

Disability Workforce Reporting

UCEA Consultation Response

UCEA

This is the response from the Universities and Colleges Employers Association (UCEA) to the government consultation on “Disability Workforce Reporting”.

UCEA represents the views of higher education institutions (HEIs) across the UK in their capacity as employers. UCEA is a membership body funded by subscriptions from 175 HEIs in the UK, in addition to eight sector associate members. Our purpose is to support our member HE employers in delivering excellent and world-leading higher education and research by representing their interests as employers and facilitating their work in delivering effective employment and workforce strategies.

HEIs are independent employers and determine their own employment policies, often in consultation with recognised trade unions; therefore, there are a variety of HR practices in place in the sector.

The response is based on views provided by 41 of our members higher education (HE) employers.

Consultation – Disability Workforce Reporting

Summary Response

HEI employers are very much cognisant of their moral, social and ethical obligations as employers and are committed to creating inclusive work and learning environments for staff and students. There was strong support from HEIs regarding the collection and publication of disability workforce information, with all the HEIs who responded to the survey confirming that they currently collect a range of workforce data on disability. The majority had collected this information for over 10 years. Our members agreed that greater transparency on disability in the workforce leads to more inclusive practices and HEIs also supported mandatory disability workforce reporting for large employers with 250 or more employees. The majority of our members who responded already publish disability workforce information as part of their annual Equality, Diversity and Inclusion (EDI) reports. HEIs highlighted some of the key risks and benefits of mandatory and voluntary approaches to disability workforce reporting and made several suggestions for alternative approaches.

Section A: Understanding the current landscape

Does your organisation currently collect information on the proportion of disabled people in your workforce? What information does your organisation collect?

All our members reported collecting information on the proportion of disabled people in the workforce, for example, whether employees declared a disability and the type of disability. HEIs use the disability definition in the Equality Act 2010 (EA) for collecting information but also use the prescribed disability definitions and categories as set out in Higher Education Statistics Agency (HESA) reporting requirements.

In addition to collecting information on the proportion of disabled people in the workforce our members collect a wide range of disability information with the majority collecting and reporting on their disability pay gap. HEIs reported collecting disability workforce information including:

- Disability data in recruitment, for example, the number of job applicants, shortlisted applicants and recruitment outcomes.
- Internal promotions and job re-gradings.
- Turnover data and leavers, for example, reasons for leaving employment by disabled employees in the context of reasons for leaving by all staff and by gender and ethnicity.
- Intersecting protected characteristics.
- Data reports on harassment and bullying on the basis of disability.
- Issues raised in disciplinary and grievance procedures.
- Numbers of staff using an HEI's disability support service.
- Number of flexible working requests.

As well as using disability workforce data for monitoring purposes, HE employers reported that they use the information to produce annual EDI reports which show disability pay gap information and the proportion of staff within their organisation that report having a disability. EDI reports may also include disability information broken down by academic department/school and professional services/directorates, intersectional data as well as information on occupational segregation i.e., disability rates across different grades.

How is this information collected?

Our members collect this information initially at the recruitment or onboarding stage usually via completion of an equality monitoring form by the individual employee and then on an ongoing basis employees update the disability status of their personal record on HR systems or databases via 'self-service'. Several HEIs reported that employees are invited on an annual or biannual basis to update their personal records or that the information is asked for as part of regular staff surveys. Our members also collect disability workforce information through occupational health disclosures and via reporting tools for bullying and harassment.

How long has your organisation collected this information for?

HEIs reported collecting this information as follows:

Less than 10 years	10
10 – 15 years	19
16 – 20 years	6
Over 20 years	5

The majority of HEIs have collected this information for more than 10 years.

Do you know if your organisation used the disability voluntary reporting framework? If your organisation uses the framework how useful is it?

A clear majority of our members stated that their institutions were not aware of and did not use the disability voluntary reporting framework - one HE employer reported using it. An HEI commented that their institution published *some* of the recommended information in the framework. An HEI highlighted concerns about the intrusive nature of some of the specimen questions in the framework particularly with regard to mental health and another commented that there is no clear structure to the framework therefore it does not add value.

Is there a cost to your organisation for collecting disability workforce data?

