesses to improve disability equality practices, including encouraging use of the voluntary reporting framework. Government should work with local authorities, Local Enterprise Partnerships, chambers of commerce and large employers to carry out targeted campaigns and provide support at a much more local level to improve smaller organisations capability in implementing the framework.

There are other levers that Government could use. For example, the [new advice hub](#) launched by Acas as a result of the new National Disability Strategy could be one channel to increase awareness and take up of the voluntary framework. Further, we welcome the reforms introduced in November 2019 whereby level 3 *Disability Confident* Leaders are required to include the Voluntary Reporting Framework but believe this requirement could be extended to level 2 members.

Recognised trade unions and employee representatives can also play a very important role in improving disability equality practices and outcomes. Many unions have dedicated equality representatives who focus on working with their membership and representing their views and experiences to management to help shape the diversity agenda. Therefore, government could seek to engage the leadership of key national trade unions so that workforce disability reporting is raised as an important objective at national, regional and local level in workplaces.

## **Section B: Benefits and barriers to disability workforce reporting**

### **The benefits and risks related to disability workforce reporting**

If implemented effectively, there are several potential benefits for employers in undertaking disability workforce reporting. These include building their reputation as a fair and inclusive employer, enhancing their ability to recruit and retain valuable talent, developing greater transparency and accountability and ensuring that disability issues have the attention and focus of senior leaders at Board level. The revised UK Corporate Governance Code requires improved reporting on diversity including how companies have applied their diversity policy such as links to progress on achieving company objectives, and so disability workforce reporting can help such employers meet such requirements. It can also enhance the organisation's ability to connect with disabled customers, clients and local communities, thereby tapping into the considerable spending power they represent.

For organisations to implement disability workforce reporting in a meaningful way, they need to be convinced of its necessity and advantages. According to CIPD survey findings, over three-quarters (77%) of respondents agree or strongly agree that there is a clear moral case for reporting disability, mental health and wellbeing data and nearly as many (71%) that there is a clear business case (see Table 2).

Just over two-thirds (68%) agree that reporting disability data would be an effective way to tackle organisation-wide bias regarding disabilities while more than six-in-ten (62%) agree this would be effective in changing senior leadership behaviours. Respondents from larger organisations are more likely to agree with both of these statements than those in SMEs.

Overall, respondents are less clear and more divided on whether there is a material risk to their business in not reporting disability data. Four-in-ten (39%) agree or strongly agree while 15% disagree or strongly disagree but almost a quarter (23%) don't know. Public sector respondents and those in organisations with more than 1,000 employees are most likely to believe there is a material risk to their business in not reporting disability data.

	Strongly agree	Agree	Disagree	Strongly disagree	Don't know
The moral case for reporting is clear.	31%	46%	7%	1%	15%
The business case for reporting is clear.	26%	45%	11%	2%	17%
Reporting disability data would be an effective way to tackle organisation-wide bias regarding inclusion of disabilities.	22%	46%	11%	3%	19%
Reporting disability data would be an effective way of changing senior leadership behaviours.	19%	43%	12%	3%	23%
There is a material risk to my business in not reporting disability data.	14%	25%	26%	5%	30%
<i>Base: 406</i>					

## Barriers to collecting or publishing workforce disability data

Nearly two-thirds of respondents in the CIPD survey report the main barrier to disability reporting is lack of disclosure from employees (See Table 3).

One in four (25%) report they lack the resources, systems/infrastructure or guidance/support for good practice in disability reporting. A minority indicated that senior management wasn't convinced of the business case for it, or they didn't know how to ask employees whether or not they had a disability.

A few respondents commented that didn't feel a need to collect this information because they were too small and/or had no disabilities within their workforce.

<b>Table 3: Barriers to disability reporting (% of respondents)</b>	
Employees don't disclose this information so we are unsure of the true disability rate figure for our organisation.	64%
My organisation lacks the resources (for example, management time) to be able to focus on disability reporting.	25%
My organisation lacks the systems/infrastructure to be able to collect high quality data.	24%
There's a lack of guidance and/or support regarding good practice disability reporting.	23%
Senior management is not convinced of the business case for disability reporting.	13%
We don't know how to ask employees whether they have a disability.	11%
Other	8%
Base: 413	

Any reporting requirement needs to take account of the multi-dimensional nature of disability, and the range of disability levels if there is to be real impact and lasting cultural change in organisations.

