

Government consultation on disability workforce reporting

Response of the Association of School and College Leaders

A. Introduction

1. The Association of School and College Leaders (ASCL) represents over 21,500 education system leaders, heads, principals, deputies, vice-principals, assistant heads, business managers and other senior staff of state-funded and independent schools and colleges throughout the UK. ASCL members are responsible for the education of more than four million young people in more than 90 per cent of the secondary and tertiary phases, and in an increasing proportion of the primary phase. This places the association in a strong position to consider this issue from the viewpoint of the leaders of schools and colleges of all types.
2. ASCL welcomes the opportunity to contribute to this consultation.

B. Key points

3. Our response to this consultation is on behalf of our members as agents of the employer. The specific nature of the questions for individuals means we are unable to respond on behalf of our members as individuals.
4. Information relating to employer demographics are covered in our introduction above.

C. Answers to specific questions

5. ASCL offers the following in response to the specific questions asked in the consultation:

Section A: Understanding the current landscape

We want to understand how and what information is currently collected by employers on disability in the workforce, the impact to business, and the behaviours it causes.

Question 1. *Does your organisation currently collect information on the proportion of disabled people in your workforce?*

- Yes
- No
- I don't know, or this is not relevant as I am responding on behalf of a representative organisation or network

Section B: Benefits and barriers to disability workforce reporting

This section seeks to better understand perceived benefits and risks involved in disability workforce reporting, both voluntary and mandatory.

Please explain and provide evidence for your answers where possible.

Question 7. *Do you think that greater transparency on disability in the workforce leads to more inclusive practices?*

- Yes
- No
- I don't know

Question 8. *Do you think that disability workforce reporting by large employers (250+ employees) should be voluntary or mandatory?*

- Voluntary
- Mandatory
- Other

Question 9a. *What do think the main benefits of a voluntary approach to disability workforce reporting are?*

Answer: We think that a voluntary approach is the most appropriate for disability workforce reporting. The benefits are that employers can be encouraged to follow the voluntary reporting framework and will have time to implement any changes in processes and incorporate these into their strategic plans. Employees may then feel more comfortable in divulging information on disabilities. This can all be done in a supportive and inclusive way rather than a mandatory one which can become a 'tick box exercise' and add to the accountability placed on employers. The majority of our members are employed in the public sector and as such are covered by the Public Sector Equalities Duty (PSED). State funded schools are required to complete an annual School Workforce Census which collects information on disabilities where staff have declared them. They also carry out analysis regarding pay and pay progression for staff with protected characteristics. Many have also adopted inclusive recruitment procedures. ASCL, in conjunction with Hannah Jepson of LGBTed, has produced guidance on [Implementing Fair and Transparent Recruitment Processes](#) which is available to members and non-members.

Question 9b. *What do you think the main risks are?*

Answer: We think that the main risk from a voluntary approach is that some employers may not follow it. However, as stated in the consultation documentation, it appears that very few employers are even aware of the voluntary reporting framework currently in place. We believe that it would be more beneficial to raise awareness of this and promote its use, particularly with those employers/businesses not already covered by the requirements of the PSED or similar.

Question 10. *The research available indicates low uptake of the disability voluntary reporting framework. How could voluntary reporting be increased?*

Answer: As stated in our previous answers, many employers will be bound by the PSED, which would make it less likely for them to use a voluntary reporting framework in addition to the data which they already provide. The government needs to know which employer groups are engaging less with the framework. The government has contact with all employers via its many departments and directorates. Communications with these groups could publicise and promote the framework and encourage employers to use it. Trade unions, professional associations and other membership organisations could be asked to make their members aware of the framework. The government has active social media accounts which could also be used to raise awareness and promote the use of the framework. The majority of employers will use the Acas website for guidance on employment issues, so this could be an area which could potentially be utilised for raising awareness.

There may also be a reluctance from some employers to take on extra work which is not mandatory, particularly due to the increased pressures and challenges over the last two years brought about by the coronavirus pandemic. The government could look at

improvements to the current system to alleviate any workload implications, and particularly at whether some or all elements could be automated.

Question 11a. *What do you think the main benefits of a mandatory approach to disability workforce reporting are?*

Answer: We feel that the main benefit of a mandatory approach is that it ensures that all employers comply with the reporting.

Question 11b. *What do you think the main risks are?*

Answer: We believe that the main risk from mandatory approach, as we highlight above, is that it can become a 'tick box' exercise for some employers, rather than a meaningful one. It may also result in some employers approaching staff who they believe have a disability to record their details so that they have something to report, rather than allowing the member of staff the right to make their own decision on whether to divulge this. It is a very personal choice and must remain so. We believe a more supportive approach with voluntary reporting would be much more beneficial and meaningful.

Question 12a. *What do you think the main benefits of publishing disability workforce information are?*

Answer: We feel that transparency is one of the main benefits. Generally, where information is shared publicly it makes employers more aware of the data behind it. It encourages ownership of the information as it will be in the public domain and questions may be raised about it.

Question 12b. *What do you think the main risks are?*

Answer: We believe the main risk is that disabled people may worry that they will be identifiable. Further risks would be how the data collated and reported would be interpreted without any understanding of context. There could be unintentional bias, for example, against employers who do not have access to public sector transport infrastructure to support access to work.

Section C: Considerations if mandatory disability workforce reporting were to be implemented

This section explores issues requiring careful consideration if disability workforce reporting were to be made mandatory through legislation.

The information you provide here will be considered in the broader context of answers to sections A and B, where you were asked to set out the benefits and risks of voluntary and mandatory reporting processes.

