

Equality and Human Rights Commission
Policy report

Working Better

The perfect partnership – workplace
solutions for disabled people and business



“It is about trying to create a wider work environment. Everyone can be supported and everyone can feel they can contribute the best they can, when they can. And when you do that you are making an environment more open and accessible for everyone.”

(Mike Smith, Chair of the Equality and Human Rights Commission’s Disability Committee, speaking at the London employer roundtable)

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Foreword

Working Better has been an innovative and highly influential project for the Commission, exploring how we can better match the aspirations and needs of workers, in ways that meet both the economic and individual challenges of modern Britain. In this report we have looked in depth at how we should support the ambitions and career development of disabled people. This is an area where we need to make real progress because the gaps in engagement and achievement between disabled people and non-disabled people in the workplace are too large and in some cases widening.

Our findings are based on the extensive evidence base we have collected, over the past year or so, of the aspirations and experiences of individuals and we have listened carefully to the views of employers and employees, trade unions and others on how we can make real progress. We know a lot about the physical barriers that disabled people face but we also need to look at the cultural barriers at work. The world of work is changing: hot desking, home working, new ways of working, and changes in employment, social enterprise and the 'big society'. We need to focus on how these factors can transform working practices and better meet a range of different needs.

We also need to shift the onus and spotlight off individuals to act to secure the support they need. Our report recommends working towards collaborative delivery as part of a shared modern work agenda that works for all – including employers recognising that work practices can be shaped around individuals to capture their skills in the interests of business. Flexibility and innovative ways of working are not just desirable: we know that it is often the prime reason disabled people are able to work.

We know that our recommendations need to work for both individuals and employers and there are some sound, simple and low cost solutions in this report for employers. We are grateful for the input of our Advisory Group and in particular the views of disabled people themselves on what would make a difference. In a climate of great economic challenge there has never been a better time to make sure we utilise the range of skills and talent that disabled people have and to raise their aspirations of work and careers to support economic revival and a fair recovery. I urge you to read this report and give full consideration to the findings and recommendations.



Baroness Margaret Prosser OBE

A handwritten signature in black ink that reads "Margaret Prosser". The signature is written in a cursive, flowing style.

Deputy Chair

Equality and Human Rights Commission

Executive summary

The Equality and Human Rights Commission's first Triennial Review: *How Fair is Britain?* (2010) mapped progress on equality in Britain for people with protected characteristics.¹ The report identified those issues most urgently in need of resolution and 'Closing the employment gap for disabled people' was identified as one of the top challenges facing society today.

Over one in five adults in Britain today is disabled, yet only half are likely to be in work compared to four-fifths of non-disabled adults. High numbers of disabled people continue to be excluded from work opportunities that open the door to wealth, worth and wellbeing. The imperative to act on this unacceptable level of disadvantage has never been stronger. Deficit reduction is driving cuts in public sector jobs – where many disabled people work. There is a very real risk that failure to take effective action at a time of economic downturn will allow inequality to prevail and result in the employment gap widening.

At the same time, the economic backdrop brings into sharp focus the difficulties facing many businesses. The challenge is to find workplace solutions – simple and low-cost or no-cost – that can help employers to open up work more effectively to disabled people and retain talented workers, support business productivity, survival and a fair recovery.

This report, part of the 'Working Better' series, presents a reality check – a fresh look at the work aspirations and experiences of disabled people today in order to identify new solutions. We present newly published evidence on the impact of current disability and work 'remedies' – what's working well for individuals and businesses and what might work better to make the most of the abilities and potential of disabled employees. We explore barriers created by traditional ways of working, and the potential of flexibility and re-configured work to support innovative workplace delivery of the social model of disability.²

The key objective of the project was to learn how we could make work a much more positive experience and open up better work opportunities for disabled people. This meant looking closely at access and progression to 'quality' work opportunities and to careers – not just to getting a job and being in employment.

The report draws on newly commissioned evidence of what is needed from the experts: employers and individuals. It presents a powerful call for action to make disability equality a reality in the workplace.

There are already some levers for improvement. The Equality Act 2010 has created a stronger framework to tackle inequalities facing disabled people and offers the opportunity for employers to take positive action to develop and use the skills and talents of disabled people. The government's role in relation to disability programmes for individuals will be strengthened by the recommendations of the Sayce Review (Sayce, 2011) with the proposed extension of Access to Work timely and welcome.

The evidence base

To allow us to test out findings and conclusions from different perspectives we have drawn on a wide range of evidence, including:

- Recent research and data on employment status, aspirations and expectations of disabled people, including evidence from the Commission's first Triennial Review: *How fair is Britain?* (EHRC, 2010) and newly commissioned research on 'Disability, skills and employment' (Riddell et al, 2010).
- The experiences of disabled people in the workplace – drawing together enquiries and complaints from the Commission's Helpline; evidence³ to the Commission's Disability Harassment Inquiry and recent Employment Tribunal statistics and awards.
- Consultations with employers and qualitative focus group research with disabled people (Adams and Oldfield, 2012).

The scale of the challenge

How Fair is Britain? (EHRC, 2010) found that, across Britain, the employment rates of disabled adults are very low with only around 50 per cent employed compared to 79 per cent of non-disabled adults (a difference of nearly 30 per cent). There is significant variation by region and country, with disabled people in the South East of England having the highest rate of employment at 59.6 per cent and those in Wales the lowest at 39.9 per cent.

While there has been some improvement over recent years, progress remains slow, with significant variations by impairment group over time. For example, employment rates for people with mental health conditions only increased from 12 per cent to 13 per cent, from 2002 to 2008 while rates for people with speech impairments decreased from 37.5 per cent to 31.4 per cent (Riddell et al, 2010).

The shift in recent years towards a high qualification, high skill economy to compete globally, has meant that the employment penalty for those with low or no skills has increased dramatically over time. It is estimated that the employment rate for disabled men without qualifications halved between the mid 1970s to the early 2000s (EHRC, 2010).

Disabled people with qualifications still face barriers to work. At every qualification level, disabled people are more than three times more likely than non-disabled people to be without a job but want to work (Palmer et al, 2005).

Discouragement and disappointment is reported as high among disabled young people. Poorer education and employment outcomes continue to blight lives. Participants in our focus groups aspired to a job or career that could unlock their potential. While a few were employed in roles that offered or came close to this, the majority were not. Many felt that the general workplace culture did not allow them to achieve their potential.

Why change is needed

There are clear benefits for the UK economy in closing the disability employment gap. The government spends £7 billion on out of work benefits for disabled people (Sayce, 2011) yet this could be reduced substantially.

If the employment rate for disabled people was moved to the national average, an estimated additional 1.3 million disabled people would be in work: boosting the UK GDP by at least £13 billion (Evans, 2007).

It is important to dispel the myth that disabled people can work but won't work, choosing instead to rely on benefits. Disabled people make up half of those who are not employed but would like to

work (Burchardt, 2000). Eighty-six per cent of people with mental health conditions not currently in employment would like to be in work (Stanley and Maxwell 2004).

Working disabled people express very positive views about how work has contributed to their lives. Williams et al (2008) reported that over nine in 10 disabled people in employment agreed that work keeps them active; gives them financial independence; enables them to meet new people; and makes them feel as if they are contributing to society.

The spending power of the disabled community is huge and is estimated at £80bn per annum in the UK (ODI/BIS, 2010). Some of the employers we consulted recognised the two go hand in hand – getting the employment of disabled people right helps the business to get it right for customers too. This was not just about the moral or social arguments for diversity – it was a common sense, business case approach to operating in a very competitive market.

The current picture: individual and employer perspectives

Individual perspectives

The impact of disability carries a high penalty to those in the workplace or trying to find job opportunities. For those in work, the onset of disability is a catalyst for unemployment. High numbers leave the labour market and many of those who do get back in drop out again.

Awareness of disability rights is low and disclosure is seen as a high risk strategy by many. Individuals report negative behaviours such as bullying and harassment and not fitting the image of the organisation. Reasonable adjustments are sometimes resented by managers and colleagues.

Disabled people recognised that some simple and low cost solutions could remove the barriers to staying in work. Top of the list were: more supportive managers, flexible working and support and understanding from colleagues. Yet virtually no-one had been offered these things.

Evidence and enquiries submitted to the Commission through its Helpline and Disability Harassment Inquiry (DHI) reveal a bleak picture of individuals often isolated and struggling to assert their rights and to access support, many of whom suffer for a number of years. Common themes are: difficulties in securing reasonable adjustments, the negative impact of disclosure and conflicts escalating into competence procedures and dismissals.

Employer perspectives

Employers also found the disability discrimination concepts difficult to understand. And many employers contest: who's disabled, what's reasonable, what is an adjustment?

Employers feared that often disclosure of disability occurred only when something goes wrong in the workplace and then it was often too late for a quick solution to be found. Disclosure was necessary for employers to make adjustments but they recognised the fear of impact on individuals.

The disabled person was often seen as the problem and not that working practices were inflexible and needed changing. Many employers felt the myths and stereotypes still existed, for example that disabled people took more time off work through sickness leave and that costs of employing disabled people were higher because of adjustments required.

Most recognised that line managers played a crucial role in resolving problems but were also often isolated and left to sort out adjustments. Training and guidance was a priority.

While the focus of employer discussions was on managing disability in the workplace, the recruitment of more disabled talent was seen as a priority and a challenge.

Making a difference: opening up work

Previous research (Williams et al, 2008) has indicated that 27 per cent of disabled people who had left a job for reasons connected with their impairment felt they could have stayed with appropriate support, adjustments or adaptations – those at the top of the list were simple and low or no cost.

Evidence from our research with individuals shows that a radical change in attitudes and practices is required to really improve the working lives of disabled people. Individuals described their ideal employer as someone who:

- is flexible in relation to working arrangements and makes the time and space to discuss these, while allowing employees to share information in their own time
- assumes that there may be staff with less visible impairments or long-term health conditions and that it is not possible to tell who is disabled and who is not
- proactively asks all staff what reasonable adjustments might be required and has safeguards in place to prevent any repercussions from voicing a need
- makes it clear the organisation recognises that people may develop impairments or health issues, and have different needs during their working life and is open to working with people to accommodate these.

Some of the types of adjustments that disabled people wanted took the form of changes which employers could consider on an anticipatory basis. The changes related to:

- workplace buildings and infrastructure
- flexibility
- management

The role of line managers was crucial. The ideal manager was described as one who would:

- make sure they are aware of the needs of their team by making clear to staff that they can approach them with challenges they are facing in the workplace
- use discretionary powers to allow people flexibility in their working day and not block sources of support
- informally ask people how they are and whether they have what they need, especially when people start work in a new role or return to work after a leave of absence
- make clear that they are open to discussion and contact when someone is on a period of sick leave
- adjust work roles on an individual, personalised and flexible basis
- tackle any performance issues on an informal basis first before escalating to formal (and intimidating) disciplinary panels
- adapt their style of delegating tasks and setting expectations to the individual, and provide mentoring for employees as required.

There was some synergy between the views of the individuals and the views of employers as to what was needed to open up workplaces. In particular, the importance of being proactive, of taking an inclusive approach across the workforce, and the importance of better communication and management practices were common themes.

Employers were keen to stress that solutions for disabled people at work would not necessarily be different or unusual and should have relevance to the entire workforce.

Creating the perfect partnership employment relationships

There was considerable variation in the relationships that disabled people and those with long-term health conditions had developed with their employers.

Some of the very best experiences of work (that came closest to many people's 'vision' of the ideal work) were as likely to be reported by those working in the private sector as those in the public or voluntary sectors.

There were different degrees of 'openness' reported in the experiences that participants had had at work. The extent to which individuals had a fully open and productive relationship depended on elements such as:

- how 'well matched' their role was to their skills and experience
- the effectiveness (or otherwise) of the communication they had with their employer
- the level of trust in how any disclosure of need would be treated
- the commitment and loyalty they had to a workplace, and
- the extent to which they felt enabled or empowered to participate and perform to their full potential.

The type of relationships described to us are set out in Table 1. on page 12.

Conclusions and recommendations

The scale of enquiries and complaints indicate that many disabled people are not getting the support at work they need and are entitled to. Individuals do need to be aware of their rights and be able to seek adjustments – but are often isolated on the 'frontline' struggling to win support via the legal compliance route which can exacerbate their problems.

Disability rights are paramount but different ways of securing delivery are needed. Moving from a focus on compliance to proactivity would change the agenda, using flexibility, new ways of working and job redesign, many of which come at low or no cost, and all of which are already recognised as effective for business.

We also need to find ways to enhance the skills and career development of disabled people. If disabled people get the support and development opportunities they need, employers will also benefit from realising the full potential of their disabled employees.

The world of work is changing including hot desking, home working and other new ways of working. We need to focus on transforming working practices to better meet a range of different needs.

1. We recommend shifting the onus and spotlight off individuals to secure the support they need towards more collaborative delivery that works for all, recognising that work practices can be shaped around individuals to capture their skills in the interests of business.
2. Employers need to comply with their legal responsibilities to consider reasonable adjustments for their disabled staff who do disclose⁴ but also need to recognise the personal risk that disclosure of a disability, or long-term health condition, represents to many disabled people – evidenced by the negative experiences of many in our Disability Harassment Inquiry and our focus groups with disabled people. We need to remove the risk for those who do not want to disclose and believe this should be based on offering work support for all who express specific needs – and not just for those with impairments or health conditions. This would help create a more inclusive culture that is positive about disabled people.

3. Employers need to be more proactive in anticipating support, for example employers need to seek information at the outset of employment about any job-specific adaptations and update regularly. This is best done across the whole workforce covering a wide range of needs and flexibilities, not just focusing on impairments or conditions, but on how changes and adaptations might help job performance in general.
4. Training and guidance for managers who need the skills and confidence to manage disability in the workplace is required. Managers need to be able to take prompt action to stop the escalation of problems and are key to adapting job roles and dealing with performance-related issues before escalating to formal procedures.
5. Flexibility and innovative ways of working are often the prime reason disabled people are able to work. We recommend that flexible working is offered as an option to all disabled job applicants and workers.
6. Job redesign: offering different job patterns can work for different groups of disabled workers.
7. Mental health at work has been a key focus for us in this project. The experts (disabled people and people who work in this area) we consulted have told us that work is often the best rehabilitation for those with a mental health condition. They have also told us it is essential not to lose contact with the employee and that those with the first onset of a condition can reverse the trend of a downward spiral if helped to remain in work and receive treatment concurrently.
8. There needs to be a constructive relationship between disabled employees and their employers, clinicians and occupational health practitioners, to ensure that the support needs of disabled employees are understood and effectively met.
9. Employers have to make clear that there is zero tolerance of hostility and harassment in the workplace and that managers and workers understand their responsibilities.
10. The Commission supports the Sayce Review 2011 and the recommendation on the extension and development of Access to Work and recognises that there needs to be more freely available guidance and advice for employers. We recommend Government does more to signpost the advice that is out there from organisations working with employers and disabled people such as Mind and Disability Rights UK and other advice and information agencies.

Key recommendations

- Employers should anticipate adjustments and support at the outset of employment through discussions led by managers and/or by using a **questionnaire for all new starters**. There should also be a follow up after a settling in or probationary period of time with the employer, for example, after six months.
- Employers should offer adjustments or flexibility at the recruitment stage without seeking information on disability, for example through **application forms, briefing of recruitment agencies and job advertisements**.
- Employers should offer **flexible working as an option to all disabled job applicants and workers**.
- Employers should **consult regularly** with the workforce on practical job and work organisation matters, for example through staff surveys.
- Employers should **consider holding a central budget for adjustments**, demonstrating a shared, central commitment.

- Government, business organisations and the Commission should offer guidance for employers and managers on the implementation of flexibility and adjustments including innovative job design, to support the **modern workplaces agenda of flexibility for all**.
- The Department of Health and the Department for Work and Pensions should consider producing **guidance for health professionals and employers** to keep disabled people, and those with long-term health conditions in work.
- Government/business should support the **skills and career development** of disabled staff, starting with advice and guidance in schools.
- The Department for Education and the Department for Business, Innovation and Skills (BIS) should explore how apprenticeships can be better opened up to disabled people.
- Professional bodies should find ways of **updating qualifications** for disabled people and those with long-term health conditions.
- The current focus on Women on Boards should be widened to **Diversity on Boards with a new focus on disabled people**.
- The cross-government Ministerial group set up in response to the Sayce Review (DWP, 2011) to oversee a new strategy for disability employment, should consider **piloting positive action schemes for disabled people** such as the successful Pathways to Work for Women initiative.⁵
- Employers should make clear that there **is zero tolerance of hostility, harassment and bullying of disabled people in the workplace and sign up to the Commission's proposed 'Employer Manifesto for Change'** (EHRC 2011).
- Government and BIS should **identify how Local Enterprise Partnerships can drive economic growth and the creation of local jobs by working together with business** in order to develop the skills and talents of disabled people and identify job and career opportunities.

