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**Response to Government Consultation on  
“Benefits and barriers to disability workforce reporting”**

**April 2022**

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

This section seeks to better understand perceived benefits and risks involved in disability workforce reporting, both voluntary and mandatory.

Please explain and provide evidence for your answers where possible.

### 7. a. Do you think that greater transparency on disability in the workforce leads to more inclusive practices? (Tick one box)

Yes

No

I don't know

### b. Please explain and provide evidence where possible.

In principle, we consider that greater transparency is more likely to lead to more inclusive practices than reduced transparency is. However, we feel unable to say more than that greater transparency *may* lead to more inclusive practices because this is an area where the link between increased transparency and increased inclusivity needs more research. We consider that factors that lead to increased inclusivity are complex and, without more (i.e., on its own), increased transparency may well not lead to increased inclusivity.

Perhaps the greatest beneficial effect of increased transparency would be an increase in applications for work by those with a disability to employers with a demonstrated record of inclusivity. But we think that will not, of itself ensure increased inclusivity by employers.

### 8. Do you think that disability workforce reporting by large employers (250+ employees) should be voluntary or mandatory? (Tick one box)

Voluntary

Mandatory

For the reasons set out below, we propose that companies with 250+ employee are required to report on a mandatory basis.

### 9. a. What do you think the main benefits of a voluntary approach to disability workforce reporting are?

Voluntary reporting is likely to generate data which will enable assessment of inclusivity in the workplace.

### b. What do you think the main risks are?

The main risks of voluntary reporting are likely to be non-engagement/low take-up. The voluntary nature of the current system appears to have led to a situation where many are unaware of the voluntary reporting framework and a significant proportion of those who are aware choose not to engage. As such, the group of workers this is being set up to protect may not be as supported as intended or envisaged with a voluntary regime.

Further, without mandating reporting in circumstances where employers may consider reporting, it will give rise to a risk of data protection breach/identification of individuals and/or an excessive regulatory burden/cost.

**10. The research available indicates low uptake of the disability voluntary reporting framework. How could voluntary reporting be increased?**

- Further promotion/raising awareness.
- Positive case studies demonstrating the advantages of both reporting and inclusivity.
- Requiring qualifying employers to confirm, in ET3 forms, whether (if they employ more than 250 people) they engage with the voluntary process of reporting.
- Providing some financial support for reasonable adjustments for those reporting and evidencing support of a specific number of workers who meet the criteria under the Equality Act.

**11. a. What do you think the main benefits of a mandatory approach to disability workforce reporting are?**

- Ensures a greater degree of data capture than voluntary reporting - this may then support more inclusive practices through awareness raising and comparative analysis amongst employers. It may also support further research and understanding in wider society.
- Requires businesses to consider the impact of their inclusivity policies.
- Might support recruitment and retention of employees.
- Promotes more discussion and consideration of disability issues amongst employers. Greater public awareness of these issues (and relative employer positions) and may also encourage employers to seek to improve their practices in order to encourage recruitment and promote a positive brand.

**b. What do you think the main risks are? See covering email**

- Data protection breaches/risk of identification of individuals (if a small number of employees are disabled), which may lead to a reluctance on the part of individuals to reveal their disability (if hidden/capable of being hidden).
- Requiring individuals to interpret the Equality Act definition of disability (which is potentially complex).
- Possibly creates a concern for employers who are considering accepting an employee's self-identification for reporting purposes but may wish to later challenge this in legal proceedings.
- Failure to capture the vast range/differences that exist in relation to types of disability, and the extent of support that may be in place for a small number of employees (i.e. produces 'flat' data that mis-represents the true level of inclusivity and hides

differences between types of disabilities). As such, this approach is felt to be a 'blunt instrument' approach but could be an important first step in raising awareness.

- Being limited to larger companies, which may be at the more inclusive end of the spectrum already, the data may misrepresent the true picture across the whole of the national workforce.
- Regulatory burden, resulting in an economic burden without obvious/clear benefit in terms of increased inclusivity; an economic burden which may fall in part on the workforce (which may be adverse to the very interests that the reporting is intended to support).
- Consideration would need to be given to how frequently the reporting would be. Once per year may be too frequent as it would not allow time for the employer to reflect on the data. Once every three years may therefore be more appropriate.

**12. a. What do you think the main benefits of publishing disability workforce information are?**

- Without publishing, the requirement lacks 'teeth'. If there is no 'naming and shaming' there may be no or little incentive to improve the statistics and it would not promote the raising of wider-societal awareness of these issues, allow for a comparative analysis and/or generate improved employer practices.
- Provides support for those who meet the definition under the Equality Act in terms of planning their career and employment opportunities.
- Raises the profile of these issues as a public concern.

**b. What do you think the main risks are?**

- Publishing may lead to increased data protection concerns, and increased costs on the part of whichever publicly funded body is responsible for publishing.
- Volume of data generated may make it difficult for the public to make easy comparisons or analysis.

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

This section explores issues requiring careful consideration if disability workforce reporting were to be made mandatory through legislation.

The information you provide here will be considered in the broader context of answers to sections A and B, where you were asked to set out the benefits and risks of voluntary and mandatory reporting processes.

**13. a. 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? (Tick one box)**

Strongly agree

Agree ✓

Disagree

Strongly disagree

I don't know

Other \_\_\_\_\_

**b. Please explain your answer.**

- Without such data there is no means of measuring whether progress is being made in terms of increased inclusivity.

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

- An opportunity for the provision of a narrative by the employer, which may explain why the bare/flat statistics do not paint a reliable picture.
- Information breaking down physical or psychological nature of the disability

**14. a. Do you agree or disagree that large employers (250+ employees) should use a standardised approach to collect disability workforce data if reporting became mandatory? (Tick one box)**

Strongly agree ✓

Agree

Disagree

Strongly disagree

I don't know

**b. Please explain your answer.**

- This would reduce the regulatory burden and assist with meaningful analysis.

**15. 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? (Tick all boxes that apply)**

'Do you consider yourself to have a disability or a long-term health condition (mental health and/or physical health)?' Wording from the voluntary reporting framework

'a. Do you have any physical or mental health conditions or illnesses lasting or expected to last 12 months or more?' and 'b. Does your condition or illness\do any of your conditions or illnesses reduce your ability to carry out day-to-day activities?' Wording from the Government Statistical Service ✓

None - collection of data should not be standardised

I don't know

Other : we consider that the Equality Act definition would need to be used, to avoid complication and inconsistency. However, it is not necessarily an easy definition for employees to interpret. ✓

**16. 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.**

An ACAS or EHRC guide on reporting, setting out the benefits and methodology and providing information on supporting self-reporting and avoiding the identification of individuals. ✓

**17. If large employers were required to collect disability workforce information and report it to another organisation, which organisation do you think they should report to? (Tick all boxes that apply):**

Central government

A disabled person led organisation

A regulatory body ✓

None - there should not be centralised collection of this information

Other \_\_\_\_\_

**18. a. Should large employers publish organisation-level disability workforce statistics? For example, the proportion of their workforce identifying as disabled. (Tick one box)**

Yes ✓

No

I don't know

**b. If published, who do you think should publish this information? (Tick all boxes that apply)**

The employer

Central government

A disabled person led organisation

A regulatory body

I don't know

Other \_\_\_\_\_

## Section D: Alternative approaches

Mandatory workforce reporting is one means to increase transparency on disability in the workforce, with the aim to improve information and achieve more inclusive practices. We are interested to hear your views on other initiatives that might have the same outcomes.

**19. 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.**

- Some subsidisations of adjustments, or subsidisation of means of assessing adjustments.