There are also deeper organisational issues related to the capability and confidence of organisations to meaningfully collect and report on workforce disability and health issues. The effectiveness with which they will be able to do so is also dependent on whether or not they have a supportive framework in place to support and manage people with a disability and/or long-term health condition throughout employees' lifecycle.

According to the CIPD [Health and Wellbeing at Work survey report 2021](#), disappointingly there has been little change in the proportion of organisations with supportive frameworks in place to recruit, manage and retain people with a disability and/or long-term health condition since we last explored this in 2018. Overall, around three-fifths of organisations have a supportive framework to recruit (60%), manage (64%) or retain (57%) people with such conditions (15% to 18% of respondents don't know if their organisation has such frameworks). Private sector organisations are less likely to have any supportive frameworks in place compared with those in the public or non-profit sectors.

Almost three-in-ten (28%) of respondents believe their organisation doesn't experience any challenges in managing people with a disability and/or long-term health condition (2018: 23%). Private sector organisations (regardless of size) are most likely to report they don't experience any challenges (36%, compared with 14% of the public sector and 24% of non-profits). As in 2018, the most common challenge is developing line manager knowledge and confidence (50% of organisations experiencing challenges), followed by 'developing an understanding about making reasonable adjustments' (38%), 'developing an inclusive culture in the organisation' (29%) and 'developing leadership on disability-related and/or health issues' (25%).

All of these elements are critical to developing and implementing an effective disability workforce reporting framework which will be dependent on an inclusive culture, with visible senior leadership commitment, where employees feel comfortable to share information about their condition. Further, despite our findings that 'developing line manager knowledge and confidence' remains the most common challenge, less than a third (32%) provide training and guidance for line managers as part of their approach to managing people with



disabilities/long-term health conditions, while just over two-fifths (42%) report they have a supportive line management style that treats people as individuals.

## Do you think that greater transparency on disability in the workforce leads to more inclusive practices?

Greater transparency on disability has the potential to play a significant role in creating more inclusive organisational practices. It can also lead to greater accountability and understanding of disability in workplaces by increasing the focus on these issues and communicating the important message that senior leaders take disability issues seriously. It is only by collecting and analysing people data that the organisation can gain meaningful insight into the true state of disability issues. Embedding transparency by measuring and publishing key metrics and progress will also help to encourage more openness and conversations across the organisation. This in turn has the potential to build a more inclusive culture which is critical to people having the confidence to share their experience of disability. But greater transparency in terms of workforce reporting on disability issues alone will not achieve greater inclusion. To do that, organisations need to **achieve wider and deeper cultural change and good practice, with a focus on reframing the conversation around talent. This includes:**

- **Commitment from senior leaders and managers:** employers need to develop a working environment that fosters diversity and does not tolerate bias towards people with a disability, even if it is unconscious; leaders need to speak publicly and authentically about the importance of inclusion, and drive cultural change that shifts the narrative to one of opportunity that embraces the social model of disability.
- **Supporting a climate where people can share their experience of disability:** Many employers are aware of their need to act on health and disability issues but many feel ill-equipped to do so, with disclosure often seen as the biggest barrier, creating a vicious circle for both individuals and employers.
- **A robust organisational framework of health and disability related policies and support:** this will provide the bedrock for encouraging a positive and open culture; employers should understand their legal obligations under the *Equality Act* in managing disability, and making reasonable adjustments when necessary. This needs to include a proactive approach to managing absence, including a disability leave policy that differentiates between sickness and disability absence.
- **Flexibility in working practices and policies:** a proactive flexible working policy is required, enabling individuals with a health condition and/or disability to flex their hours and responsibilities to remove or mitigate any barriers.

## What are the main benefits and risks of a voluntary versus a mandatory approach to disability workforce reporting?

Our focus group respondents were divided on whether disability workforce reporting should be voluntary or mandatory, with a real mixture of views coming through, showing this is not necessarily a straightforward issue. A key question referenced by several respondents was what is the desired outcomes from such a policy change and what are the types of behaviours that are trying to be encouraged? These need to be clearly articulated and will determine whether a voluntary or mandatory approach would be more suitable.

