NOW IS THE TIME

A report by the CSJ Disability Commission

March 2021

CSJ The Centre for
Social Justice

Contents

About the Centre for Social Justice

Established in 2004, the Centre for Social Justice is an independent think-tank that studies the root causes of Britain's social problems and addresses them by recommending practical, workable policy interventions. The CSJ's vision is to give people in the UK who are experiencing the worst multiple disadvantages and injustice every possible opportunity to reach their full potential.

The majority of the CSJ's work is organised around five 'pathways to poverty', first identified in our ground-breaking 2007 report *Breakthrough Britain*. These are: educational failure; family breakdown; economic dependency and worklessness; addiction to drugs and alcohol; and severe personal debt.

Since its inception, the CSJ has changed the landscape of our political discourse by putting social justice at the heart of British politics. This has led to a transformation in government thinking and policy. For instance, in March 2013, the CSJ report *It Happens Here* shone a light on the horrific reality of human trafficking and modern slavery in the UK. As a direct result of this report, the Government passed the Modern Slavery Act 2015, one of the first pieces of legislation in the world to address slavery and trafficking in the 21st century.

Our research is informed by experts including prominent academics, practitioners and policy-makers. We also draw upon our CSJ Alliance, a unique group of charities, social enterprises and other grass-roots organisations that have a proven track-record of reversing social breakdown across the UK.

The social challenges facing Britain remain serious. In 2019 and beyond, we will continue to advance the cause of social justice so that more people can continue to fulfil their potential.

Acknowledgements

The views and recommendations in this report are those of the CSJ Disability Commission and do not necessarily represent those of the individuals or organisations mentioned above.

The Commission

Kevin, Lord Shinkwin
Commission Chair

Kevin Shinkwin has been a member of the House of Lords since November 2015. Prior to that, he had spent almost his entire career in charity public affairs and campaigning, working for charities such as Macmillan Cancer Support, Cancer Research UK and The Royal British Legion. He has also worked in the private sector.

Since being appointed as a Life Peer, he has focused on two policy areas in particular – disability equality, especially equality of opportunity, and Holocaust Remembrance, in memory of the orthopaedic surgeon who optimised his life chances and whose extended family lost their lives in the Shoah.

David Forbes-Nixon
Commission Deputy Chair
Chairman and Founder, DFN Charitable Foundation and DFN Project SEARCH

David was inspired by his disabled son Charlie to set up the DFN Charitable Foundation in 2014 and DFN Project SEARCH in 2018 to make a positive difference to the lives of young people with special educational needs and disabilities. He founded a Special School at Undershaw, Conan Doyle's country house and operates DFN Project SEARCH, a leading supported internship programme, which has supported over 1,300 young adults with learning difficulties and autism into full time, paid jobs.

David spent 33 years working as a senior financier in the City, 15 years as an investment banker and 18 years as a fund manager. In 2002, David co-founded Alcentra, a fund manager where he served as Chairman and CEO until December 2020 and grew the business to $42bn AUM. David graduated from Birmingham University in 1986 with a BSc (Hons) in Chemical Engineering.

Dimple Agarwal
Partner, Deloitte LLP

Dimple joined Deloitte 16 years ago becoming a partner in 2009.

She works with consumer business clients on organisational transformation issues, advising clients on the future of work, responding to the business opportunities and challenges as a result of the changing dynamics of society, organisation and talent.

During her tenure as Deputy CEO UK and Managing Partner for People & Purpose at Deloitte North & South Europe (NSE), Dimple was responsible for the people agenda and the impact Deloitte has on its clients and society at large. Her work involved driving and supporting the inclusion and equality agenda. As well as serving as a member of the CSJ Disability Commission, she drove the Black Action Plan not only internally but leveraging the Deloitte platform externally (for example with the CBI).

Fleur Bothwick OBE
Director of Diversity & Inclusive Leadership | EY – EMEIA (Europe, Middle East, India and Africa)

Fleur is EY's Director of Diversity and Inclusion for EMEIA – 98 countries in Europe, Middle East, India and Africa. She develops and drives an integrated diversity strategy across this large multi-disciplined matrix organization. This involves stakeholder engagement, specialist consultancy, change management and brand development in the market. She is a Director of the NAS Academies Trust, having worked with the NAS to secure free school funding to open a secondary school for autistic students in her local borough and in the Queen's 2013 New Year's Honours List, she was given an OBE in recognition of her contribution to Diversity and Inclusion in the workplace. She is also the co-author of Inclusive Leadership www.diversityandinclusiveleadership.com.

Tiernan Brady
Global Director of Inclusion | Clifford Chance LLP

Tiernan Brady is the Global Director of Inclusion for Clifford Chance. He was the Political Director of the successful Irish referendum campaign for marriage equality which saw Ireland become the first country in the world to introduce marriage equality by a public vote. He subsequently became the Executive Director of The Equality Campaign, the successful Australian public vote campaign for marriage equality. They remain the only two countries in the world to have introduced marriage equality through a public vote.

Helen Cooke
CEO | MyPlus

Helen is the Founder of MyPlus, the MyPlus Recruiters' Club and the MyPlus Universities' Club, and is recognised nationally as a leading expert in disability and employment. Helen works with organisations to provide them with the expertise to be disability confident in their strategy, their processes and their engagement.

Helen is also behind MyPlus Students' Club, an innovative website which provides disabled students with the advice, support and confidence to find opportunities and confidently apply to employers. It also provides a platform for businesses to showcase themselves as disability confident employers. The uniqueness of Helen's approach comes from her expertise in HR and graduate recruitment combined with her first-hand experience of disability.

Helen Dolphin MBE
Independent Mobility Consultant

Helen is a committed campaigner on improving transport for disabled people. After becoming disabled in her early twenties Helen trained as a journalist and worked for ITV Anglia News as a news reporter. She followed this by taking up the role of Director of Policy and Campaigns for a national disabled charity. Helen now works as an independent mobility specialist advising government, public, commercial and professional bodies on how to improve accessibility. Helen is a member of the Disabled Persons Transport Advisory Committee (DPTAC), Chair of the East Midlands Rail Inclusivity Group, Joint Chair of the Heathrow Access Advisory Group, a member of the CAA consumer panel, Chair of the Motability Consumer Group, a Member of the British Science Associations Equality and Diversity group and Chair of her local mobility assessment centre East Anglia Driveability (EAD).

Baroness Tanni Grey-Thompson DBE, DL

Baroness Tanni Grey-Thompson is a former Paralympic athlete competing at five Olympic Games and winning five golds, four silvers and one bronze. She was a member of the National Disability Council which oversaw the implementation of the Disability Discrimination Act. Tanni was also Vice Chair of the Athletes Committee of the London 2012 Olympic and Paralympic Games. She is the author of the Duty of Care in Sport report, published in 2017 and Chair of the Duke of Edinburgh Awards.

Tanni has been a crossbench member of the House of Lords since 2010.

Rt Hon Mark Harper MP
Former Minister for Disabled People 2014–15

Mark was elected Conservative MP for the Forest of Dean in May 2005. In December 2005, he was appointed Shadow Minister for Defence and in July 2007 he became Shadow Minister for Disabled People. In Government, he served as the Minister for Disabled People from July 2014 until May 2015. Mark has also had roles in Government as Chief Whip (Parliamentary Secretary to the Treasury) between May 2015 and July 2016. Previously Mark served as Minister for Political and Constitutional Reform from May 2010 until September 2012 and as Minister for Immigration from September 2012 until February 2014.

Professor Kim Hoque
Professor of Human Resource Management | Warwick Business School

Kim Hoque is Professor of Human Resource Management at Warwick Business School, having previously held Professorial positions at Nottingham University and Birkbeck, University of London. He researches and teaches in the areas of disability, equalities, and human resource management more broadly. He co-provides the secretariat to the All Party Parliamentary Group for Disability and is a founder member of Disability@Work. He is on the editorial boards of Journal of Management, Human Relations and Industrial Relations

Journal. He has worked closely with organisations including the Chartered Institute of Personnel and Development, NHS Scotland, the UK Commission for Employment and Skills, the Japan Institute of Labour Policy and Training, and the Trades Union Congress.

James Lee
Consultant, City Bridge Trust

James has held various roles in the public and private sector with a focus on equity and inclusion. His current roles include managing grant funding programmes for the City Bridge Trust and City of London Corporation; serving on advisory committees for a range of other funders and service delivery organisations; he is a member of Transport for London's Independent Disability Advisory Group and the Mayor of London's Equality Diversity & Inclusion Advisory Group. James considers himself to be a disabled person and uses a wheelchair for his everyday mobility.

Diane Lightfoot
Chief Executive Officer | Business Disability Forum

Diane Lightfoot is CEO of Business Disability Forum, a not-for-profit membership organisation that supports businesses to recruit and retain disabled employees and to serve disabled customers. Business Disability Forum's 350+ members employ c.20% of the UK workforce and range from FTSE 100 companies and central Government departments to technology, transport and construction companies, retailers, higher education and other public services.

