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RECOMMENDATIONS FOR AMENDMENTS TO THE FRAMEWORK FOR VOLUNTARY REPORTING ON DISABILITY, MENTAL HEALTH AND WELLBEING

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The framework for *Voluntary Reporting on Disability, Mental Health and Wellbeing* was introduced by the government in November 2018. It is divided into two sections: a disability reporting recommendation; and a mental health and wellbeing reporting recommendation.

This briefing recommends three changes to the first of these sections – the employer disability reporting recommendation.

1) Amendment to the question employees are asked to establish their disability status

The framework recommends that employers use the following question to ask employees about their disability status: “Do you consider yourself to have a disability or long term health condition (mental health and/or physical health)?”

This question is not aligned to the *Equality Act 2010* definition of disability or the Government Statistical Service’s harmonised disability measure. Slight variations in the wording of the question asked can produce markedly different rates of disability prevalence. It is possible that the current recommended question will underestimate the prevalence of disability given its specific mention of disability, which may result in respondents with a long term health condition which is activity-limiting providing a negative response as they do not identify as disabled.

As such, we argue that two linked questions based on the measure in the Labour Force Survey (LFS), should be used. The LFS, which is the government’s main source of national disability statistics, and is used to monitor its national disability employment commitments, asks respondents: ‘Do you have any physical or mental health conditions or illnesses lasting or expecting to last 12 months or more?’. If respondents answer in the affirmative, they are asked the follow-up question: ‘Does your condition or illness reduce your ability to carry out day-to-day activities?’ (Yes, a lot; Yes, a little; Not at all). Respondents answering ‘Yes, a little’ or ‘Yes, a lot’ are defined as disabled.

This is consistent with the broader definition of disability in the *Equality Act*. As such, these questions will provide employers with the information on the proportion of their workforce

that is disabled they need to help them assess their fulfilment of statutory obligations with regard to disability discrimination and the provision of reasonable adjustments.

These questions can also be used for other future policy initiatives that might require employers to report the proportion of their workforce that is disabled (possible future changes to Disability Confident, or to government procurement following amendments to the Social Value Act, for example), thereby reducing the burden on business.

Recommendation 1: *The recommended question in the voluntary reporting framework that employers use to ascertain the percentage of their workforce that is disabled should be amended to bring it into line with the UK harmonised definition of disability. We recommend using the same wording that is used in the Labour Force Survey.*

It is also important that all employers use standardised wording in asking employees about their disability status. As argued above, slight changes in the wording of the question asked can produce markedly different results. As such, if the questions employers use differ (even if only slightly) it will not be possible to compare the figures across employers with any degree of certainty.

Given this, we argue that, rather than the question in the voluntary reporting framework being the ‘recommended’ question, it should instead be the ‘required’ question, with employers not being permitted to deviate from it. This will allow for more accurate understanding within, and comparison across, employers. 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.

Recommendation 2: *All employers engaging with the voluntary reporting framework should be required to use the amended question (as outlined in Recommendation 1) and should not be allowed to deviate from it.*

2) Requirement for all employers to report the percentage of their employees who are disabled

The voluntary reporting framework states that employers are expected to report ‘where possible’ the percentage of individuals within their organisation who are disabled or have a long term physical or mental health condition. However, we argue this reporting should become compulsory, such that all employers engaging with the framework should be required to report the percentage of their employees who are disabled according to the definition set out in section 1 above.

Recommendation 3: *Part B of the disability reporting recommendation should become compulsory for all employers who engage with the voluntary reporting framework, thus requiring them (using the questions based on the LFS outlined above) to report the percentage of employees within their organisation who are disabled.*

3) Standardisation of data collection method

Employers currently collect data from their employees on their disability status through a variety of methods including self-declarations at the recruitment stage, periodic updating of HR records, and via staff attitude surveys. These different approaches can lead to the under- or over-reporting of disability prevalence among the workforce, hence it is impossible to compare figures across employers that use different data collection techniques with any reasonable degree of accuracy. As such, to ensure comparability across employers, it is important that the government recommends a standardised method of data collection.

The standardised method we recommend would be for employers to distribute a 'Voluntary Self-Identification of Disability' form to their employees similar to Form CC-305 that supports the US government's Section 503 of the Rehabilitation Act of 1973. This invites employees to disclose their disability status to their employers.

https://www.dol.gov/ofccp/regs/compliance/sec503/Self_ID_Forms/VoluntarySelf-ID_CC-305_ENG_JRF_QA_508c.pdf

We would not recommend using the same wording used in the US form. Instead, we would recommend the development of a UK-specific form that uses the same question asked in the LFS (as suggested in Recommendation 1 above). This 'Voluntary Self-Identification of Disability' form would need to be government-approved such that it could not be altered or changed.

We would advocate measuring disability prevalence via disclosure rather than via anonymous staff survey given many employers do not run staff surveys. Disclosure would also provide employers with the information they require for the purposes of identifying the need to make reasonable adjustments. In addition, firms would be able to use the data collected to calculate their disability pay gap, thereby reducing the burden on business should disability pay gap reporting become mandatory.

We suggest employers should be required to collect data from their employees via this method on an annual basis.

Recommendation 4: *All employers engaging with the voluntary reporting framework should be required to collect data on an annual basis using a standard 'Voluntary Self-Identification of Disability' form that cannot be altered or changed.*

If you would like further information or to discuss the issues raised in this brief, please contact: info@disabilityatwork.co.uk.

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