

Disability Unit- Cabinet Office

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Disability workforce reporting consultation response

The BMA is a professional association and trade union representing and negotiating on behalf of all doctors and medical students in the UK. It is a leading voice advocating for outstanding health care and a healthy population. It is an association providing members with excellent individual services and support throughout their lives.

The Association is proud to support disabled people, both as valuable and valued colleagues within our profession and as patients. We welcome the opportunity to respond to the Government's consultation on this important issue.

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

Greater transparency on disability in the workplace could bring a range of potential benefits. Requiring organisations to be proactive in understanding the diverse needs and experiences of their workforce should lead to fresh impetus for creating more inclusive environments. It will provide an important baseline for employers to assess the impact of their current practices on the recruitment and retention of disabled people and prompt them to take steps to proactively tackle existing disability employment gaps. It should also assist organisations in understanding the resources necessary to meet their statutory obligations to make reasonable adjustments to support disabled people in their workforce.

However, simply reporting the number of disabled people employed by an organisation will not on its own bring about the necessary changes needed to foster truly inclusive environments. Reporting that focuses solely on the number of disabled people in employment may be counterproductive and misleading unless levels of participation in these monitoring efforts are also reported, and steps are taken to address concerns about the impacts of disclosure on an individual's career prospects or experiences in the workplace. The BMA survey and report on [Disability in the Medical Profession \(2020\)](#) found that even with metrics there was considerable concern among disabled staff about the potential consequences of disclosing their disability status to their employer. 77% of respondents said they were worried about being treated

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unfavourably if they disclosed a disability or long-term health condition at work or medical school. Only around one third (36%) felt comfortable telling people about their disability or health condition because they believed the organisation was disability friendly.

It is therefore important that reporting the number of disabled people in their employment is considered as one necessary element of a range of metrics and measures taken by organisations to capture the experiences of their workforce, and concrete action to promote disability inclusion including fairer pay and reward.

In England, The Workforce Disability Equality Standard (WDES) is mandated by the NHS Standard Contract and applies to all NHS Trusts and Foundation Trusts. In the spirit of transparency and continuous improvement, national health organisations in England adopted the WDES in autumn 2020. The WDES is a data-based standard that uses a series of ten measures (metrics) to report on the experiences of Disabled staff in the NHS and crucially, to then support the development of organisational action plans.

Whether the scheme is voluntary or mandatory, employers should be required to make clear to employees the reasons why they are collecting disability data i.e. to monitor and address inequalities within the organisation. They should also provide absolute assurance about the use of personal data and the fact that it will be collated and published in a form that prevents identification of any individual. Reporting forms must offer a 'prefer not to say' option for those who might still be uncomfortable reporting their information. The wishes of anyone who chooses not to provide information must be respected and disclosure must not be connected in any way to reward or promotion. Similarly, there should be no incentive available to organisations to pressure staff into disclosure.

Do you think that disability workforce reporting by large employers (250 or more employees) should be voluntary or mandatory?

The BMA supports mandatory requirements for large employers to undertake disability workforce reporting. Such a scheme is already in place within the NHS in England.

The consultation document identifies that voluntary uptake of disability reporting has remained low. This may be for a variety of reasons, including lack of capacity or resource to undertake the necessary work. However, it may also allow some organisations to feel they are justified in deprioritising disability monitoring (and associated action to promote disability inclusion) compared with monitoring of other protected characteristics, such as ethnicity and gender. Mandating disability reporting sends an important message that improving the recruitment, retention and treatment of disabled people in the workplace is a policy priority and underlines an expectation that organisations will act on the information they collect.

Mandating disability workforce reporting also provides an opportunity for guidance to organisations to be put in place which will allow for greater standardisation of approach, including the use of a standardised definition for self-reported disability (discussed further below). This will be important in ensuring consistency and quality of the data collected and the potential to benchmark across and between organisations and sectors and against national standards.

As highlighted above, it is critical to recognise that while the *organisation* has a mandatory obligation to collect and report this data, this should absolutely not be translated into any pressure or appearance of mandation upon *individuals* on whether or not they disclose their disability status.

What do you think the main risks are?

The main risks of a mandatory approach are in how the data is captured and ensuring that conclusions drawn from it are robust. If there are significant numbers of disabled people not declaring their disability status, then this will create challenges in terms of the accuracy of the dataset unless it is made clear what proportion of the workforce has not provided this information.

As mentioned above, there can be considerable reluctance from disabled people to disclose their disability status to employers as a result of the ongoing stigmatisation of disability and concerns about the impact on career prospects and the reaction of colleagues. This is despite the fact that recent [ONS figures](#) show that around one third of all working age people in the UK have a disability or long-term health condition, with figures rising significantly as result of the pandemic, including long Covid.