## Voluntary reporting

Some respondents felt that if the purpose of reporting was to encourage the right behaviours and actions, relating to the data, then a voluntary approach was best:

*“...if it’s about encouraging the right behaviours within organisations and what they’re going to ultimately do with that data, then I would say it should be voluntary.”*

Others felt that if people take a voluntary approach there is greater flexibility in reporting. They are also likely to go beyond the minimal compliance requirements and it will be a source of competitive advantage for their organisation:

*“I’m in the voluntary camp ... organisations who are really keen to get the best talent and attract the best are doing this already on ethnicity pay gap reporting. ...I know how difficult it has been to get any meaningful statistics even in larger organisations...”*

*“We’ve got to the point where employers are quite conscious of the fact that they’ve ticked all the other boxes within the protected characteristics and now disability is that last sticking point that they must start to have conversations about and the ones that do it well do it because they’re already training their line managers, they’re already putting it into their induction process. So therefore the disclosure rates are higher because the culture is very embracing of disability.”*

The risk with taking a voluntary approach is that some employers just won’t engage with reporting at all:

*“Some people may choose not to engage at least in the first few years particularly because it will be resource intensive and most teams are overwhelmed anyway and I think if it’s voluntary, the only other risk is that they might be quite limited guidance on what it should include.”*

A respondent felt that what could help with voluntary reporting, is to apply peer pressure from other organisations and positive stories and best practice case studies around disability inclusion and workforce reporting.

A few respondents wondered if it could be voluntary initially but with a view to reviewing after a period of years whether that’s four years or five years to see the traction that might have been gained:

*“I personally think slowly bringing in voluntary first and then making it mandatory is the way forward ...it buys a little bit more engagement and a bit more trust from employees that this is voluntary ..... but making it mandatory just feels like another ..... heavy step I think we need to take a slower approach.”*

In terms of the public sector equality duty, the different current practices and challenges across different sectors were noted. But one public sector participant said that:

*“We are all still facing the same challenge around our declaration rates compared to some of the other protected characteristic data that we collect. So I suppose it’s just if we did make it mandatory, is it really going to make a difference on that quality of*

*data to drive that up because it's all those other issues that we've talked about in terms of people recognising that they do have a disability and so on."*

## Mandatory reporting

Several respondents felt that a mandatory approach to disability workforce reporting makes good business sense to understand the demographics of your organisation and where you might need to progress things and take further action:

*"Mandatory will give us a better picture which will allow us to have better conversations. So that's the positives. I think if it's done well."*

*"I think it's a question about the types of behaviours that you're trying to encourage ... from organisations, .... I think if the ultimate end goal is that you want to ensure that you capture as much data as possible and that this information is readily available for use, then it obviously makes sense for it to be mandatory because it means that everyone will ultimately provide that information or you will get that information."*

*"It is important to think about all areas of disability, in addition to physical disability and to consider the neurodivergent. If we report on this we begin to understand how widespread disability is, and therefore we start to think more proactively about adjustments, as to not do so, is to not be able to fully enable the talent of a considerable proportion of the workforce. I believe also that compulsory reporting will force the horse to water, and might even make it drink."*

Many of the public sector respondents were more likely to think that this should be a mandatory requirement. They themselves already have a mandatory requirement to publish this information.

Those that already have a mandatory duty in Scotland to publish disability information want any UK based approached to be consistent with their existing requirements.

One advantage, put forward by a respondent, of taking a mandatory approach would be that it would give employers more confidence/ a strong reason to ask employees to share if they have a disability or long-term health condition:

*"of data before, people are really fearful to give that data because they're worried about what impact that will have ...but if we were required to collect it that would be due reason and we'd need more stringent approaches in place."*

Others felt that if disability workforce reporting became mandatory, employers would need to engage with employees at an earlier stage to help them to understand the reasons for reporting and to build a trust based culture:

*"This is not about ticking boxes it is about providing that early intervention, that early support."*

*"I worry that the government may make decisions on a very small sample size because of the lack of self-declaration by disabled people, which is something we've been talking about. So there's a big exercise first to improve that across the whole country. Maybe that's the mandatory bit?"*



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One potential risk raised by respondents, with taking a mandatory approach, is that people just pay lip service to it and do it in a superficial way or that it becomes a statistical exercise:

*“It becomes a statistical exercise, not person-centered approach, and I think if we're going to employ more disabled people, then we need a person-centered understanding of why we do it, not a statistical drive.”*

Finally some respondents felt that taking a mandatory approach brings with it too much bureaucracy. There is already a siloed approach to reporting and overlaid with any regional differences. Several respondents believed that currently there is too much separate reporting happening – they believe what organisations need is a holistic model of reporting which is light touch and provides that more comprehensive overview – that would also allow for organisations to look at intersectional differences across various characteristic like sex and disability or ethnicity and disability:

*“If we're supportive of mandatory reporting, it has to be one set of mandatory reporting. One way of doing it, common across gender, race, disability, all of those things. And reasonably light touch and it is actually feasible, otherwise it just becomes an impossible burden on organisations.”*

## CIPD perspective

The CIPD shares the frustration of many in relation to the very slow pace at which the disability employment gap is narrowing. We are fully supportive of firm action by government to encourage organisations to proactively recruit, develop and retain employees with disabilities and long-term health conditions. This should include more focused public policy measures to increase employers' awareness of their responsibility to measure and report on disability and health related workforce outcomes.