Diane is Co-Chair of the Disability Charities Consortium, Chair of the Disabled Students' Stakeholder Group and Chair of the Challenging Behaviour Foundation. She also sits on Civil Service Disability Expert Advisory Panel and the Institute of Coding's D&I Board.

Foreword

As the youngest member of the body established to advise the Government on the implementation of the Disability Discrimination Act, I remember the sense of excitement that the new law created. Heralded as a new dawn for disabled people, 26 years later we are still waiting for the sun to rise. Laws have been passed and countless platitudes mouthed, yet disability remains off the agenda. Until now.

It is not often that a Conservative Prime Minister gives a manifesto commitment to develop a disability strategy and then makes delivering on it a personal priority. So it is to his credit that Boris Johnson has not only done exactly that, but also placed the strategy at the heart of his levelling up agenda. He is, of course, right to do so.

As this report shows, disabled people have been hit disproportionately hard by Coronavirus and the consequent lockdowns. Urgent action is needed if we are not to be left behind as Britain builds back better. So I thank the Prime Minister for nailing his colours to the mast; many disabled people are pinning their hopes to it as well. Yet they are also understandably sceptical. After all, we have been here before.

Adopting the substantive recommendations in this CSJ Disability Commission submission – on education, housing, transport, access to goods and services, and, of course, employment – would break that cycle of disappointment. We expose failure to deliver value for money and measurable progress and propose solutions based on both UK and international best practice.

I am grateful to the Centre for Social Justice for conceiving the idea of a Disability Commission, for the research and analysis carried out by Oliver Large, and for their respect for our independence, especially in the development of the recommendations. This submission has been a fantastic team effort, drawing on expertise from the likes of Professors Susan Bruyere of Cornell University and Anna Lawson of Leeds University amongst many others. We are indebted to them for their time and advice.

Our recommendations enable the Prime Minister to keep his promise of the most ambitious and transformative disability plan in a generation. We want to help. If the measures we recommend are in his strategy, he can count on our full and enthusiastic support. We look forward to its publication.

Lord Shinkwin
Commission Chair

Executive summary

This year will mark 26 years since the Disability Discrimination Act and 11 years since the Equality Act were passed into law. Despite this legislative change, progress towards greater equality between disabled and non-disabled people has been erratic and, in some areas, non-existent.

The launch of the Prime Minister's National Strategy for Disabled People should mark an important milestone as the country recovers from the economic and social pain caused by the pandemic, which has disproportionately affected disabled people's income, health and employment prospects. The Commission believes that central to the Prime Minister's strategy should be robust policies to ensure equality of opportunity in employment and to support the ability of disabled people to live independently.

There are numerous benefits to removing barriers to employment. It would not only enhance disabled people's social inclusion, wellbeing and financial independence, but would also make complete sense economically. Despite this, the disability employment gap remains stubbornly high, with only 52 per cent of disabled people (and only 5.6 per cent of those with a learning disability) being in work compared with 81 per cent of non-disabled people. On the basis of current trends (all else remaining equal) the Commission estimates it will take 40 years to close the gap.

A holistic approach to tackling the barriers to independent living is crucial. The Commission's recommendations therefore extend beyond employment to education, housing, transport, and access to goods and services.

Employment

One way to improve disabled people's employment prospects is to ensure adequate support in getting into work. However, this support is often lacking. For example, apprenticeship starts by disabled people have fallen by 9 per cent in the last two years. Access to local supported employment services which support disabled people with the lowest employment rates is also limited. And while there is no accurate figure for the current number of supported internships in the UK, the numbers are likely to be very low.

There are also concerns regarding the quality of this support. In relation to supported internships, Commission/YouGov polling shows that almost three times as many employers agreed than disagreed that they could not find a good quality supported internship provider. The job outcomes achieved by supported internship providers are also highly variable.

In addition, employer awareness of the available support is often lacking. For example, few employers are aware of the availability of bursaries to support disabled apprentices and Commission/YouGov polling shows that six in ten (59 per cent) private sector employers are unaware of supported internships. To tackle these issues, the Commission makes a series of recommendations focused on **improving the quality, supply, and awareness of the support aimed at helping disabled people into work.**

While the forms of support outlined above are important in increasing disabled people's employment opportunities, they are unlikely to succeed unless we can also forge inclusive working environments. Unfortunately, government initiatives in this area suffer from a number of shortcomings that limit their effectiveness.

First, while the Access to Work scheme has provided invaluable adaptations in the workplace, awareness of it remains low among both employees and employers, with Commission/YouGov polling showing that only 9 per cent of small organisations (that have the most to gain from the support) use it. In addition, disabled employees report several concerns including delays receiving adaptations and difficulties transferring support from higher education to the workplace. Commission/YouGov polling highlights that private sector employers are especially concerned about the bureaucracy surrounding the scheme (38 per cent agreed this was a problem). The Commission therefore presents a set of recommendations aimed at **improving the functioning and awareness of Access to Work.**

Second, the Government has acknowledged the benefits of transparent disability employment reporting. For example, the introduction to its framework for *Voluntary reporting on disability, mental health and wellbeing*, states that 'transparency is a vital first step towards harnessing the power of a diverse workforce'. However, Commission/YouGov polling shows that 59 per cent of private sector organisations have not even heard of this framework. Therefore, the Commission recommends **introducing mandatory employment and pay gap reporting for large employers.** Few large organisations report infrastructural barriers to operationalising this and their membership organisations have expressed support for mandatory reporting.

Third, although the Government has extensively promoted its Disability Confident scheme, Commission/YouGov polling shows that six in ten (59 per cent) private sector employers have not heard of it. In addition, there are concerns over whether employment outcomes for disabled people are any better in Disability Confident than in non-Disability Confident organisations. As such, the Commission recommends **Disability Confident is reformed so that certification is based on employers' disability employment outcomes rather than the processes and practices they have adopted.**

Fourth, the UK Government spends £292 billion buying goods and services from external suppliers, but the employment of disabled people is only considered in central government contract award decisions above a certain size. The Commission recommends that the recent reforms to the Public Sector (Social Value) Act are extended to require **all large public sector contract award decisions to take tendering organisations' disability employment records into account, and to require organisations with public contracts to work towards increasing the proportion of disabled people within their workforce**.

In addition, many employers find information on 'best practice' confusing and there is no accessible way to publicise new and existing research on disability and equality best practice. Trade union equality representatives and disability champions can also support the take up of these practices. The Commission therefore makes recommendations regarding **the dissemination of best practice** and the **provision of statutory rights to time off for union equality representatives and disability champions.**

Finally, although official government data suggests the disability employment gap is falling, analysis that takes into account increasing disability prevalence suggests the disability employment gap has remained constant. The Commission recommends **the Government accounts for this in setting targets to reduce the disability employment gap.**

Education

Access to education is an essential route to equipping individuals with the skills needed to progress in life and in their career. A good education is particularly important for disabled people. But our school system is far from accessible and inclusive for all.

The first challenge is to create an inclusive built and digital environment. All schools are required to remove the barriers that prevent disabled pupils from thriving inside and outside the classroom and outline improvements in an Accessibility Plan. But most teachers, parents and pupils are unaware of these plans and there is no oversight of schools' adherence to them. **The Commission argues that Ofsted should review progress made against these Plans.**

Second, schools can harness the power of disabled teachers as role models to raise the expectations and aspirations of disabled pupils. But there are few teachers who identify as disabled, particularly in leadership roles. The Commission makes recommendations to **enable more disabled people to enter the teaching profession, and more disabled teachers to take up leadership positions.**

However, providing an accessible and inclusive school environment is only the first step. Teachers must be equipped to educate pupils with special educational needs and disabilities (SEND). But almost half of Newly Qualified Teachers (NQTs) feel unprepared to teach such pupils. The Commission thus recommends ways to **embed SEND within teacher training.**

Disabled pupils are also less likely than their peers to have experience of the workplace despite evidence showing this is critical in improving employment prospects. In addition, many Education Health and Care (EHC) Plans for pupils with complex learning needs are not sufficiently forward-looking towards employment, and it can be difficult for a young disabled adult to return to a Plan if they become unemployed. The Commission therefore makes recommendations to **increase the provision of work experience for disabled pupils, and strengthen the employment pathway within EHC Plans.**

Finally, higher education is a powerful vehicle to support independence, but there is little oversight of universities' use of the Disabled Students' Premium, and the application process for the Disabled Students' Allowance (DSA) is long, burdensome, and stressful. There is

evidence that recent changes to the DSA are preventing disabled students from getting the support they need. The Commission therefore presents recommendations aimed at **ensuring the best use of the Disabled Students Premium and reforming the DSA.**

Housing

Many of the UK's newly built houses are inaccessible. Adapting a typical home costs five times more than making one adaptable at the design stage, yet only half of English local authorities set targets for higher accessibility standards in large housing developments. Even when targets are set in the local plan, Commission survey data shows that one in twelve authorities know of non-compliant developers. The Commission therefore makes recommendations aimed at **raising accessibility standards for all new homes.**

Equally, timely and good quality adaptations to houses can transform disabled people's access to (and their experience within) the home. Adaptations can be provided through a Disabled Facilities Grant (DFG) but there is evidence of unmet demand for this grant, especially in the private rented sector and for households with younger disabled people. Several barriers prevent disabled people from getting these adaptations such as a lack of awareness of available support and an outdated means test. The grant process can also be very lengthy, and the quality of some adaptations is hampered by poor quality contractors. Given these concerns, the Commission makes recommendations to **improve the quality and awareness of DFG adaptations.**

Finally, the lack of good quality information on adapted and accessible homes for potential disabled occupants causes delays in allocating housing in the social rented sector and prevents the private housing market from operating properly. The Commission suggests a **new approach to advertising and allocating houses in the private and social rented sectors.**

Goods and services

In both the built and digital environment disabled people are prevented from enjoying the same quality of service and experience as non-disabled people.

