**Disability Employment Charter: frequently asked questions**

***What is the Disability Employment Charter?***

* The Disability Employment Charter consists of nine areas of action that we feel that the government needs to tackle to address the disadvantage that disabled people face in finding and staying in work.
* Each of the nine areas of action contain several specific asks that we believe will help achieve positive change for disabled people’s employment outcomes.

***Who are the organisations behind the Charter?***

* The founding members of the Charter are the Business Disability Forum, DFN Charitable Foundation, Disability Rights UK, Disability@Work, Leonard Cheshire, Scope, Shaw Trust Foundation, UNISON, and University of Warwick.

***How did you come up with the proposals set out in the Charter?***

* The founding members of the Charter met regularly throughout 2021 to discuss and agree on the actions and recommendations included in the Charter.
* Collectively, our organisations either support or represent thousands of working aged disabled people. We regularly speak to disabled people and their families to understand the issues they face in both finding and staying in work.
* The proposals are drawn from the experiences of the disabled people who are supported and represented by the founders and signatories of the Charter, and are also backed by research evidence.
* We used our collective insight to create the recommendations in the Charter that we feel are needed to close the disability employment gap.

***What do you hope to achieve with the Charter?***

* We are calling on the government to enact our proposals to address the disadvantage faced by disabled people in the workplace.
* Long-term, we believe our recommendations will help level up employment opportunities for disabled people.
* This will lead to higher rates of employment for disabled people, with fewer disabled people falling out of work and thus a reduction in the disability employment gap.
* It will also lead to an increased rate of job satisfaction amongst disabled workers and a reduced pay gap.
* In addition, we believe that addressing the disadvantage faced by disabled people in the workplace will benefit both employers and the taxpayer. It will provide employers with the widest possible talent pool, and help address skills shortages, thereby supporting the UK’s post-pandemic recovery.
* It will also save the Exchequer money and boost the UK economy. Scope and the Social Market Foundation have estimated that halving the disability employment gap would boost UK output by around £50 billion a year, and lead to exchequer benefits of around £17 billion a year.[[1]](#footnote-1)

***The government has put forward policies aimed at closing the disability employment gap in the National Disability Strategy and the Shaping Future Welfare Green Paper. Why is the Charter therefore needed?***

* Disabled people still face multiple barriers to both finding and staying in work
* The disability employment gap has remained persistently at around 30 percentage points for over a decade.
* For every 100 disabled people who enter the workplace, 118 leave.[[2]](#footnote-2)
* Since 2020, during the coronavirus pandemic, the proportion of disabled people who are in employment has gone down, while the proportion who are either unemployed or economically inactive has gone up.
* A higher proportion of disabled employees were made redundant in 2020 (21.1 per thousand disabled employees) compared with employees who are not disabled (13.0 per thousand).[[3]](#footnote-3)
* Disabled employees report a less positive experience of work regarding job control, work-life balance, job-related mental health, and job satisfaction.[[4]](#footnote-4)
* In 2020, the Trades Union Congress reported that disabled employees face a pay gap of £2.10 per hour (19.6 per cent) compared with non-disabled employees. This has gone up by 4 per cent from 2019 (when the disability pay gap was £1.65, or 15.5 per cent).[[5]](#footnote-5)
* These figures demonstrate the labour market disadvantage faced by disabled people. And the need for clear, ambitious reform to tackle this disadvantage.
* The National Disability Strategy (NDS) was heralded by the government as a chance to “build back better and fairer for all our disabled people”.
* Yet despite the slow progress made in reducing the disability employment gap, the government has not brought forwards the detailed proposals needed to increase the number of disabled people in work.
* Together, we feel the proposals put forward in the NDS to help disabled people find and stay in work fall short of the transformational plan that many expected.
* That is why we are putting forward a set of proposals through the Disability Employment Charter that we believe will tackle the employment disadvantage disabled people continue to encounter.