In principle, we are supportive of moving towards introducing a mandatory approach, but we are mindful of the need to make sure enough employers are ready to implement such an approach effectively. We're concerned that otherwise a mandatory approach could encourage organisations to adopt a superficial tick box attitude rather than developing practices that lead to positive and sustainable change. Many organisations currently lack the systems and infrastructure to collect data effectively on disability and long-term health conditions, as our research shows. Data is only meaningful if it is understood and acted on to inform real, sustainable change, and to this end we are developing a holistic reporting framework.

Our previous, 2019 report '[Diversity management that works: an evidence-based view](#)', looks at people data and diversity, as well as issues around disclosure that our practitioners have identified as a particular barrier in relation to developing meaningful disability related workforce reporting. For real progress to be made, employers need to take a systemic approach to ensuring their organisation is inclusive to disabled people and those with long term health conditions, which involves looking critically at how they operate, from their processes and procedures to their culture and people management practices.

If mandatory reporting is to be introduced, government would need to introduce strong guidance and support, including a high-profile awareness campaign, to help ensure the effective take up of any new mandatory requirements given the large capability and practice gap in this area. More work is needed to build the business case and engage employers on



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the value of reporting to ensure that reporting was being done in a meaningful way to lead to positive and lasting change.

**What do you think the main benefits of publishing disability workforce information are? What do you think the main risks are?**

There are a range of potential benefits for organisations in publishing disability workforce information including improving its external reputation as a business or service provider by signalling its commitment to fairness, equality and human rights. This is an opportunity for an employer to set an industry example for Corporate Social Responsibility and help drive change on a wider stage, including across its supply chain. This approach can boost an employer's profile as an employer of choice and help it to tap into a wider pool of talent and skills at a time of skills shortages, thereby boosting performance and productivity. It is an opportunity for an employer to publicly demonstrate the value that disability inclusion and progression can bring to an enterprise.

**Section C: Considerations if mandatory disability workforce reporting were to be implemented**

**Disability workforce reporting is intended to increase transparency and the recruitment, retention and progression of disabled people. Do you agree or disagree that the proportion of employees identifying as disabled is a useful statistic to report on?**

**What, if any, statistic could be reported alongside or instead of the proportion of employees identifying as disabled? Please explain.**

Participants in our roundtables discussed a range of measures that could be reported alongside the proportion of employees identified as disabled, including:

- Starter and leavers' data
- Pay
- Promotion
- Redeployment
- Reasonable adjustments
- Tenure
- Work pattern and location
- Occupational segregation
- Those who have a caring responsibility for someone who is disabled and others emphasised the importance of including neurodiverse staff in the data.

The Voluntary Reporting Framework also provides a very useful overview and starting point for the type of information that organisations can report on in relation to the employment outcomes of people with disabilities. Careful consideration is needed as to which elements form a mandatory reporting requirement but some aspects could be covered as part of an organisation's narrative and action plan.

- Categorized (anonymous) disability rates for all employees including mental health
- Broad uncategorised disability rates for all employees
- Disability pay gap data according to job role, function and seniority
- The people policies, practices and training for disability inclusion including in the areas of reasonable adjustments and recruitment
- The role of employee disability and neurodiversity networks and support groups

- A set of disability inclusion targets and/or milestones
- Relative likelihood of disabled job applicants applying, being shortlisted and appointed from shortlisting compared with non-disabled applicants
- Relative likelihood of disabled employees entering the formal capability process as measured by entry into the formal capability procedure
- Percentage of disabled compared to non-disabled staff experiencing bullying harassment or abuse
- Percentage of employees with disabilities compared to non-disabled believing that their organisation provides equal opportunities for career progression or promotion.
- The results of employee engagement surveys that measure the relative satisfaction of employees with disabilities compared with employees without disabilities
- Percentage of disabled staff saying their employer has made adequate adjustment(s) to enable them to carry out their work.