Anonymous reporting for individuals may improve disclosure rates: for example, within the NHS in England we see around 3% of people declaring disability on records linked directly to individuals, but a much higher proportion (between 15 and 20%) declaring disability in anonymised surveying.¹

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

We support the implementation of mandatory reporting. However, should the UK Government choose not to pursue this option at this time, it should set a clear target for the percentage of organisations that voluntarily report this data and a timeline for reaching that target. It should be made clear that there is a strong expectation that organisations will work to improve reporting on a voluntary basis and that mandation may be necessary for particular organisations or sectors if there is a failure to reach the target for voluntary uptake by the agreed date. The UK Government should commission research to identify the reasons for low uptake of the voluntary reporting framework by organisations, particularly focusing on disparities in reporting between different sectors. This research should aim to identify whether further guidance, training or resources are needed to support organisations to fulfil their responsibilities in this area.

¹ <https://www.bma.org.uk/media/2923/bma-disability-in-the-medical-profession.pdf>

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

As set out above, a mandatory approach is likely needed to spur organisations into action, given that voluntary uptake has remained low. Mandating collection of this data also sends a clear message that disability equity in employment is a strategic priority on a par with efforts to address gender and ethnicity inequity in employment.

A mandatory approach also allows for greater standardisation of question structure and reporting format, which will strengthen the usability of the data collected. The current lack of a required standard definition of disability used in voluntary schemes also impacts on the quality and reliability of data collected on self-reported disabilities, as one organisation may include a certain condition or conditions as a disability which another organisation does not. Such comparisons are important for employers in benchmarking their progress with regard to hiring and retaining disabled people. It would also facilitate greater comparison between organisational reporting and national disability-related employment commitments. Similarly, consistent methods may help encourage self-reporting of disability, as people moving into or between different employers would be familiar with the process for declaring disability and receiving appropriate support. This should include ensuring that the process allows for employees to self-report disability or illness that they either did not have or did not declare at recruitment stage.

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

As highlighted, the main benefits of publishing disability workforce information are around galvanising action and improving transparency. Reporting on a range of indicators that cover recruitment, retention and progression over time would allow organisations to target action towards specific areas where particular barriers for disabled people's employment exist. Publishing this information could also strengthen accountability, allow disabled people to make more informed choices about particular employers or sectors, and could support more effective evaluation of the impact of interventions over time.

What do you think the main risks are?

The main risks connected to publishing disability workforce information are:

- The risk that perverse incentives are inadvertently created for employers to **over-report disability** in order to falsely appear to be closing the disability employment gap or meeting a potential disability employment target. We would encourage the Government to ensure that any new obligations introduced genuinely incentivise meaningful action to support disabled people into employment, and are combined with other measures to increase and improve the support available to disabled people within the workforce.
- The risk that poor disclosure rates leads an organisation to **under-reporting of disability** within the workforce and therefore deprioritisation of support for disabled people within the workforce.

Both risks could be mitigated to some degree by requiring organisations to develop a narrative analysis of their results and ongoing action plans to address disability equity in employment alongside annual publication of the monitoring statistics, in a similar way as exists with gender and ethnicity reporting.

In addition, care must be taken to ensure that there is an appropriate balance between granular reporting levels and the absolute imperative of preserving the anonymity of individuals within organisations.

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?

We agree that this is a broadly useful baseline statistic in terms of recruitment. However, on its own it will provide little insight into either the retention or progression of disabled people in the workforce, and may have limited value in promoting understanding of barriers that prevent recruitment in the first place. We would encourage the UK Government to look at existing schemes, such as the [NHS Workforce Disability Equality Standard](#), and existing schemes for other characteristics, such as gender pay gap reporting requirements, to identify a wider set of metrics that cover disabled people's experiences accessing, and within, the workforce in more depth.

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

In addition to wider indicators that can support analysis of retention and progression, organisations should be required to report on the pay gap between disabled and non-disabled employees. 2019 [research by the TUC](#) found a 15.5% pay gap between disabled and non-disabled workers. Disabled women continue to face the most significant pay gaps of all, higher than those faced by both disabled men and non-disabled women, showing the need for an intersectional approach to pay gap reporting across characteristics.