***Why do you believe government will pay attention to the Charter?***

* The Charter has been signed by a range of key stakeholders and some of the largest national bodies representing disabled people in the UK, thereby demonstrating widespread support for the Charter’s proposals.
* There are 14 million disabled people in the UK. That equates to 1 in 5 of the UK’s population.
* Of that number, roughly 8 million are of working age. And four million are in work.
* Disabled people face multiple barriers to both finding and staying in work – so the issues the Charter addresses affect a significant proportion of the workforce (and the electorate).
* Closing the disability employment gap is not only the “right” thing to do, but also makes business sense by giving employers access to the widest talent pool and helping them address skills shortages, enabling disabled workers to contribute to the post-Covid recovery, and saving the Exchequer money

***How can I get involved?***

* You can share the Charter on social media to help promote it.
* Ask your employer to get in touch with us to discuss ways in which they might support the Charter.
* We are looking to promote the Charter to the UK government. You can help with this by getting in touch with your MP and calling on them to help promote the Charter.

**The Charter’s proposals**

***Employment and pay gap reporting.*** You call for *all employers with 250+ employees to publish data annually on: the number of disabled people they employ as a proportion of their workforce; their disability pay gap; and the percentage of disabled employees within each pay quartile*. How will this help drive down the disability employment gap?

* We believe that what gets measured gets done – requiring employers to collect data on the number of disabled people they employ and their disability pay gaps will ensure disability is placed firmly on the corporate agenda.
* Many large firms already gather data on the diversity of their staff (e.g. on gender, sexuality and ethnicity) to inform their recruitment strategies and working practices, and recognise the benefits of doing so.
* By monitoring the representativeness of their employees, employers will be able to access the data to understand and improve the experiences of their disabled workforce in a similar fashion.
* Since the government published its framework for *Voluntary Reporting on Disability, Mental Health and Wellbeing* in November 2018, the number of private sector employers who have used it has been minimal.
* It is time that government made it mandatory for employers to report on their disability employment and pay gaps.

Your suggested reporting metrics are more onerous than the government’s disability reporting scheme. Why should government require employers to report more information than they currently ask?

* To fully understand the experiences of their disabled staff, employers need to collect the right information in the right way.
* Collecting data on how many disabled people they employ in a standardised manner will give employers better data on the percentage of disabled people they employ relative to the national average, and relative to other employers.
* Collecting data on their pay gap will tell employers if they are paying their disabled staff at the same level as their non-disabled colleagues.
* Measuring the percentage of disabled employees in each pay quartile will also allow employers to assess whether disabled people are represented equally across the organisational hierarchy rather than clustering into lower-level roles.

***Supporting disabled people into employment*.** The Charter says *the government should: increase disabled people’s access to employment programmes and apprenticeships; increase the scale, quality and awareness of supported employment programmes and supported internships; and increase the provision of tailored careers advice to disabled people*. Why do you focus in particular on these forms of support?

* Disabled people face multiple barriers to finding work, such as the inaccessibility of public transport, employer discrimination and a variation in levels of careers advice and employment support programmes.
* Disabled jobseekers deserve as much chance as non-disabled people to compete for jobs on a level playing field.
* Our proposals will give disabled people better access to vital employment support that will give them a better chance of finding work.
* Increasing disabled people’s access to employment programmes and apprenticeships will allow more disabled people to benefit from proven support programmes and routes into work.
* Increasing the scale, quality and awareness of supported internship and employment programmes will give young disabled people work experience that will help arm them with important workplace skills to help them build their careers.
* Increasing the provision of tailored careers advice will give all young disabled people access to advice and help on choosing the right career for them without suffering from the current patchy levels of careers advice.

***Reform of Access to Work (AtW).*** The Charter says the government should: *remove the AtW support cap; ensure application/renewal processes are efficient, personalised, and flexible; entitle disabled job-seekers to ‘in principle’ indicative awards; facilitate passporting of awards between organisations and from Disabled Student’s Allowance to AtW; and increase awareness of AtW support*. Why does the Access to Work scheme need these reforms?