## Having a holistic approach with a focus on intersectionality

Our members and experts discussed the importance of **intersectionality**, for example as one commented:

*“It’s a lens we should apply to this, ...it does mean that we can lay these over one another across a range of identities and understand the experiences for people that might fall...because we’re not understanding what it’s like for women of colour and women of colour that also have disabilities ... I think there’s a big gap there. Which is why capturing data with a way of bringing them together is really important.”*

While another participant said:

*“I think as an employer it’s impossible to show all those permutations of intersectionality because everybody is different. I think the risk is we start applying the gender, the ethnicity and the disability lens and make assumptions about people which could be incorrect because they will all be individuals and very different. So I think we need the data and I think our HR systems make it impossible to cover every eventuality of intersectionality. I think what’s as important as having the data is, what you’re doing to drive the right behaviours within the organisation and treat people as individuals, which is obviously at the heart of inclusion.”*

## A narrative and action plan

We believe that narratives and each organisation’s specific context is key and must be included in the reporting requirements. The CIPD members and inclusion, diversity and disability experts we consulted also felt it was very important to explain what lies behind the data an organisation is reporting on, and to highlight any areas that might need to be improved, and that it should be produced in an accessible way. As one CIPD Policy Forum member told us:

*“If it is going to be done, I have no doubt that there needs to be an accompanying narrative and action plan with clear board responsibilities for implementing this action plan. It’s all very well having an action plan, but who is responsible for it? And there should be clear board responsibility to implement this. This is not just an HR exercise, it has to be taken seriously by the board, or it’s not going to be of any value whatsoever, so somebody on the board should be responsible for ensuring that this action plan is implemented.”*

Therefore, organisations should also be required to produce a narrative and an action plan alongside their workforce disability data, and must report on the results of the action plan in subsequent reports. The Government should produce guidance for employers on how to construct a narrative.

The guidance itself should provide the right step-by-step advice that fully supports employers in helping them to understand the data they are collecting and reporting on, and the kind of practical measures they can take to address any gaps in the recruitment and progression of disabled people. A narrative can help an employer to contextualise its metrics and develop appropriate remedial steps. Transparency is a crucial first step, but if the data is considered in isolation, it will still only provide a limited and superficial overview of *what* is happening and, more importantly, will do little to help the employer to understand *why* it is happening.

An employer will need a much fuller understanding of the underlying causes of the disability employment gap including how its working practices and culture negatively affect disabled people's employment prospects and opportunities for progression. The narrative should be unique to each organisation, but there are broad areas that could be taken into account in all narratives, such as the recruitment and distribution of people with disabilities/health conditions in certain occupations and roles, and recruitment into these roles; progression into more senior roles in the organisation; the effectiveness of flexible working practices and attrition rates, as well as the wider sectoral challenges related to attracting people with disabilities into specific industries and occupations, to encourage action on a broader and collaborative level in business and education. Therefore, we believe that the guidance could be pivotal in helping employers to grasp the structural and cultural barriers to the advancement of people with disabilities in their organisation and affect meaningful change. We urge the Government to set out full and detailed guidance in relation to what information should be included in the narrative, including how best employers can collect and analyse it in order to better understand their disability workforce data.

**Do you agree or disagree that large employers (250 or more employees) should use a standardised approach to collect disability workforce data if reporting became mandatory? There are many ways that people are asked to self-identify as disabled. If large employers were to use a standardised approach to data collection, which wording do you think should be used to ask employees if they identify as disabled?**

It would be desirable to introduce a standardised approach to collect disability workforce data so that there can be opportunities for meaningful comparison and benchmarking. It could be possible to come up with a form of words for a standardised approach **to ask employees if they identify as disabled**, but our roundtables were of the view that it's not necessarily going to be easy.

Some questioned if we should even use the word disability because it's a completely negative terminology, but that's another conversation. The group discussed the need for a more inclusive definition of disability. Some questioned if we should even use the word disability because it's a completely negative terminology, but that's another conversation. The group discussed the need for a more inclusive definition of disability.

