Response to targeted call for evidence to the Work and Pensions Committee on the Disability Employment Gap

June 2018

1. **About Business Disability Forum**

Business Disability Forum is a non-profit membership organisation which exists to improve business performance by increasing confidence, accessibility, productivity and profitability. We do this by bringing business leaders, disabled people, and Government together to understand what needs to change to increase the life opportunities and experiences of and disabled people in employment, economic growth, and society in general in a way that also benefits business. We provide practical, evidence-based, strategic solutions for businesses to recruit, retain, and provide inclusive products and services to disabled people.

2. **A note regarding our response**

The call requested evidence for nine questions. Business Disability Forum is a business-facing organisation and, while all of our policy and research crucially includes the experiences of disabled people, we are not a disabled people's user-led organisation. Therefore, we have not responded to the questions which require input from either disabled people directly or organisations working specifically in Work and Health Programme services. We have therefore not responded to the following questions:

*   Question 2: What early data is there from the Work and Health Programme? Does it look like it will be more effective than the Work Programme in supporting disabled people into work? What has been the impact on employment support providers of scaling down the Department's outsourced provision?

*   Question 3: Are disabled people not on the Work and Health programme getting the support they need via Jobcentre Plus?

*   Question 7: What has been the effect of reducing ESA-WRAG rates for new claimants to the same level as JSA? Are disabled people moving back into work more quickly as a result?

3. **Question 1: Is the Department on track to achieve its target of 1 million more disabled people in work by 2020? Should it introduce a more ambitious target? How much of the progress is attributable to DWP policy?**

Whether the Department meets this target is dependent on (a) how 'disability' is measured, and (b) ensuring disabled people are not exiting employment at a pace faster than or equal to that of those gaining employment. There are also other factors involved:

3.1 Knowledge of redeployment as a reasonable adjustment

The number of calls we receive through our Advice Service on terminating employment due to ill-health or for another reason connected to a disability have increased. While we see some cases where ending the employment relationship might be a fair and appropriate measure for both the employer and employee, we also see an overwhelming lack of understanding about redeployment as a reasonable adjustment. Increasing employer's understanding of this option could potentially be the difference between a disabled person retaining employment or becoming unemployed and falling out of the labour market.

3.2 Quality exceeds quantity

We are keen, of course, that target is met; if it is exceeded, this is even better. Either way, however, Business Disability Forum is concerned that getting disabled people into jobs, any job, is not enough; we stress that the *quality* of work ('good work') for disabled citizens is important, as we see the following elements have been huge factors in employees staying in their roles:

- a supportive workplace where adjustments are part of the 'fabric' of the workplace culture; where teams are cohesive and are exposed consistently to standards on workplace anti-discriminatory standards and behaviours;

- where employee wellbeing is considered a priority (and there is an understanding of what 'wellbeing' means for an employee with a disability);

- and where the role has a trajectory for career progression.[1]

We often see that when this combination of workplace conditions is experienced by an employee, they typically stay in work for a more sustainable period (even where that means moving roles within an organisation or more widely in the labour market).

3.3 The extent of progress attributable to DWP policy

As the *Improving Lives* strategy highlights, the employment and workplace retention of people with disabilities is multifaceted; welfare reform,[2] employer response, and healthcare all need to work in sync with the objective to how job retention is impacted. Through the work we do with our Members, we are conscious of the following:

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[1] We hear increasingly from disabled people that preferences on the interpretation of 'progression' are varied between upwards and sideways. With the increasingly changing structure of workforces, 'sideways' progression is both encouraged from the business and also often well-received by the employee, providing them with additional skills .

[2] We receive calls for a number of employers supporting employees who having had to decrease their hours or change roles to a lower salary due to a disability or health related condition. While many of the organisations we work with offer a 'transitory pay period' to help cover the initial period of an employee's change in pay, for some employees, this has also meant dropping hours even further to be eligible for Working Tax Credits (WTC).