* Access to Work is a vital tool in helping disabled people access the adjustments and support they need to stay in work.
* But too often disabled people face delays in receiving equipment, are assigned the wrong type of support or cannot transfer their award onto a new job.
* There are also gaps in provision between Disabled Students Allowance and Access to Work.
* For some disabled people, the cap on financial support also blocks access to, and progress in, work.
* The scheme suffers from low awareness amongst both disabled people and employers.
* The Charter outlines the steps the government needs to take to address the issues faced by disabled people when accessing the scheme to allow it to achieve its full potential.

***Reform of Disability Confident.*** The Charter says *the government should: require all employers at Disability Confident Levels 2 and 3 to meet minimum thresholds regarding the percentage 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*. Why are these reforms to Disability Confident needed?

* Disabled people have little faith that the Disability Confident scheme leads to employers becoming more inclusive places to work for disabled people.
* We believe that this is because the Disability Confident scheme is too focused on employers’ processes and practices.
* For example, it is worrying that an employer can be accredited at levels 1 and 2 of the scheme without having shown that they have employed even one disabled person.
* Instead the accreditation criteria for Disability Confident should be based on employers’ disability employment outcomes rather than the processes and practices they have implemented.
* Disability@Work evidence[[6]](#footnote-6) in relation to the forerunner scheme to Disability Confident (Two Ticks) shows Two Ticks employers did not employ proportionately disabled people in proportionately greater numbers than non-Two Ticks employers. There is no reason to assume the situation is any different for Disability Confident.
* We also believe employers should be expected to move up the Disability Confident levels rather than sitting at level 1 indefinitely. Hence the proposal to remove accreditation from employers if they do not move up within 3 years from level 1 to levels 2 or 3.

***Leveraging government procurement.*** The Charter says *the government should: ensure award decisions for all public sector contracts take into account the percentage of disabled people in the workforce of tendering organisations; require government contractors to work towards a minimum threshold regarding the percentage of disabled people in their workforce; and take failure to achieve this threshold into account in future contract award decisions.* How will leveraging government procurement help drive down the disability employment gap?

* The UK government spends £292 billion annually buying goods and services from external suppliers, amounting to one third of public expenditure.
* Government has procurement contracts with tens of thousands of suppliers, who together employ very large numbers of people.
* The number of people who work for organisations who bid for and deliver public sector contracts therefore constitutes a significant proportion of the total workforce in the UK.
* Targeting these employers is therefore a direct route by which the government can reduce the disability employment gap.
* The government outlined a new social value procurement model in a policy procurement note (PPN 06/20), which came into force on January 1st, 2021. While contracting authorities can choose disability employment as one of the social value criteria on which they can ask tendering organisations to compete, there is no requirement for contracting authorities to do so.
* Even if contracting authorities do include disability employment as one of the social value criteria, PPN 06/20 does not stipulate explicitly that firms should be evaluated based on their disability employment metrics (such as the proportion of their workforce that is disabled).
* We believe that by enacting the proposals outlined in the Charter, current procurement rules can be strengthened to ensure organisations that bid for public sector contracts are encouraged to hire and retain disabled people in greater numbers.

***Workplace adjustments****.* Why have you asked the government *to require employers to notify employees on decisions regarding reasonable adjustment requests within two weeks*? Surely employers will need a longer period of time to do so, especially in complex cases?

* Reasonable adjustments are vital in helping many disabled people do their jobs.
* Yet too many disabled people face delays in starting jobs (or returning to work) due to waiting to hear if they can receive an adjustment.
* It is important that disabled people are told as swiftly as possible the outcome of a decision regarding their request for a reasonable adjustment.
* This will allow them to plan with their employer an appropriate start date that fits with when they receive their adjustment and hit the ground running when they start working.
* The proposal regarding the two-week time limit was formulated in consultation with employers’ bodies, who are well placed to judge whether employers would find the two-week timeframe workable.

The government is consulting on giving workers the right to request flexible working from day one. Why should government go further and *make the option to work flexibly from day one the legal default for all jobs*?