Regarding the built environment, accessibility standards for public buildings only cover changes of use. Hence, tenancies can change multiple times without being affected by the regulations. Claims that are taken to court can offer a route to systemic change but they are time-consuming and expensive. Also, it is not a requirement for accessibility to be considered in the licensing process. In addition, there is a lack of information on public building accessibility. As such, the Commission outlines recommendations to: **expand the scope of building regulations; reduce the cost of taking Equality Act cases to court; make accessibility a licensing requirement; and improve public information on public building accessibility.**

In relation to the digital space, recent legislation has mandated that the public sector comply with international guidelines support organisations to make their websites and apps accessible. But vast swathes of the web in the private sector remain inaccessible

to disabled people. This costs businesses £17.1 billion in lost revenue in 2019. Given this, the Commission recommends **extending web accessibility regulations to the private sector.**

Transport

Transport is a key pillar of independent living and is essential in enabling disabled people to take up employment opportunities. The Government's Inclusive Transport Strategy sought to make travel accessible by 2030 but accepted barriers would remain. The Commission **argues this strategy needs to be much more ambitious.**

First, the promotion and enforcement of passenger rights is hampered by a confusing and incomplete patchwork of dispute resolution systems across all modes of transport. In addition, while progress has been made to improve the booking experience and delivery of Passenger Assistance, a lack of oversight over the Rail Delivery Group has prevented progress on accessibility of the rail system. Therefore, the Commission recommends: **the introduction of free-to-use ombudsmen in each area of transport with a single access portal; campaigns to increase the awareness of disabled traveller's rights; and increased oversight of the Rail Delivery Group.**

Second, more ambitious improvements need to be made to the physical infrastructure of the transport system. For instance, the accessibility guidance for several areas of the system is outdated. In addition, while there has been investment to make the road-to-platform interface accessible, very little has been achieved regarding the platform-to-train interface. The Commission therefore recommends **the regulations regarding the physical infrastructure to achieve independent travel are updated.**

Third, in relation to better staff training, there are significant and unexplained variations in Blue Badge approval rates between and within local authorities. The Commission makes recommendations aimed at addressing this variation. In addition, there are concerns that the training offered to taxis and private hire vehicle (PHV) drivers is not universally applied. The Commission therefore recommends **extending disability training for these drivers. It also recommends the trial of alternative PHV models to improve disabled customers' experience.**

Lastly, a paucity of real-time accessibility information has been shown to prevent disabled people from using buses and trains. In addition, awareness of the 'Passenger Assist' service for disabled people on trains remains low. The Commission therefore makes **recommendations aimed at improving access to real-time information.**

The CSJ Disability Commission believes the recommendations it offers will go a long way to removing the barriers disabled people face, and as such will enhance their independence, financial stability, social inclusion and wellbeing. At the start of each chapter, the Commission provides a list of recommendations. A summary of some of the Commission's key recommendations is given below.

Key
recommendations

Employment

1 The Department for Education should formally commit to ensuring **all young people with EHC Plans are offered a fully funded supported internship**.

2 The Government should require **employers with 250+ employees to report the proportion of their workforce that is disabled and the pay gaps that exist** between disabled and non-disabled employees.

3 Employers' workforce disability metrics (the proportion of the workforce that is disabled) **should be taken into account in the contract award decision for all public sector contracts** (and not just central government contracts).

Education

4 The Government should **strengthen the SEND training element within the Early Career Framework** for teachers by including:

- **the offer of training based in Special Schools and AP;**
- **training on the role and use of technology and SEND;** and,
- **accreditation for training routes which specialise in SEND provision.**

5 The Department for Education should **produce an action plan to increase supported work experience opportunities offered to disabled pupils** in secondary schools. This plan should include a dedicated grant tailored to short-term and flexible work placements which supports education providers and employers to make placements accessible as standard.

Housing

6

The Government **should raise the minimum accessibility standards for houses so that all homes built in the future are adaptable and/or accessible** homes.
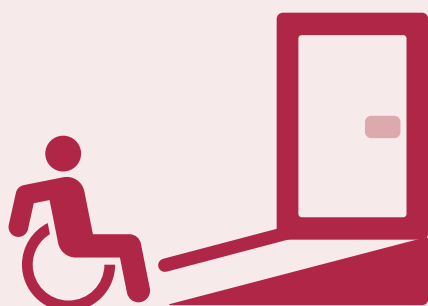
Goods and Services

7

The Government should change licensing requirements so that **premises must be made accessible in accordance with the Equality Act 2010 before they can trade.**

8

The web accessibility regulations introduced for the public sector in 2018 to meet the international 'Web Content Accessibility Guidelines' **should be extended to private organisations.**

Transport

9

The Government should ensure that all modes of transport have a free-to-use ombudsman with the power to create binding decisions in relation to Equality Act cases and provide compensation. There should be a single portal for disabled people to access the ombudsmen.

Scope of the report

In this report we outline several major barriers that prevent disabled people from accessing and staying in employment and from being able to live independently. While the report has a broad scope, it does not seek to cover all areas of policy relating to disabled people but seeks to comment on the key areas that impact on employment and independence.

First, it evaluates the pipelines to work, pre-work and in-work support by employers, and Government schemes and programmes to incentivise and support employers. Together, these provide crucial pathways and support for disabled people to enter and remain in employment.

Second, the report explores a number of factors that not only present barriers to disabled people in the labour market, but also hinder their ability to live independently, including: inaccessible housing and transport, lack of opportunities for appropriate qualifications and skills training provision, and lack of access to goods and services.[1]

A comprehensive analysis of out-of-work benefits is not included in this paper, although an effective welfare system is also a key underpinning of successful reform. In other CSJ reports, such as *Rethinking Disability at Work* (2017) and *Unfinished Business* (2020), the CSJ provides a vision for a re-imagined out-of-work offer, including embedding unemployment profiling and statistical modelling to identify multiple barriers and evaluates risk of long-term unemployment, and the introduction of a re-envisaged Universal Support system.

Removing the obstacles to and providing the support for quality employment and independent living is not the silver bullet to resolve all disparities between non-disabled and disabled people. But the barriers are sizeable and, in some instances, growing. While this report advocates for removing the barriers and providing support for quality employment and independent living, it makes no normative judgements on *how* disabled people should live their lives.

The CSJ is proud to have supported the Commission with secretariat and analysis. The recommendations in this report are the independent views of the Commissioners and should not be attributed to other businesses, organisations or bodies with which they are associated.

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1   For instance, these were consistent problems that needed to be addressed by intensive support programmes such as Working Capital: LWI, 2019, Working capital: third evaluation report

chapter 1

State of the nation

section 1
Why we must act now

1.1 The need for a root and branch investigation

This year will mark 26 years since the Disability Discrimination Act and 11 years since the Equality Act passed into law. Despite legislative change, progress towards greater equality and fairness between disabled and non-disabled people has been erratic and, in some areas, non-existent. The Conservative Government pledged in its 2019 manifesto to:[2]

> publish a National Strategy for Disabled People before the end of 2020. This will look at ways to improve the benefits system, opportunities and access for disabled people in terms of housing, education, transport and jobs. It will include our existing commitments to increase SEND funding and support pupils, students and adults to get careers advice, internships, and transition into work. We will reduce the disability employment gap.

This root and branch investigation into the employment and independence of disabled people explores the barriers disabled people experience across the workplace, in education, housing, transport and goods and services. It is critical that any National Strategy connects and addresses each of these issues. The evidence speaks for itself:

The disability employment gap has moved five percentage points in seven years – the current employment rate gap between disabled and non-disabled people is 29.2 percentage points.[3]

By age 26, disabled people are already four times more likely to be not in education, employment or training than non-disabled people.[4]

Working age adults with an unmet need for accessible housing are four times more likely to be unemployed or not seeking work due to sickness/disability than disabled people without accessible housing needs or whose needs are met. Almost one in four working age households with an identified need for accessible housing report an unmet need.[5]

One third of disabled people have problems accessing public, commercial and leisure goods and services.[6]

One in fourteen disabled people have had to turn down a job in the past year because of inaccessible public transport.[7]

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2   Conservative Party Manifesto 2019, pg 17
3   ONS, Dataset A08: labour market status of disabled people
4   Joseph Rowntree Foundation, 2005, The education and employment of disabled young people, pg 41
5   LSE, Papworth Trust & Habinteg, 2016, No Place like an accessible home
6   Sample size: adults with impairments (2,710), adults without impairments (3,690). ONS (The National Archives), 2015, Life Opportunities Survey: Wave Three, Final Report, October 2012 to September 2014
7   Savanta Comres, 2018, Leonard Cheshire Disability: survey of disabled adults transport section

Ever headline indicator – across employment, education, housing, transport, and goods and services – reveal significant inequality between disabled and non-disabled people, no matter the type of disability or health condition. These trends are outlined in greater detail in Section 2.