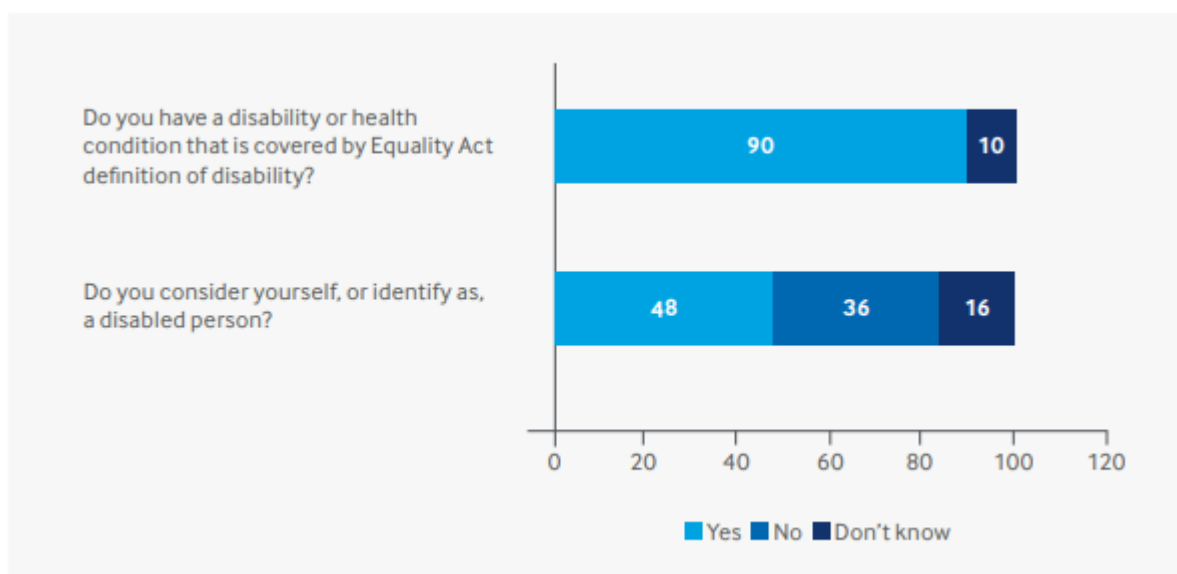
Improving access to workplace adjustments (reasonable adjustments) is absolutely critical to efforts to recruit and retain disabled people in the workforce. This was the top priority identified by disabled medics and barriers to securing adjustments is a frequently cited issue by multiple disability rights groups. We would therefore strongly welcome a requirement for organisations to have more accountability and transparency around the provision of adjustments, including a requirement to report on the number of requests for adjustments received and the number of those requests implemented in whole or in part within three months of the original request.

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?

As set out above, a standardised approach to *reporting and presenting* the data will provide simplicity for both organisations and employees, and allow for greater ability to analyse data over time. It will also increase the usability of the data. It is important that this information is made clearly and readily accessible to disabled people. We suggest that detailed guidance is provided to assist organisations to fulfil their responsibilities in terms of reporting. It is unclear whether this question seeks to go beyond this and advocate a particular methodology for collecting this data from employees; in our view, organisations should be prepared to use a wide range of methodologies in order to ensure the widest possible participation in the data collection.

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?

We agree that that a standardised approach to wording around this question is critical. Our own [disability survey](#) found that changes to how this question is worded had a significant impact on how people responded to the question:



We would strongly encourage the UK Government to liaise with DDPOs and disabled people more widely in the development of standardised wording on self-identification to ensure that it is widely inclusive. The wording should align broadly with the Equality Act 2010 definition but should more explicitly make clear that the definition incorporates physical, mental, cognitive and learning disability, and neurodivergent conditions, without the need for a formal medical diagnosis, and in line with the social model of disability.

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.

Clear technical guidance is required for organisations to successfully and consistently collect and report this data. In addition, detailed guidance for employees will be needed which sets out why the data is being collected, how it will be used, and who it will be seen by. This should be modelled on existing guidance for gender pay gap and ethnicity monitoring. The [TUC](#) has produced useful guidance on disability monitoring which provides a useful overview of the type of guidance that would be useful.

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?

The Equality and Human Rights Commission (and their equivalent bodies in the devolved nations) should be tasked with ensuring that organisations comply with a mandatory duty to report this information, with the necessary powers of enforcement in a similar way as exists with gender pay reporting.

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?

We would support a requirement for large organisations to publish organisation-level disability workforce statistics, provided that the publication of this data was sufficiently high level to prevent the identification of individuals. We would also recommend that organisations publish a narrative analysis of the data and action plans to demonstrate how they intend to act on the findings.

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.

The UK Government should take this opportunity to take meaningful action to support disabled people in the workplace. This should include a commitment to statutory maximum timeframe for implementation of reasonable adjustments within three months of them being requested, as set out in our response to the Health and Disability green paper. UK Government should also look to improving the efficiency of the Access to Work support scheme, and developing a national framework to support the provision of paid disability leave.

Most importantly, the UK Government should consult meaningfully with disabled people and organisations that represent them to maximise the potential benefits of disability workforce reporting as a way to galvanise action to increase the employment of disabled people. Progress on the UK Government's 2015 manifesto commitment to halve the disability employment gap has been disappointingly slow. Increasing the visibility of disabled people already in the

workforce, and ensuring they have the necessary support, is long overdue; however, simply counting the number of disabled people in work is not an end in itself – more concrete action must follow.

We hope this submission has been helpful- please do not hesitate to get in touch if you require any further information.

Yours sincerely,

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