* For many disabled people, being able to work flexibly is crucial in helping them work around their condition or around medical appointments.
* Whilst we welcome the government’s decision to consult on giving employees the right to request flexible working from day one, we do not believe that this goes far enough.
* A right to request flexible working still gives employers the chance to reject any such request. This risks leaving disabled people without the support they need to work around their condition, and increases the chance of them being forced to leave their job.
* As such, if the government is serious about closing the disability employment gap, then it must go further by making flexible working the legal default.

The Charter proposes the government should: *introduce stronger rights to paid disability leave for assessment, rehabilitation and training; and fund an increase Statutory Sick Pay to the European average.* Why are these reforms needed?

* Disabled people’s employment retention is affected by how performance and sickness absence are managed.
* It is over a decade since Parliament last debated statutory employment retention legislation providing disabled employees with the right to paid leave for assessment, rehabilitation or training.[[7]](#footnote-7)
* Providing a right to paid leave will help address underinvestment by employers in vocational rehabilitation.
* Regarding increasing sick pay to the European average, the UK’s currently very low rate of sick pay encourages presenteeism, forcing disabled people to keep working despite their illness or condition. This can exacerbate their condition, and lead to depression and other mental health problems.
* The UK has one of the lowest rates of statutory sick pay in the developed world.
* Increasing sick pay could be burdensome for small and medium sized firms. A solution for this would be to provide a partial rebate for small and medium-sized firms that demonstrate they have return to work plans and provide adequate support for employees.[[8]](#footnote-8)
* The UK is unique among European countries (except the Netherlands) in that the state does not share the cost of sick pay.[[9]](#footnote-9)

***Working with disabled people and their representatives.*** Why do you recommend the government should: *require employers to consult and negotiate with disabled people and their representatives on disability equality matters; and provide trade union equality representatives and disability champions with statutory rights to time off to perform their role*?

* Trade unions can play an important role in supporting disabled people in the workplace, and encouraging the introduction of disability equality policies and practices. Disability@Work research shows this is particularly the case where employers consult or negotiate with trade unions on equality-related matters.[[10]](#footnote-10)
* Research shows trade union disability champions and equality representatives impact positively on employer willingness to conduct disability audits and to amend and improve disability equality practices.[[11]](#footnote-11) [[12]](#footnote-12),
* However, their influence is dependent on the amount of time they spend on the role. Hence our call for statutory rights to time off for union disability champions and equality representatives.
* The number of union disability champions and equality representatives in UK workplaces remains relatively low. Providing them with statutory rights to time off is likely to increase their numbers substantially.

***Advice and support.*** The Charter calls on the government to *create a ‘one stop shop’ portal to provide information, advice and guidance to employers on recruiting and retaining disabled people, and to disabled people on their employment rights.* What would this comprise, and why is it needed?

* There is a lot of advice, information and guidance available for employers on recruiting and retaining disabled people.
* There is also considerable guidance aimed at disabled people on their employment rights.
* But both employers and disabled people are often unsure on what is the best advice to follow.
* A government backed ‘one-stop-shop’ online portal could solve this problem by housing a suite of resources aimed at helping employers to improve their disability employment practices and disabled people to know their rights.
* It could also synthesise knowledge and research on the policies and practices that support disabled people, and provide specific guidance and interventions tailored to the needs of specific groups.

***National progress on disability employment.*** You argue the government should *take into account increasing disability prevalence in calculating the disability employment gap, and use the ‘prevalence corrected’ employment gap measure in monitoring national progress on disability employment.*

Why is it so important they should use this measure?