Table 1: A typology of relationships between disabled people and employers. (Adams and Oldfield, 2012)

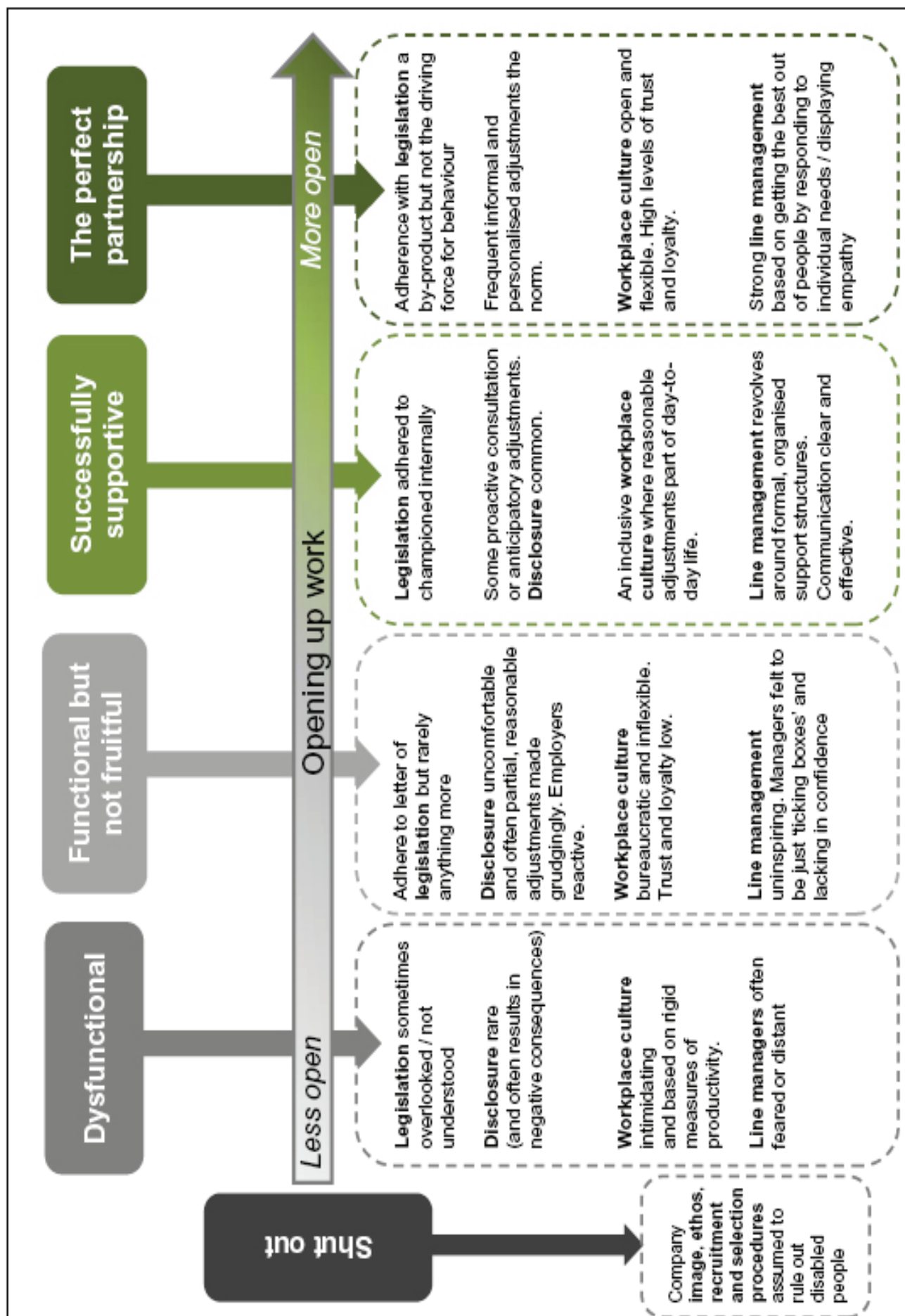


Table 1 describes the less open and less successful relationships, moving to the more open and inclusive approaches we encountered. Please see Chapter 5 for further explanation of this table.

Introduction

The Equality and Human Rights Commission's first Triennial Review: *How Fair is Britain?* (EHRC, 2010) mapped progress on equality in Britain for people with protected characteristics⁶. The report identified those issues most urgently in need of resolution and 'Closing the employment gap for disabled people' was identified as one of the top challenges facing society today.

Persistently low employment rates signal that high numbers of disabled people continue to be excluded from work opportunities that open the door to wealth, worth and wellbeing. The imperative to act on this unacceptable level of disadvantage has never been stronger. There is a very real risk that failure to take effective action at a time of economic downturn will allow inequality to prevail and result in the employment gap widening.

Deficit reduction is driving cuts in public sector jobs – where many disabled people work. At the same time, evidence suggests that the focus on policy to reduce public expenditure on the supply side, moving disabled people off benefits through work-ready assessment, isn't matched by activity on the demand side to make employment for disabled people easier to find and to stay in.

The Secretary of State for Work and Pensions has highlighted the tragedy of the 1.5 million disabled people (Sayce, 2011) now being assessed for work fitness, who have been on out-of-work benefits for 9 of the last 10 years – including a period of long and sustained economic growth. Now, in much leaner times, creating rewarding work opportunities becomes even more challenging. New ways of stimulating employer activity to open up and keep disabled people in good jobs need to be found that work for businesses and for individuals – at low or no cost.

There are already some new levers for improvement. The Equality Act 2010 has created a stronger framework to tackle inequalities facing disabled people. The government's role in relation to disability programmes for individuals will be strengthened by the recommendations of the Sayce Review, with the proposed extension of Access to Work timely and welcome.

But the size of the challenge cannot be underestimated. The proposed increase in the numbers supported by Access to Work from 37,000 to 100,000 will make only a small dent in the numbers of unemployed disabled people seeking work. This figure stood at 386,500 in 2008/09, and does not include those disabled people, currently economically inactive, who may be assessed as fit to work under the current assessment arrangements.

Evidence from our new research with disabled people has unequivocally found that being in work – and part of the mainstream workforce – matters. We know that the rate of progress to date has been painfully slow and virtually non-existent for people with mental health conditions. How can we achieve a shift in workplace culture and practice that delivers to this promise of modern mainstream employment? How can we make low paid, low skilled jobs at the margins of the labour market a feature of the past and mainstream careers for disabled people a meaningful offer for the future?

To help answer this, our report, part of the 'Working Better' series, presents a reality check – a fresh look at the work aspirations and experiences of disabled people today in order to identify new solutions. We present new evidence on the impact of current disability and work 'remedies' – what's working well for individuals and businesses and what might work better. We explore barriers created by traditional ways of working, and the potential of flexibility and re-configured work to support innovative workplace delivery of the social model of disability⁷.

The key aim of the analysis and recommendations in our report is to stimulate workplace change, drawing on the evidence of what is needed from the experts – employers and individuals.



The evidence base

To allow us to test out findings and conclusions from different perspectives we have drawn on a wide range of evidence. This includes:

1. Mapping of recent research literature and statistics on the aspirations and expectations of disabled people, in work or seeking work, including evidence from the Commission's first Triennial Review: *How fair is Britain?* (EHRC, 2010) and newly commissioned research on 'Disability, skills and employment' (Riddell et al, 2010).
2. The experiences of disabled people in the workplace – drawing together enquiries, complaints and employment tribunal data, from the Commission's Helpline, the Commission's Disability Harassment Inquiry⁸ and recent Employment Tribunal statistics and awards.
3. Consultations with employers and qualitative focus group research with disabled people (Adams and Oldfield, 2012).

This report and its recommendations reflect this broad evidence base.

The role of the Equality and Human Rights Commission

As the equality regulator, we aim to provide a modern approach to identifying and solving inequalities, focusing particularly on issues that are intractable and resistant to change, working with partners and using the range of powers available to us. At a time of deficit reduction, with rising unemployment and businesses struggling to stay afloat, the Commission has an important role to play, evidencing innovative and low-cost practices that can help employers to open up their workplaces more effectively to disabled people.

Disabled people have the same aspirations as non-disabled people. However, our research highlights that they face additional challenges in realising these aspirations. The challenges identified in this report often stop disabled people getting employment, or progressing in their chosen careers, and may mean that employers do not realise the full potential of their disabled employees. We have found that where employers and disabled people work together to address these barriers, then the employer, the disabled person and the organisation all benefit.

Chapter 1: The scale of the challenge

The disability employment gap

How Fair is Britain? (EHRC, 2010) found that, across Britain, the employment rates of disabled adults are very low with only around 50 per cent employed compared to 79 per cent of non-disabled adults (a difference of nearly 30 per cent). There is significant variation by region and country, with disabled people in the South East of England having the highest rate at 59.6 per cent, those in Scotland just below the average rate at 47 per cent and those in Wales the lowest at 39.9 per cent.

The scale of the gap has resulted in this inequality being identified by the Commission as one of the most significant and the most urgently in need of resolution.

An analysis of secondary data sources, including the Labour Force Survey (LFS), demonstrated that disabled people are disadvantaged in the labour market, with a higher probability than non-disabled people of not being in work at all, and, if they are in work, of having jobs which are less stable and lower paid (Meager and Hill, 2005).

While there has been some improvement in employment rates over recent years, progress remains slow, with significant variations by impairment group over time. Employment rates for people with mental health conditions, for example, have only increased from 12 per cent to 13 per cent, while rates for people with speech impairments have decreased from 37.5 per cent to 31.4 per cent and for people with epilepsy from 45 per cent to 41 per cent from 2002 to 2008 (see Table 2 on page 18).

A key factor accounting for the low rates of employment is that one disabled person in six loses their job in the first year after becoming disabled increasing to more than two in six in two years (Burchardt, 2003). The importance of focusing on the 'stay in work' agenda is explored later in this report.

Levels of employment

A higher proportion of non-disabled compared with disabled people are in high level employment. The gap has remained at around six to seven percentage points from 2002, with a marginal increase in 2008. ODI concluded that disabled people are more likely than the general population to be employed in routine, unskilled elementary jobs (Williams et al, 2008).

Types of employment

When disabled people are employed, they are significantly more likely than non-disabled people to work part time. In 2009, 33 per cent of disabled people were in full time employment, compared to 60 per cent of non-disabled people. The reasons for this may include informed choice or constrained choice – but part time work delivers part time pay, with associated poverty risks.

Pay gaps

Disabled people experience a pay penalty with median hourly wages 20 per cent lower for disabled women and 12 per cent lower for disabled men. As indicated above, one reason for this is the concentration of disabled people in part time work in low paid sectors. Across the life course disabled people consistently earn less than non-disabled people.

Table 2: Employment rates (percentage) for working-age disabled people by impairment type, Great Britain (Riddell et al, 2010).

Impairment	2002			2004			2006			2008		
	Low	Mid point	High	Low	Mid point	High	Low	Mid point	High	Low	Mid point	High
Arms, hands	38.9	42.8	46.7	42.7	46.6	50.5	42.2	46.2	50.2	42.4	46.4	50.4
Legs or feet	32.3	34.9	37.4	38.0	40.9	43.7	37.2	40.0	42.7	39.1	42.1	45.1
Back or neck	36.0	38.1	40.2	37.8	40.1	42.3	40.1	42.5	44.9	40.5	43.1	45.6
Difficulty in seeing	28.3	35.9	43.5	34.0	42.0	49.9	31.0	39.0	46.9	39.2	47.2	55.2
Difficulty in hearing	47.1	55.7	64.2	49.6	58.5	67.4	49.3	58.3	67.2	48.3	57.8	67.3
Speech impediment	9.9	37.5	65.1	5.0	29.4	53.8	2.1	25.3	48.4	2.8	31.4	60.0
Skin conditions, allergies	63.8	71.2	78.6	56.2	64.0	71.8	62.4	70.7	79.0	61.8	69.3	76.8
Chest, breathing problems	59.9	62.3	64.8	59.6	62.3	64.9	61.7	64.4	67.0	60.0	62.8	65.5
Heart, blood pressure, circulation	47.6	50.1	52.5	53.5	56.1	58.6	56.2	58.8	61.4	56.7	59.4	62.1
Stomach, liver, kidney, digestion	49.6	53.8	57.9	50.6	54.8	58.9	55.9	59.9	63.8	53.9	58.1	62.3
Diabetes	61.9	65.5	69.1	64.2	67.6	71.0	65.2	68.6	71.9	67.8	71.1	74.4
Depression, bad nerves	20.5	23.6	26.6	18.0	20.8	23.5	20.4	23.4	26.3	23.3	26.4	29.5
Epilepsy	39.1	45.0	50.9	28.7	34.8	40.8	35.8	42.1	48.4	34.6	40.8	46.9
Learning difficulties	9.1	13.7	18.3	16.0	21.5	26.9	8.7	13.4	18.0	14.7	20.0	25.2
Mental illness, phobia, panics	8.7	12.0	15.2	9.3	12.9	16.4	8.2	11.5	14.7	9.8	13.0	16.1
Progressive illness	34.9	38.7	42.5	40.3	44.2	48.0	33.9	37.7	41.5	37.7	41.6	45.4
Other problems, disabilities	50.5	53.6	56.7	51.1	54.3	57.5	51.9	55.1	58.2	51.8	55.0	58.2

Note: Showing 95 per cent confidence interval. A wider confidence interval (e.g. for speech impediment) indicates a small sample size, these figures should be treated with caution.

Qualifications and skills gaps

Education is a catalyst for opening the door to rewarding work. Yet evidence suggests that young disabled people today are still significantly less likely than non-disabled people to get good GCSEs and to enter higher education, and are almost twice as likely to have no qualifications in comparison to their non-disabled peers.

In 2007-2008, nearly 74 per cent of those without special educational needs (SEN) in England achieved five or more GCSEs at grades A* to C, compared to around 30 per cent of those with SEN but without a Statement and 11 per cent of those with SEN and with a Statement. In Scotland, over 80 per cent of non-additional support needs (ASN) pupils achieve five or more qualifications at Standard Grade/Intermediate 2, compared with 30 per cent of those with ASN (Riddell et al, 2010).

Among adults of working age, those with a disability are roughly half as likely to have degree level qualifications as those without. Disabled graduates achieve similar, but slightly lower degree and labour market outcomes overall compared with non-disabled students. However, there are considerable differences in labour market outcomes depending on impairment. Graduates with dyslexia are most likely to be in full-time employment (52.9 per cent) compared with 37.5 per cent of graduates with mental health conditions (AGCAS, 2009).

The shift in recent years towards a high qualification, high skill economy to compete globally, fuelled by the Leitch Review of Skills⁹ has meant that the employment penalty for those with low or no skills has increased dramatically over time. It is estimated that the employment rate for disabled men without qualifications halved between the mid 1970s to the early 2000s.

The importance of qualifications for work and life chances has led the Commission to identify closing the qualifications gap for disabled people as one of the key inequality challenges facing Britain today.

Under-use of skills

Evidence indicates that disabled people with qualifications still face barriers to work. Two studies have found a disability penalty despite qualifications: firstly, Evans (2007) found that disabled people and people with long-term health conditions have lower employment rates than the non-disabled population no matter what their qualification level, and secondly, Palmer et al (2005) showed that at every level of qualification, disabled people are up to three times more likely than non-disabled people to be without a job but want to work.

Ambition and aspiration gaps

Disabled young people have the same aspirations for qualifications and fulfilling careers as their non-disabled classmates, but there is a significant gap between aspiration and outcomes. Burchardt (2005) found that at age 16, three-fifths of each group wanted to stay on in education and between one-quarter and one-third were aiming for a professional qualification. Disabled and non-disabled 16-year-olds expected the same level of earnings from a full-time job.

Despite these similar aspirations, the experience of disabled and non-disabled young people diverged sharply in early adulthood. Three-fifths of non-disabled young people reported that they got the education or training place or job they wanted after finishing compulsory education, whereas just over half of disabled young people said the same. At age 26, disabled people were nearly four times as likely to be unemployed or involuntarily out of work than non-disabled people. Among those who were in employment, earnings were 11 per cent lower than for their non-disabled counterparts with the same level of educational qualifications. At this age, the occupational outcomes of 39 per cent of disabled people were below the level to which they had aspired 10 years previously, compared with 28 per cent of non-disabled people.

Individuals in our focus groups had a wide range of ambitions for their careers. Some were very happy and fulfilled in the job that they were working in. Others had aspirations to change the nature of their work or would like to progress into more senior roles. Some were satisfied with a job that simply enabled them to earn money and have some structure to the day.

Eighty-six per cent of people with mental health conditions not currently in employment would like to be in work (Stanley and Maxwell, 2004). Just 15 per cent of people with autism have a full-time job although 79 per cent of those with autism on incapacity benefit wanted to work.¹⁰

‘My ideal job. I guess I would want my manager to be somebody like Alan Sugar, I would have a six-figure salary. I mean I’m pretty happy with where I am working now in the administration role (for a disability support organisation) but ideally I would like to be in an IT role. That’s where my interests and background lie and I do find it difficult to find the perfect IT job... Ideally I would like to work somewhere like Canary Wharf, in a suit and tie, in a big building for Alan Sugar.’

(Man with a physical impairment, London)

Some of those who felt restricted in the type of work that they were able to do talked about having found ‘work’ but not a ‘career’.

‘The word career is associated with happiness, whereas work is associated with drudgery’.

(Man with a physical impairment, Manchester)

People who were born with an impairment – particularly a physical impairment – were more likely to mention career aspirations and to be more optimistic about progressing towards these.

Among those who had acquired an impairment during their working lives the focus was typically on managing their impairment and holding down a job. Career aspirations were much less likely to be a priority. Many were primarily concerned with keeping their current employment, felt relieved to have a job, and would have been very reluctant to ‘push for more’ or rock the boat for fear of losing their employment altogether.

Conclusion

Discouragement and disappointment is high among disabled young people. Poorer education and employment outcomes continue to blight lives. Participants in our focus groups aspired to a job or career that could unlock their potential and while a few were employed in roles that offered this, the majority were not. Many felt that the general workplace culture did not allow them to achieve their potential.

The size of the challenge in opening up better and more secure work opportunities for disabled people, and the unacceptably slow pace of change, indicates the urgent need for new approaches to drive workplace change now.

Chapter 2: Why change is needed

Individual perspectives

Contrary to myths and media reports, the evidence shows that disabled people want to work, but can't.

Evidence consistently shows that economically inactive disabled people want to find work, even when they have not worked for a long time and do not expect to work in the near future (Howard, 2002; Grewal et al, 2002). Disabled people make up half of those who are not employed but would like to work, and one-third of those who are available to start work in a fortnight (Burchardt, 2000). Eighty-six per cent of people with mental health conditions not in employment would like to be in work (Stanley and Maxwell, 2004). Just 15 per cent of people with autism have a full-time job although 79 per cent of those with autism on incapacity benefit wanted to work¹¹.

In IFF Research's focus groups for the Commission (Adams and Oldfield, 2012) all those who were not currently working wanted to re-enter the workforce. Some of these people talked about being happy to take any kind of job as an alternative to being reliant on state benefits.