Question 13a. *Disability workforce reporting is intended to increase transparency and the recruitment, retention and progression of disabled people. Do you agree or disagree that the proportion of employees identifying as disabled is a useful statistic to report on?*

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- I don't know
- Other _____

Question 13b. *Please explain your answer.*

Answer: The proportion of employees may be a very small number in some cases, and this may risk identifying the staff who have shared this information. This may then serve as a barrier to them in doing so. This also will not identify barriers that some employers in the education sector face, such as old buildings and funding pressures. Unlike corporate employers, education settings, even larger ones, are unlikely to have access to a large team of Human Resource experts.

Question 13c. *What, if any, statistic could be reported alongside or instead of the proportion of employees identifying as disabled? Please explain.*

Answer: The government needs to decide what it wants this information to tell them, and how this will achieve its aims. For example, will it be used for benchmarking or comparative purposes within similar roles, employers or organisation sizes? At present, this does not appear to be the case. As stated earlier, if the data from those employers already using the voluntary framework was collated by central government, it would help to inform what it looks like, what it tells them and whether the format was fit for purpose or if it requires adapting. It would seem sensible to work with organisations with expertise in this area to review this information and consider the best way to report the information so that it is useful and achieves the intention of assisting in the recruitment, retention and progression of disabled people.

Question 14a. *Do you agree or disagree that large employers (250+ employees) should use a standardised approach to collect disability workforce data if reporting became mandatory?*

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- I don't know
- Other _____

Question 14b. *Please explain your answer.*

Answer: We refer back to our answer to question 13c. The government needs to know what it wants from the data and also what data it already collects and holds. There must not be duplication, additional workload or accountability placed on employers who are bound by the PSED. We would look for a standard approach across education settings, but any comparison may then be flawed given the different employer models within education. For example, maintained schools would be included within local authority data but academies would not.

Question 15. *There are many ways that people are asked to self-identify as disabled. If large employers were to use a standardised approach to data collection, which wording do you think should be used to ask employees if they identify as disabled? (Tick all boxes that apply)*

- 'Do you consider yourself to have a disability or a long-term health condition (mental health and/or physical health)?' Wording from the voluntary reporting framework
- 'a. Do you have any physical or mental health conditions or illnesses lasting or expected to last 12 months or more?' and 'b. Does your condition or illness do any of your conditions or illnesses reduce your ability to carry out day-to-day activities?' Wording from the Government Statistical Service
- None - collection of data should not be standardised
- I don't know

Other _____

Question 16. *What could support large employers to implement disability workforce reporting in consistent and effective ways? For example, would tools or guidance help consistency across organisations and sectors, and if so what could this look like.*

Answer: Although tools and guidance in this area would certainly help to support large employers to do this in a consistent and effective way, it is our view that there would also need to be a campaign to promote/raise awareness of the framework already in use.

It seems nonsensical that this framework is set up and in use but that the government has no way of knowing who is using it. If this information was available, employers could be contacted to evaluate the current system and any recommendations for improvement could be taken on board prior to the campaign to raise awareness. Case studies could be completed to highlight best practice.

Tools and guidance could include interactive guidance documents, posters to display in workplaces, and staff survey templates/online survey forms to collate workforce disability data. All of these should aim to make the process as simple and timesaving as possible. This would encourage more employers to engage with the voluntary framework.

Schools and colleges and other public sector employers will already collate and report this information to central government via various methods, such as the School Workforce Census in England and the School Workforce Annual Census in Wales. We believe that the government should carry out a review and analysis of the data it already holds.

It may be more appropriate and beneficial to implement an approach directly targeting employers that are not within the public sector. This would ensure that any approach adopted does not adversely impact public sector employers who are already faced with increased workloads as a result of the coronavirus pandemic and cuts to public funding which inevitably leads to staffing cuts. In any case, before any approach is adopted, we believe that the government must carry out a workload impact assessment to ensure that it does not increase the workload of public sector employers and duplicate information that is already collected.

Question 17. If large employers were required to collect disability workforce information and report it to another organisation, which organisation do you think they should report to? (Tick all boxes that apply)

- Central government
- A disabled person led organisation
- A regulatory body
- None - there should not be centralised collection of this information
- Other _____

Question 18a. Should large employers publish organisation-level disability workforce statistics? For example, the proportion of their workforce identifying as disabled. (Tick one box)

- Yes
- No
- I don't know

Question 18b. If published, who do you think should publish this information? (Tick all boxes that apply)

- The employer
- Central government

- A disabled person led organisation
- A regulatory body
- I don't know
- Other _____

Section D: Alternative approaches

Mandatory workforce reporting is one means to increase transparency on disability in the workforce, with the aim to improve information and achieve more inclusive practices. We are interested to hear your views on other initiatives that might have the same outcomes.

Question 19. *What alternative approaches would you suggest to increase transparency, inclusion and employment of disabled people in the workplace? If you have any evidence to support this suggestion, please provide it.*

Answer: As stated in our previous answers, we believe that a voluntary approach, with tools to assist and encourage employers, would be the most successful approach. Many professional bodies and membership organisations, including ASCL, already provide significant amounts of related guidance to members, which the government could utilise.

We note that this consultation does not look at inclusion; rather it is focussed on identification, monitoring and reporting. We would welcome further considerations of inclusivity in the workplace linked to workforce recruitment and retention strategy.

D. Conclusion

6. To summarise, we do not support a move to a mandatory approach on disability workforce reporting for the reasons stated in our answers above. We believe that a voluntary approach is most appropriate.
7. It is our view that the government should review the information it already collects and holds on this area, and what it wants from the information, before making any decisions to collect any more.
8. It should consider a targeted approach and must ensure that public sector employers are not adversely impacted by any data collection or reporting approaches that are considered.
9. I hope that this response is of value to your consultation. ASCL is willing to be further consulted and to assist in any way that it can.

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