* The percentage of disabled employees in the workforce increased from 16.5% in 2013 to 19.7% in 2020. It is unlikely this is due to a substantial deterioration in medical aspects of health and functioning in the working-age population. It is more likely due to social understanding of disability and acceptance having increased, thereby increasing the number of individuals who recognise and acknowledge that they have a health condition and/or that it is limiting.
* However, these individuals who identify as disabled now who might not have done so previously are likely to have milder (and less activity-limiting) conditions, hence they are more likely to be in employment. This has the effect of skewing the headline disability employment gap figure downwards.
* Disability@Work research shows that once the growth in workforce disability prevalence is accounted for, the disability employment gap has not reduced since 2010.[[13]](#footnote-13)
* Therefore, it is important to use the prevalence-adjusted employment gap figure to evaluate progress, rather than relying on the headline disability employment gap figure alone.
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2. Scope analysis based on the two quarters longitudinal Labour Force Survey dataset 2013-2020 [↑](#footnote-ref-2)
3. House of Commons Library (2021). Disabled people in employment. <https://commonslibrary.parliament.uk/research-briefings/cbp-7540/> [↑](#footnote-ref-3)
4. Bruyère, S. M. (2020). (Ed) *Employment and disability: Issues, innovations, and opportunities*. Labor and Employment Research Association: Cornell University Press. Hoque, K., Wass, V., Bacon, N., & Jones, M. (2017). Are high performance work practices enabling or disabling? Exploring the relationship between selected HPWPs and work-related disability. *Human Resource Management*, 57(2), 499-513. Jones, M. (2016). Disability and labor market outcomes. *IZA World of Labor*: 253 doi: 10.15185/izawol.253. Jones, M. (2016). Disability and perceptions of work and management. *British Journal of Industrial Relations*, 54(1), 83-113. Schur, L., Han, K., Kim, A., Ameri, M., Adya, M., Blanck, P., & Kruse, D. (2017). Disability at work: A look back and forward. *Journal of Occupational Rehabilitation*, 27(4), 482-497. Schur, L., Kruse, D., & Blanck, P. (2013). *People with disabilities: Sidelined or mainstreamed?* Cambridge: Cambridge University Press. [↑](#footnote-ref-4)
5. TUC (2020). Disability pay and employment gaps 2020. <https://www.tuc.org.uk/research-analysis/reports/disability-pay-and-employment-gaps-2020> [↑](#footnote-ref-5)
6. Hoque, K. and Bacon, N. (2019) *Two Ticks or No Ticks? An Assessment of Two Ticks ‘Positive About Disabled People’ certification*. Disability@Work briefing note. https://www.disabilityatwork.co.uk/wp-content/uploads/2019/02/Disability@Work-Two-Ticks-Briefing-Paper-4.pdf [↑](#footnote-ref-6)
7. Connolly, P., Wass, V., Bacon, N., Hoque, K. and Jones, M. (2016) *Ahead of the Arc: A contribution to halving the disability employment gap*. All Party Parliamentary Group for Disability https://www.disabilityatwork.co.uk/wp-content/uploads/2016/11/All-Party-Parliamentary-Group-on-Disability-Ahead-of-the-Arc-Report.pdf [↑](#footnote-ref-7)
8. Centre for Social Justice (2021) Now is the Time: a report by the CSJ Disability Commission. March. https://www.centreforsocialjustice.org.uk/library/now-is-the-time-a-report-by-the-csj-disability-commission [↑](#footnote-ref-8)
9. Resolution Foundation (2016) Retention Deficit: a new approach to boosting employment for people with health problems and disabilities. [↑](#footnote-ref-9)
10. Hoque, K. and Bacon, N. (2014) ‘Unions, joint regulation and workplace equality policy and practice in Britain : evidence from the 2004 workplace employment relations survey’, Work, Employment & Society, 28, 2, 265-284. [↑](#footnote-ref-10)
11. Bacon, N. and Hoque, K. (2015) ‘The influence of trade union disability champions on employer disability policy and practice’, *Human Resource Management Journal*, 25, 2, 233-249. [↑](#footnote-ref-11)
12. Bacon, N. and Hoque, K. (2012) ‘The role and impact of Trade Union Equality Representatives in Britain’, *British Journal of Industrial Relations*, 50, 2, 239-262. [↑](#footnote-ref-12)
13. Wass, V. and Jones, M. (2020) *Measuring disability and interpreting trends in disability-related disadvantage*. Disability@Work briefing note. https://www.disabilityatwork.co.uk/wp-content/uploads/2020/08/Briefing-Note-disability-measurement-.pdf [↑](#footnote-ref-13)