3.3.1 NHS waiting periods are a significant barrier

We hear frequently that employees are signed off work while waiting for referrals for NHS assessments or treatment, particularly with regard to mental health, physiotherapy, and neurology services. Our Member organisations are rapidly providing 'fast track' routes to their internal occupational health services for employees where the referral is mental health or musculoskeletal (MSK) related. An increasing number of our Member organisations in the private sector are employing their own GPs so that employees can access a GP the same day. We spoke to two employers who told us employees had been quoted between three to four weeks before an appointment with their GP could be offered.[3]

3.3.2 Transport – the 'fourth' setting

While the *Improving Lives* strategy recognises transport is a "wider barrier"[4] to work for disabled people, we recommend transport is given strategic visibility and attention in the Strategy as the 'fourth' setting, alongside the welfare setting, the workplace setting, and the healthcare setting. Although we recognise transport is led by a separate Department, its strategy is pivotal in enabling and maintaining the employment and workplace retention of disabled people. Workplace adjustments related to transport comprise some of the most requested adjustments we hear employers making for employees, due to them experiencing difficulties with inaccessible or lack or inclusive travel. This is not only an issue for commuting to and from work; employees increasingly report difficulties travelling during work times for meetings or to attend training and other opportunities which may help develop their careers.[5] We have seen increased calls regarding employees who have had to have some of the duties reallocated to another employee, change roles completely, or reduce their hours since Access to Work changed its polices on transport related support.

4. Question 4: Is Disability Confident an effective kite mark for disability-friendly business? How could Disability Confident be improved? How else could the Department effectively work with employers to improve disability employment rates?

4.1 Disability Confident

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[3] Even then, on both occasions, appointments were in the middle of the day, meaning with the commute between the office and the GP appointment, nearly a whole working day was lost. This has also meant that, whereas many employers' absences policies had said employees are expected to try and book medical appointments outside of working hours, they are now withdrawing this principle and allowing time off for appointments to help promote and maintain a healthy and well workforce. We have also heard from employees with disabilities who said that Disability Living Allowance (DLA) enabled them to access services at short notice (for example, paying for private physiotherapy or counselling within twenty-hours' notice so that the employee felt more comfortable able to attend work the next day, instead of having to go through a NHS referral system whilst potentially being off work and in discomfort). We have heard that when an employee lost their DLA during the re-assessment for Personal Independence Payments, this option was no longer financially open to them.

[4] *Improving Lives: The Future of Work, Health and Disability* (2017, para. 8).

[5] Changes to Access to Work support for transport have been a huge factor here, meaning some employees now work remotely more often or work in different office sites to their teams.

Disability Confident is used by employers to establish their work and commitment on recruiting and retaining disabled people. Many of our Members and non-members contact us about the Scheme and the Disability Confident 'brand' has become well-established since the initial campaign launched in 2013. Employers also use it as a preparatory work for our Disability Standard evaluation,[6] where organisations then go on to benchmark the disability related elements of against ten core business areas of their organisations.

4.2 Working with employers on employment rates

Employers and the Government measure disability in different ways and for difference purposes. Employers increasingly have a wider interpretation of 'disability' than the Governments' Work and Health Programme adopts: employers are typically measuring "disability, long-term and health conditions" and giving examples as varied as depression and musculoskeletal (MSK) conditions to dyslexia and diabetes. In addition, employers measure workforce disability prevalence for different purposes to the Government (including retention, engagement, movement within an organisation, for example).[7] Therefore, any joint data gathering strategy between the Government and employers will need to be carefully considered. Furthermore, while measuring disability prevalence is common among employers, monitoring disability relevance among applicants and candidates at recruitment stage (from application to appointment) is still relatively poor across sectors.