**In terms of asking the question when collecting data**, there was a broad consensus from our roundtable discussions that a direct approach was helpful in asking employees to share details of their disability or health issues. As one respondent, with a disability himself, said:

*“Disabled people sometimes just prefer directness, so it's almost do you consider yourself to have a disability or long term health condition? .... I think it's best just to*

*be direct. And if somebody has a disability, I think they're used to answering this question anyway, frankly, so."*

However, others pointed out the complexities and potential sensitivities around disclosure. For example:

*"Having spoken to some other local authorities, they've been working with their staff groups to determine what that question should look like. And one shared with me that they've sort of rephrased that to say, 'do you have any physical, mental or long term health conditions lasting or expected to last for 12 months or more' and they chose not to use the word impairment as a result of the feedback from their staff group. So I think it just goes to show everybody sort of comes at it from different viewpoints and the terminology and language that they use is important and will put people off or invite people to disclose."*

It could also be helpful to consult staff networks on the most effective, inclusive approach. The need for a simple, consistent approach was also highlighted by some, for example:

*"It becomes overcomplicated. Too many questions, too many variants, too much, and it's all done from the basis of what the Government wants to find out rather than what's going to be useful for organisations to use. So if we have an opportunity to influence if the Government really wants change, which is the whole purpose of driving forward on these things and employers really want change, which I think we all do, then we've got to be able to use what we've got."*

## **What could support large employers to implement disability workforce reporting in consistent and effective ways? For example, would tools or guidance help consistency across organisations and sectors, and if so what could this look like?**

A major challenge to making an organisation's reporting meaningful is the lack of confidence of many people in sharing information about a disability, which relates directly to the culture of an organisation. Therefore we need clear guidance and case studies to build organisations' confidence and capability in fostering inclusive, open, and psychologically safe environments where people can talk about disability and health issues.

Government schemes such as *Disability Confident* and *Access to Work* have the potential to improve the capability of employers in creating inclusive workplaces in this respect. There needs to be much greater promotion of these schemes by government as part of a well-funded national campaign, in collaboration with employers, and relevant special interest group and stakeholders. We have consistently called on the Government to launch a major, ongoing and well-resourced publicity and education campaign to raise awareness and encourage a culture of inclusion among employers that is broader than, but aligned with, the *Disability Confident* campaign.

Crucially, employers also need **greater awareness and understanding of disability** and how to manage/support people with a disability. In particular, this needs more effective dissemination of clear guidance on how employers can make reasonable adjustments, including supportive workplace changes that go beyond their statutory responsibility. We need to shift the negative misconception about adjustments being onerous and costly – many can be simple and low-cost, and can make an enormous difference to enabling people to perform to their full potential. We also need effective voice channels in organisations to encourage genuine consultation and feedback on disability issues to create the necessary cultural change. We set out some of our key thinking and research in [our response](#) to the





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Government's earlier Green Paper, *Improving Lives* as well as [our response](#) the more recent 'Health is everyone's business' consultation.

Guidance and positive messaging on how to articulate a strong business case to encourage effective reporting and other action to improve disability related outcomes were also highlighted by our CIPD members and experts. As one participant said:

*"How do we encourage organisations to care about this? Why would they care about it? And the key thing for me is, you are missing out on some incredible talent, and missing out on the richness that that a whole range of people are offering... You are missing talent. You're missing insight. You are missing bottom line for the private company money, right? You're missing what the money that these people can generate for you."*

Another strong rationale to convince employers is the need **to retain a valuable talent pool as the workforce ages**. As one said:

*"As we get older, the majority of people will acquire disability so it's not a small sector of the community."*

Respondents also mentioned clear guidance on GDPR and reporting would be essential. Others felt it would be useful to have better guidance on how companies can act on their data:

*"I think the other piece would mean would be this how to use the data? What does it mean? How can you deploy it? What should you be looking for?"*

Others mentioned the need for broader guidance for the Government and the media in particular who can misreport data to get headlines:

*"I think some of the guidance that's needed is actually not for the people doing the report. It's for government and media, particularly media, who are then interpreting it"*

**Should large employers publish organisation-level disability workforce statistics? For example, the proportion of their workforce identifying as disabled. If published, who do you think should publish this information?**

Ideally, to promote transparency, if mandatory disability workforce reporting was to be introduced, large employers should also publish their organisation-level disability workforce statistics. This could be done in their annual reports and/or on their websites.

We need to recognise the very low base from which Government would be encouraging greater action in this area, however. CIPD research findings show less than one in 10 employers currently collect and publish various categories of workforce disability data (see Table 4). Public sector organisations are subject to the Public Sector Equality Duty and are more likely to publish at least some disability data externally, but even this sector doesn't have a high publication rate (27% compared with 8% of non-profits and 5% of private sector organisations).