Those who were not in work at the time of the research or who had experienced periods of unemployment would have liked to have remained with their previous employers and largely felt that – with some small-scale adjustments – they would have been able to do so.

Individuals talked about the desire to remain in work for as long as possible even if they experienced deterioration in their health because they felt that as soon as they lost employment, it had (or would become) extremely hard to re-enter work. They expressed fears (and cited experiences) of losing a hold on the labour market resulting in a downward spiral with employment becoming further and further out of reach as time away from work continued.

Participants indicated that failure to find or stay in work fuelled dissatisfaction, low confidence and often a downward spiral into poor health and depression. This was in no-one's interest inflicting heavy personal costs and costs to the state through increased time out of work with longer reliance on benefits.

The benefits of work for health and wellbeing are well-documented. In their Review of Support for people with Mental Health Conditions, (Perkins et al. 2009) identified the aim of decreasing the gap between the employment rates for the general population and for those with mental health conditions, not least because 'appropriate employment actively improves mental health and wellbeing'.

Disabled people in our focus groups unanimously agreed that their quality of life was (or would be) much better in work than out of work. In part this was because of the financial benefits of working, but individuals stressed that the value of work extended well beyond this because of its ability to deliver balance, perspective, structure and mental stimulation.

'You have a purpose in life, and then you have motivation, achievements and things to reach for.'

(Man with dyslexia, London)

Ninety per cent of those in work and sixty five per cent of those not in work believed that work makes them, or would make them, feel like they are contributing to society (Williams et al, 2008).



Employer perspectives

The Employers Forum on Disability (EFD) and others have identified the 'business case' for the employment of disabled people. Needels and Schmitz (2006), Sin et al (2009), and Dewson et al. (2005) described the benefits as:

- widening the pool of potential recruits, thereby increasing the chances of getting the right person for the job
- retaining employees thereby saving on recruitment and training costs
- improving access to disabled customers
- boosting staff morale, loyalty and commitment
- making the business more representative of the community and fostering an image of a fair and inclusive employer, and
- improving the image of the organisation to customers.

In the recent recession, flexibility was used by employers as a successful strategy for retaining employees. Now, with private sector businesses under threat and unemployment rising, the types of flexibilities identified as helpful by disabled people could help employers to balance their books without redundancies. For example, 'banking time', where employees work to meet business peaks and 'bank' time during busy spells to be taken as leave later, reflects the work pattern called for by those with mental health or fluctuating health conditions to put in extra time during productive periods.

Reflecting the customer base

The spending power of the disabled community is high and estimated at £80bn per annum in the UK (ODI/BIS, 2010). Some of the employers we consulted recognised that getting disability 'right' for employees helps the business to get it right for customers too. This was not just about the moral or social arguments for diversity – it was a common sense/business case approach to operating in a very competitive market.

British Airways has identified the importance of the customer base for its business as this is a growing market segment.

'We have reviewed the end to end journey process and we are making significant changes to ensure that our customers experience consistent service every time that they travel. We have consulted with, and listened to, a number of our regular customers with disabilities, as well as our colleagues to ensure that we invest in the right products and service to make a difference to their journeys. The changes cover improved communications on our website, revised process for repatriating wheelchairs and installation of on board aisle chairs. Other changes are in the pipeline, such as improved subtitles on our new In Flight Entertainment systems.'

(Alison Dalton, Manager for Diversity and Inclusion, British Airways)

Replacement costs and productivity

Lloyds TSB has produced evidence showing that for a typical manager who becomes disabled, the financial benefits of retraining him/her, weighed against the cost of making him/her redundant and hiring a new member of staff totalled over £9,000 (RNIB, 2008). This supports research findings that over half of employers believe that making adjustments for an employee who becomes disabled usually costs less than recruiting a new one (Roberts et al, 2004).

There is potential for underperformance and escalating health risk where individuals are not asked or are unwilling to articulate their support needs. Finding ways to remove fears and risks so that employees can be supported to perform to their best is in all employers' interests.

The Office for Public Management¹² suggested that the barriers encountered by disabled people in gaining access to a range of formal and 'on the job' career development opportunities mean that their full potential may be left untapped, leading to frustrated ambitions and internalised low expectations. This untapped potential has implications for the overall productivity and, in some cases, profitability of workplaces.

Avoiding the costs of litigation

An analysis of compensation costs to employers (EOR, 2011) awarded for disability-related claims at Employment Tribunals in 2010 found 89 cases with awards at a total of £1,104,000. Of these, one award was over £100,000 for direct disability discrimination, failure to make reasonable adjustments, and harassment related to disability. One award was just below this figure, for failure to make reasonable adjustments and constructive dismissal. Average awards were approximately £12,405. These costs were down from 2009 figures, but still significant.

Taking proactive steps to keep people in work and provide the support needed to get the best out of all employees must be more cost effective than conflict situations in tribunal. In addition to cost, there is a high reputational risk to companies who fail to deliver on equality for disabled people and whose discriminatory behaviours are revealed and widely reported.

The economy

The government spends £7 billion on out of work benefits for disabled people (Sayce, 2011), yet this could be reduced substantially. The majority of disabled people experience the onset of disability during adulthood. Whilst 80 per cent of all those who become disabled are in employment at the time of onset, this falls to 60 per cent the following year and 36 per cent the year after that (Bardasi et al, 2000). Many disabled people who do move back into work find that employment is difficult to sustain: one in three is out of a job again by the following year, compared with one in 20 of non-disabled people (Burchardt, 2003).

At least 150,000 workers each year leave employment as a result of ill-health (Baker, 2006). Some of these leave through choice but the majority do so because their support needs are not being met. Over 200,000 people with mental health conditions start claiming incapacity benefits each year (Black, 2008).

A new focus on ways of keeping disabled people, including those with long term ill-health and mental health conditions, in work, rather than seeing huge numbers dropping out through lack of appropriate support, could reduce the numbers on benefits and the benefits bill significantly. Getting more people into paid employment also means higher taxes as well as lower welfare payments.

If the employment rate for disabled people was moved to the national average, an estimated additional 1.3 million disabled people would be in work: boosting the UK GDP by at least £13 billion (Evans, 2007).

Poor returns on education

Evidence of continuing under-use of skills signals poor returns to government from education spend. Increasingly education policy is focusing on ways of providing disabled young people with better opportunities to access mainstream learning and to improve achievement levels. Investment in education should secure value for money and productivity returns through employment of disabled young people, in careers commensurate with their qualification and skills levels. Careers advice and guidance needs to reflect and support this.

Chapter 3: The current picture

Individual perspectives

Impact of disability

For those in work, the onset of disability is often a catalyst for unemployment. High numbers leave the labour market and many of those who do get back in drop out again. Williams et al (2008) found that 33 per cent of disabled people had had to leave work for reasons connected with their impairment.

Evidence from disabled people suggests that some relatively simple and low cost solutions could remove the barriers to staying in work.

In a recent survey, of the 129 respondents who felt they could have stayed in a job if support, adaptations or adjustments had been made:

- 50 per cent said they could have stayed if their manager had been more supportive and understanding
- 29 per cent said support and understanding from colleagues would have enabled them to stay in work
- 33 per cent could have stayed if they had been able to work flexible hours
- 25 per cent said flexibility for medical appointments would have enabled them to stay in work
- 26 per cent said changes in their job or working practices would have enabled them to stay in work
- Only nine per cent said they would have needed aids or adaptations to enable them to stay in work.

Yet 92 per cent of disabled respondents who felt that they could have stayed in work said that they were not offered any of the interventions identified.

Awareness and understanding of disability rights

When asked about their knowledge of rights conferred by the Equality Act, the general level of awareness in our focus groups was low. More than half of people did not have any real idea of what rights they had.

Whilst everyone who participated in our focus group research had an impairment or long-term health condition that is covered by the Equality Act, not all participants considered themselves to be disabled. The researchers reported that participants would neither have used this term to describe themselves, nor would they have believed they would have rights under the Equality Act. This was particularly true for those with impairments that had developed during their adult life. This supports previous findings: around half of people covered by the Disability Discrimination Act (DDA) did not recognise themselves as disabled (Grewal et al 2002) and people with conditions such as heart disease or cancer related better to the term long-term health condition than to the term disability (Stanley et al 2007). Long term ill-health in work connected with the onset of ageing may be regarded as an age rather than a disability issue.

Accessing reasonable adjustments

The requirement for employers to make reasonable adjustments is a key legal mechanism for change and is intended to make work more accessible for disabled people. The focus group work explored the extent to which this mechanism is working for disabled people and those with long-term health conditions.

Despite the legislation requiring employers to make reasonable adjustments being in place since 1996, participants still had recent experiences of finding it difficult to find and hold on to appropriate work. Awareness of rights to reasonable adjustments was far from universal.

Disabled people were keen to stress that in many cases small adjustments or allowances could help people stay in work for longer and allow them to be more productive. However, in most cases these types of adjustments had not been requested by individuals or offered by their employers. Outright refusals to provide reasonable adjustments were rare. In some cases, people had highlighted issues that could be addressed through reasonable adjustments, but appropriate solutions had not been provided.

In some cases, people also felt that it might not be reasonable to ask their employer to change well-established ways of working.

‘Flexitime would be good. But it depends on what sort of work you are doing as to whether that’s appropriate or not. A lot of places can’t offer that.’

(Woman with a physical impairment, Manchester)

Even where individuals were more aware of their right to request reasonable adjustments, very few could envisage making a request themselves. The idea of approaching senior management with a direct request was generally seen as unrealistic.

Disabled people felt that ideally employers should allow employees to signal adjustments that they might need from the start of their employment. They felt that this process should focus on specific needs rather than asking for details of impairments or health conditions. Several felt that this would be easier to do in writing rather than orally.

‘You have to trust that the system is going to work, and you won’t be fired for it.’

(Woman with a progressive illness, Cardiff)

‘You have to think about how they are going to take it. What are they going to do with the information; because you tell them and they might look at you differently. You tell someone you’ve got depression or anxiety and the barriers go up.’

(Woman with a mental health condition, Cardiff)

Securing appropriate support in the workplace – either through informal discussion or evoking legislative rights – is dependent on employees disclosing the nature of their needs or employers being reasonably expected to know about them. However a number of people in our focus groups expressed concerns and doubts over disclosure of information about their impairment or health condition and needs to management and colleagues.

Disclosure of disability

The reluctance of disabled people to disclose impairments or health conditions either at job application stage or when in work is well-documented. Less than two-fifths of disabled people always tell potential employers about their impairment or health condition (Grewal et al 2002) and fear of discrimination is amongst one of the many reasons why.

This was confirmed in a 2009 survey which discovered that many disabled people chose not to reveal their impairment: 62 per cent of disabled respondents said that they had that option, and 75 per cent of those said that they sometimes or always chose not to disclose. The same survey found that people with mental health conditions, and people working in the private sector, were less likely to be open about their disability, for reasons which included fear, or experience, of discrimination (Sayce, 2009).

Disclosure is regarded by disabled people as a high risk strategy, with people with mental health conditions reporting that they faced particular stigma and are most reluctant therefore to disclose their impairment at the application stage for fear that it would lead to rejection (Carson and Speirs, 2004; DRC, 2007). People with mental health conditions were nearly four times more likely than other disabled people not to disclose information about their conditions to anyone at work (Sayce, 2010). Mind endorsed this indicating that one in five people think that disclosing stress would put them first in line for redundancy.¹³

Many people were worried about their impairment or health problem being disclosed to colleagues, and were also afraid of negative reactions, accusations of favouritism, or being scrutinised or talked about (Adams and Oldfield, 2012).

There was a difficult dichotomy between a desire for employers to understand but unwillingness to (fully) disclose needs.

‘I would feel ashamed asking for adjustments. I think it leads to tokenism, being the token disabled person in the corner. When you ask for reasonable adjustments, they kind of roll their eyes.’

(Woman with a physical impairment, Manchester)

Hidden impairments

Concerns around disclosing needs and asking for adjustments at work mean that impairments are often ‘hidden’ and not brought up until absolutely necessary. This leads to people simply trying to ‘get by’ in their work rather than being enabled to be a fully productive and effective employee. Very few people would feel confident about discussing their needs with an employer during the recruitment phase or at the start of their employment for fear of this putting them at a disadvantage.

‘It’s hard to tell an employer, “can you hire me but I’ve got anxiety.”’

(Woman with a mental health condition, Cardiff)

Non-disclosure or partial disclosure means that many disabled people are not receiving the support that may help them secure or stay in work. Moreover, in addition to people who choose not to disclose, the large numbers who do not recognise themselves as disabled are even less likely to disclose to invoke their rights to reasonable adjustments. Given the extent of non-disclosure, finding risk-free ways for employers to encourage disabled people to identify support needs is a priority. Some new approaches are set out in Chapter 5 : ‘Opening up work: key areas for action.’

‘Specifically on the case of disability, I think there is a sense in which a great many employers are largely unaware of the concerns that some of their employees may have and that many of the employees are not self-identifying to their employers as being disabled.’

(Equality and Human Rights Commission employer roundtable, Edinburgh)

The practical experiences of disabled people

Our research with individuals explored the practical work experiences of disabled people. Focus group participants felt that the attitudes and behaviour of both management and colleagues presented barriers to effective participation in the workplace. The key barriers raised in relation to workplace culture were:

- An ignorance about impairments and health conditions
- A related tendency to make negative assumptions about the capabilities of disabled people
- A perception of disabled people as not fitting the image of the organisation
- Bullying and harassment, including resentment by colleagues of perceived 'special treatment'.

Several thought that employers trivialised conditions like depression and anxiety and did not understand the nature or potential severity of these conditions. Some said that if employers appreciated how common mental health conditions are among the population generally they might be more likely to develop more effective ways of dealing with employees experiencing them.

Lack of open discussion

People felt that a lack of open discussion about conditions such as depression or anxiety created an environment where mental health conditions were still largely taboo and misunderstood.

'The worst thing for me is [the attitude of] "Pull yourself together! Get your act together! What's the matter with you?" It's that dismissive attitude that is really difficult to deal with. It's a misunderstanding of how it [depression] works ... to other people it's trivial but it's not to us.'

(Man with a mental health condition, Cardiff)

The view that the prevalence of some impairments and long-term health conditions was under the radar of employers was echoed by people with learning difficulties and people with a progressive illness.

'It's not known in the workplace. If you've got dyslexia, it's just not known, because they haven't been in the circumstance. They just say you are lazy or you aren't working hard enough.'

(Man with dyslexia and dyspraxia, London)

They felt that a lack of awareness and understanding can lead to anxiety among employers about discussing impairments and mental health conditions with employees. This was because employers are worried about causing offence, 'saying the wrong thing' or invading the person's privacy, but individuals stressed that this can be detrimental to maximising the contribution of disabled employees.

Where employers are not open to dialogue with a staff member regarding their impairment and the adjustments they may need at work, it is often the case that people struggle on, trying to hide any difficulties they are facing and becoming less effective members of the workforce.

Negative assumptions about capabilities

The most common form of discrimination when applying for jobs was that assumptions were made about a disabled person's ability to do the job (Grewal et al, 2002). Hurstfield et al (2003)

found that the ‘nature of the work’ was the main reason given for believing a disabled person was unable to do a job. Research in 2010 reported that disabled interviewees explained that employers ‘underestimated their ability and potential’, holding deep-rooted beliefs that disability meant inability (Sayce, 2010).

In IFF Research’s focus groups for the Commission, many participants felt that employers and colleagues were prone to making negative assumptions about the capabilities of disabled people in the workplace, linked to their lack of awareness and understanding of impairments and health conditions.

‘I think when people see someone in a wheelchair, the traditional idea is that they need help or some kind of guidance and sometimes it gets to the point where you are being asked if you are OK every 5 minutes, and I’d love to try and get away from the traditional view of disabled people needing help.’

(Woman with a physical impairment, Manchester)

When discussing the attitude that they would like colleagues and managers to adopt towards them, a common wish from participants was for colleagues to see past their impairment and treat them as any other individual. People wanted to work in an environment where they are judged by their abilities without any presumptions made about what they can and cannot do.

Lack of support for career progression

Disabled people interviewed as part of a recent qualitative study believed one of the biggest barriers to development was that senior people did not really believe that a disabled person was ‘up to’ promotion (Sayce, 2010).

New careers research (Hutchinson et al, 2011) from the Equality and Human Rights Commission has found that disabled young people receive inadequate careers education, advice and guidance. This needs to be addressed to ensure young disabled people can develop and maintain the same expectation of careers and promotion opportunities as their non-disabled peers and aren’t confined to second- best jobs.

New evidence for this report (Adams and Oldfield, 2012) has confirmed evidence from previous studies that disabled people in work are employed below their skills levels and that their competence and ability is stereotyped as low by employers. In-work progression was regarded as an aspiration too far by many of our focus group participants.

One participant described how she had encountered a ‘glass ceiling’ at work because of her dyslexia, where she felt that more senior roles were off limits to her.

‘When I do the promotion work, you have to do a lot of reports on how it went and stuff and ... I find that quite hard, pen to paper, and it goes to the client so it has to be good, so that’s why I can’t go for the bigger jobs, I can’t really fulfil the role the way I’d like to so I stick to the smaller roles and so I can’t really go up the ladder and I can’t really improve my wage and get more full time work that way so it’s a bit frustrating.’

(Woman with dyslexia, London)

This illustrates a fairly typical perspective among focus group participants of a rigid work structure where a lack of support or flexible thinking prevented them from moving upwards in their career.

Some qualifications held by those not working were time-limited and required regular renewal either through continuing a subscription and/or a re-examination of skills (such as Gas Safe, First Aid and Food Hygiene certificates). Individuals had found themselves unable to meet the financial costs of retaining these qualifications, or to update skills through Continuous Professional Development in work and believed that this had created an additional barrier to re-entering and/or progressing in employment.

‘One of the things I’ve discovered since being ill – because of my background I’ve got to do something called Continuous Professional Development to maintain my registration as a psychotherapist, as a nurse and as a health services manager. My registration is going. I’ve hung on to my cognitive behavioural therapy registration ... but eventually that will go. They’ll write to me and ask me what I’ve done and it won’t be enough. So for professionals like me, without having the opportunity to maintain my qualifications, the registration means that I wouldn’t be able to go back to nursing. I’m not going to be able to.’

