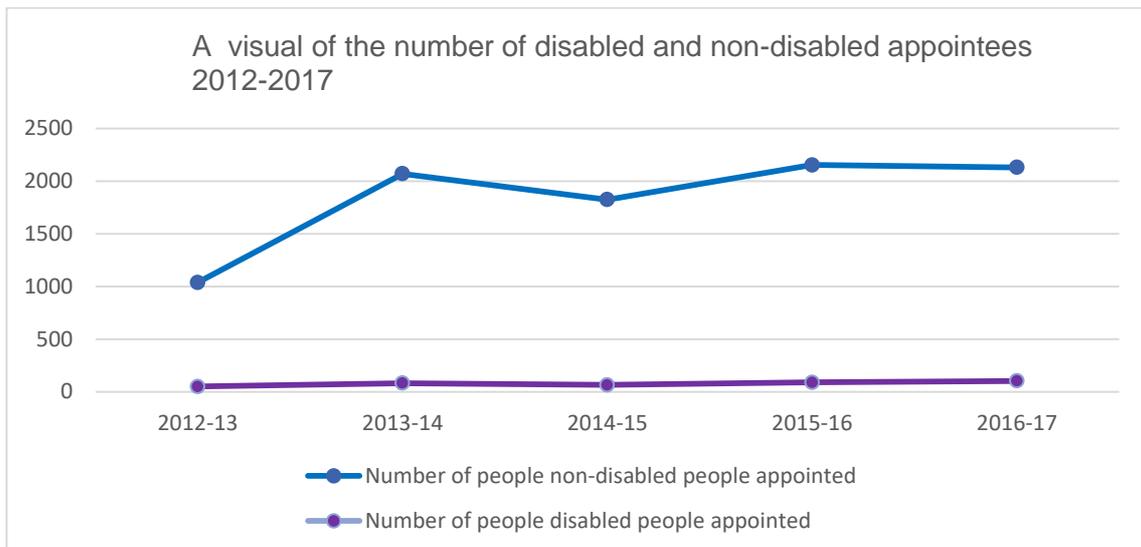


Evidence for the Lord Holmes Review of the representation of disabled people in public appointments

Business Disability Forum, October 2018

The table below shows the wide disparity between the number of public appointments of disabled people and non-disabled people. While, last year, the percentage of disabled people appointed rose slightly as the percentage of non-disabled appointees fell, there remains little movement in terms of the number of disabled people appointed year on year: the range of non-disabled people appointed during the last five years is between 1,087 and 2,150 (a range of 1063), and the range of disabled people appointed only ranges between 50 and 102 (a range of 52).¹



¹ These figures are sourced from the Annual Surveys of Ministerial Appointments and Reappointment to the Board of Public Bodies Regulated by the Commissioner for Public Appointments. Two biases in these data must be recognised:

- The data relies of appointees who have shared information about their disability, and is therefore not necessarily indicative of every appointee who has a disability; and
- The data is for appointment regulated by the Commissioner of Public Appointments, and not all public appointments are regulated by the Commissioner.

When reviewing the representation of disabled people in any type of workforce or profession, we often first look at the application and recruitment process. To develop our evidence, we reviewed the documentation and application information of seven live public appointments on Cabinet Office's Public Appointments page.

Language used during application and recruitment

Getting adjustments for during the assessment and selection stages relies on a candidate (a) identifying as 'disabled', and (b) understanding legal terminology of "reasonable adjustments".

The application information says,

"If you have a disability and require reasonable adjustments to enable to you attend for interview, please advise us when you return your application".

This would be concerning to applicants: it does not say 'how' to advise what adjustments are needed, the type of information needed, or who would be viewing this personal information. It is unclear how applicants are expected to do this on an online application form; particularly given that it is bad practice to have details of disability or adjustments on an application form.

▪ "Disabled as per the Equality Act 2010"

The application information gives the legal definition of disability as given in the Equality Act 2010 and then asks applicants to assess whether they fall within this definition. This definition of 'disability' is accurate in the legal sense, but it may not be practically as effective in terms of getting data about disability from applicants and candidates.

We often hear the following from organisations and recruiters:

- If there is a lot of wording in a question or an explanation (such as giving the full legal definition of 'disability'), people are likely to think it is complicated and/or not answer it.
- The Equality Act 2010's definition of 'disability' is often seen as being too 'legal' when, in people's real lives, they don't think in such a legal or analytical way about their disability or condition.
- People who have a disability or long-term condition do not often consider themselves to fall into the category of 'disabled', even if they have a condition which is automatically covered in the Act (such as HIV, cancer, or MS, for example).

Given the above, we encourage organisations to use simply 'every day' language and give some examples of some common types of conditions. Many employers now use inclusive disability related wording, such as the following:

"Do you consider yourself to have a disability or long-term condition (such as dyslexia, diabetes, arthritis, a heart condition, or a mental health condition, for example)?"

Many organisations have found a much more positive response when rewording their disability-related survey question in a way similar to this.