**Table 4: Collecting and disclosing workforce disability data and narrative information (% of respondents)**

	We collect this information and publish it externally
Disability pay gap data	3%
A set of disability inclusion targets and/or milestones	5%
Narrative information (Eg details of disability inclusion strategy)	7%
Categorised (anonymous) disability rates for all employees	3%
Broad uncategorised disability rates for all employees	5%
<i>Base: 418</i>	

**Section D: Alternative approaches**

**What alternative approaches would you suggest to increase transparency, inclusion and employment of disabled people in the workplace? If you have any evidence to support this suggestion, please provide it.**

We need concerted action across a number of fronts to achieve the necessary step change in improving access to, and progression in, work for people with disabilities and/or chronic health conditions. There is no one silver bullet that will affect the progress we need in organisations in terms of better transparency, inclusion and employment. It’s therefore a case of considering what mutually reinforcing approaches can engender effective, sustainable change by employers. We therefore welcome the development of the Prime Minister’s National Disability Strategy.

A DWP (2013) [rapid review](#) of international evidence from the European Union (EU) and Organisation for Economic Co-operation and Development (OECD) was commissioned to establish ‘what works’ to help disabled people into employment and to remain and progress in work.

The review found an overall lack of robust international evidence to determine ‘what works for whom’ to help disabled people into, and to remain in, work. However, there is evidence of the success of some interventions, particularly supported employment programmes, with additional positive findings regarding flexible and accommodating workplaces, return-to-work planning and some health interventions (particularly with an employment focus). The review also highlighted that:

- interventions should focus on both individuals and employers;
- availability and awareness of support are important – many of the more successful interventions were small scale or have low take-up;
- early intervention is key, both to prevent individuals leaving employment due to the onset of an impairment, and to ensure early access to the right support for those on benefits;

- employment interventions are only one element of the range of possible initiatives; in particular, focusing on preventing individuals leaving work may have a greater impact on the numbers on disability benefits than employment programmes themselves.

Crucially, employers need **greater awareness and understanding of disability** and how to manage/support people with a disability– the disability employment gap will only close when employers and managers are confident in this area. In particular, this needs more effective dissemination of clear guidance on how employers can make reasonable adjustments, including supportive workplace changes that go beyond their statutory responsibility. We need to shift the negative misconception about adjustments being onerous and costly – many can be simple and low-cost, and can make an enormous difference to enabling people to perform to their full potential.

To that end our members emphasised the need for **clear guidance for employers on developing and implementing disability equality policies and strategies** including:

- Ensuring that the lived experience of disabled people informs all aspects of the organisation – business planning and operations
- Utilise and better promote existing programmes such as Access to Work and *Disability Confident*
- Create disability inclusive cultures – including leadership ownership and accountability for disability equality in employment. Training and support for line managers – including around obligations in relation to making reasonable adjustments, IT and software and equipment
- Reduce the amount of bureaucracy in seeking reasonable adjustments and access to support
- Create safe spaces – where disabled people can be open, request for help with adverse reactions. Ensuring that every organisation has an employee resource group (ERG) that relates to disability and long-term health conditions should be mandatory
- More positive action provisions – to address, past present and potential discrimination and disadvantage for all disabled people including people with learning disabilities.
- Embed disability equality targets and outcomes throughout – advertising, attraction, recruitment, selection, onboarding, succession planning and training for promotion. Also, to review, analyse and learn from why disabled applicants have been unsuccessful – bias/ barriers or competence?

Feedback from our members also highlighted the need for **disabled role models**. For organisations to recruit/hire more disabled people to senior positions and:

*“promote case studies of people from all walks of life at all levels within organisations demonstrating that disabled people can make a really positive contribution, ranging from board level people to people on the shop floor, demonstrating that people can meaningfully contribute to the business irrespective of their disability.” ‘this then has the ripple effect of an actual inclusive culture within that organisation.’*

Members also suggested the Government should provide **clear guidance** to all media to ensure not only compliance with legislation but to promote disabled people positively and proactively. The way in which the media portray disabled people was seen as biased and discriminatory and that disabled people are underrepresented in the media.



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**Stronger regulatory focus on, and support for, reasonable adjustments:** *‘stronger legal requirement on employers to make reasonable adjustments for people who are disabled’.*

This should be supplemented by the government providing meaningful financial support, particularly for smaller employers.