(Man with a physical impairment, Manchester)

Disabled people seen as not fitting the image of the organisation

As well as under-estimating the potential of disabled people at work, participants felt that the image that employers and colleagues have of the type of roles that a disabled person or person with health issues might occupy is another major barrier to progression at work. Some said that they had been held back from taking on roles and responsibilities because their employer could not see how they could do the job or because they did not ‘fit’ the role. Many people believed that management and colleagues have traditional ideas or images of what a person in a particular position would look like or would need to be.

‘I went for a manager’s job and they said “What can you see?”, and I said “I can’t see the people on the other side of the desk”, and they said “Well how can you be a manager if you can’t see the person on the other side of the desk?” They kind of twist it ... it’s the organisation, they don’t want to learn.

‘It’s the mindset and mentality of people. The job I’m now doing it’s absolutely different, it’s very good. When I went to the interview they said that it was a learning curve for them. They had all the trainers come in; they sorted out a focus group to see how to improve things.’

(Shamil, aged 25, Man with a visual impairment)

Most participants described perceptions of particular sectors or roles from which they considered themselves ‘shut out’; they felt the barriers to entry were simply too high to even consider a career in this area.

‘If you are in a thrusting business and you’ve got to sell Coca Cola, you’ve got a boss who wants you to deliver and you are all men together, suited and driving around in shiny cars, you don’t have time for all this illness stuff, especially if you don’t look good, and I think all that image stuff really gets in the way.’

(Man with a physical impairment, Manchester)

Many, particularly those who had been born with an impairment or developed a long-term health condition in childhood, had never worked in the private sector and simply saw the sector as a whole as being completely closed to them.

Bullying and resentment of ‘special treatment’

Evidence of bullying was provided by two participants in our focus group research who reported experiencing severe and distressing workplace bullying by colleagues. One person with learning disabilities described the bullying that he had received on more than one occasion in the workplace.

‘Alex works at a cinema in Glasgow for 4 hours a week. He really enjoys his job, especially all the new friends he has made at work. He usually helps with ticket sales on a Saturday morning, serving popcorn and chatting with customers. Quite recently though his boss asked him to move some large heavy boxes from one room to another, a task the boss had assumed Alex could do. However the heavy boxes were too difficult to move for Alex who has a bad back and limited movement in his arms. Alex told his boss he wouldn’t be able to help with the boxes as they were too heavy for him. His boss responded by joking with Alex that he would need to ‘get down to the gym’. At first Alex didn’t mind the joke but things got worse as other colleagues at work heard the joke and started calling him other names. It very quickly became very embarrassing and belittling for Alex. He still works at the cinema but things aren’t quite the same.’

(Alex, early twenties, learning disabilities)

As well as the incident described above, this man also described a different occasion when other colleagues had tied his shoelaces together, causing him to fall down the stairs.

While bullying of this nature was rare, participants often felt that colleagues were resentful of modifications that had been made, or of periods of absence, and that these were seen as evidence of favouritism. It was felt that sometimes there was no attempt by management to curb these resentments, making the workplace very uncomfortable for disabled people or those with long-term health conditions.

While disabled respondents and respondents with long-term health conditions indicated that clients or customers were responsible for 25–31 per cent of serious ill-treatment, and employers, co-workers or colleagues for 17–21 per cent, line managers or supervisors were said to be responsible for 41–47 per cent (Fevre et al, 2008).

Discrimination and negative behaviour

Research in 2002 reported that almost one in five disabled people say they have experienced discrimination when applying for work (Grewal et al, 2002).

The Triennial Review reports ongoing evidence of disability discrimination in the workplace. According to the Fair Treatment at Work Survey, 2008, (Fevre et al 2009) people with a disability or long-term illness were more likely than those without to report experiencing unfair treatment (19 per cent compared to 13 per cent). The same survey found that people with a disability or long-term illness were almost twice as likely to report experiencing discrimination as those without a disability or long-term illness (12 per cent compared to 7 per cent) and were over twice as likely to report experiencing bullying or harassment in the workplace (14 per cent compared to 6 per cent). In the 2005/06 Fair Treatment at Work Survey (Grainger and Fitzner, 2007), disabled women were found to be four times more likely to be bullied than other employees.

The British Workplace Behaviour Survey, 2008 (Fevre et al, 2008), confirmed these figures identifying larger percentages of disabled employees and those with long-term illness affected by 21 different types of negative behaviours at work compared to their non-disabled counterparts. For physical violence at work, the numbers were almost double.

This evidence of discrimination is reflected in the fact that tribunal claims on the grounds of disability discrimination have risen every year for the last three years.

The Commission's Disability Harassment Inquiry: work-related harassment

The terms of reference for the Commission's Inquiry into disability-related harassment (EHRC, 2011) excluded employment-related issues but evidence was submitted by individuals concerning the treatment they had received while in employment, which they considered to amount to acts of harassment and discrimination. While this information was not part of the formal research programme it very clearly illustrates the severity of the predicament facing individuals at work.

The majority of individuals who contacted us through the DHI had provided details of physical impairments and/or medical conditions, a few had mental health conditions and a small number had learning difficulties (for example, Asperger's syndrome or dyslexia).

The majority of respondents were employed in public sector organisations in the health, local government and civil service sectors and also schools and colleges. Relatively few were employed by smaller employers or indeed private sector employers.

All reported harassment, bullying and/or hostility by colleagues and managers. Most had left employment because of the treatment or had been dismissed. They reported that:

- disclosure of a work related disability and request for an adjustment often triggered hostility – requests were particularly counter-productive when raised in work environments without the proper management of process and behaviours
- managers were often described as part of the problem and in some cases the perpetrators – rather than making effective and supportive responses
- where bullying and harassment was allowed to escalate, quick and effective management action might have made a difference.

As with complaints to the Helpline, evidence to the DHI reveals individuals isolated on the frontline and struggling to assert their rights and access support – often suffering over a number of years.

Disability-related enquiries to the Equality and Human Rights Commission's Helpline, 2010

It is clear from the number of disability employment enquiries to the Commission's Helpline that the workplace continues to be a major source of discrimination and disadvantage. The Helpline received 16,300 employment enquiries in 2010 and of those 9,404 were disability-related. This is by far the largest category of complaints, at 57 per cent of the total. The next highest category was gender discrimination at 12 per cent followed closely by race discrimination at 11 per cent of the total.

There were some common recurring themes in the disability enquiries: difficulties in securing reasonable adjustments, negative impact of disclosure, and conflicts with managers and sometimes colleagues escalating into competence procedures and dismissal. For example:

- Adjustments were frequently not offered in the job application process or when the individual had become disabled during employment.

- Employers would sometimes contest the authenticity of the disability and adjustments requested.
- Reasonable adjustments recommended by occupational health advisers and by Access to Work assessors were not acted upon or implemented or simply refused. Individuals were then often bullied or harassed and were subsequently absent from work through stress and/or a worsening of a medical condition.
- Employers sometimes claimed to be unable to afford the cost of reasonable adjustments.
- A change of manager may have led to the withdrawal of adjustments.
- Disciplinary action for absences, include verbal warnings and formal meetings questioning disability-related absence, in some cases ending in dismissal.
- Individuals had been dismissed or made redundant after disclosure of an impairment or medical condition; and on grounds of ill-health.

How effective is legal action?

Research has found disappointing returns to the use of litigation. Riddell et al. (2005) reviewed the provisions and impact of the DDA, and highlighted the low success rate of DDA cases brought against employers deemed to have failed to make reasonable adjustments for disabled employees or to have discriminated in their recruitment, retention, promotion, transfers, training and development.

An analysis of disability discrimination claims in the Employment Tribunal from April 2010 to March 2011 endorsed this finding. Of 7,200 disability claims lodged with the Employment Tribunal, only 12 per cent proceeded to hearings, of which nine per cent were unsuccessful and only around three per cent (190) were successful.

Our research paints a bleak picture of the barriers to employment that continue to face disabled people, with evidence from our focus group participants highlighting the scale of disadvantage and the compromises and disappointments that are part of their daily lives.

With workplace change reliant on the engagement of employers, we now take a look at the current picture from the employers' side of the work divide.

Employer perspectives

Risk factors

Although 95 per cent of employers claimed that they always hire the best person for the job, over a fifth still thought that employing a disabled person was a major risk for their organisation (Simm et al, 2007). Other reports mention employers having largely undefined 'fears' which act as a barrier to disabled people entering employment (Weston, 2002).

The most negative assumptions are made for people with mental health conditions. For example, only 37 per cent of employers would even consider employing someone with a mental health condition even if they faced labour shortages (Perkins et al, 2009).

Our review of literature found a range of concerns from employers about employing disabled people. A qualitative study exploring small and medium-sized employers' recruitment decisions (Davidson, 2011) found employers perceived that the main uncertainties around employing disabled people were the suitability of the built environment; risks to productivity; risks to the disabled person, other staff and potentially customers, especially where the work was considered relatively dangerous; and the potential negative impact on other staff if they had to compensate for any lost productivity.

Stereotyping

Employers from the Commission's roundtable consultations in 2010/11 recognised that there were a number of myths and stereotypes about disabled people and work which still prevailed and influenced employer behaviour. They were not necessarily the views of the participants themselves but most had encountered them as stereotypes, supported often by biased media coverage. These needed to be exposed and challenged as untrue as they were still a factor in decision-making. Below we set out the myths and some evidence to 'de-bunk' them.

Myth one: 'Work shy scroungers'

Evidence shows that the majority of disabled people and those with long-term health conditions do want to work but can't because of a range of attitudinal, societal and structural barriers. In our focus groups, several people not working felt that there was a great deal of stigma attached to receiving long-term incapacity benefits, reinforced by media references to benefit scroungers. These people were keen to stress that their incomes were higher when they were working and that they would never have chosen to reduce their income to the level of their current benefits.

'I didn't get like this through illness as such. Through no fault of my own I find myself in this situation and it completely and utterly kills me every single day. I had a nice car, a good job, good prospects and then in a blink of an eye, some woman who wasn't looking where she was going caused the accident and wiped away everything that I've worked for.'

(Woman with a physical impairment and mental health condition, Cardiff)

'At the end of the day, you shouldn't just look at the person in front of you now, you should look at their past because a person doesn't suddenly become a scrounger. If you've worked all your life then it must be a genuine benefit claim because you certainly don't do it for the big money amounts.'

(Woman with a mental health condition, Cardiff)

Myth two: Costly to employ

Employers may be reluctant to recruit or retain disabled people because of perceived support costs. Our research highlighted lack of understanding of reasonable adjustments and a belief that changes would be large and costly.

In a survey of 53 employers, 79 per cent reported that they were concerned about the costs of reasonable adjustments and that this influenced their willingness to make them (Russell, 2006).

Stakeholder interviews for our review of evidence emphasised the importance of communicating to employers that most reasonable adjustments tend to be low cost and easy to implement. Flexibility, support from managers and from colleagues – the three top things that would have helped disabled people to stay in work – have no costs attached to them.

In the context of the recession and fiscal tightening, there is a potential for formal and informal assessments of direct and indirect costs to play a more significant role in decisions around employment of disabled people. For this reason low cost or no cost adjustments must be highlighted for employers.

Myth three: Less productive and effective

Many line managers worry that disabled employees will be less productive, more difficult to line manage and will require greater input on their part. Flexible working and adaptive technologies can enable disabled people to perform to their potential. As with all workers, good

communications and a supportive environment delivers positive returns for managers in the form of higher productivity.

Negative assumptions were often made about medical conditions preventing people from working at all, for example diabetes and epilepsy which are mostly stable with treatment.

Myth four: Disruptive and more likely to injure themselves

The survey component of a study looking at the main health and safety concerns of employers, occupational health practitioners, health and safety practitioners, and trade union health and safety representatives found that:

- For manual work, health and safety concerns were most often expressed about people with Musculoskeletal disorders (MSDs), impaired mobility and dexterity, sight impairment and neurological conditions.
- For all types of work, but especially for those in managerial, professional and administrative positions, health and safety concerns were most often expressed about people with mental illness or a learning disability.

Recent research has found that there is no evidence that disabled people are more at risk of illness or injury in the workplace than non-disabled people (Alkire et al, 2009). Despite this, the Health and Safety Executive expresses concern that employers sometimes use health and safety as an excuse for the non-recruitment or dismissal of disabled people. A survey of 53 employers revealed that some believed their insurance policies would not allow them to employ anyone with a mental health condition (Russell, 2006).

Mental health

Our mental health consultation event indicated that thinking about mental health in the workplace is not sophisticated. Stereotypes remain with mental health often equating with images of violent, dangerous individuals. These traditional stereotypes need to be challenged. There have been changes and people understand more about and are tolerant of some of the ‘softer’ mental health issues, for example depression and bipolar – but often the stigma remains. It is important to frame discussions in a different, more neutral context, perhaps around wellbeing rather than mental health. More severe mental health issues were rare and this needs to be communicated among employers.

The Mind campaign ‘Taking care of business: mental health at work’¹⁴ is a good example of how to tackle a common stereotype and the stigma of mental health in the workplace. It raises awareness of how mental health affects up to one in six people at work and highlights the positive role that employers can play.

The organisations we consulted believed that the Commission and others needed to be vocal in their work to combat stereotypes and myths that still prevail about disabled people and work.

Business case not understood

Employers also believed that the business case for promoting disability equality was not widely understood or promoted. This was not just about the moral or social arguments for diversity – it was a commonsense/business case approach to operating in a very competitive market.

Social model of disability

Employers considered that often the disabled person was seen as the problem and not the working practice or system acting as the barrier. The social model of disability was not widely understood – where the impairment itself is not seen as the barrier but instead the barrier is the rigidity of the working practice or the way work is organised. The individual often had to fit into an inflexible system of working when in fact more flexibility and adjustments could provide the solution.

Line managers

Line managers may feel that the human resources team do not provide sufficient support and there is a danger the disabled person will then be viewed as the problem. Managers need to be supported but had to be the decision-makers about support – about getting the best out of every worker and increasing productivity.

The workplace culture could be quite unsympathetic when dealing with individuals' disabilities. Banter and jokes at the individual's expense might be tolerated on the surface but may have a longer term adverse impact. The situation could escalate if not dealt with quickly and effectively by managers. Similarly resentment of what is seen as more favourable treatment by work colleagues is often quite widespread, for example, reserved car parking for disabled colleagues. When disabled workers use legal arguments to gain adjustments this may be seen as antagonistic to the organisation and colleagues.

Training and confidence

Employers felt that dealing with disability issues and reasonable adjustments in the workplace represented a training need for managers and the workforce generally. The understanding of disability equality and the concepts of disability discrimination represented a significant challenge to employers and managers.

Values of the organisation

Most felt that it was important that the values of the organisation should reflect the commitment to support disabled workers. The HR role should be to act more as an advocate and champion to validate these values and not to be seen in a 'policing' role as an enforcer of processes. There was often too much focus, when considering disability in the workplace, on managing the sickness absence/disciplinary procedures which may often be too late in the day to make a positive difference for the individual.

Employers recognised that most disabled people do not want positive discrimination – they want to be part of the mainstream and given a fair chance. However the fear of a negative response, for example to disclosure or a request for adjustments may lead to a more cautious, less trusting relationship.

Support for business

Employers believed that although there was probably enough practical advice, guidance and support in the market place it needed much better signposting. What was there varied in quality and usefulness, some was free and other support networks such as the Employers' Forum on Disability (EFD) were subscription services. The EFD services were positively viewed as helpful but a few organisations mentioned being unable to continue membership of such networks because of budget constraints.

Government programmes such as Access to Work were also viewed very positively but there was less clarity about its scope and funding limits and how and by whom it could be accessed. Employers voiced some minor criticism about bureaucracy in terms of the payments process for adjustments made but mostly praised it highly. There was a view that at times there may be a tension between Access to Work advice if it does not match up to internal occupation health advice or employer support/intervention.

'The risks for employers are that the Access to Work scheme is a very good scheme, but it is riddled with paperwork and bureaucracy and reimbursement to employers is quite slow.'

(Equality and Human Rights Commission, employer roundtable, London)



Employers and stakeholders at the Mental Health roundtable acknowledged activity but wanted the Commission to note that the information needed to be basic and ensure that communication could be easily understood and at the right level for line managers and staff.

‘It was easy to under-estimate the lack of understanding and knowledge in the workplace. They needed to go back to basics. Managers found this a very difficult issue to get right.’

(Equality and Human Rights Commission, Mental Health employer roundtable, London)

Lack of understanding of reasonable adjustments

There is apparent confusion among many employers of what constitutes a ‘reasonable adjustment’ related to their own business. The concept of ‘reasonable adjustment’ is still poorly understood and there continues to be uncertainty among employers about what the term actually means.

Employers tend to think of large-scale infrastructure changes when first asked about reasonable adjustments (Bivand, 2002). However, the most common adaptations are small scale and concern office or workplace furniture. When prompted to consider a wider variety of adjustments, many employers find they have already implemented adjustments which they had not initially thought of as ‘reasonable adjustments’ such as flexibility, special leave, on-the-job support, training and counselling.

Employers were aware that in many cases disclosure of disability and request for a reasonable adjustment only took place at the point when something goes wrong in the workplace.

As indicated previously, individuals may choose not to disclose for a variety of reasons, for example, fear of the consequences, lack of confidence in the processes of equality monitoring and reasons for it, or not recognising a health condition as being a disability.

Employers recognised that once an adjustment was made it needed to be reviewed by managers on an ongoing basis and updated according to any changes in conditions and circumstances. A change of manager may also be significant and stressful for the individual and time to brief new managers on any adjustment in place.

Crucial to the success of adjustments was line management involvement. Managers can most easily assess what is doable or achievable but are often on the frontline and under pressure to deliver.

Most felt it was important to ring fence budgets for reasonable adjustments because some employers might not employ disabled people because of perceived support costs and consequently lose out on talent and skills.