5. **Question 5. How can awareness of the benefits of assistive technology as a tool to improve disabled peoples' employment rates be improved amongst employers, disabled people and DWP staff/contractors (for example, Work Coaches and Access to Work assessors)?**

Earlier this year, we responded to the Work and Pensions Committee's inquiry on assistive technology in the workplace. Some key findings from our research for our response include the following important considerations regarding the use of assistive technology for overcoming workplace barriers:

5.1 Compatibility with IT infrastructure

Assistive technology is developing at a much faster pace than businesses update their IT infrastructure. This frequently means employees are provided with assistive technology (either via Access to Work or directly by their employer) but then find it does not work with the systems they work in. Our Members said the impact of this is that newer versions often become available before an employee gets their software in place following an Access to Work assessment. Our key recommendation was for Access to Work providers to gather an understanding of an employer's IT systems and how an individual Access to Work claimant has to interact with those systems as part of the daily role past of the assessment. There was also an enthusiastic suggestion from our Members that the provision of assistive technology and other technological solutions at work adopt a 'subscription service' model, whereby an individual assessed as needing assistive technology

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[6] See https://businessdisabilityforum.org.uk/disability-standard/

[7] We are also increasingly seeing employers measuring disability prevalence by monitoring those working in different ways and with workplace adjustments, rather than just people who have told the employer that they have a disability or condition.

receives a subscription and the software is updated automatically when the latest version becomes available. This would ensure employees always have the latest, most up to date version.[8]

5.2 Keeping Access to Work assessors up to date

Access to Work need to have a framework in place to ensure assessors continuously have access to the latest updated information on what is available and the latest software updates and changes. This is relevant to assistive technology, occupational and assistive aids, and also to skills and coaching solutions.

5.3 Inclusive procurement is central

The role of procurement is crucial in enabling employment and retention of disabled people. Barriers presented by inaccessible third party products and services are experienced at both recruitment and during employment. We hear from many recruitment teams who have received complaints from disabled candidates regarding the (in)accessibility of online recruitment systems and assessment centres, many of which are managed by third party suppliers to the organisations contacting us. During employment, inaccessible intranet systems; untrained catering, security, and facilities management services; inaccessible occupational health services; inaccessible learning and development packages (including e-learning) are just some of the outsourced services that present barriers for disabled people.[9]

6. **Question 6: What more might the Department do to help groups of disabled people with the greatest barriers to work (including those in the support group) return or prepare to return to work?**

6.1 Barriers 'to' work and barriers 'at' work

The barriers 'groups' of disabled people experience are vastly diverse. There is more work to be done to understand in the first instance (a) what the barriers are, and (b) what would overcome those barriers.[10] Overall we see two types of barriers:

(i)   Barriers 'to' work: groups who experience substantial barriers getting work or getting back into work. The groups which are a frequent topic for callers to our Advice Service

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[8] Our research shows that the 'flip side' to this is how updates are managed from the business perspective; i.e. the risk is that an employee's software subscription receives the updates without the business being able to gauge if the latest version is compatible with internal IT systems. We heard of instances where employees go on 'adjustments-leave' while an employer resolves issues between assistive technology and internal IT systems, sometimes for many months at a time. There are also increasing challenges around employers updating systems to increase cyber security. This often results in an unintended consequence of assistive technology becoming incompatible 'overnight'.

[9] We are also hearing about frequent difficulties experienced by communications service providers (such as those providing palantype or BSL interpretation) but we do not yet have a full understanding of the issues here. We have planned an Access to Work suppliers roundtable to understand this more fully. We will be keen to report the findings to the Committee and to the Access to Work team.

[10] The latest comparable research was commissioned by the Equality and Human Rights Commission in 2013.

who commonly experience barriers 'to' work include: people with learning disabilities;[11] people with conditions affecting fatigue and energy (such as fibromyalgia, 'chronic fatigue', or those on long-term treatment where fatigue is a regular side effect);[12] and people who experience mental ill-health (i.e. not generic 'mental health').