1.2 The context

The pandemic has had a visceral and lasting impact on our lives and livelihoods. As this chapter will show, in the short-term, the impact of Covid-19 and the lockdown has been felt across the health, social, and economic spheres. But disabled people and people with long-term health conditions have been disproportionately affected in all three areas. They were more likely to have to shield during the pandemic, lose their jobs, fall behind on payments and were more badly affected by poor mental health and isolation. Worst of all, they have been more likely to lose their lives to the virus.

In the medium to long term, there is evidence to suggest that disabled people are more likely to be negatively affected by automation and future economic downturns, and less likely to be ready for an increasingly digital world. The pandemic has deepened these trends, while opening up new gaps that did not exist previously. The virus has increased the need for the Government to act. Within this context, the barely improving (and in some cases worsening) outcomes for disabled people highlighted in Section 2 (below) should be alarming. Given the substantial benefits of increasing the employment rate for disabled people, which accrue to the employer, the Government and society, as well as to disabled people themselves, it is essential the National Strategy for Disabled People is ambitious and far-reaching, especially given the disproportionately negative effect the pandemic has had on disabled people.

1.2.1 The UK faces an older working population, with an increasing proportion of the population self-identifying as disabled

Age demographic trends are likely to present a significant challenge to social policy. The state pension age will reach 66 in October 2020, rising to 67 by 2028.[8] Partly because of this, the proportion of the working age population that is disabled is set to grow. But we are already experiencing an upward trend in disability prevalence:[9] the proportion of people self-identifying in the working population has increased from 16.5 per cent to 20 per cent between Q3 2013 and Q3 2020.[10] At the same time, there is increasing prevalence of special educational needs and disabilities identified among the younger generation. The number of pupils with special educational needs has risen from 1.23 million to 1.37 million pupils in England between the 2015/16 and 2019/20 academic years.[11]

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8   DWP, 2017, State pensions Age Review report, pg 13
9   Disability@Work, 2020, Measuring Disability and interpreting trends in disability-related disadvantage, pg 3
10   ONS, 2021, Dataset: A08: Labour market status of disabled people
11   DfE, 2020, Academic Year 2019/20: Special Educational Needs in England dataset

1.2.2 The pandemic was more likely to have worse health consequences for disabled people

According Official for National Statistics (ONS) data in 2020, disabled men and women who were 'limited a lot in daily activities' had a 2.0 and 2.4-times higher death rate than non-disabled men and women after adjusting for socio-demographic characteristics.[12] Recent data from the ONS in February 2021 reported that almost three times as many disabled people as non-disabled people said the pandemic was affecting their health (32 per cent versus 12 per cent).[13] The virus can also have severe and lasting physical health impact ('long COVID') and has drastically increased the prevalence of poor mental health in the population. According to NHS figures in October 2020, almost 60,000 people may be suffering from long COVID in the UK.[14]

In addition, one in eight adults developed moderate to severe depressive symptoms during the pandemic, and disabled people were more likely to experience some form of depression.[15] According to the NHS, one in six children have been identified with a probable mental condition[16] in 2020, rising from one in nine in 2017,[17] and those with a probable mental condition were also considerably more likely to say lockdown had made their life worse. There is no guarantee these mental health problems will ease once the pandemic ends. This further suggests the coronavirus pandemic will increase disability prevalence within the working age population.

1.2.3 The lockdown has shaped how a significant proportion of employed people work

One of the clearest (and most vocally supported) impacts of the lockdown has been the shift to flexible working, which in this context has usually meant working from home. A larger proportion of the working population during and after the lockdown worked from home, with many employers incorporating working from home into their HR policies.[18] This is a positive change and one that has been called for by disability rights campaigners for years.[19] But one report by Timewise, a flexible working consultancy, suggested that other forms of flexible working (such as job-sharing, compressed hours, and flexi-time), which can benefit a wide range of people, have not been taken up by employers with 'similar enthusiasm.'[20]

Equally, the option of flexible working is not open to all people: the ONS in October 2020 reported that 46.6 per cent of people in employment did some work at home during April 2020, with 86 per cent of these doing so because of Covid-19.[21] These were likely to be people with jobs in IT, finance and insurance, and management,[22] as well as in the

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12   ONS, 2020, Coronavirus (COVID-19) Review: data and analysis, March to October 2020, Deaths, pg 34. NB: dates covered were during the first wave of the pandemic, between 2 March 2020 and 14 July 2020.
13   ONS, 2021, Dataset: coronavirus and the social impacts on disabled people in Great Britain (February 2021)
14   NHS, 2020, NHS launches 40 'long COVID' clinics to tackle persistent symptoms
15   ONS, 2020, Coronavirus (COVID-19) Review: data and analysis, March to October 2020, Impact on Mental Health, pg 15
16   The NHS uses the medical term 'probably mental disorder.'
17   NHS, 2020, Mental health of children and young people in England, 2020: Wave 1 follow up to the 2017 survey
18   PWC, n.d., How the new normal is shaping the future of HR
19   EHRC, n.d., Opening up work: the views of disabled people and people with long-term health conditions. Report 77
20   CIPD, 2020, Embedding new ways of working: implications for the post-pandemic workplace pg 18 – whereas 70 per cent of employers stated regular homeworking is intended to be introduced or expanded, only 39 per cent said the same for flexi-working, 25 per cent for compressed hours, and 18 per cent for job-sharing.
21   ONS, 2020, Coronavirus (COVID-19) Review: data and analysis, March to October 2020, Labour Market Impacts, pg 22
22   Mckinsey Global Institute, 2020, What 800 executives envision for the post-pandemic workforce

public sector (education, civil service, and public administration) and in higher paid roles.[23] In total, 48 per cent of employers saw challenges relating to jobs being unsuitable for homeworking,[24] with it being likely disabled people disproportionately work in roles not suited to homeworking.

But flexible working also brings new challenges: employers may now need to make sure that adjustments are made at home and in work; and working age disabled people are disproportionately more likely to lack the digital skills and equipment than non-disabled people. A recent Versus Arthritis survey showed that only 53 per cent of respondents with arthritis stated they had the equipment they needed.[25] While working from home and working flexibly are on the whole positive outcomes of the pandemic (notwithstanding the concern over mental health and loneliness) they should not be seen as a panacea, especially since other barriers, such as negative attitudes and stigma, still persist. Without a systematic dismantling of the barriers disabled people encounter in securing reasonable adjustments, to progress into senior and high-skilled roles, to up-skill and re-skill, the working from home revolution may have only a small effect on the gaps outlined above.

The response to the pandemic and the associated lockdown at an organisational level has also led to an increased rate of automation and digitisation: according to a McKinsey & Company analysis in 2020, 67 per cent of companies have accelerated automation and artificial intelligence because of Covid-19.[26] 85 per cent of companies have also accelerated digitisation in employee interaction and collaboration.[27] Both of these accelerated trends will likely increase demand for technological, social and emotional skills, which already far outstripped supply[28] before the pandemic.[29] The lockdown has also accelerated how we provide our goods and services, with nearly half (48 per cent) of global executives digitising customer channels.[30] These changes need to be undertaken in an accessible and inclusive way for all.

1.2.4 Disabled people are more likely to be negatively affected by the recession

The pandemic represented an economic as much as a health crisis. In June 2020, 16 per cent of employers said they had cut wages,[31] 19 per cent had cut the length of the normal working week, 49 per cent had frozen recruitment, and 42 per cent had redeployed workers.[32] Research shows that during economic downturns, disabled people are the hardest hit. Analysis by Disability@Work on the Great Recession following the global financial crisis showed that disabled people were more likely than non-disabled people to

23 ONS, 2020, Coronavirus (COVID-19) Review: data and analysis, March to October 2020, Labour Market Impacts, pg 21
24 CIPD, 2020, Embedding new ways of working: implications for the post-pandemic workplace, pg 9
25 Versus Arthritis, 2020, Impossible to Ignore campaign survey.
26 Mckinsey Global Institute, 2020, What 800 executives envision for the post-pandemic workforce
27 Ibid
28 DfE, 2019, Employer skills survey 2017
29 For an analysis of future skills demand pre-pandemic, see: McKinsey Global Institute, 2018, Skill Shift: Automation and the future of the workforce. Discussion paper.
30 Ibid
31 This was more likely in companies being supported by the job retention scheme, most likely because employers could choose to co-invest the other 20 per cent of the individual's wage. Not all did.
32 CIPD, 2020, Embedding new ways of working: implications for the post-pandemic workplace, pg 9

have their wage frozen, access to training restricted, and workload increased.[33] More than half of UK adults surveyed by the Commission in April 2020 believed that disabled people would be more affected by the ensuing recession than non-disabled people.[34]

In addition, there is growing evidence to show that disabled people in the most recent recession who were more likely to be affected by the health and social impacts of the pandemic were more likely to have subsequently been made redundant: three in ten people in the shielding group surveyed by Citizen's Advice Bureau in August 2020 were going through or had gone through redundancy, compared to 5 per cent of the general population.[35]

1.2.5 The pandemic is more likely to push disabled people into debt

Disabled people were already more likely than non-disabled people to live in poverty. More than a fifth (21 percent) of individuals in families that include someone with a disability live in a low-income household, which is unchanged on the previous year and the highest level since before 2009-10.[36] This compares with 15 per cent for individuals where no one in the family is disabled. In addition, disabled people face higher costs related to their disability. For instance, the Extra Costs Commission in 2015 showed that individuals with a physical disability would spend almost £300[37] per week on disability-related costs relating to transport, housing, fuel and energy (i.e. above the costs faced by non-disabled people). Because of these extra costs, disabled people are more likely to turn to payday loans to help with everyday living.[38] Given the disproportionate effect that the pandemic and the recession has had on both the health and employment prospects of disabled people, without Government intervention, far more disabled people are likely to be pushed into poverty.