The majority of respondents reported there being no additional cost for collecting disability workforce data. Whilst a number stated there was a cost, this was generally not significant, for example, the main cost to collecting the data was the human and system/IT resources required to collate, maintain analyse and report the data. Several HEIs mentioned the need to cleanse the HESA submission data and that there was also a cost in undertaking staff surveys, particularly where this has been outsourced to an external provider.

How does your organisation use workforce information on disability in your organisation?

HE employers cited a wide range of operational and strategic uses for disability workforce information. For example, our members use disability workforce information to inform their decisions on employment policies and policy development, procedures and processes. Examples include developing guidance on reasonable adjustments, mental health and wellbeing strategies and informing training and development needs. Our members reported using disability workforce information in strategic annual EDI reports, plans and workforce profiles and dashboards broken down by department to monitor trends in the employment life cycle (recruitment, development, reward, progression) and to identify actions to address issues such as occupational segregation and the underrepresentation of disabled employees in particular grades. The information is also used to develop key performance indicators (KPIs). HE employers commented that it was important to use the information to review disabled people's lived experiences to create inclusive working environments and to inform decisions on reasonable adjustments and accessibility. As well as the uses above, our members highlighted the following uses for information on disability:

- To monitor performance development review (PDR) outcomes.
- To inform recruitment and selection processes and training e.g., to upskill managers in supporting disabled employees.
- To reach out to disabled employees for consultation purposes.
- To identify and reduce gaps in experiences for disabled colleagues.
- To understand the scale of inappropriate behaviours and harassment experienced by disabled employees and to identify actions to address such behaviours.
- To support staff disability networks and advisory groups.

Does your organisation publish disability workforce data externally and if so, where?

The majority of our members publish disability workforce information on their HEI's external webpages, usually as part of their annual EDI report, as well as on internal webpages. HEIs felt it was part of their obligation under the Equality Act (EA) 2010 to demonstrate compliance with the public sector Equality Duty (PSED). Further, Scottish members highlighted that in line with Scottish Specific Duties (SSDs) under the PSED they are required to publish pay gap and disability workforce information on their external webpages. A small minority of HEIs did not publish disability workforce information externally and expressed concerns about being able to identify individuals particularly in smaller higher education institutions.

Section B: Benefits and barriers to disability reporting

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

All our members who responded strongly agreed that greater transparency on disability in the workforce leads to more inclusive practices. Our members commented extensively on the benefits of greater transparency with a common theme being that it leads to greater accountability and understanding which develops conscious practices and brings the issues faced by disabled people in the workplace to attention. Data was seen by HEIs as key to understanding the workforce and building strategies to support staff and drive cultural change. HEIs felt that transparency around data leads to a culture of trust and enables conversations around disability. In effect, data was seen by our members as a catalyst for change.

HEIs commented further that where employees can see real change and evidence that actions are being taken to address key issues and employment gaps this creates a more trusting and inclusive environment and although publishing disability workforce data on its own does not necessarily have a significant impact – it is nonetheless necessary to act. Our members felt that when organisations are more accountable and develop more inclusive practices, they can attract a wider pool of talent and skills. Indeed, it can be argued/ that inclusive practice around disability and other protected characteristics routinely improves the working lives and wellbeing of all staff.

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

HEIs were somewhat divided in their response to this question but nevertheless the majority of those who responded (75%) were in favour of mandatory reporting by large employers. Our members commented that mandatory reporting will increase understanding of the experience of disabled staff in the workplace and encourage best practice and inclusion as well as highlighting the barriers faced by disabled people. Mandatory reporting is also crucial for transparency and governance. HEIs compared mandatory disability workforce reporting with the current gender pay gap (GPG) reporting requirement and emphasised the importance of national comparable data. HEIs also commented that regardless of whether workforce reporting is mandatory or voluntary it is essential that staff have confidence in the data and that it is confidentially and sensitively managed. It was also suggested that a voluntary approach could be the starting point so that any reporting system can be tested and improved before mandatory reporting is subsequently introduced.

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

Overall, our members commented that the main benefit of a voluntary approach is that organisations are seen to be more genuine because they consider it to be the right thing to do rather than a box ticking exercise. HEIs felt that voluntary reporting encourages a responsible approach and meaningful action and might lead to a competitive advantage as it demonstrates an organisation's commitment to EDI and fostering an inclusive awareness. In other words, a voluntary approach as opposed to compliance could encourage cultural change as it allows organisations to reflect on their specific needs and context.