A number of employers realised that the adjustments worked best if they were available to all staff and not just disabled people. For example, in the North East of England a large employer provided transport from the city centre to an out of town worksite for all who need it. Similarly it was recognised that improvements to access to buildings or flexible working which benefit disabled people will improve the working environment for everyone.

Many acknowledged that it may be harder for an employer to make adjustments for the less tangible obstacles that a person with a mental health condition may face, given that mental health conditions may fluctuate unpredictably, affect a person’s ability to negotiate the social, as opposed to the physical, world of work, and may attract fear because of the myths and stereotypes that surround them (Perkins et al, 2009).

There was some indication that employers of all types found it easier to make adjustments for new recruits with a health problem or disability than for existing employees who became disabled. Just under half of those making adjustments for new recruits considered this very easy compared with three in 10 who rated adjustments as very easy for existing employees (Goldstone and Meager, 2002).

Recruitment practices

While the focus of employer discussions was on managing disability in the workplace, the recruitment of more disabled talent was seen as a priority and a challenge.

There are a number of practical issues that can act as a barrier to disabled people being able to look successfully for employment. In particular, online recruitment has been identified as a potential hurdle for disabled people looking for employment or seeking employment-related advice or information due to inaccessible websites.

It was crucial that usage was monitored and alternative methods advertised. The role and lack of diversity expertise of external recruitment agencies was also highlighted. More formal interview processes may disadvantage some disabled people and there was a need for a flexible recruitment process, for example work trials and informal interviews.

Role of GPs and occupational health

Our review of research and our employer focus groups highlighted conflicting priorities among health professionals so that the in-work agenda for disabled people was often being undermined in practice.

Attitudes and prejudices of the clinician were identified as a key factor. GPs often play an important role in treatment and will often sign people off as unfit for work – they are usually the first port of call for help. Research published in 2008 found that 14 per cent of disabled people surveyed had left their job because their doctor had advised them to resign (Williams et al, 2008).

However, the NHS focus on priorities and targets often meant that people identified by their GPs as unfit for work over a period of time, but not an immediate medical risk, were not regarded as priorities for treatment and put on a waiting list. As reported by individuals in our focus groups, time out of work could lead to a downward spiral with distance from work becoming greater. An agenda to keep people in work is essential, with a strong and supportive relationship between clinicians, employers and workers.

‘It would be really great if you can include something in here about fit notes. I think it is really important, those nine in 10 people want to work can’t work, it may be their doctor is saying they can’t work and that may be why the employer is not prepared to take the risk.’

(Equality and Human Rights Commission, Mental Health employer roundtable, London)

The effective application of the new ‘fit note’ system, which provides alternatives to either being in work, or off sick, in the form of a gradual return to work, offers a positive way to minimise time out and support in returning that will benefit both the employer and the disabled person.

Conclusion

The scale of change needed is significant. For many individuals facing disability and long term ill-health, the uphill struggle and isolation, and failure to secure the support they need in work, quickly spirals. If the individual takes a complaint to the next level of legal action to try and

secure compliance this may be costly to the individual, increases stress, and is often ultimately ineffective in hostile environments and without the support required.

The numbers of enquiries/complaints we receive indicate that many disabled people aren't getting the work enablers they need. Some people are struggling through legal processes which often exacerbate their problems rather than resolving them. Individuals need to be aware of their rights and able to seek adjustments – but are often isolated on the 'front line'.

Many employers also contest who's disabled, what's reasonable, what is an adjustment? It is no surprise that line managers may be isolated, turning to familiar processes such as competence, managed through HR, rather than opening up the early communication that is part of managing all their employees well.

While rights to redress for discrimination and failure to provide reasonable adjustments are paramount, there need to be different ways of securing delivery of support needs. There is an imperative to create shared ownership – to defuse hostility – and to find an inclusive approach with shared gains for individuals and employers.

In the next chapter we set out some ideas for a new agenda for workplace change.

Chapter 4: Making a difference: opening up work

Individual perspectives

Many disabled people recognise that a new way of looking at work organisation and a change in employer attitudes would enable them to participate more fully in the workplace. Previous research (Williams et al, 2008) has indicated that 27 per cent of disabled people who had left a job for reasons connected with their impairment felt they could have stayed with appropriate support, adjustments or adaptations. Evidence from our research with individuals shows that a radical change in practices and attitudes are required to really improve the working lives of disabled people.

The aim of the research was specifically to learn how the structure and organisation of work could be changed to enable more disabled people to participate fully and for more employers to realise the potential of their disabled employees. It sought to go beyond discussion of the barriers faced to try to develop solutions to the problems encountered, drawing on the experiences and ideas of disabled people about changes to job design and work organisation that could break down current barriers and meet their needs more appropriately.

Participants in our focus groups were diverse in terms of the work they were doing or had done previously so that ideas for opening up work came from a wide range of different perspectives and sectors. Despite this, there was agreement on many of the key changes that would make a real difference to them.

People stated that their ideal employer would:

- make clear that they were flexible in relation to working arrangements and make the time and space to discuss these, while allowing employees to share information in their own time
- assume that there may be staff with less visible impairments or conditions and that it is not possible to tell who is disabled and who is not
- proactively ask all staff what reasonable adjustments might be required and have safeguards in place to prevent any repercussions from voicing a need
- give staff a form or questionnaire, possibly with a welcome or new starter pack, asking if there are any adjustments that they need in order to fully participate. This would also make clear the organisation's recognition that people may develop impairments or health issues, and have different needs during their working life: it shows the organisation is open to working with people to accommodate these.

Key to avoiding many of the barriers experienced in the workplace is consultation with staff at the earliest possible opportunity – particularly when any changes to the physical environment or working practices are being introduced. Individuals stressed that this could sometimes mean that necessary adaptations could be made at the design stage rather than incurring expensive modifications further down the line.

Consultation with all members of staff (including non-disabled staff) was seen as particularly powerful in bringing about change as it removed the onus from the individual and avoided disabled people being singled out.

The most important factor was employers being prepared to open a dialogue with all staff about their needs. A proactive and gradual approach from the employer would go a long way to encouraging disclosure and ultimately the resolution of barriers in the workplace.

‘There is some room for action to try and create, encourage what we describe as adult conversations taking place between employers and employees and this obviously does apply to the needs of disabled employees, but actually it has a much broader application within the workplace.’

(Equality and Human Rights Commission, employers roundtable, Edinburgh)

Crucially people did not want to be singled out. Any approach which could be applied consistently across an organisation and include both disabled and non-disabled people would have a significant positive impact on how comfortable people felt revealing their impairment and asking for the necessary adjustments that would enable them to do their job to the best of their ability. It seemed that a proactive approach by employers which made no overt assumptions about which employees would or would not need any adjustments would demonstrate their genuine commitment to inclusivity: this was a firm prerequisite for some participants feeling comfortable with disclosure.

Disabled people would feel more comfortable making requests if there was a central budget for reasonable adjustments demonstrating a shared, central commitment, rather than being financed from the budget of particular teams or projects. Ideally there would be greater awareness of funding that can be accessed through the Access to Work scheme.

Many participants felt that getting more disabled people into the workforce would be the best way of countering negative assumptions; they believed that familiarity with people as individuals is important in breaking down feelings of ‘otherness’ with regard to disabled people or people with mental or physical health problems.

‘I think as well when you get a few people with disabilities in the organisation they get used to the possible hurdles and barriers and because they’ve got over it for one group of people, they know it’s achievable for the next, and that’s why it’s important that employers have disabled people because it does help the organisation. It’s just the battle to get the organisation to understand it.’

(Woman with a visual impairment, Manchester)

As well as initiatives on the supply side there is a need for government to support proactive approaches on the demand side. The cross-government Ministerial group set up in response to the Sayce Review to oversee a new strategy for disability employment, could consider ways of boosting demand side activity, for example by piloting positive action schemes for disabled people such as the successful Pathways to Work for Women initiative¹⁵ that has seen 23,000 women and 3000 employers benefit.

Proactive or anticipatory changes

A key issue identified by disabled people was the difficulty involved in making requests for adjustments on an individualised basis. Some employers will be aware of and use the Access to Work disability programme delivered by Jobcentre Plus. It can help meet the costs of such things as workplace adjustments, support workers and travel to work to help a disabled person take up or retain paid work, above and beyond the adjustments and support employers would be expected to make themselves.

However, some of the types of adjustments that disabled people discussed took the form of changes which employers could introduce on an anticipatory basis. The changes related to:

- workplace buildings and infrastructure
- flexibility
- management.

There are recognised business benefits in ensuring that employees' needs are at the heart of changes to workplaces and working practices. Upgrading technology, modernising work environments and ongoing maintenance programmes provide opportunities for proactive improvements that can deliver increased employee engagement and productivity. Many of the changes sought would in practice be relatively low cost, or in some cases, no cost. And in some businesses, for example, the retail and service sectors, many of the changes for employees will also benefit customers.

Buildings

It was reasonably common for people to report barriers in their work buildings and workplace infrastructure. Some of them had raised these with their employers but the problems had either not been addressed or inadequate solutions had been suggested.

For example:

- People with physical impairments had found that they could not take up jobs or participate fully in their role because of difficulties with accessing workplaces.
- A lack of car parking is also a potential barrier to accessing workplaces. In some cases car parking was reserved for senior managers when it could be offered to employees on the basis of need.
- Some wheelchair-users and people with other mobility impairments had found some workplaces difficult to work in because the internal space was divided by large heavy doors or single-hinged doors preventing them from moving around the office freely. This can be addressed by using electronic doors or lighter dual-hinged doors that can open either inward or outward, or indeed by keeping the number of internal doors to a minimum.
- Another recent trend in managing office space has been the use of a 'hot desking' approach whereby workstations are allocated depending on which staff are in on a particular day. This also applies in other work environments, where staff can be asked to move to different parts of the workplace. Some disabled people – and particularly those with mental health conditions – stated that they had found this very difficult to adapt to. They emphasised that having their own designated space was very important in providing a sense of security.

Some of the suggestions raised below could be tackled by employers as anticipatory adjustments, such as putting these in place as a matter of course on the basis that they are good practice and would benefit a range of employees. This proactivity on the part of employers would also remove the need for disclosure in some cases. For example, if their employers had notified them that a break-out space had been made available then this would have made a big difference to some participants who required such a space to help them manage their condition or impairment at work, but who were fearful or reluctant to disclose this need.

'I've been working for the college for 7 years now and I was the first registered blind employee that they'd ever had and they were upfront about, they said we don't know, we'll learn with you ... check if that works for you, and if it doesn't, we'll go back and we'll work with it, so we are tweaking it. I have to say that my employers have worked with me from day one.'

(Woman with a visual impairment, Manchester)

The priorities in terms of reducing the barriers in the buildings and workplace infrastructure were:

Access

- Lifts and step-free access to all sites
- Two-hinged light doors at all entrances and for internal doors
- Car parking for disabled people where possible

Internal layout

- Regular, ordered layout in open-plan areas
- Permanent desks for disabled people in offices using hot desking

Workstations

- Choice over workstation seating for all staff
- Allowing air conditioning to be switched off at workstations and/or fitting ionizers

Facilities/equipment

- Health and safety equipment that is accessible
- A break-out space

Communication

- Materials provided in a variety of formats
- Advance consultation about the most appropriate communication approaches
- Consider alternative ways that information and reports can be presented.

Flexibility

The benefits of flexibility identified in wider research have been documented earlier in this report. It is clear that for people with a chronic or long-term illness, the requirement to work five days a week at work premises, between 9 and 5, can be problematic. Difficulties can be overcome by flexible hours and the opportunity to work from home using new technologies.

A lot of the focus group discussions about how work could be opened up for disabled people focused on a need for greater flexibility in the way that workplaces operate and jobs are defined. In many cases these were felt to be comparable with the degree of flexibility needed by other employees for reasons such as accommodating childcare or other caring responsibilities. Some participants already had access to some flexible working arrangements. Others felt that greater flexibility in the following areas would greatly increase their ability to find and remain in work:

- start and finish times
- the distribution of working hours across days of the week
- accommodating absence
- opportunities to work from home
- adapting job roles.

Some participants expressed a desire to work 'non-traditional' hours by starting and finishing either earlier or later.

'A young man with Attention Deficit Hyperactivity Disorder (ADHD) had been able to ask his employer for adjustments to the structure of his working day and to the way he organises his work, which would enable him to participate fully in the workplace. His employer had accommodated all these requests happily and quickly and the man reported high levels of job satisfaction and motivation.'

(Young man with ADHD, Manchester)

Distributing hours across the working week

Some participants also felt that workplaces would be more inclusive if a greater number operated a system where there was flexibility over the pattern of hours worked across a working week. A large number of participants described their condition as variable in that they had good days and bad days.

Working from home

Flexibility to work from home sometimes was mentioned as another way of making work more accessible for disabled people, allowing them to avoid the difficulties of travelling to work on days where they did not feel able to cope with commuting. Some felt that this simply wouldn't be an option within their current job because they were required to be at certain locations or with certain equipment. Others felt that the only barrier was that their employer would not trust that they were working as hard as if they were in work. Research in 2007¹⁶ found that unmet demand is high from disabled people for working from home. Only 13 per cent of disabled employees surveyed said that home working was available to them, but an additional 47 per cent said they would be likely to use it if given the opportunity.

Flexibility in job role

There was also a need for greater flexibility in the way that job roles are defined – particularly with a view to accommodating situations where individuals become disabled during their working lives. Several people felt that they had been forced to leave their jobs because their employer had not been able to think flexibly about how tasks could be redistributed to enable disabled people to remain fully productive members of the workforce.

Until recently, Gethin was working as a fuel tanker driver for a utilities company, delivering to various work sites across Wales. He was diagnosed with multiple sclerosis in 2002. He described how he was allowed to take a flexible approach to his work by an understanding management team, and this helped him to meet the requirements of his job. He was able to take time off flexibly to attend medical appointments and have flexibility in his work schedule, so that he could make deliveries in advance when feeling well. He was also able to make arrangements to have others do some of the heavy lifting jobs involved with the final stage of delivery.

In addition, Gethin was able to access air conditioning for his vehicle, which helped to prevent any exacerbation of his MS symptoms associated with being too hot. This was done when the HGV fleet was being replaced – he felt it was important that he could ask for this adjustment in the context of this choice being open to everyone, so that he didn't feel as if he was receiving special treatment because of his illness.

Gethin described how he appreciated the support of management in having regular conversations about his condition, and in providing access to check-ups with the company nurse. By having this regular check on his capabilities and needs, it allowed him to prove his fitness to work.

It was very important to him that assumptions were not made about his abilities based on his diagnosis. He feels that potential employers encountered in his recent job search dismiss him automatically because of his illness, rather than taking a fair, evidence-based approach to assessing his suitability to work in the role.

(Gethin, 40, long-term health condition)

While focus group participants expressed reservations about whether employers could accommodate flexible working, research has found that this is a relatively easy and cheap innovation for businesses. For those making adjustments related to the provision of flexible working patterns or hours, the majority (73 per cent) had found the adjustments relatively easy. 64 per cent had found it easy to change the location of a job and 68 per cent had found it easy to allow for special leave or extra time off.

There were no direct financial costs incurred by 71 per cent providing flexible working patterns and hours, 63 per cent changing the location of the job and 55 per cent for special leave or extra time off (Dewson et al, 2005).

Management

A key theme that emerged was the scope for line managers to make a difference to the working lives of disabled people. People stressed that the individual line manager's conduct, approach to communication, and people skills could be really influential in helping them stay in work as their impairment began to affect them. Line managers also have a crucial role to play in supporting a sustainable return to work after a period where individuals were unable to work.

Open communication and understanding of an individual's impairment and needs were extremely important. Exemplary line managers were those who communicated personally and displayed empathy. Relatively small things such as asking people how they were went a long way.

The ideal manager was described as one who would:

- make sure they are aware of the needs of their team by making clear to staff that they can approach them with challenges they are facing in the workplace
- use discretionary powers to allow people flexibility in their working day and not block sources of support
- informally ask people how they are and whether they have what they need, especially when people start work in a new role or return to work after a leave of absence
- make it clear that they are open to discussion and contact when someone is on a period of sick leave
- adjust work roles on an individual, personalised and flexible basis
- tackle any performance issues on an informal basis first before escalating to formal (and intimidating) disciplinary panels
- adapt their style of delegating tasks and setting expectations to the individual, and provide mentoring for employees as required.

This picture of an ideal line manager is clearly not specific to managers of disabled people or those with a long-term health condition, but could be seen as good practice approaches for all managers. This is an important point; many people will experience a health condition or impairment during their working lives, just as others will have other needs relating to family or caring responsibilities or needs relating to their skills or performance levels: line managers should be effective in communicating with staff to understand what adjustments are necessary to enable people to contribute fully.

‘My bosses at my company have been amazing with me, when my dad died I had a month off with compassionate leave ... they were fantastic, to the point where they would ring me and say stop stressing and don’t worry [about returning to work], they’d keep me informed. They are family run and I’ve been there for years, my boss now he came and saw me when I went back into work ... he talked with me for ages and it’s nice, he’ll always come in and check on me and he’ll know if I’m down and I feel supported.’

(Woman with a mental health condition, Manchester)

‘When I got ill he really nicely had me back again because we were a good team together and he was great. He made concessions for when I wasn’t well, I could work from home and he would leave the answer phone on and I would send it by email.’

(Woman with a progressive illness, London)

Employer perspectives

There was some synergy between the views of the individuals and the views of employers as to what was needed to open up workplaces. In particular, the importance of being proactive, of taking an inclusive approach across the workforce and the importance of better communication and management practices.

- Employers were keen to stress that solutions should not necessarily be different or unusual – and not just for disabled people – but should have relevance to the entire workforce.
- The leadership and the support of senior staff was essential in setting the values and commitment and getting the buy in of other managers and the workforce. Those organisations who were making progress had worked hard to gain that valuable support to make a more ‘disability confident’ organisation.
- Often there are structural and psychological explanations for exclusion. It was important not to ‘blame’ the disabled person or put all the focus on them. Instead focus on the work issues that it is possible to do something about. Many felt that they needed to adopt a ‘can do’ approach to disability and establish confidence and trust on both sides.