(ii)   Barriers 'at' work: groups who are in work but experience continued barriers which may impact retention and/or further progression. This group includes people with conditions affecting mobility (particular wheelchair users or people using other mobility aids), people with autism, and people with depression and anxiety.

Only by understanding the specific barriers experienced by 'groups' of disabled people will we be able to develop and implement effective solutions. There needs to be a strategic, mixed-methodology piece of research, which works with condition-specific and disability-led organisations, with the aim of gaining a refreshed understanding of disabled people's experiences of application, assessment, selection, employment and progression. Business Disability Forum would be keen to advise on this.

6.2 Employer return to work practices

Innovations in return to work procedures and support have proven to reduce disabled people leaving organisations. Two key innovations which our members have seen reduce the exit of disabled employees from their workforces include the following:

(i)   Exit interviews take place at the stage of resignation. This helps the employer establish any disability (or other equality) related issue and implement a remedy which has often led to resignations being withdrawn, effectively retaining employees.

(ii)   Return to work procedures include the offer of a 'return to work course' for people who have been on long-term sick leave. This course includes talking about a disability with your manager; getting back into 'work' routine; confidence building when going back into a role; looking after your health and energy during return to work.

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[11] We frequently hear assumptions about what people with learning disabilities might or might not be able to do. There is also a generally lack of confidence about 'how far' employment policies can be flexed to accommodate and retain an employee with a learning disability. An example of where a large UK organisation employed a person with a learning disability for four hours per week. The employee kept failing his probation on the basis that he kept failing his health and safety induction assessment, and it was the employer's policy that no one could pass their probation without passing the health and safety questions in the induction. When we reviewed the content of the health and safety induction, it was clear that a lot of the content was not relevant to the amount of hours the employee was working, and the type of role he was working in. When the Advice Service spent time working with the employer the elements of the health and safety knowledge that was relevant to the individual's role and working pattern, they passed their probation and continued to be a key, valued part of the team.

[12] We hear that barriers for this group include navigating a 9am-5pm working pattern. Much of our work with employers regarding employees and candidates with such conditions includes taking them through a process of 'challenging' why alternative, shorter, or flexible working hours cannot be considered. At the same time, we have heard knowledge within wider teams about such conditions needs to be enhanced, as employees are often subject to attitudes which stem from misunderstanding of how these conditions can affect someone's working patterns and duties.

(iii) Individualised phased return to work plans, which can include meeting with a 'return to work buddy', relaxation courses, or talking therapies, or flexi-hours – all put together tailored to 'how' the employee wants to return to work.

We review many return to work policies and procedures and, while return to work is generally an area which needs much more attention at Government and employer level, where employers have implemented one or more of the above practices, they have seen increased engagement and retention of employees who are returning to work, sometimes after an employer has had a significant period of time away from the workplace.

7. **Question 8: Are there any recent examples of good, innovative practice in supporting disabled people into work – either amongst employers or employment support providers – that the Committee should be aware of?**

7.1 An increased interest in positive action

We have seen an increase in calls to our Advice Service from employers wanting to implement positive action initiatives for disabled people. Such initiatives have included the following:

- disability specific career and personal development courses;
- impairment specific apprenticeships and job opportunities;
- entry schemes for disabled graduates;
- paid-work experience for disabled people; impairment-specific recruitment.[13]

Two of our Partner organisations also encourage employees to take time off (fully paid) to volunteer with disability charities local to them during volunteers week in order to increase disability awareness and increase exposure to interacting and communicating with different groups of disabled people.