HEIs further commented that from the staff perspective, a voluntary approach might result in staff feeling more empowered to disclose and share details in confidence rather than feeling pressurised to disclose. There is a distinction between requiring individuals to report which is a personal decision and one which should be voluntary as opposed to organisational reporting which members felt should be mandatory.

What do you think are the main risks of a voluntary approach?

HEIs agreed that the main risk of a voluntary approach is that fewer employers will report if it is not mandatory and therefore less action will be taken on disability regarding inclusive practices, supporting disabled employees and addressing the disability pay gap. A voluntary approach relegates the question of disability and employer responsibilities to something that is good in principle but which in practice may not be given a high priority. HEIs also highlighted a concern that a voluntary approach would result in organisations being unable to benchmark across sectors and that the process, reporting and collection of data would be inconsistent making it difficult to compare trends. Our members further commented that those organisations most in need of interventions may not engage in voluntary reporting.

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

Our members commented extensively on this aspect of the survey. Regarding the disability voluntary reporting framework, HEIs agreed that it would be helpful to simplify the framework. The key suggestions from our members for increasing voluntary reporting include:

- Develop guidance on the framework and on reporting including a standard set of questions and guidance on data collection, storage, and usage methodologies to ensure consistency of data collection.
- Develop and disseminate targeted publicity campaigns and information to increase awareness of the framework and the benefits of reporting.
- Explain the moral and social imperatives and narrate the financial and business benefits associated with voluntary reporting and data analysis to inform inclusion and engagement initiatives.
- Use case studies to showcase success and highlight the benefits to individuals and organisations, for example highlight disabled employees who have progressed through the organisation and the difference even small adjustments in the workplace can make.
- Develop guidance on what organisations can do if their disclosure rates are low.
- Facilitate opportunities for sector/industry level benchmarking and best practice, for example, publish collated data that can be used for benchmarking and enable organisations to use and filter the data for institutional purposes.
- Consider whether organisations already report through other mechanisms to avoid duplication.
- Link the framework to the Disability Confident Scheme.

Overall, HEIs commented that both voluntary and mandatory reporting would benefit from a clear and coherent government framework and set of expectations.

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

As stated above HEIs supported mandatory disability reporting and members reiterated their view that mandatory reporting will be a catalyst for change because it will highlight levels of non-disclosure, pay gaps, other significant issues and will create the momentum to tackle these and measure progress. Mandatory reporting will ensure organisations respond and

focus on inclusive practices around disability. HEIs cited mandatory GPG reporting which has resulted in actions and initiatives to address women's underrepresentation – this suggests that mandatory reporting is an important lever to effect change. Our members highlighted that publication of data and resulting transparency, accountability and scrutiny leads to change and action because there is an external challenge to organisations to review their policies and act. Mandatory reporting will ensure that disability equality is given priority status in organisations and standardised reporting will yield insightful benchmarking data. HEIs felt that whilst there may be some initial push back from employers there is a longer-term gain for both disabled staff and organisations.

What do you think are the main risks of a mandatory approach?

Member HEIs were concerned that a mandatory approach may be seen as a tick box exercise and could result in lower levels of disclosure by disabled staff, particularly because organisations can only report what is reported to them, and employees may withdraw from the process if organisations insist on having data. There is a risk to mandatory reporting given the challenges associated with data capture and consistency, appropriate benchmarking and low disclosure rates in the wider context of persistent social taboos and discrimination around disability. HEIs commented that mandatory reporting may increase the workload of staff who analyse the data and produce the reports. It would be important that support is put in place to enable organisations to implement mandatory reporting sensitively and appropriately if it is introduced.

Our members commented that there is a risk that resources may be focused on reporting outcomes and measuring rather than actions and initiatives to support disabled employees. It would also be important to prepare and work with the disabled community if reporting highlights discriminatory practices and behaviours.