1.2.6 There is support for positive and lasting change but many employers lag behind

Despite, or perhaps because of, the challenging context, there is considerable demand for positive change in the country's approach to disability among the population. According to Commission/YouGov polling in April 2020, 67 per cent of disabled people (and 63 per cent of all UK adults) believed that equal opportunities at work to develop skills and career on the basis of talent was in the top three biggest enablers for disabled people to be able to 'live their lives fully and as they want to.'[39] But over half (55 per cent) of UK employees in a separate survey in 2019 felt disability inclusion was the top aspect of diversity their company could improve upon, followed by age (46 per cent) and gender (42 per cent).[40] When asked what elements of diversity and inclusion in the workplace

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33   Jones, M., Hoque, K., Wass, V. and Bacon, N. (2020) 'Inequality and the economic cycle: disabled employees' experience of work during the great recession in Britain', British Journal of Industrial Relations, early view.
34   Savanta Comres, 2020, Disability Commission Questions
35   Citizens Advice Bureau, 2020, An unequal crisis: why workers need better enforcement of their rights
36   NAO, 2020, DWP Annual Report & Accounts 2019–20, pg 41
37   Extra Costs Commission, 2015, Driving down the extra costs disabled people face: Interim report
38   Scope, 2014, Priced Out: ending the financial penalty of disability by 2020
39   Savanta Comres, 2020, Disability Commission questions. NB: while 22 per cent of individuals stated they had a 'physical or mental impairment' only 12 per cent identified as disabled.
40   Wildgoose, 2019, Equality, Diversity and Inclusivity in the Workplace Survey

are most important, the three most common answers by a significant margin were equal promotional opportunities (64 per cent), equal pay for equal jobs (62 per cent), and zero tolerance of discriminatory behaviour (53 per cent).

While many employers have realised they must do more this approach is not universal. According to one poll, 39 per cent of companies are now more aware than ever of the needs of disabled people and are accelerating their actions and commitments to disability inclusion and accessibility in response to the pandemic.[41] Even so, the dearth of employers confident about employing disabled people leaves room for improvement: according to Commission/YouGov polling in November 2020, only 26 per cent of private sector employers surveyed believed that disability was a high or very high priority in the last six months. Even viewing disability as a priority does not necessarily mean employers have taken action in response to this. Out the employers that reported disability as a priority, only a third (33.3 per cent) were signed up to the Disability Confident scheme, and only 15.5 per cent had all the basic policies and practices in place that were associated with the lowest level of Disability Confident.[42]

1.3 The benefits to removing barriers to employment is felt at all levels of society

The case for including disabled people in the workplace has been made convincingly. But over the past 10 years, the evidence base has broadened through the increased use and sophistication of 'social value' measures at an organisational level. These measures highlight that better employment outcomes for disabled people will benefit not just disabled people themselves, but also employers and society more broadly.

1.3.1 The individual benefits through better health and income
The benefits of good quality work for the individual are well documented. Among them are opportunities for social interaction, income, and a sense of achievement.[43] There is evidence to show that the benefits are more substantial for disabled people than for non-disabled people: moving into employment can provide an average increase in disabled people's household income of 49 per cent and a decrease in the average poverty rate by 20 percentage points (compared to 13 per cent, and 17 percentage points for non-disabled people).[44] Good quality employment can also significantly improve mental health and well-being. In an influential study, Waddell and Burton found robust evidence that suitable work led to better health outcomes and improved the quality of life and well-being.[45] The NHS in its Long-Term Plan has embedded employment as a health outcome for individuals with severe mental health conditions, learning disabilities or autism.[46]

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41   World Economic Forum, Caroline Casey, 2020, Disability inclusion isn't a tick-box exercise. It's vital to achieving the SDGs
42   YouGov, 2020, CSJ Disability Commission polling. NB: All figures, unless otherwise stated, are from YouGov Plc. Total sample size was 501 Senior HR Decision Makers. Fieldwork was undertaken between 19th–25th November 2020. The survey was carried out online. Base = 129
43   CSJ, 2018, The future of work Part 1: state of the nation
44   Schur, L. 2002. The difference a job makes: The effects of employment among people with disabilities. Journal of Economic Issues, 36(2): 339–347
45   Waddell G, Burton AK. Is Work Good for your Health and Well-being?, London: TSO, 2006
46   NHS, 2018, NHS Long Term Plan, Appendix: Health and employment

1.3.2 The employer benefits through increased productivity, expertise, and profits

Employing disabled people can boost productivity, morale, and expertise within the workforce. For instance, research has shown that disabled employees are as productive as their non-disabled colleagues,[47] while a further study showed that in certain areas of performance (workplace climate, work speed and rate, accuracy and quality) disabled people were rated 'significantly more highly' than non-disabled people by 68 per cent of employers surveyed.[48]

Disabled people also bring unique skills. A recent research report in Norway found that employers in health and social care recognised the knowledge and experience of disabled people is a useful and necessary resource in developing patient and client-centred care.[49] In addition, customers increasingly want to buy from, and use, companies that reflect the values of a modern society. In 2019, Deloitte conducted research into the issues consumers identified with when making decisions about brands: the top response was how the company treats its own people/employees, mentioned by 28 per cent of respondents.[50]

In part because of this, there is growing evidence to show that inclusive organisational practices provide a significant and direct return on investment for the employer.[51] In 2018, Accenture identified large US companies that performed well on the Disability Equality Index, a benchmarking tool which includes culture and leadership, community engagement and support service, and employment practices. It found those that scored highest on this index had twice the net income, and 30 percent higher profit margins (net operating profit against total cost of capital) over the four-year period analysed than other companies in the sample.[52]

1.3.3 Reductions in benefits and increased contribution to the economy

Closing the disability employment gap would provide cost savings to our welfare system, as well as in health and social care. In total, £41.5 billion in 2019/20 was spent on working age benefits for disabled people and people with health conditions.[53] The Government reported that a 1 per cent drop in incapacity benefit caseload would save £240 million per year and provide a wider boost to the economy of £260 million.[54] But the benefits of recruiting and retaining disabled people in work are greater for the economy, over and above the initial cost-saving from the benefits system. One estimate has shown that with just a five per cent increase in the employment rate of disabled people, GDP would grow by an extra £23 billion and the government would receive an additional £6 billion in tax revenue by 2030.[55] Another study suggested that closing the employment gap between disabled and non-disabled people would boost the economy by £13 billion.[56] In addition,

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47   Disability Rights UK & REED, 2017, Disability and Employment
48   Smith, K., Webber, L., Graffam, J. and Wilson, C., 2004, Employer satisfaction with employees with a disability. Journal of Vocational Rehabilitation, 21, 2, 61–69. NB: 48.6% in the study had 'intellectual disabilities'
49   Tone Alm Andreassen, 2012, Disability as an asset? Reflections on employment patterns in the health and social care sector, Disability Studies Quarterly [Accessed via: https://dsq-sds.org/article/view/3278/3112]
50   Deloitte, 2019, Purpose is everything: how brands that authentically lead with purpose are changing the nature of business today
51   Silvia Bonaccio et al, 2019, The participation of people with disabilities in the workplace across the employment cycle: employer concerns and research evidence [accessed via: https://link.springer.com/article/10.1007/s10869-018-9602-5]
52   Accenture, 2018, Getting to Equal: the disability inclusion advantage, pg 6
53   NAO, 2020, DWP annual report and accounts 2019–20, pg 33
54   DWP & DoHSC, 2017, Policy Paper: Improving Lives: The Future of Work, Health and Disability, pg 6
55   Scope, 2015, Enabling work: disabled people, employment and the UK economy
56   Evans S, 2007, Disability, Skills and Work: Raising our ambitions (Social Market Foundation)

the National Audit Office reported that supporting an individual with a learning disability into employment could reduce lifetime costs to the public purse by around £170,000 and increase the individual's income by between 55 and 95 per cent.[57]