7.2 Disability inclusive strategy as business imperative

Employers are increasingly understanding disability inclusion to be key to the success of their organisations. They are creating taskforces, networks, and resources to share practices with one another on what works and what does not work. Business Disability Forum's Central Government Network and Technology Taskforce are both examples of this. We encourage our Members to take part in influencing Government employment policy and share their expertise in sector forums. Organisations are becoming more 'outward facing' with how they gain and share knowledge and skills on disability inclusion. That said, although there is increased enthusiasm for disability

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[13] We continue to notice a significant lack of knowledge of positive action and positive action in recruitment among employers. Although employers have been keen to increase the representation of disabled people in recruitment and employment within their organisations, positive action has often been the 'go to' method for doing this. However, we have seen on various occasions such interventions have not been right for an organisation (in terms of how it fits with current structure and existing practical procedures). This has often led to the employer receiving complaints from disabled people because a positive action initiative has not been implemented fairly or effectively alongside other recruitment processes the employer carries out. We also see a lack of understanding about the difference between positive action and positive discrimination, and employers are unclear what they can and cannot lawfully do. Our Members frequently consult our Advice Service about this.

inclusion to be an key strategic issue, we still see the experience of disabled candidates and employees is not adequately matching what is written in strategic action plans and workplace policies within many workforces.

7.3 The expansion of disabled employee networks

Many more employers are rapidly investing in staff disability networks. This has often meant a more effective and 'visible' disabled people's 'voice' within a workforce, and which employers regularly call upon to review policies, carry out user testing on products, or seek feedback as part of equality analysis exercises. When there is good communication between the network and the business, disabled employee networks well can help employers remove barriers and aid both retention and recruitment of disabled candidates. Regarding the latter, one of our Partner organisations have an arrangement whereby the disabled employee network meet with disabled applicants to assist the completion of their application to the organisation, and for the candidate to gain insight on what it is like to be a disabled employee at that organisation.

8. Question 9: In which areas/recommendations in *Improving Lives* has the Government made the most progress? Where has it made least – and what should it prioritise next?

8.1 Employers are responding

Much progress is being made by employers to attract, recruit, and retain disabled employees. In some sectors (such as the banking sector) employers are headhunting disabled workers with strong technical skills from their sector competitors.

8.2 The three 'settings' are not moving together

The three settings outlined the *Improving Lives* strategy are not moving together. Business (in terms of employment) moves relatively quickly, but NHS practice and services have not kept up with how working practices and demands are changing (see section 3.3.1 above and footnote 3). We have also heard from people who are struggling to navigate workplace barriers (particular after recently returning to work) whilst experiencing challenges in the transition from DLA to PIP, which has increased stress and anxiety and decreased the energy available to return build up hours during a phased return to work. As per section 3.3.2 above, transport also needs to be recognised as pivotal to the successful delivery of the overall *Improving Lives* strategy.

8.3 The Access to Work support cap is a priority

The Access to Work support cap is inconsistent with the Government's objective of reducing the disability employment gap. This falls into two key categories:

8.3.1 People needing 'human' support

We carried out research on the experience of the Access to Work support cap from both the employer and employee perspective.[14] The Government's increased interest in assistive technology at work led research respondents (human resources, disabled led employee network leads, and diversity managers) to feeling that employers as a whole were in danger of viewing

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[14] Available to view at on the Work and Pensions Committee's website at: http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/work-and-pensions-committee/access-to-work-cap-on-support-grants/written/77241.html

assistive technology as *the* 'go to' solution before the most personalised, appropriate, and sustainable solution was considered. Our research also revealed this was particularly concerning for employees with a learning disability and those who required sign language interpretation. For these two groups particularly, the Access to Work cap is particularly felt due to the cost of 'human support'. This has a direct impact on how many hours employees in such situations can work. We heard instances of where employees who require sign language interpretation have reduced their hours or leaving employment altogether because they cannot get the level of support they need. This is also the case for people who need support workers at work; again, the Access to Work support cap means those who need the most support are at most risk of 'falling out' of employment due to not getting the amount of support they need to remain in their jobs or gain alternative work after exiting a job.

8.3.2 People needing support with travel

As per section 3.3.2 above, disabled employees have felt the impact of the significantly reduced travel support available from Access to Work.