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

Overall, HEIs commented that publishing disability workforce information provides an impetus for organisations to increase their support for disabled workers and take action on inclusion around disability. Publishing the data creates an understanding of disability in the organisation and the increased visibility of disability information in turn may result in more staff feeling confident to disclose their disability. HEIs felt that in addition to providing benchmarking information, publishing data embeds organisational transparency and accountability and can lead to increased action as organisations will be held to account. In addition, employees and potential employees can access information about workplaces and how inclusive they are.

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

HEIs pointed out that it is difficult to draw meaningful conclusions where there are low levels of disclosure by disabled employees. Given that the media rarely provide context when reporting on the GPG, for example, publishing disability workforce information data could result in reputational harm to organisations that are taking positive action or whose operating context is the cause of poor data rather than poor management or employment practice. Similarly, HEIs commented that where disclosure rates are low, disabled employees may be less inclined to disclose their disability and the organisation less likely to attract a more

diverse workforce. It is important therefore to publish data and context. Several of our members also highlighted that there was a potential risk of breaching data protection regulations through the disclosure of identifiable disability information. HEIs agreed however that the risks of publishing disability workforce information should not be a reason not to publish.

Section C – Considerations if mandatory disability reporting were to be introduced

Do you agree or disagree that the proportion of employees identifying as disabled is a useful statistic to report on?

Most of our members considered that the proportion of employees identifying as disabled is a useful statistic to report on with some comments that whilst it is a useful starting point it does not provide a complete picture.

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

In addition to overall disability disclosure and non-disclosure rates and the disability pay gap, our members suggested a range of statistics or measures that could be reported including:

- Break down by grade, employment status, for example, permanent or temporary, full, or part time.
- Break down by academic department/professional service.
- Proportion of disabled employees in leadership roles.
- Intersectional data around gender, ethnicity, age and other protected characteristics to understand inequalities further and the real-life experience of disabled employees
- The specific nature of disabilities, for example, the number of staff with physical, mental health and neurodiversity conditions but ensuring confidentiality is not breached.
- The number of individuals requiring reasonable adjustments/the extent to which reasonable adjustments have been made.
- Qualitative data on the lived experience and satisfaction levels of disabled employees, for example, from a staff survey.
- Breakdown of numbers of short- and long-term access needs.
- Data on employees with chronic or long-term health conditions – employees may prefer this terminology to disability.
- Sickness absence data.

Do you agree or disagree that large employer (250 or more employees) should use a standardised approach to collect disability workforce data if reporting became mandatory?

The majority of our members agreed that large employers should use a standardised approach to collect disability workforce data if reporting becomes mandatory. It is important for the HE sector however that any standardised approach aligns with or mirrors HESA reporting requirements and disability classifications because HEIs are already required to report disability workforce data to HESA. Any discussion on standardised formats must therefore take account of existing reporting requirements to be practical. In addition, HEIs recognised that whilst a standardised approach would enable effective analysis and

benchmarking, not all large employers are at the same stage in their EDI work or subject to the same legislative framework. The potential impact of disability workforce reporting increasing bureaucracy, costs and the potential incomparability of longitudinal data gathered over many years by some organisations will therefore need to be considered. Our members also noted that employers use a range of different HR systems and databases and the implications of adopting a standard approach, for example, having to amend systems to extract data will also need to be considered.

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?

Overall, our members commented that it would be important to refer to and/or incorporate the statutory definition of disability under the EA 2010 into wording to ask employees if they identify as disabled, for example, *“Do you have any physical or mental health conditions or illnesses lasting or expected to last 12 months or more and do any of your conditions/illnesses have an effect on and/or reduce your ability to carry out day-to-day activities?”* HEIs suggested consulting with and/or co-creating wording with disabled employees and recognised the sensitivities around the definition of disability and wording used.

Several HEIs suggested that the wording should be as simple and short as possible with others preferring a fuller list of options or a free text box for disabled employees to provide further details if they wish. Please see examples of wording suggested below:

- *Do you have a physical or mental condition that limits your movement, senses or activities and/or that requires adjustments in your daily life?*
- *Do you have any additional needs (physical, mental, learning, sensory) where you feel you require support within the workplace?*
- *Are you willing to say if you identify as disabled? If yes, please select which options best describes your disability:*
 - Blind or serious visual impairment*
 - Cognitive impairment*
 - Deaf or serious hearing impairment*
 - Disability but prefer not to specify*
 - General learning disability*
 - Long term illness or health condition*
 - Mental health condition*
 - Multiple disabilities or health conditions*
 - Physical impairment or mobility issues*
 - Specific learning 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.