## **Wider public policy reform is needed**

### ***Flexible working***

Flexible working, such as the greater use of home working, can make work more accessible and sustainable for all, particularly for people with some disabilities and health concerns. The CIPD has been working for some time with government and stakeholders as part of a [Flexible Working Task Force](#) as well as calling for the right to request flexible working to be a Day One right. We therefore welcome the UK Government’s recent consultation on ‘making flexible working the default’. Whilst the pandemic saw many workers shift to homeworking and more recently, hybrid working, it’s now an optimal time for the UK Government to consider changing legislation. The CIPD’s [consultation response](#) reiterates its call for the right to request flexible working to be made a day-one right, citing evidence from seven member focus groups across the UK and supporting data from a YouGov survey of over 1,000 senior HR and organisation decision makers. It also calls for a more flexible system to be introduced so employees can make up to two requests per year and for the time that organisations have to respond to such requests be shortened to within one month. CIPD Members felt that more guidance and financial investment in flexible working would enable employers to focus on outcomes based working instead of hours worked.

### ***Reform of Statutory Sick Pay***

The pandemic has thrown a sharp spotlight on the need to reform Statutory Sick Pay (SSP), and disabled people are particularly vulnerable to its inadequacies. The very low level of SSP currently means many people cannot afford to take time off when they are ill, which is a major problem during normal times but even more so during a pandemic – and even more so for those with a disability or health condition. This could encourage some people to come back to work much earlier than they are ready to, possibly making their condition worse whilst not adding value to the organisation in terms of their productivity. The low level of SSP also contributes to many people with a disability or longer-term health problems falling out of employment completely. According to CIPD research, two thirds (62%) of employers agree that the SSP rate is too low and should be increased.

SSP should be extended to include employees earning below the lower earnings limit (LEL). The Government should also raise the level of SSP (currently £99.35 a week) to be significantly closer to the equivalent of someone earning the National Minimum/Living Wage. Our recent [policy discussion paper](#) urges Government to undertake a further public consultation on longer-term reform of the rate of SSP and how a significant rate increase could be shared by the state and employers.

### ***Optimising government schemes such as Disability Confident and Access to Work***

*Disability Confident* and *Access to Work* can also play an important role in boosting the capability of employers in creating inclusive workplaces and improving employment outcomes for people with disabilities.



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Feedback from our members tells us that, in principle, *Disability Confident* covers the right issues and offers a simple and accessible framework for employers of all shapes and sizes to improve their competence in recruiting and developing people with a disability. However, with just over 20,000 employer members, take up of the scheme could be considerably higher, with only a tiny percentage progressing to *Disability Confident* Leader level. We therefore welcome the current DWP review and would also welcome further evidence of the scheme's long-term impact on boosting sustainable employment and progression of disabled people at work.

CIPD is of the view that *Access to Work* as a concept has tremendous value and potential, but it could be made more high-profile, flexible and responsive, with much greater promotion of its potential benefits for employers. Our practitioner feedback also indicates there is more scope for the service to more effectively support people with a disability who are already in employment.

There needs to be much greater promotion of available support and schemes like *Disability Confident* and *Access to Work* by the Government as part of a well-funded national campaign, in collaboration with employers, and relevant special interest group and stakeholders. We have consistently called on the Government to launch a major, ongoing and well-resourced publicity and education campaign to raise awareness and encourage a culture of inclusion among employers that is broader than, but aligned with the *Disability Confident* campaign.

### ***Joined up public policy***

A key challenge for the Government is achieving a joined-up approach across government as well as on the part of the many other agencies and stakeholders whose work impacts on the workplace health and disability agenda. CIPD therefore welcomes the work of the Joint Work and Health Unit as an enabler to achieve more cohesive public policy. We also need appropriate and adequately resourced government services to boost employer demand to recruit and progress disabled people, as well as direct support for individuals. The support and services available need to be tailored to meet the needs of different employers, widely promoted, joined up and responsive. This will require clear signposting and the availability of accessible tools, advice and guidance. One of the examples from our consultation was for a **stronger focus on work as a positive clinical health outcome – where** public health communication and the NHS should make it much clearer that work is a positive health outcome.

There needs to be much better co-ordination and partnerships between key stakeholders at a local level to support the employment, training and progression of disabled people in the labour market. These include Jobcentre Plus, local authorities, Local Enterprise Partnerships, training providers and, crucially, employers through bodies such as Chambers of Commerce and CIPD's local branch networks. We welcome the [new package of support](#) announced by Government in December 2021, including accessibility training for work coaches and the trialling of an autism framework in Jobcentre Plus sites.

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