Advice and guidance

Employer networks like the Employers Forum on Disability offer a helpline service to members and provide model policies which need to be customised by employers. The Clearkit Company also offer advice about recruitment practice and guidance for employers on disability. ([See our Useful Links](#) section for contact details for these organisations.)

- Access to work was widely respected and the Sayce Review (Sayce, 2011) has recommended an expansion of budget and promotion of the programme.

There was lots of information out there but not all in one place – the Commission could have a signposting role and might also promote sources of free advice. Some advocated an ‘easy to’ guide for employers on what was available, preferably easy to access and free. Some areas where guidance might be helpful were: managing disability, ‘sickness leave’, flexible working and ‘100 best reasonable adjustments’.

- However external advice and guidance should not be seen as the only resource. Employers recognise that many solutions are at zero cost and can be resourced and managed in the workplace. There was the potential to develop additional internal advice/support through

the training of Union representatives and training programmes for first aiders in mental health conditions. These could be beneficial both to the staff who have been given the training and potential users. Colleagues are an important natural support.

Managers

- Line managers were recognised to be crucial and needed to be encouraged and empowered to try new things and take responsibility, but there was a need to accept that they may make honest mistakes and to ensure that they have support and guidance. They need to be involved in decision-making about adjustments. The trend was towards giving managers greater responsibility to recognise problems and seek solutions in the workplace with centralised guidance and support which needed to be uncomplicated and easily accessed.

Communication

- Staff surveys were described as a useful tool and becoming more widespread (see [Lloyds Banking Group](#) case study). Staff groups had also proved successful in challenging the organisation to do better. The focus was on disability issues but they usually worked better, and were seen as less tokenistic, if open to all who are interested. Staff networks on a range of equality issues in general act as a neutral extra channel of support for individuals.
- The customer lobby was also becoming more vocal and there were lots more disabled customers who wanted equality of access to goods and services. One major UK employer formed an effective network group consisting of disabled staff and a forum of disabled customers.
- Those employers who were developing disability disclosure processes and records (usually HR led) found it helpful to have the staff support of workplace representatives (where unionised) so staff feel more confident to use the systems. A bureaucratic 'Tick box' approach as perceived by staff does not allay suspicions and makes it very difficult to get an accurate picture. The view was expressed that a focus on what individuals needed rather than a focus on details of impairments or health conditions was more likely to be effective.
- There was a consensus that more openness of discussion of disability issues such as mental health in the workplace would be a good thing if individuals wished to raise them.
- Similarly it was suggested that GPs should be encouraged to advise patients to discuss mental health with their employers.
- Use of language in communication was a consideration and some employers found it more effective to refer to a fairness and respect agenda and not just equality and diversity.

Management

- Performance review systems needed to focus on what disabled staff **can** do. This was particularly helpful for engaging staff with impairments who were not able to carry out the full range of tasks or activities in a job. The review process should be about the individual but also look at team strengths. A flexible system where individual team members are asked how they would ideally want to be managed to meet their targets is beneficial.
- Of particular relevance to mental health issues, but not solely, was the recognition that remaining in work was the best therapy or rehabilitation for many employees. If health conditions fluctuated or worsened it remained important not to lose contact with the employee. Those with first onset of a mental health condition can be helped by remaining in work and receiving treatment.

Available to everyone

‘Maybe we should be mainstreaming our approaches and having a more general approach so that when people have actually been recruited you are asking everybody what kind of adjustments that they need and bring in all of the other aspects around childcare and disability and wouldn’t necessarily have to focus on their disability then and also to focus more on the good practice of other organisations.’

(Equality and Human Rights Commission, employer roundtable, London)

- It was suggested that employers might try to anticipate potential adjustments at work at the outset of employment by using a questionnaire for all new starters. Employers should offer adjustments/flexibility at the recruitment stage, for example through application forms, briefing of recruitment agencies and job advertisements. This might be because they are a working parent or have a health condition or disability.
- Employers should consult regularly with the workforce on practical job and work organisation matters, for example through staff surveys.
- It is important that the support system was available to all and the view was expressed that the future workplace needs to focus on wellbeing and the health of the entire workforce.

‘The staff survey includes a question about long-term health conditions and disabled employees came out as the most disengaged. So we set up a staff group to challenge company policies and not just for disabled staff - all are welcome.’

(Equality and Human Rights Commission, employer roundtable, Newcastle)

Adjustments/how work is structured

- Employers saw business benefits from investing in adjustments where the costs decrease as the individual stays in work over time. It is important that reasonable adjustments were thought through as a package for example, hours, job descriptions and patterns, and are also responsive to fluctuating impairments/conditions.
- Accessible IT was increasingly important in terms of the flexible workplace.

Different types of work organisation which might make a difference

Flexible working

This was often at low or no cost and may be the main thing that enables disabled staff to work.

‘Slivers of time’

Particularly important for some disabled people was the opportunity to work regularly but for just small amounts of time per week. Benefits needed to be protected but often the amounts of time, although short, were very effective.

Job carving

Job Carving is a way of splitting jobs to ensure the most suitable person carries out each task.

It is a concept that can benefit both employers and employees through increasing productivity by realigning workers tasks.

It is a flexible way of managing a workforce, which allows employers to utilise their staff skills in the most productive way whilst enabling disabled people to make a valuable contribution to the world of work.

For some employees job carving may be more akin to organising flexible working hours so that a person who has a disability and is only able to work 6 hours per week can fill the gap left by the working mother who can only work 30 hours of a full-time post. For some people job carving can be part of a package of supported employment where the employer and employee will receive 'just enough help from a support organisation to ensure success'.

Banking time

These allow workers to 'bank' their time over longer periods. These operate at a national level in France, the Netherlands and Germany, but have been used by individual employers in the recent recession.

Supported employment schemes

Supported employment schemes were successfully introduced 20 years ago by organisations such as Mencap and the Shaw Trust.

In a formal supported employment scheme, employers receive funding for employing a disabled person, for example if a disabled person is only able to attain 50 per cent productivity, the employer pays 50 per cent of wages and the rest is paid through government funding (enabling the disabled person to receive a full wage).

Targeted recruitment programmes

These are programmes which link employers, intermediaries and job-seekers systematically. For example, employers benefitting from these programmes include the John Lewis Partnership, Sainsbury's and Marks & Spencer.

Employers have also suggested ring fencing posts to create jobs for people with disabilities or impairments.

Employer-led internship model for people with learning disabilities

Project SEARCH is an employment-focussed education programme, designed to give students with learning difficulties and/or disabilities and autism the opportunity to develop employability skills and to get hands on experience in the workplace, combined with classroom sessions.

The Project SEARCH model has been adopted by (mainly public sector) employers across England to offer people the opportunity to move beyond the mundane work usually assigned to them – clearing tables, moving shopping trolleys – and instead trains them in more complex, but routine, tasks, such as assembling medical equipment. Individuals learn different roles, in rotation. The approach requires the employer to 'carve' jobs in new ways so the individual has one essential job, that they learn thoroughly, and offers support to both employee and employer, alongside training. Please refer to [Chapter 7](#) for more details.

Career progression

The career ambitions of disabled people highlighted in Chapter 2 are as high as their non-disabled colleagues. However employers recognised that many disabled staff may end up in the same job for a long time and are often assumed to be risk averse. Sayce (2010) shows that two types of support are significantly associated with career progression and high earnings: having a mentor and having senior staff support throughout your career. No disability-specific support or adjustments were reported to be positively associated with progression (although they may be necessary for entering and staying in work in the first instance). The research reported that some disabled high earners were able to take advantage of their seniority to secure their own adjustments, for example flexible

hours or working from home.

Disabled 'high flyers' reported that they value generic development opportunities such as coaching, leadership programmes, training courses, secondments, academic study and external networks. Importantly, these types of support were available to all employees. As such, Sayce argues that employers can tap into disabled people's talent through 'proven levers for change' that are known to effectively support all staff.

Self-employment has been seen as a route for disabled workers where the mainstream was not working for them but our employer roundtables and the IFF Research focus groups suggests that mainstream employment can offer the same flexibilities as self-employment if led by good employers.

Suggestions for updating professional qualifications for those out of work included making more qualifying events available online or considering small amounts of voluntary work to contribute towards targets. The Institute of Healthcare Managers offered continuation of registration under a 'floating arrangement' for those out of work – but this offer was untypical of professional bodies. Rolling out this type of practice is essential.

The Lloyds Banking Group case study highlights the benefits to the individual and business of investing in career development for disabled staff and the Commission would recommend that employers do more to support the skills and career development of their disabled employees.

Chapter 5: Creating the perfect partnership – employment relationships

Our focus groups found considerable variation in the relationships that disabled people and those with long-term health conditions had developed with their employers.

On balance disabled people thought that they were more likely to find work, and have a positive experience of work, in the public sector. However, some of the very best experiences of work (that came closest to many people's 'vision' of the ideal work) were as likely to be reported by those working in the private sector as those in the public or voluntary sectors.

There were different degrees of 'openness' reported in the experiences and relationships between employers and employees at work. 'Openness' in this sense refers to both the specific dialogue that might exist about an impairment or health condition and an individual's needs, because of the relationship between employer and employee, as well as openness more generally relating to workplace opportunity and flexibility.

More specifically, the extent to which individuals had a fully open and productive relationship depended on elements such as:

- how 'well matched' their role was to their skills and experience
- the effectiveness (or otherwise) of the communication they had with their employer
- the level of trust in how any disclosure of need would be treated
- the commitment and loyalty they had to a workplace, and
- the extent to which they felt enabled or empowered to participate and perform to their full potential.

Types of relationships

[Please refer to Table 1. Page 12.](#)

Shut out

For many participants, working in certain roles or sectors was seen as an unobtainable dream. Participants felt that image and perceptions of efficiency and reliability were highly important in certain sectors or roles, and participants felt they simply wouldn't get past the interview stage. 'Shut out' relationships were typically found in a range of private sector industries, as well as certain public sector roles. These would include professions such as journalism, financial services or law. High-adrenalin, corporate, image-focused roles in particular were discussed as currently often unattainable for people with disabilities or impairments.

Dysfunctional

For some participants, working in certain sectors or roles was associated with distressing experiences in the past. For example, those who had believed they had a decent relationship with their employer up until the point an impairment or health condition had begun to affect them. At this point a complete relationship breakdown was described (leading to the individual leaving employment, often feeling they had been treated very badly).

'Dysfunctional' relationships were most commonly described by those who had worked for private sector companies.



Functional but not fruitful

In this relationship neither the employee nor the employer was felt to be getting the best out of each other, however, they both got something out of it and this was sometimes considered enough.

Employees suspected that a degree of tokenism or box-ticking characterised what the employer got out of the relationship, whereas they were sometimes 'happy enough' just to have a job at all. Disabled people in this relationship did not feel particularly valued or motivated.

Requesting reasonable adjustments was uncomfortable, despite these requests generally being met (albeit grudgingly in the eyes of the employee). Participants working in large organisations, whether public or private sector, were more likely to describe this relationship.

Successfully supportive

These were often roles where disabled people might traditionally be expected to work, typically outside the 'mainstream'. Generally, successful relationships had been arrived at by very deliberate attempts to create an environment that was inclusive for disabled people and those with long-term health conditions.

This relationship tended to be reported by those working for smaller public sector or voluntary sector organisations such as libraries or colleges or those in a care or disability-related role. Some participants described jobs they enjoyed – requiring only minor tweaks to be ideal. Some had to give up working in this role when they had become ill and hoped to return to that role when their condition improved. They were cautiously hopeful that requests for reasonable adjustments would be met.

Some engaged in this sort of employee-employer relationship did express ambitions to work in a private sector environment but generally considered this unachievable.

- A woman with a visual impairment from Manchester who worked for a college had an excellent relationship with her employer whereby she was the first person asked to trial any new software or systems to ensure it was accessible before rolling it out to others: 'I'm not an afterthought'.
- A woman with a physical impairment from London employed in a library had been able to discuss her needs with her employer openly and have these met, including changes to the layout of her workspace and the hours in which she worked, which allowed her to avoid rush hour commuting.

On the surface these employee-employer relationships seem 'ideal'. However, when asked to describe their dream job or the ideal workplace a number of these individuals mentioned aspirations to work in a different sector or industry. There were some suggestions that the kind of successful relationships that these individuals enjoyed with their employers were only possible outside 'mainstream' or private sector employment.

While many of these workplaces have successfully adopted the reasonable adjustments required by disabled staff who work for them, there are further steps that could be taken to reduce the sense that disabled people have been singled out for special treatment.

The perfect partnership

Some described something close to an ideal employee-employer relationship which went one step further than the 'successfully supportive' relationships described above.

These were very successful and rewarding relationships between employee and employer where communication and trust were high, and requests for adjustments had been met or proactively

offered. These relationships had often been arrived at as a function of open and inclusive approaches to all staff rather than policies particularly centred on an individual or on disabled people in general.

As such, employees felt a high degree of loyalty and commitment to their employer and believed they were fully enabled to deliver work to the best of their abilities.

This relationship was more common among those working in small or medium sized organisations where disabled people had direct day-to-day contact with owners/managers or senior staff.

- A woman in her 30s, working as a manager at a small company in Manchester, had had periods of depression and anxiety leaving her unable to work. She was back at work at the time of the research and was attending counselling in her lunch break. Her employer had been flexible about her taking time to get to the appointments and generally supportive and proactive about asking her about her condition and her needs. Because she feels supported by her employer she described being able to follow this example and 'looks out' for the wellbeing of the individuals she line manages. She has been able to be open in the workplace about her mental health issues, which she feels makes it easier for others to acknowledge any health problems of their own.
- A young man with ADHD, also working in Manchester in a small, privately owned company had been able to ask his employer for adjustments to the structure of his working day and to the way he organises his work, which would enable him to participate fully in the workplace. His employer had accommodated all these requests happily and quickly and the man reported high levels of job satisfaction and motivation.

Opening up work: key areas for action

Opening up work in 'dysfunctional' relationships

Key areas for action:

1. Implement effective equal opportunities policies and disciplinary procedures to prevent prejudicial attitudes impacting on employees. Ensure that this is adopted fully by senior management.

Opening up work in 'functional but not fruitful' relationships

Key areas for action:

2. Those with overall responsibility for the organisation to promote an inclusive culture for disabled people. Those in senior positions need to focus on identifying and then removing barriers to this happening.
3. Arrange training and development for staff at all levels to increase disability awareness, an understanding of the issues disabled people face, and how staff should treat people with dignity and respect.
4. Introduce proactive consultation with staff on adjustments needed, taking a 'whole workforce' approach. However, one to one communication to secure adjustments for an individual is personal to that individual and cannot be subject to a group discussion or objection.
5. Ensure that line managers are aware of the needs of their team by making clear to staff that they can approach them with challenges they are facing in the workplace. Those in senior positions should ensure that line managers are equipped with the skills to handle any resulting requests or discussions.

Opening up work in ‘supportive’ relationships

Key areas for action:

6. Integrate flexible working practices and small-scale adjustments to work environments and job roles into mainstream policy. The same broad approach might then be taken; regardless of the reason for need (be it an impairment, illness, caring responsibilities, or balancing work and study)
7. Talk openly and initiate a dialogue about mental health conditions, progressive illnesses and other less ‘visible’ conditions to reduce stigma and enable others to come forward and ask for necessary adjustments.
8. Employers should proactively recognise that impairments and long-term health conditions are likely to affect a proportion of the workforce at any one time.
9. Take a systematic approach to asking staff what flexibility or adjustments would be useful – for example through a staff survey or induction questionnaire, with regular follow-up.
10. Publicise the good work they are already doing in this area. These employers are likely to understand the business case for providing a flexible and inclusive workplace and may help persuade other employers of the benefits of this approach. Promoting the work they’re doing will also send a positive message to existing and potential disabled employees.

The IFF research (Adams and Oldfield, 2012) provides more ways of opening up work across the full range of employer relationships.

Chapter 6: Conclusions and recommendations

This project and programme of research has revealed challenges for which we need to find realistic solutions.

Key challenges

- The aspirations and expectations of disabled people within the workplace are often inhibited by the challenges they face in securing the work support they need and employers are missing out on the skills and talents of disabled people.
- The scale of enquiries and complaints indicate that many disabled people are not getting the work support they need and are entitled to.
- There is a gap between rights in principle and delivery in practice.
- Individuals are struggling to secure support via the legal compliance route which often exacerbates their problems.
- Disability rights are paramount but different ways of securing delivery are needed. We need to think about an inclusive approach with shared gains.
- Moving from a focus on compliance to proactivity would change the agenda, using flexibility, new ways of working and job redesign which are already recognised as effective for business.
- We also need to find solutions and pathways to enhance skills and careers development for disabled people.

Our report shows a compelling evidence base for change – just 50 per cent of disabled people in Britain are in work and the employment gap between disabled people and non-disabled people is almost 30 per cent and in some cases widening, particularly for those with no or few qualifications (EHRC, 2010).

Worryingly, employment opportunities and prospects for those with some physical impairments and mental health conditions are not improving over time or by any significant rate.

On the plus side, evidence of the demand to work, and to enjoy its benefits both financial and social, is overwhelming. The economic and business case for change is also becoming increasingly important with many employers recognising the market potential of disabled customers as well as their talents in the workplace. The benefit to the economy of keeping people in work when they become disabled is clear, when the majority of people experience the onset of disability during adulthood and one in six lose their job in the first year.

Both those who have become disabled while in work, or those born with impairments, not only want to work but are as keen as their non-disabled peers to progress in their jobs and careers and see it as a fundamental right to be able to do so.

While the evidence base for change is unequivocal we need to move more quickly and urgently to find some realistic and simple solutions at low or no cost. The Equality Act and enshrined disability rights and responsibilities presents a strong legal framework. Clearly the employer has the responsibility to ensure a non-discriminatory environment but the proactive approach we have identified is needed, and a lack of this is holding up real progress.