1.3.4 Benefits of a more inclusive society

The benefits to society are equally as important as to the economy. There is evidence to show that increased interaction with disabled colleagues (within an organisation with good policies and practices) breaks down stigma and negative attitudes,[58] thereby promoting cohesion and inclusivity. Interaction through work is one of the greatest social integration tools we have, but according to Disability Commission/Savanta Comres polling in April 2020, only 27 per cent of UK adults personally know a disabled person in employment.[59]

The positive impact of increasing the employment of disabled people can be considerable. UnLtd reported that the social value – in employment outcomes, increased wellbeing, reduced offending, and other metrics – of five selected social enterprises dedicated to reducing the disability employment gap produced an estimated £18.35 million in social value (including employment and wellbeing outcomes, but not turnover) every year.[60]

57   NAO, 2011, Department for Education: oversight of special education for young people aged 16–25
58   Copeland, J., Chan, F., Bezyak, J., & Fraser, R. T. 2010. Assessing cognitive and affective reactions of employers toward people with disabilities in the workplace. Journal of Occupational Rehabilitation, 20(4): 427–34
59   Savanta Comres, 2020, Disability Commission Questions
60   NEF Consulting, 2021, Social Cost Benefit Analysis of Social Ventures Tackling the Disability Employment Gap, pg 32

section 2
The current situation

The challenging immediate and future context should provide the momentum for the Government to improve disabled people's social inclusion. Employment, education, housing, access to goods and services, and transport are all vitally important. They are also closely linked, given that improvements to education, housing and transport will have positive implications for employment outcomes. But across all areas, poor experience and outcomes are endemic, and these compound the challenge of supporting more disabled people in work. In the following sections, the report highlights key trends within employment, before discussing these compounding causes.

2.1 Employment

2.1.1 The disability employment gap is falling at a slow rate, but for some groups and in some regions of the UK the gap is rising

For a variety of reasons, many disabled people are consistently excluded from the labour market. According to the latest figures, 52.3 per cent of disabled adults aged 16–64 were in employment with the gap between disabled and non-disabled people standing at 29.2 per cent in July-September 2020. At the average rate at which the disability employment gap (DEG) has fallen over the last six years, all else remaining equal, it will take 40 years for the DEG to be removed. Recent research has also suggested that it is necessary to factor in workforce disability prevalence in calculating the disability employment gap. Once such a correction is made, the disability employment gap appears not to have shrunk (see Chapter Two, Section 11). It also needs to be kept in mind that the size of the disability employment gap varies considerably by region. The Commission's analysis of these gaps by parliamentary constituency shows that 43 per cent of the worst performing constituencies in 2019 were in the North East, North West and Yorkshire and the Humber.[61]

It is also important to note that the headline disability employment gap figure masks significant variation between different groups of disabled people. For example, women with a learning disability are the least likely group to be in work (4.8 per cent).[62] As Figure 1 demonstrates, the employment rate for individuals with learning disabilities or mental health conditions is substantially lower than the average.

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61   CSJ Disability Commission analysis of NOMIS data. Employment recorded in the 12 months between April 2018 and May 2019. NB: the comparator groups were 'EA core' and 'Not EA core or work limiting' [Lookup accessed via: https://geoportal. statistics.gov.uk/datasets/313c62d49cb24376a2fad7ac7939fda5_0]
62   NHS Digital, Dec 2020, Measures from the Adult Social Care Outcomes Framework report, pg 20

Between 2016 and 2019, the only group to experience a fall in their employment rate was individuals with severe or specific learning difficulties, dropping from 22.7 per cent to 17.6 per cent over this period.[63] Employment rates are also very low for some other sub-groups: while Figure 1 shows that 28.5 per cent of individuals with mental health problems are in employment, this figure drops to 9 per cent for those with severe mental illness.[64] And while 17.6 per cent of individuals with severe or specific learning difficulties is in employment, individuals with learning disabilities who are known to adult social care services have employment rates of 5.6 per cent.[65] This has fallen by more than one percentage point in seven years.[66] By one estimate, fewer than 2,500 people with a learning disability in England are in paid work of more than 16 hours per week.[67]

Figure 1: Proportion of disabled people in employment, by type of disability, age 16 to 64, UK, 2019
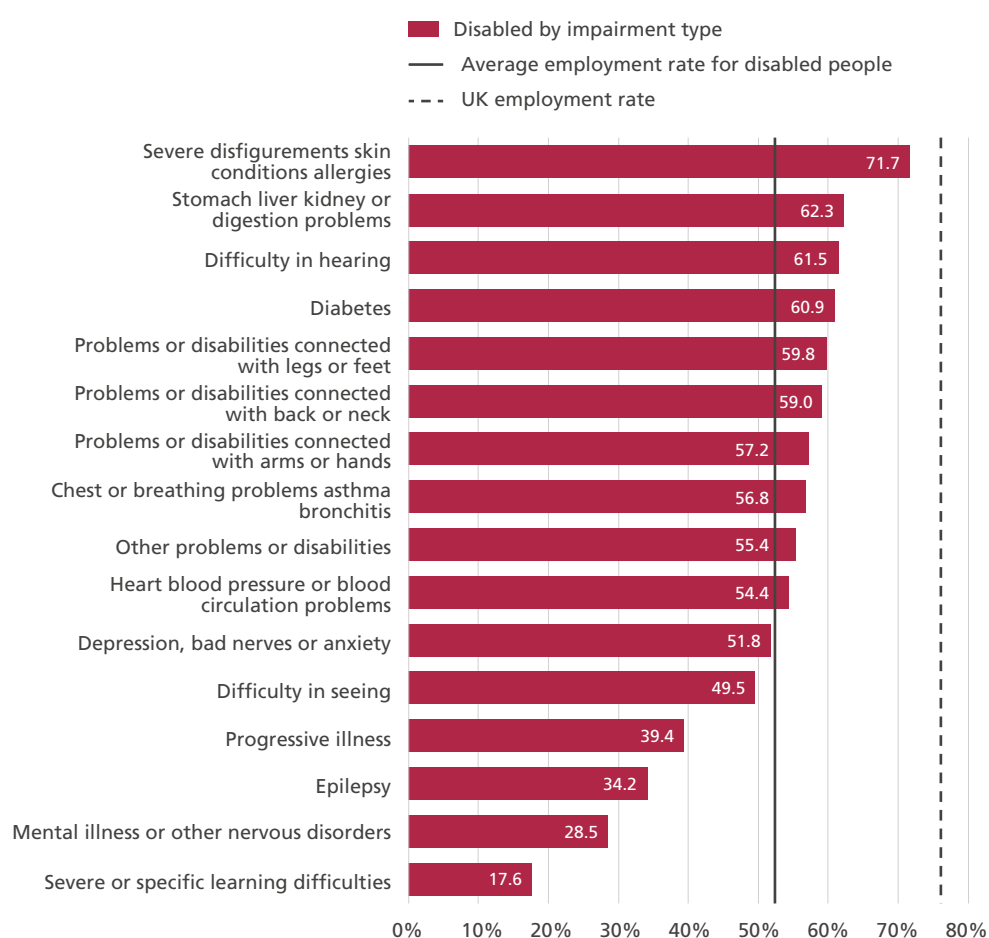
Source: ONS[68]

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63   ONS, 2019, Disability and Employment
64   NHS, 2020, Measures from the Adult Social Care Outcomes Framework, England 2019–20, Tab 1F
65   NHS, 2020, Measures from the Adult Social Care Outcomes Framework, England 2019–20, Tab 1E
66   CSJ, 2020, Commissioning Excellence in Disability, pg 15
67   Hatton, Chris, 2019, 'Paid employment and people with learning disabilities in England: what do the statistics tell us?'
68   ONS, 2019, Disability and employment, UK: 2019. UK employment rate May-June 2019; ONS, 2019, Employment in the UK: September 2019: estimates of employment, unemployment and economic inactivity for the UK

2.1.2 Disabled people still face a glass ceiling

In 2018, non-disabled people were over twice as likely as disabled people to be board level executive directors and three times as likely to be other directors/heads of department.[69] Only 4.2 per cent of senior academics or professors,[70] 1.81 per cent of senior clinical staff in the NHS,[71] and 5.4 per cent of senior civil servants, are disabled.[72]

Although disabled people are most likely to be employed in professional occupations, they are nevertheless less likely than non-disabled people to be employed in these positions (16.9 per cent versus 21.5 per cent).[73] They are also under-represented among managers, directors and senior officials (8.8 per cent versus 10.8 per cent). This problem is not unique to the UK. In a survey of 130 C-suite executives[74] across 17 countries, 56 per cent of respondents indicated that disability rarely or never comes up on their leadership agenda, and only 7 per cent of C-suite executives were disabled.[75]

2.1.3 Disabled people face a significant pay gap

Disabled employees are, on average, paid 12.2 per cent less than their non-disabled peers. According to the ONS, the largest gaps exist for individuals with 'mental impairments'[76] but there are also sizeable pay gaps for individuals with physical impairments.[77] This average pay gap figure obscures the reality of employment for many disabled people: when disabled people do find employment it is more likely to be in part-time and low-paid positions[78] and according to the Equality and Human Rights Commission, the likelihood of disabled people being in low paid jobs has increased over time.[79]