- **“Special”**

Another application pack asked applicants to indicate against the following:

“I do require special arrangements should I be called to attend an interview”²

The language of “special” appears frequently in the recruitment packs. This, however, has the effect of ‘othering’ disabled people’s needs as ‘different’. “Special” is also an outdated term no longer used for describing disabled people or disabled people’s needs and issues.

Alternative format availability is out dated

The information packs say:

“If you have any difficulty in sending your application or need the application pack in an alternative format (e.g. Braille, large print, audio CD, tape or e-text), please contact the ALB Public Appointments Team on [two telephone numbers are given here]”.

There are two accessibility issues here:

- Candidates needing audio versions are no longer likely to use CD or tape formats, as these are now outdated formats.
- The contact details presume that everyone can use the telephone. There is no accompanying email address or live time sign language interpretation options.

The ‘Guaranteed Interview’ Scheme

The application information says,

“If relevant, please also submit a completed Guaranteed Interview Scheme form of applying under this scheme”.

There are a number of concerns here:

- The information does not tell candidates where to access this form, and no links are given.
- The information does not tell candidates what the ‘Guaranteed Interview’ process is or who is eligible.³

² The same language of “special” is also used in the Commissioner for Public Appointment’s own guidance on “Making Boards More Diverse”.

³ We know from our interactions with employers and disabled employees that not all disabled people are familiar with the language of positive action recruitment schemes.

- The Guaranteed Interview Scheme no longer exists (it has been superseded by the Disability Confident initiative to ‘offer an interview’).

Another application pack still refers to the Guaranteed Interview Scheme and asks, “What do we mean by disability?” In response to this, it gives the legal definition of disability as per the Equality Act 2010. Applicants are then asked to tick a box stating, “I consider myself to have a disability as defined above”. This follows a warning as follows:

“Any false declaration of disability to obtain an interview will subsequently invalidate all appointments offered”.

There are a few issues here:

- A small percentage of people with a disability or long-term conditions consider themselves to be “disabled”, and many are not aware of the legal terminology of ‘disability’. Asking an individual to consider if their disability or condition is legally protected is counterproductive and, we often hear, does not set a good tone and foundation for trust and support between a potential employee and employer.
- We have also found such ‘warning statements’ has the effect of reinforcing society’s rhetoric of disabled people ‘faking’ or ‘exaggerating’ their disability or condition. Such warning statements are not given during race or gender positive action recruitment initiatives, yet they persist during disability specific recruitment initiatives.

Measuring representation relies on fit for purpose disability data monitoring

To measure how many disabled people currently hold public appointments, there needs to be a fit for purpose monitoring methodology in place. The current disability data monitoring questions used at application stage would not accurately reflect the number of disabled people securing public appointments, and neither would the current wording reflect the diversity of what ‘disability’ is and can include.

The current language is, “Do you consider yourself to be disabled?” The Office for National Statistics reported in a household disability survey a few years ago that only 25 per cent of people with a disability in the UK actually consider themselves to be disabled (meaning 75 per cent of people with a disability do not identify with the term ‘disability’ or being ‘disabled’).

Importantly, people who do not consider themselves to be ‘disabled’ in response to this question often do need or request adjustments. Over reliance on defining someone’s disability or whether or not they are ‘disabled’ often means questions about adjustments or additional arrangements for interview and assessment processes are missed (as many employers only engage questions about adjustments if an applicant responds positively to the question about being disabled).

Recruitment partners also need to have accessible systems

We looked at some application processes whereby applicants were directed to a third party recruitment portal to complete their application. There were occasions where the websites of these providers were inaccessible. This would have certainly prevented some applicants from continuing their application.

Access to Work is not available for unpaid appointments

Access to work funding for adjustments is not available for unpaid public appointments, yet many people tell us that to build up experience in an area, to change careers, or to develop themselves in preparation for a desired role, they often took on unpaid or voluntary roles for a period.

Paid or unpaid, access to public appointments for disabled people relies on them being able to navigate communication, transport, and lengthy or heavily scheduled days – all of which could be supported by Access to Work in an initiative to encourage more disabled people in to public appointments. Many disabled people struggle with one or all of these things and not having access to adjustments would prevent them from taking up unpaid public appointments.

Summary of observations

There are two main issues which would affect the representation of disabled people entering public appointments and/or being reappointed:

- The application process is inaccessible and we found a number of disability-specific barriers; and
- The way representation of disabled people is measured is outdated and not fit for purpose.

Reviewing and improving the following would have a direct impact on the number of disabled people applying, wanting to apply, or being reappointed to public appointments:

- A full **language review**: “guaranteed interview scheme”, “special” “tape”, “CD” are all outdated references that need to be reviewed in the applications and related guidance. This includes revising the use of over legalistic language.
- Links to **third party application portals** were often inaccessible. The Centre for Public Appointments need to commit to only working with providers who can ensure an accessible and inclusive user experience.
- The practice of only given phone numbers for people to use to access further information about applying needs to be supplemented with an **email address** and live time **sign language interpretation**.
- The Centre for Public Appointments needs to revise the current disability **data monitoring questions** and monitoring methodology to ensure it reflects a range of

experiences and conditions and, in turn, reflect the range of experiences and identities of people with disabilities and long-term conditions.