The report by IFF Research for the Commission (Adams and Oldfield, 2012) and our other evidence shows consistently: a low awareness of disability rights and who is covered; fear of disclosure meaning that needs are not identified or met; reasonable adjustments often seen as largely at employer discretion/concession where individuals feel they have to find out what is possible by consulting HR policies.

Individuals are not sure what is 'reasonable' for the employer – and often consider adaptations they might need as too onerous and costly.

While the onus is on the individual to fight for their rights they often become isolated – and the spiral out of the job and labour market can be rapid and irreversible. This is clear from the evidence to our DHI and our Helpline enquiries.

We know from our consultation with employers that they are sometimes confused by what exactly the concept of disability covers and who is disabled, as well as what reasonable adjustments are. The Equality Act is a great achievement but we will only really witness significant progress if employers are actively engaged and proactive in creating an open and inclusive workplace.

Most disabled people do not want to be singled out and treated differently – they want to be part of the mainstream and given a fair chance. And keeping people in mainstream work means a focus on what they can do, not what they can't.

The independent review carried out by Liz Sayce (2011) recommends an extended Access to Work programme, which currently covers about 37,000 people, including a website service available to more employers as well as individuals. However, even if the size of the programme is doubled it may still not be enough to meet demand, or stimulate demand, and so we need something radical to happen on the supply side - the employers – to make significant change.

The costs of adaptations and adjustments are often low and in some cases flexibility costs nothing and pays dividends for the employer in the retention of talent. The report by IFF Research tells us there is a desire from disabled people for an open and supportive workplace to accommodate a wide range of needs – including not just those of disabled people – but also other groups such as parents and carers and in fact the whole workforce. There needs to be a radical rethink and focus on what would help individuals perform better rather than a focus on impairments or health conditions, and the whole workforce has to buy into this vision. The open and supportive workplace requires an understanding by managers and co-workers of their responsibility to subscribe to those values and behave accordingly.

Conclusions and recommendations

The world of work is changing including hot desking, home working and other new ways of working. We need to focus on transforming working practices to better meet a range of different needs.

1. We recommend shifting the onus and spotlight off individuals to secure the support they need towards more collaborative delivery that works for all, recognising that work practices can be shaped around individuals to capture their skills in the interests of business.
2. Employers need to comply with their legal responsibilities to consider reasonable adjustments for their disabled staff who do disclose¹⁷ but also need to recognise the personal risk that disclosure of a disability, or long-term health condition, represents to many disabled people – evidenced by the negative experiences of respondents in our Disability Harassment Inquiry and the IFF Research focus groups of disabled people. We need to remove the risk for those who do not want to disclose and believe this should be based on offering work support for all who express specific needs – and not just for those with impairments or health conditions. This would help create a more inclusive culture that is positive about disabled people.

3. Employers need to be more proactive in anticipating support, for example employers need to seek information at the outset of employment about any job-specific adaptations and update regularly. This is best done across the whole workforce not just focusing on impairments or conditions, but on how changes and adaptations might help job performance in general.
4. Training and guidance for managers who need the skills and confidence to manage disability in the workplace is required. Managers need to be able to take prompt action to stop the escalation of problems and are key to adapting job roles and dealing with performance-related issues before escalating to formal procedures.
5. Flexibility and innovative ways of working are often the prime reason disabled people are able to work. We recommend that flexible working is offered as an option to all disabled job applicants and workers.
6. Job redesign: offering different job patterns can work for different groups of disabled workers.
7. Mental health at work has been a key focus for us in this project. The experts (disabled people and people who work in this area) we have consulted have told us that work is often the best rehabilitation for those with a mental health condition. They have also told us it is essential not to lose contact with the employee and that those with the first onset of a condition can reverse the trend of a downward spiral if helped to remain in work and receive treatment concurrently.
8. There needs to be a constructive relationship between disabled employees and their employers, clinicians and occupational health practitioners, to ensure that the support needs of disabled employees are understood and effectively met.
9. Employers have to make clear that there is zero tolerance of hostility and harassment in the workplace and that managers and workers understand and act on their responsibilities.
10. The Commission supports the Sayce Review and the recommendation on the extension and development of Access to Work and recognises that there needs to be more freely available guidance and advice for employers. We recommend government does more to signpost the advice that is out there from organisations working with employers and disabled people such as Mind and Disability Rights UK and other advice and information agencies.

Key recommendations

- Employers should anticipate adjustments and support at the outset of employment through discussions led by managers and/or by using a questionnaire for all new starters. There should also be a follow up after a settling in or probationary period of time with the employer, for example after six months.
- Employers should offer adjustments/flexibility at the recruitment stage without seeking information on disability, for example through **application forms, briefing of recruitment agencies and job advertisements**.
- Employers should offer **flexible working as an option to all disabled job applicants and workers**.

- Employers should **consult regularly** with the workforce on practical job and work organisation matters, for example through staff surveys.
- Employers should **consider holding a central budget for adjustments**, demonstrating a shared, central commitment
- Government, business organisations and the Commission should offer guidance for employers and managers on the implementation of flexibility and adjustments including innovative job design, to support the **modern workplaces agenda of flexibility for all**.
- The Department of Health and the Department for Work and Pensions should consider producing **guidance for health professionals and employers** to keep disabled people, and those with long-term health conditions in work.
- Government/business should support the **skills and career development** of disabled staff, starting with advice and guidance in schools.
- The Department for Education and the Department for Business, Innovation and Skills (BIS) should explore how apprenticeships can be better opened up to disabled people.
- Professional bodies should find ways of **updating qualifications** for disabled people and those with long-term health conditions.
- The current focus on Women on Boards should be widened to **Diversity on Boards with a new focus on disabled people**.
- The cross-government Ministerial group set up in response to the Sayce Review (DWP, 2011) to oversee a new strategy for disability employment, should consider **piloting positive action schemes for disabled people** such as the successful Pathways to Work for Women initiative.
- Employers should make clear that there **is zero tolerance of hostility, harassment and bullying of disabled people in the workplace and sign up to the Commission's proposed 'Employer Manifesto for Change'** due for publication in 2012.
- Government and BIS should **identify how Local Enterprise Partnerships can drive economic growth and the creation of local jobs by working together with business** in order to develop the skills and talents of disabled people and identify job and career opportunities.

Chapter 7: Employer Case Studies.

I. GCHQ: Embracing neurodiversity and the benefits for the business

Across the labour market nationally, employment rates for people with some neurodiverse conditions such as Autism is lower than for any other impairment. Just 15 per cent of people with Autism have a full time job, although 79 per cent of those with Autism on Incapacity Benefit want to work (National Autistic Society 2009 <http://www.autism.org.uk/about-autism/some-facts-and-statistics.aspx>). However, progressive employment practices at GCHQ have meant that employees with neurodiverse profiles such as these have been able to progress their careers and contribute crucial skills to one of Britain's key government departments.

Since its early days, GCHQ recognised that the skills they required attracted a high proportion of individuals with different thinking styles and behaviours, but frequently with exceptional skills. This understanding has led to the skills and talents of people with neurodiverse profiles being better recognised and valued across the organisation. Tangible successes have motivated GCHQ's organisational change, improving the employment experience for more than 300 neurodiverse staff across all grades.

What is neurodiversity?

The term neurodiversity is a relatively recent term but is now frequently used to describe different ways of 'processing'. This could be the way in which someone organises their thoughts to put them into words effectively, understands body language, facial expression or tone of voice, how someone interprets and makes sense of visual and spatial information.

The GCHQ model

The aim at GCHQ has always been to achieve the best balance between business outcome and staff contribution. They have sought to develop their internal resources and processes using a 'Whole Organisation Approach' to neurodiversity by embedding a philosophy of developing the skills and potential of all their staff through recognition and understanding of different processing profiles. Employment policies and procedures support the provision of reasonable adjustments and the development of staff throughout their working lives.

For example the provision of information in a handbook on the intranet has increased awareness of neurodiversity by emphasising the benefits that diversity of thinking can bring to the organisation. 'What the handbook has enabled us to do is to help managers understand the amazing abilities that go with these "disabilities" and get real business benefit from them.'

From the start of the GCHQ recruitment process, candidates are given the opportunity to disclose an impairment and invited to discuss any reasonable adjustments they may require. At the first stage of employment a 'Disclosure Document' is created as an agreed way of sharing information in a way that allows all to feel comfortable. It provides a clear description of someone's condition (in relation to their job) and of the adjustments that can improve performance. The aim is to communicate the individual's way of working and suggest adjustments. The individual is then able to control the document's distribution. It could be used in promotion activity to inform panel members, in internal or external training to inform tutors, or on moving to a new team to inform colleagues.

'Martin was assessed at university as having Dyspraxia. On entry to the Department his line manager was given some initial training on Dyspraxia. Martin explained how Dyspraxia affected him with particular difficulty in speed and legibility of writing, as well as weaker organisational skills. It was agreed that Martin could have the use of a

laptop and a particular software package, with training in its use, to help with his organisation. All information was recorded in the Disclosure Document and on the HR database. Martin passed his probationary period and has needed no further adjustments. A combination of line manager training and Martin feeling comfortable to speak frankly about his disability or impairment meant both parties entered into their employment relationship with clear understanding.'

Work based adjustments may include providing instructions in different formats, providing mentoring or advocacy support, redistribution of some tasks within a team, negotiating changes to working hours or location within the office space. Adjustments for a specific individual can often be adopted by other members of the team, whose working style may be similar to a person with a more obvious processing style.

GCHQ acknowledge that it is not always easy to think about creative solutions. The Board level Disability Champion explains:

'As a department we have travelled a long journey. We have sought to improve accommodation and most of our staff now work in a very accessible building for anyone with mobility, visual and aural disabilities. But this has led to other challenges. Our new open plan working environment has presented some members of staff with challenges such as visual distractions and high noise levels.'

'Looking to the future we, as with all other government departments, are under more and more resource pressure...so it won't be easy. But in these tough days I'm absolutely convinced that an appropriately diverse workforce isn't a problem, it's the answer – and that it's something well worth investing in.'

(Extract from an unpublished EHRC report A Model for Employment Valuing Neurodiversity, October 2009).

II. British Telecom

‘Including you’ in everything we do

BT’s vision on disability is ‘Effortless Inclusion’, and BT recognises that to make this a reality everyone in BT, regardless of their role or responsibilities, needs to take personal responsibility ‘anticipating and accommodating’ the needs of disabled colleagues and customers.

Helen Chipchase, Disability and Carers Lead, commented:

‘we defined our vision and mission about what disability equality should feel like in BT and we wrapped that up in our ‘Including you’ campaign. It’s a fresh approach to disability at BT and a key theme is personal ownership.’

As with any business, focussing on the ‘bottom line’ is key and at BT this means providing the best service possible for customers and making the services as inclusive as possible. That’s why the ‘Including you’ campaign was extended to customers in 2011 and can be found here: <http://www.bt.com/includingyou/>

The dedicated website for customers offers a range of accessible products and services for those who need extra help with communications.

For BT, the two go hand in hand – getting disability ‘right’ for employees helps the business to get it right for customers too. This is not just about the moral or social arguments for diversity – it’s a commonsense business case approach to operating in a fiercely competitive market.

In practice – what does this mean for employees?

- Line managers are expected to make reasonable adjustments for disabled people as business as usual, without the need to seek senior level approval. Many staff do not declare their disability so many adjustments are supported informally and not recorded.
- Where adjustments are more complicated, employees can use ‘Enable’, a service provided by Remploy and available through the staff intranet. These advanced adjustments are funded through a central budget so that local budgetary issues do not become a barrier.
- Employees may choose to complete a ‘Disability Passport’ to record their adjustments, opening dialogue between individual and line manager, and ensuring a smooth transition should line management change.
- Factsheets on a range of disability issues are produced in-house and are available for staff and managers, e.g. Aspergers, dyslexia, hearing impairments, asthma and migraines. The ‘Working with.....’ series of leaflets contain advice and guidance and feature disabled staff who have volunteered to share their experience of living and working with these disabilities and health conditions. The factsheets are very popular and the willingness of disabled staff in coming forward is a positive sign that fear of disclosure does not appear to be an issue for disabled staff in BT.
- On mental health, BT has produced a toolkit for managers and organised Mental Health First Aid Training to support managers to feel more confident about talking to staff with mental health conditions. BT has signed up to the national charter on mental health – Time to Change <http://www.time-to-change.org.uk/>

- BT is also developing further ‘job specific’ guidance for staff in various roles, covering the ways in which that role can be done in a more disability confident way.
- staff with mental health conditions. BT has signed up to the national charter on mental health – Time to Change <http://www.time-to-change.org.uk/>
- BT is also developing further ‘job specific’ guidance for staff in various roles, covering the ways in which that role can be done in a more disability confident way.
- Using BT conferencing, BT provides regular awareness seminars on various disabilities led by external experts which receive great feedback from BT people with disabilities and BT Carers alike. Sessions so far include dementia, pain management, arthritis, epilepsy, and MS.

One of the key strategies for Helen in moving forward on disability has been building allegiances. She said:

‘getting senior sponsorship and building an army of advocates amongst staff who I can turn to for specific advice on a disability issue and who regularly tell me when we get it right and more importantly, when we get it wrong, has been invaluable’.

III. Middlesbrough Council’s FORWARDS Employment Support Service

Job carving benefits disabled people and the employer

Middlesbrough Council has been able to ‘job carve’ a number of roles in the recent past, which has presented new opportunities for disabled individuals to be recruited and retained. The Council also helps employers in the Middlesbrough area by providing a service to support disabled individuals who wish to find work and to match these with suitable employers – using ‘job carved’ roles as one of a range of strategies.

The Council’s (‘FORWARDS Employment Support Service for People with Disabilities’) was set up in 2008. It aims to provide supported employment to ensure people with disabilities who want to work, receive appropriate support and opportunities to access real, sustainable jobs for real wages. <http://www.middlesbrough.gov.uk/ccm/navigation/health-and-social-care/disabilities/forwards--employment-for-people-with-disabilities/>

Gabriela Rea, FORWARDS Manager said:

We’re developing real jobs and career opportunities by building partnerships with employers, carers, service users and professionals. These are jobs with a range of hours and support to ensure effective job matching and we’re developing clear plans with the individual and the employer.

But supported employment is not just to support the disabled person, it also brings benefits for the employer. The working environment must be suitable for both the employee and the employer in order to create satisfying and sustainable employment.

Joanne’s story



Joanne is a young woman who has an Autistic Spectrum Condition. Through the FORWARDS team and with the support of her family, Joanne was offered work experience helping in the storeroom at a large department store in Middlesbrough.

Joanne started at the store as a volunteer on a six month work placement in September 2009. This was set up through negotiations with the store manager, who was keen to offer an opportunity for Joanne within the store.

At the time, Joanne had an individual budget for her support/care needs which she was able to use to offer her supervisor training on Autism so that the member of staff could understand Joanne's individual support needs.

The role Joanne was to have was based on and expanded on the previous experience she had in a similar role. Through knowledge of Joanne's skills, experience and support needs the placement was a good match for her in terms of hours, environment and duties.

The employer identified a work place mentor and this relationship has worked well and allowed Joanne to settle in and become part of the team. Throughout the placement there were regular reviews and supervision sessions provided by the job coach from FORWARDS.

At the six month review the placement was extended for a further three months, after which the store was in a position to offer Joanne a paid position.

Joanne started as a paid employee in July 2010. She works 8 hours a week and is in paid employment that is matched around her skills and abilities.

IV. Lloyds Banking Group

Supporting line managers to manage disability at work

Lloyds Banking Group is the largest retail bank in the UK with 105,000 staff, mainly in the UK, and of these, around 3,000 (2.9 per cent) have indicated they are disabled.

Lloyds Banking Group is committed to providing support for line managers on managing disability. At the beginning of 2010, Mark Fisher, Lloyds' Director of Group Operations and Integration, became Executive Sponsor for Disability. His high profile leadership on disability has enabled Lloyds to make great progress.

The key developments are:

- an online, centralised reasonable adjustment programme for disabled employees
- a new non-physical adjustments policy and guidance
- mandatory online disability awareness training and guidance for line managers, and
- personal and career development programmes for disabled staff.

Staff surveys had indicated that disabled staff were the most disengaged staff group. Self-disclosure of disability on HR records was low but would be higher in anonymous surveys. The business hoped that establishing a new centralised adjustment programme would help to address some of these issues and, above all, benefit disabled staff and enable them to maximise their potential.

Tim Taylor, Manager Diversity and Inclusion said:

'Line managers used to be responsible for co-ordinating adjustment requests from disabled staff and ordering the necessary equipment which often resulted in delays. Implementing a new centralised system has removed the pressure on line managers.'

Now all staff can access a **centralised reasonable adjustments programme** via the intranet and they can self-refer with their manager's knowledge and involvement. The business is focused on building a culture where staff feel confident and comfortable to disclose their disability or impairment. Importantly, the business does need to know whether staff have an impairment but where the impact of their impairment on day to day activities is self-evident, the business will not, as a matter of course, require a diagnosis of the condition.

New **guidance** is available for line managers on non-physical adjustments including options such as changes to working hours or patterns, adjustments to objectives, time off for medical appointments, regular rest breaks, a phased return to work and training. These adjustments have no direct cost implications, but enable disabled staff to work more effectively. The guidance has also resolved previous challenges around consistency and implementation.

For more complex adjustments, external expert advice is part and parcel of the adjustments package. Microlink provides a dedicated case manager for each referral and Abilitynet carries out on-site assessments and makes recommendations.

Disabled staff complete a questionnaire at the end of the adjustments process to see how it has worked and this is reviewed three months later to ensure that the adjustments are in place and working effectively.

Feedback from managers so far has been very positive. Disabled staff also report improvements, with adjustments in place far more quickly than before.

Having a centralised adjustment programme and budget has removed the pressure on department budgets. Other benefits include the ability to monitor service levels and to collect robust management information. For example if disabled colleagues leave, Lloyds can collect and re-use specialist IT equipment and furniture.