Disabled people are also far less likely to be represented in the top pay bracket. Research by Disability Rights UK highlights that disabled people are three times less likely than non-disabled people to earn above £80,000 per year.[80] Similarly, Advance HE (the membership body of higher education institutions) analysis of Higher Education Statistics Agency (HESA) data shows that in the higher education sector, 36.3 per cent of non-disabled academic staff but only 31.7 per cent of disabled academic staff earn £50,000 or more per year.[81] The gap widens in the very top pay brackets, with 11.2 per cent of disabled academic staff versus 16.1 per cent of non-disabled academic staff earning £61,619 or more. While disabled people experience pay gaps across all occupational groups, the largest pay gap

69   Lloyds Bank & RADAR, 2010, Doing seniority differently: a study of high fliers living with ill-health, injury or disability, pg 9
70   CSJ Disability Commission analysis of HESA data: HESA, 2020 NB: This analysis is on any type of contract. There is relative equity in the proportion of disabled and non-disabled senior academic staff and professors who are on permanent or open-ended contracts (around 54 per cent).
71   NHS, 2020, NHS Workforce Disability Equality Standard (WDES) Annual Report 2019, pg 14
72   Institute for Government, May 2019, Disability in the civil service
73   ONS, 2020, Disability pay gaps in the UK: 2018
74   Usually referring to executive-level managers within a company, such as Chief Executive Officer.
75   The Valuable 500, Disability Confident: the Business Leadership Imperative
76   This term is used by the ONS to cover those with 'depression, bad nerves or anxiety', 'epilepsy', 'learning difficulties' or 'mental illness or nervous disorder'
77   ONS, 2020, Disability pay gaps in the UK: 2018, Figure 5 & 6
78   Hoque, K. Bacon, N. and Parr, D. (2014) Employer disability practice in Britain: assessing the impact of the Positive About Disabled People 'Two Ticks' symbol Work Employment and Society 28(3): 430–451
79   EHRC, 2019, Is Britain Fairer? pg 8
80   Lloyds Bank & RADAR, 2010, Doing seniority differently: a study of highfliers living with ill-health, injury or disability, pg 9
81   Advance HE, 2020 [Accessed via: www.advance-he.ac.uk/media/5941]

is among Managers, Directors and Senior Officials, and Professional levels. Therefore, not only are disabled people less likely to be in senior positions, but, on average, are paid significantly less when they are in these positions.[82]

2.1.4 The rate at which disabled people fall out of employment is higher than for non-disabled people

The latest estimates suggest that each year disabled workers move out of work at almost twice the rate (9 per cent) of non-disabled workers (5 per cent) and workless non-disabled people move into work at around one-third of the rate (10 per cent) of non-disabled people out of work (27 per cent).[83] Individuals who remains unemployed for more than four weeks is likely to become long-term unemployed[84] but as the Taylor Review into modern work practices found, disabled people who fall out of work for an extended period of time 'are more likely to struggle to return to the workplace and are twice as likely to remain unemployed when compared to non-disabled people.'[85]

2.2 Education

The evidence above highlights sizeable barriers to employment that prevent disabled adults from entering, staying in, and progressing in their careers. Some of these barriers are intrinsic to the workplace. However, significant gaps between disabled and non-disabled people exist well before they enter the labour market. According to the Transitions to Employment Group in 2016, the 120,000 disabled entrants to the labour market each year are between two and four times more likely than non-disabled people to be unemployed.[86]

This disadvantage stems in part from experiences of disabled pupils and pupils with special educational needs within education. Not all disabled pupils have special educational needs, and similarly, not all pupils with SEND identify as disabled.[87] There is, however, a significant overlap. According to the latest statistics, 15.4 per cent of all pupils across all educational institutions in England had special educational needs in January 2020. 3.3 per cent had an education, health and care plan[88] (which are a formal assessment of need and a document provided which sets out the extra help they must receive across education, health and care[89]) with the remainder (12.1 per cent) being provided with 'SEN support' (extra support provided as part of the school curriculum). According to an analysis by the Education Policy Institute, 39 per cent of children at some point between Reception (age five) and Year 11 (age sixteen) have an identified special educational need.[90]

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82   ONS, 2019, Disability pay gaps in the UK: 2018, Figure 8
83   ONS, 2019, Disability and employment, UK: 2019. NB: this data does not account for in-year variations.
84   NHS, 2020, Online version of the NHS Long Term Plan, Appendix: Health and Employment
85   The Taylor Review of Modern Working Practices, citing ONS People in employment on a zero-hours contract (2017)
86   Microlink, 2016, Through learning to earning: transitions into employment for young people with SEND
87   Norfolk County Council, n.d., Send Local Offer: About the SEND Local Offer: The difference between SEN and disabilities
88   DfE, 2020, Academic Year 2019/20: Special Educational Needs in England
89   DfE, 2020, Academic Year 2019/20: Special Educational Needs in England
90   EPI, 2017, Social mobility & vulnerable learners policy analysis: How many children have SEND?

2.2.1

The number of pupils with SEND is rising in absolute numbers and as a proportion of the school population. The number of pupils with SEND has risen for the fifth consecutive year, from 1.23 million in 2015/16 to 1.37 million pupils in England in 2019/20 (Figure 2). This is the case for both types of support available: the number of pupils with SEN support has risen by 8.8 per cent, and pupils with EHC Plans by 24.5 per cent.[91] As a proportion of the school population, pupils with any SEND has risen from 14.4 per cent to 15.5 per cent over the same period.

Figure 2: Number of pupils with an EHC Plan/Statement of SEN or SEN Support ('000s), England, 2015/16–2019/20
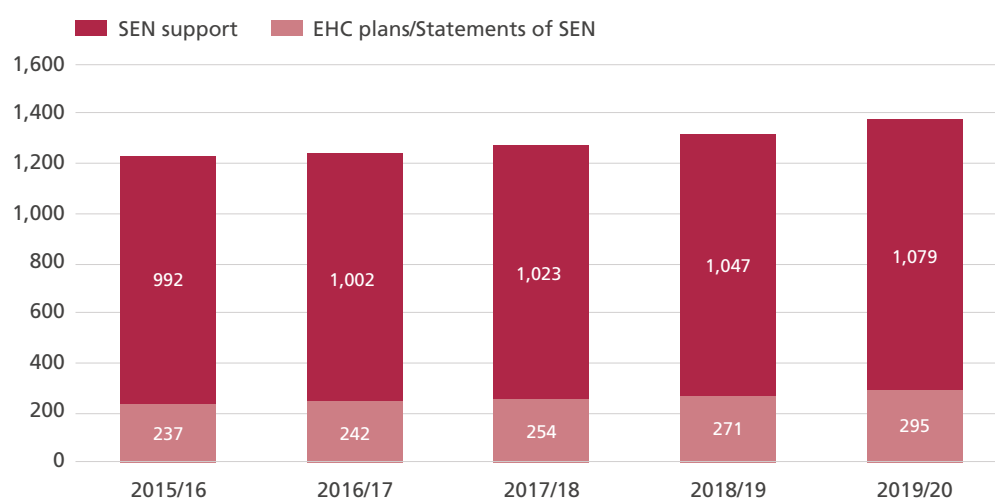
Source: CSJ Disability Commission analysis of DfE data[92]

It is important for all pupils to have the qualifications and skills to engage in a competitive labour market. However, in both important aspects of educational development, too many disabled people are not joining the labour market with the level of qualification or the types of skills that are needed for the workplace.

2.2.2 Qualifications are seen as an important indicator of employability

Qualifications are important to indicate the applicants' level of skill. Just one in twenty (6 per cent) employers do not consider GCSE grades in job applications for any occupational group. In higher skilled roles, this is likely because they are overtaken in importance by higher level qualifications.[93] And the labour market can be unforgiving for individuals with no or lower qualifications. Adults aged 19–64 in England who are qualified to level 3 (A level equivalent) are almost 50 per cent more likely to be unemployed than those qualified to level 4 and above (higher education).[94]

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91   CSJ Disability Commission analysis of DfE data: DfE, 2020, Academic Year 2019/20: Special Educational Needs in England
92   CSJ Disability Commission analysis of DfE data: DfE, 2020, Academic Year 2019/20: Special Educational Needs in England
93   Bmg research, 2013, Research report: new GCSE grades research among employers
94   DfE, 2016, Qualifications in the population, Economic activity by level of highest qualification held by people aged 19 to 64 in England: April 2015

Claimants of Employment Support Allowance (ESA) who had not worked before were also more likely to not have qualifications (58 per cent versus 34 per cent) than those who had worked before.[95] There is also a correlation between holding lower-level qualifications and being at risk of automation affecting one's role. ONS data shows that 98.8 per cent of roles that require an individual with a qualification at or below level 3 are at high risk of automation. Conversely, 87 per cent of people who had jobs that were deemed to be low-risk had degree-level qualifications.[96]