Overall, our members who responded felt there was a need for clear and comprehensive guidance for employers on collecting, storing, analysing and presenting the data together with information and publicity on the benefits of disability workforce reporting and why it is important. HEIs suggested a toolkit, informed by the experiences of disabled people, which

guides employers through each stage of the process including advice on how to interpret and handle small numbers and gaps in data, templates to upload information into, case studies, exemplars, guidance on appropriate terminology and best practice in terms of messaging around data collection, dashboard and reporting tools. Our members commented also that it would be helpful for the reporting deadline for disability workforce reporting to be the same as for GPG reporting.

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?

Overall, HEIs agreed that disability workforce information should be reported to a government organisation and suggestions as to the most appropriate organisation included:

- A government portal like the GPG portal
- The Office for National Statistics (ONS)
- The Department for Work and Pensions
- The Equality and Human Rights Commission
- The Government Equalities Office (GEO)

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?

The majority of our members agreed that large employers should publish disability workforce information. Regarding whom should publish this information, our members were divided in their responses to this question with the majority of respondents suggesting that the employer should publish the information. Other suggestions included:

- The GEO
- A government portal like the GPG portal
- The respective government of the organisation concerned e.g., the Welsh Government in Wales etc.

Section 4: Alternative approaches

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.

Our members made a range of comments and suggestions for increasing transparency inclusion and the employment of disabled people underpinned by the need for HEIs to uphold and be seen to uphold their social, ethical and moral duties as employers. HEIs suggested widening the PSED under the EA 2010 to include all organisations and creating a charter mark which would provide awards for excellence in disability inclusion as well as a structured framework for organisations to understand and reflect on their approach to disability inclusion. A charter mark could also provide expert guidance on how to improve practice.

HEIs commented that a culturally inclusive environment involves a range of activities, for example, supported staff networks, training for line managers and staff, policies that reflect

cultural inclusivity along with guidance documents and supportive information. Several of our members highlighted the importance of supporting and enabling staff disability networks to raise awareness and give a voice to disabled people. It is also essential to have buy in and active promotion of inclusive practices from senior staff.

Our members commented that accessible and inclusive physical spaces remain an issue and it is important that inclusivity and accessibility considerations are part of everyday discussion, consideration and planning rather than an afterthought. With that in mind, HEIs felt that the Access to Work scheme should be funded properly as the funding of adjustments can be prohibitive for employers and difficult for disabled staff to discuss. HEIs suggested simplifying the Access to Work scheme and promoting it more widely to eligible employees. HEIs also highlighted the government's Disability Confident Scheme which encourages employers to strive towards the commitments they must fulfil to achieve and sustain their status. It also shows current and prospective employees that their organisation welcomes and supports disabled people and understands the value that a diverse organisation brings. Members suggested that the Disability Confident Scheme should be an externally assessed process instead of self-assessment which would mean that it would be more robust.

Other alternative approaches included:

- Develop internship programmes to provide disabled individuals with an opportunity to gain work experience and create learning opportunities for employers in how they support disabled people, for example, by working in partnership with a local FE college and running an employee assistance programme. Developing and widening access to a network of job coaches or a national job coaching programme would enable more organisations to run internship programmes and would be of immense support to disabled people in the workforce.
- Implement procedures to record and increase the visibility of the lived experiences of disabled people in the workplace which would support better understanding and help create an open and supportive culture. For example, publish an annual report or checklist asking about networks for disabled staff within the organisation, how reasonable adjustment requests are made, what policies are in place on disability, what expert support is available, how disabled staff contribute to decision-making on disability issues and how the experiences/satisfaction of disabled staff are measured, and actions are taken forward.
- The government could commission studies looking at lived experiences and attitudes of staff who have declared a disability in their sectors to better understand the interventions that can improve practices and increase the numbers of disabled staff.
- Embed inclusive practices and principles as part of organisation and procedural design, for example, Equality Impact Assessment processes and requirements could be mainstreamed across all large employers. Respondents highlighted that regulation and/or oversight of this will be resource intensive and create work for organisations such as the EHRC and/or other relevant public bodies.