There is a long-established Personal Development Programme for disabled employees, open to all staff with a disability or long-term health condition, focusing on improving confidence and assertiveness. Building on the success of this training, Lloyds launched a new **Career Development Programme** (CDP) in 2010, aimed at managers with disabilities or long-term health conditions, to equip them with the skills they need to reach senior management positions within the business.

‘I really do feel that the CDP was a turning point for me in both my professional and personal life. I’ve stopped being so ‘apologetic’ about my disability or trying to minimise it. Now I openly admit to my problem, use my cane whenever I need to or feel that others need me to. I confidently explain briefly what my disability is and then move on to whatever it is the interaction is really about. I’ve been pleasantly surprised on how well people have responded.’

CDP participant

V. Project SEARCH - an employer-led internship model for people with learning disabilities

Project SEARCH <http://odi.dwp.gov.uk/odi-projects/jobs-for-people-with-learning-disabilities/project-search.php> is a supported internship programme hosted by employers, designed to give young people with learning difficulties and/or disabilities and autism the opportunity to develop employability skills and to get hands on experience in the workplace, combined with classroom sessions. The approach originated in the mid 1990s in the USA and a number of Project SEARCH sites have recently been set up in England.

The goal of Project SEARCH is to obtain full-time paid employment for these interns, or to ensure they leave the programme ready for work and better placed to secure employment elsewhere. The model gives interns the opportunity for work-based learning and education, via on the job training through a series of work placements in a host employer organisation which are organised by partnerships between employers, local colleges and supported employment providers. This year long programme will help prepare them for and hopefully secure permanent jobs. And potential employers will also be able to see evidence of their skills, commitment and abilities.

An evaluation of Project SEARCH, led by the Office of Disability Issues, HM Government (part of the Department of Work and Pensions) has been conducted to see how it works in England and to explore the experiences and employment outcomes of the interns taking part in the programme. The evaluation report, published in February 2012, included the following key findings:

- Around one in three interns gained employment as a result of participating in the Project – in both full-time and part-time jobs. This is a higher rate than the average for people with moderate to severe learning disabilities.
- Overall, interns reported a positive experience of the programme. Their parents, Project SEARCH partners and the interns themselves said that their confidence, motivation, decision-making, self-esteem and health had all improved.
- Employers and partner organisations involved in the project noted a range of benefits for them – such as improvements in efficiency and positive attitudinal changes amongst staff.

There are some examples of the impact Project SEARCH has made in the form of case studies from Project SEARCH sites containing personal accounts/ experience from employers and interns, such as:

- Plymouth Hospitals NHS Trust video on YouTube: <http://www.youtube.com/watch?v=YMRkcQ6518o>
- Brogan Johnson's story, former Project SEARCH intern and now an employee at Norfolk County Council: <http://www.dwp.gov.uk/docs/sayce-brogan-story.pdf>

For more information about the Project SEARCH model please email Anne O'Bryan at anneobryan@mac.com.

The evaluation which covered 14 Project SEARCH 'demonstration' sites in England took place during the 2010-11 academic year. 132 interns took part in the programme across the 14 sites and of these 76% completed their training.

Testimony to the impact of Project SEARCH is also available from participating employers:

Norse Commercial Services, Norwich

Carl Nicholls was a graduate of Norse's first intake of students in 2009, and is now employed full-time as Fleet Administrator within their Transport division.

'It was clear during his placement that Carl was very capable, with excellent IT skills, and we knew that there was a job role for him within the team once this came to an end', says Tina Higlett, Carl's mentor. 'What was really important was identifying the particular tasks that Carl could carry out – tasks that require a real attention to detail, but are part of a routine – to utilise his skills and allow him to be as independent as possible. (See the Norse website for more details: http://www.ncsgrp.co.uk/project_search.htm)

Commenting on the Project and their involvement, Tricia Fuller, HR Director at Norse Commercial Services, said:

'The project has worked better than I could have imagined and I'm very proud of all our graduating students. I'll admit I was a bit daunted when we began the course about the level of demand it would place on the company but with all the support from our Project SEARCH partners the investment required from us in terms of staff time, and money for that matter, hasn't been too big and in fact it's been a really valuable scheme for Norse to run. From it, we have now got four employees who already know the company and have the skills required to do the job, and we would have taken on more of the students if we had the jobs to give to them. We have also noticed that many of our employees perform better after being involved with the scheme, and when bidding for contracts, a lot of the organisations are really interested to hear about Project SEARCH, so it gives us a competitive edge.'(2010)

Plymouth Hospitals NHS Trust

In June 2011, a group of eight young adults with learning disabilities graduated from the Project SEARCH scheme after 10 months of work-based training within Derriford Hospital, Plymouth. The interns, who were working on an honorary contract, were placed in a variety of departments throughout Derriford Hospital including orthopaedics, theatres, radiology and administration. Other interns worked in portering, catering and cleaning roles for Serco (interns are unpaid and remain on government benefits during the programme). Five interns have already secured permanent jobs – three within Derriford Hospital and two are working as apprentices through Work Choice for Pluss <http://www.pluss.org.uk/>.

Pip Critten, Pluss Employment Advisor, one of the partners in the scheme, explained:

"Each day the interns spent time in the workplace and with the support of a job coach, quickly became independent and valued members of staff undertaking important tasks within the hospital.

'Their graduation marks the culmination of each intern having completed three rotations of ten weeks and also having studied for an academic qualification.' (National Open College Network Diploma in Progression)

‘They have been positive role models as well as being interns. They have excellent timekeeping and attendance records. Many have 100 per cent attendance. Some have even come in during their holidays to do additional hours. They have a tremendous amount to offer employers who see the benefits of employing a diverse workforce.’

<http://www.plymouthhospitals.nhs.uk/ourorganisation/newsandpublications/pressreleases/pages/projectsearchgraduation.aspx>



Picture of Jevan Bartlett, an intern working at Derriford Hospital as a porter within the imaging department.

VI. Working for Wellness

Work is key to helping people overcome a mental health condition

[Working for Wellness](#) is an employment support service available currently in London. It offers individually tailored, practical and motivational support and advice to people affected by mild to moderate mental health conditions in order to support them back into employment or to retain their current employment. It is designed to complement the therapeutic treatments provided through the [Improving Access to Psychological Therapies](#) (IAPT) programme.

Whether individuals are looking for work or are already in work, the service can provide:

- basic careers advice and guidance
- in-work support to maximise job-retention
- vocational information and advice, including CV-writing, job search and interviewing skills
- help with management of employment and employer-related issues
- adjustments in the workplace to help maintain attendance at work, and
- help to return to work after sick leave.

Mental ill health at work results in 80 million working days lost every year at a cost for UK business of £9 billion. It is also the biggest cause of sickness absence among non-manual workers. On average, each case of stress, anxiety or depression results in 30.2 working days lost. These costs to business and the economy are a significant cause for concern.

Many employers are not confident that they will know how to respond when mental health conditions occur and research indicates that the vast majority seriously underestimate the prevalence amongst their workers. [Mind](#) estimates that currently, 1 in 6 workers is experiencing depression, anxiety or stress – a significant proportion of a business employees and customers.

Working for Wellness has developed a strategy which promotes employment as an integral part of the treatment for those with mental health conditions. As part of London’s IAPT programme, they work to develop and implement integrated clinical and employment support services.

‘Embedding employment support and advice in health care services for individuals experiencing mental health problems is viewed as a key element in the recovery process. There is a growing body of evidence that indicates targeted health and work related support achieves greater impact and this is true for reducing the incidence of job loss and for promoting people’s return to work.’

Brendan McLoughlin, Programme Director

Impact

In 2010, 865 people were accepted onto the Working for Wellness Employment Support Service. Of these:

- 260 people were supported to retain their employment
- 95 people were supported to move into work, and
- 41 people were supported to move into education and training having been previously unemployed.

The scheme has encouraged an active dialogue between the NHS and employers and has enabled employers and health professionals to share experience and develop practical solutions to support employers. It has also helped to facilitate an active dialogue between employers and GPs with the aim of helping people retain or return to work.

Note

- Shaw Trust 2006; CIPD 2007.

VII. McMillan Williams Solicitors

Retaining a valuable employee by offering flexibility and support



The [Working for Wellness](#) initiative is demonstrated in practice by the experience of McMillan Williams Solicitors¹ and one of their employees.

Larissa, a trainee Costs Draftsman at a firm of solicitors in the South-East was referred to [Status Employment](#), one of the employment support providers in the ‘Improving Access to Psychological Therapy’ programme, which provides therapy and employment support to individuals facing emotional and psychological challenges. Both Larissa and her employer, McMillan Williams Solicitors, have benefited from this free service provided by the NHS.

In 2010, as a result of difficult personal circumstances, Larissa began to feel very depressed. Her behaviour at work changed. She became overwhelmed by work and her performance and attendance declined. She would often break down crying but wouldn’t explain why to her colleagues.

Larissa began therapy and was referred to [Status Employment](#) for job support. An advisor analysed the areas of work that Larissa found difficult and suggested that disclosing her situation to her manager and requesting some adjustments would help her feel supported and boost her while continuing with her therapy. Being in work would help her feel better and help with her recovery.

Larissa’s manager agreed to some temporary changes:

- a short-term move to a different office location with her own space
- shorter working hours with a phased return to full-time hours in due course
- a reduction in performance targets, and
- support to tell her manager if she would not be coming into work if she was having a particularly ‘bad day’.

Larissa felt supported and less burdened by the guilt and pressure she had been feeling when absent from work or unable to meet her targets. She was able to sleep better because she was not worrying about work and she started to go in to work full-time even though part-time hours had been agreed. She was exceeding her targets, so these were reinstated. Her ‘bad days’ and poor attendance declined.

About 3 months after Larissa first sought help, she was feeling much better and on the road to recovery.

‘We’ve been able to retain a valued member of our team which has meant that we’ve been able to carry on with business as usual, albeit with some temporary changes in the short-term, to help Larissa to get through this difficult period. As a small business, we don’t have the formal HR resources that larger businesses are able to draw on and so the knowledge, expertise and support of Status Employment has been invaluable.’

Nicola Manning, Professional Manager at McMillan Williams Solicitors

Note

- McMillan Williams Solicitors is a small to medium-sized business with 150 employees across the South East of England.

VIII. Employability Project at Percy Hedley Foundation

Supporting employers to engage with young disabled people

‘Working with disabled people in our staff teams is really important as it helps to give our staff confidence in dealing with disabled customers and therefore improves the customer’s experience.’

‘I was really impressed by her work ethic, not because she is disabled but as a young person.’

‘Many organisations benefit from working with disabled people. The one thing I regret is that I didn’t do it 10 years ago.’

These are comments from a number of employers in the North East, about their experience of working with disabled young people on work placements arranged by the [Employability Project](#).

The Employability Project, part of the Percy Hedley Foundation in Newcastle upon Tyne, aims to develop employability opportunities for disabled people. The project works with employers across the region developing opportunities for work placements, visits, skills development, or actual employment, for learners attending Northern Counties College (also part of the Foundation). The project aims to break down the barriers that employers imagine exist to employing disabled people.

Ruth Woodfine, Project Manager of the Employability Project said:

‘The opportunity to gain experience of the workplace is invaluable for disabled learners, since many young disabled people can often be excluded from the world of work. These opportunities can help them to move a step closer to gaining a job as well as gain an understanding of what the workplace may look like and what skills might be required for roles.’

In partnership with Disability North, the project has produced a work placement toolkit consisting of a best practice guide and workbook: Employers, Employability and Disability – What’s it all about? The toolkit was produced with the involvement of disabled learners and can help employers engage with disabled young people. It consists of a DVD, a practical guide to work placements for employers and a work experience workbook to be completed by the employer and learner.

For employers, having a disabled person on work placement can help the business and their staff develop a better understanding of disability and, ultimately, employ a more diverse workforce and attract more disabled customers. One employer commented that before her involvement with the Employability Project, she had no experience of disability and was unsure of what to expect – she didn’t know what to say or how to behave towards a disabled person. Following a visit to the college and an introductory session on disability awareness at work, she now feels much more confident.

‘The Employability Project is an innovative approach to addressing the issues faced by disability and employment. We are working to ensure

that disabled learners gain further knowledge of employability whilst employers increase their knowledge of disability. This is partnership working at its best – and it works.'

Ruth Woodfine, Employability Project Manager

The Metrocentre, Gateshead

Providing work experience for disabled young people pays dividends for students and the business



The Metrocentre has been working with the Employability Project over the last 18 months on a number of activities. Sarah Butterfield, Customer Services Coordinator at the Metrocentre, disability in the workplace ‘champion’.

Actions include:

- disability awareness taster sessions for frontline staff
- an access audit of the Centre by disabled learners and a mystery shop linked to customer services, and
- two work placements within the Metrocentre management suite – one in reception and one in Shopmobility.

The placements went so well that the Metrocentre and Employability Project are looking to develop a programme of placements during 2011/12. Sarah plans to share the good practice which the Centre has developed with other shopping centres and facilities within the company around the UK.

‘Our work with the project has had many benefits for both our staff team and learners alike. Having a young disabled person working on reception helped develop communication skills for everyone involved as well as showcase how easy it is to offer roles to disabled people. We have another placement planned already and we can’t wait!’

Sarah Butterfield, Customer Services Coordinator

- The Metrocentre is owned by Capital Shopping Centres Group plc and is one of the biggest shopping centres in Europe.

Endnotes

1. The Equality Act 2010 protects people from discrimination on the basis of certain characteristics. These are known as the protected characteristics of: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
2. The social model of disability says that disability is created by barriers in society. These barriers generally fall into three categories:
 - a. the environment – including inaccessible buildings and services
 - b. people’s attitudes – stereotyping, discrimination and prejudice
 - c. organisations – inflexible policies, practices and procedures.

Using the social model helps identify solutions to the barriers disabled people experience. It encourages the removal of these barriers within society, or the reduction of their effects, rather than trying to fix an individual’s impairment or health condition.

The social model is the preferred model for disabled people. It empowers disabled people and encourages society to be more inclusive. See: <http://odi.dwp.gov.uk/about-the-odi/the-social-model.php>

3. The terms of reference for the Commission’s Inquiry into disability -related harassment (EHRC, 2011) excluded employment-related issues but evidence was submitted by individuals concerning the treatment they had received while in employment, which they considered to amount to acts of harassment and discrimination. While this information was not part of the formal research programme it very clearly illustrates the severity of the predicament facing individuals at work.
4. Please see www.equalityhumanrights.com/advice-and-guidance/guidance-for-employers/the-duty-to-make-reasonable-adjustments-for-disabled-people/ for a definition of requirements on employers to provide reasonable adjustments for disabled applicants and employees.
5. UKCES (2012). The Women & Work Sector Pathways initiative. <http://www.ukces.org.uk/ourwork/women-and-work>
6. See note 1.
7. See note 2.
8. See note 3.
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15. See note 5.
16. Equal Opportunities Commission (2007). *Transformation of Work project survey of individuals – analysis of disability*. Unpublished.
17. See note 4.

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Useful links for Employers

AbilityNet

<http://www.abilitynet.org.uk/index.php>

ACAS

<http://www.acas.org.uk/index.aspx?articleid=1859>

Access to Work

<http://www.businesslink.gov.uk/bdotg/action/detail?itemId=1084033890&type=RESOURCES>

Arthritis Care

<http://www.arthritiscare.org.uk/LivingwithArthritis/Workingwitharthritis/Employersinformation>

British Association for Supported Employment

<http://base-uk.org/information-employers>

Business Link – advice on disability for employers

<http://www.businesslink.gov.uk/bdotg/action/detail?itemId=1073792248&type=RESOURCES>

Chartered Institute for Housing – positive action for disability

<http://www.cih.org/PAfD>

Disabled Go Jobs

<http://powered.jobsgopublic.com/disabledgo/>

Disabled Workers Database

<http://www.disabledworkers.org.uk/default.asp>

Equality and Human Rights Commission General guidance for employers

<http://www.equalityhumanrights.com/advice-and-guidance/guidance-for-employers/>

Equality and Human Rights Commission Code of Practice on employment

<http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice/>

Health and Safety Executive

<http://www.hse.gov.uk/disability/>

Health, Work and Wellbeing

<http://www.dwp.gov.uk/health-work-and-well-being/>

MacMillan Cancer Support

<http://www.macmillan.org.uk/Cancerinformation/Livingwithandaftercancer/Workandcancer/Supportformanagers/ManagersandEmployers.aspx>

Employer networks on disability

Clearkit

<http://www.clearkit.co.uk/>

Employers Forum on Disability

<http://www.efd.org.uk/>

Mental health at work

Acas

<https://obs.acas.org.uk/EventsList.aspx?SubRegionId=-1&SearchTopicId=66&SubRegion=--%20All%20Regions%20--&SearchTopic=Health,%20work%20and%20wellbeing>

EHRC

<http://www.equalityhumanrights.com/wales/projects/your-business-workplace-policies-on-domestic-abuse-and-mental-health/mental-health-is-your-business/>

Federation of Small Businesses

http://www.fsb.org.uk/policy/images/taking_care_of_business_%5B1%5D.pdf

Mind

<http://www.mind.org.uk/work/employers>

Mindful Employer

<http://www.mindfulemployer.net/>

Status Employment

<http://www/status-employment.co.uk/>

Time to Change

<http://www.time-to-change.org.uk/your-organisation/support-employers>

Working for Wellness

<http://www.workingforwellness.org.uk/>

Contacts

England

Equality and Human Rights Commission Helpline

FREEPOST RRLG-GHUX-CTR

Arndale House, The Arndale Centre, Manchester M4 3AQ

Main number: 0845 604 6610

Textphone: 0845 604 6620

Fax: 0845 604 6630

Scotland

Equality and Human Rights Commission Helpline

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The Optima Building, 58 Robertson Street, Glasgow G2 8DU

Main number: 0845 604 5510

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Fax: 0845 604 5530

Wales

Equality and Human Rights Commission Helpline

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3rd Floor, 3 Callaghan Square, Cardiff CF10 5BT

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Helpline opening times:

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