2.2.2.1 Disabled people's outcomes have improved in parts of our education system

Outcomes in state-funded schools in England have improved at both primary and secondary levels. A pupil with SEND at the end of Key Stage 2 in 2019 is now 57 per cent more likely to reach the required expected standard in reading, writing and maths than in 2016.[97] Between 2015/16 and 2018/19, the proportion of pupils with SEND gaining English and maths GCSE to grade 4 (or C in the previous system) increased from 24.2 per cent to 26.7 per cent.[98] And in 2018/19, pupils with SEND are now around twice as likely to progress to higher education in general and between 1.7 and 2.5 times[99] as likely to enter into 'higher tariff'[100] higher education institutions than they were in 2009/10.[101] In the same year, across all modes of study (full time or part time), 15.3 per cent of the first-year undergraduate cohort declared a disability, compared to 11.5 per cent in 2014/15.[102]

2.2.2.2 But at each stage of education disabled pupils are less likely to achieve a qualification

At each key educational milestone, pupils with SEND perform consistently worse than their peers with no special educational needs. According to Ofsted's Parent View, one in twelve parents of children with SEND across all schools surveyed by Ofsted's Parent View strongly disagreed that their child does well at school, compared to one in fifty parents of children without SEND.[103] This view was shared by Pinpoint, Cambridgeshire's Parent Carer Forum, that in evidence to the CSJ Disability Commission, stated:

> The numbers [of parent/carers] who report satisfaction with the system are disproportionately small and we disproportionately hear from those who have difficult, challenging, and distressing experiences.

These sentiments mirror the data. In 2018/19, 25 per cent of pupils with SEND achieved a 'good level of development' compared to 77 per cent of pupils with no SEND and were almost half as likely to meet the expected standard in the phonics screening check in

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95   DWP, 2020, The work aspirations and support needs of claimants in the ESA support group and UC equivalent, pg 73

96   ONS, 2017, The probability of automation in England: 2011 and 2017, Figure 7

97   Changes to the National Curriculum were introduced in 2016. Figures are therefore not comparable with earlier years.

98   DfE, 2020, Statistics: GCSEs (Key Stage 4), key stage 4 performance 2019 (revised)

99   Depending on whether an individual had 'SEN Support' (2.5 times more likely) or an EHC Plan (1.7 times more likely)

100   The tariff for each higher education institution (HEI) is based on the normalised mean of 'UCAS tariff points' which reflects the top three A level score the average entrant achieved [Accessed via: https://explore-education-statistics.service.gov.uk/methodology/widening-participation-in-higher-education-methodology]

101   DfE, 2020, Academic Year 2018/19: Widening participation in higher education

102   HESA, 2020, Who's studying in HE? Personal characteristics – UK domiciled student enrolments by disability and sex

103   Parent View FOI received from Ofsted

Year 1 of primary school.[104] By the time pupils with SEND leave primary school, this gap has widened: pupils with SEND were three times less likely to achieve the expected level in reading, writing and mathematics than their peers without SEND in 2018/19.[105]

In secondary schools, a new attainment score – Progress 8 – has been introduced, which measures the progress made between Key Stage 2 and Key Stage 4, relative to peers who had the same prior attainment.[106] According to this measure, pupils with SEND have an average score of -0.62, which means that, on average, they obtain just over half a grade lower than their peers with a similar prior attainment. In addition, pupils with SEND are 2.5 times less likely to achieve a grade 4/C in English and maths than their peers.[107] The GCSE outcomes for some groups are far worse than others, depending on the primary need. For instance, individuals with social, emotional and mental health (SEMH) conditions are nearly two times less likely to achieve English and maths GCSE at grade 4/C or above than those with visual impairments.[108] This may require unique interventions to overcome particular barriers that certain groups face.

There is also a confluence of disability with other disadvantaged groups that can contribute to poorer attainment outcomes. According to DfE data from January 2020, pupils with SEND are more than twice as likely as those without SEND to be eligible for free school meals (30.9 versus 14.9 per cent).[109] Where looked-after children are concerned, between 12 and 36.7 per cent of children in care have a developmental language disorder, compared to 0.5–2.2 per cent of the population.[110] The outcomes for this group are worse. At Key Stage 2 only 17 per cent of looked-after children with SEND achieved the expected level in reading, writing and mathematics in 2018/19, five percentage points lower than non-looked after children with SEND.[111]

However, even with the same academic achievement at GCSE, disabled pupils are less likely to progress in their education. Research by Special Needs Jungle in 2018 using Next Steps data (formerly Longitudinal Study of Young People in England) showed that of the cohort born in 1989/1990, only 75 per cent of disabled students who had done well at GCSE continued to A Levels, as opposed to 85 per cent of non-disabled students. The research concluded that self-expectations and family expectations were the largest explanatory factor.[112] However, research on the same dataset by *Warwick Social Sciences* showed that disabled young people were also 15 percentage points more likely to have low university expectations compared to their non-disabled counterparts with similar socio-economic background and academic performance.[113] It was noted that 'their expectations were highly dependent on those of their parents,'[114] which were often lower regardless of their actual school achievement.

104   DfE, 2020, Special educational needs and disability: an analysis and summary of data sources
105   Ibid
106   DfE, 2016, Progress 8: how Progress 8 and Attainment 8 measures are calculated
107   CSJ Disability Commission analysis of DfE data: DfE, 2020, Statistics: GCSEs key stage 4 performance 2019 (revised)
108   DfE, 2020, Key Stage 4 Performance 2019 (Revised), National Characteristics Tables, Table CH1
109   DfE, 2020, Special educational needs in England (dataset) academic year 2019/20
110   Do It Profiler, in evidence to the CSJ Disability Commission
111   DfE, 2020, Special educational needs and disability: an analysis and summary of data sources
112   Special Needs Jungle, 2018, How do expectations influence disabled young people's educational attainment?
113   Warwick Social Sciences, 2018, Policy Briefing: childhood disability & educational attainment
114   Special Needs Jungle, 2018, How do expectations influence disabled young people's educational attainment?

While entrance rates for pupils with SEND into HEIs has increased, progression rates for disabled pupils to higher education are worse than for non-disabled pupils. Pupils with SEND are, on average, between 2.3 and 5.3 times less likely to attend a higher education institution, depending on the type of SEN support accessed in school.[115] And while 19 per cent of the working-age population is disabled,[116] only 11.7 per cent of apprenticeships (at all levels) are started by disabled people.[117]

These significantly poorer outcomes for disabled pupils contribute to a persistent gap in qualification levels in the disabled adult population (Figure 3). In the working-age (21–64) disabled population there is a significant skew towards lower-level qualifications, with half possessing qualifications below level 3. Almost one in six have no qualifications at all, which is more than 2.5 times the rate of their non-disabled peers. Working-age disabled adults are also significantly less likely to have degree or equivalent qualifications.

Figure 3: Proportion of disabled and non-disabled people aged 21–64 years, by highest level of qualification, UK, 2019 (%)
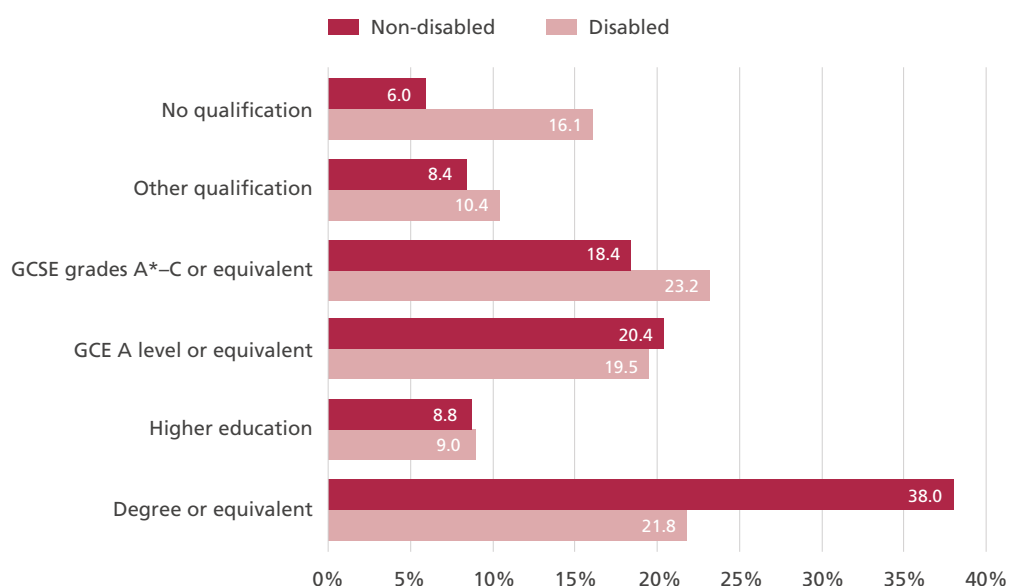
Source: ONS Annual Population Survey[118, 119]

2.2.3 Skills development is an employer priority and can be a route into employment for individuals without qualifications

Despite qualifications being an important proxy for skills development, they are rarely perfectly matched to the skills required by employers. Indeed, employers have raised concerns that graduates and school leavers do not have the full range of skills required to

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115 DfE, 2020, Academic Year 2018/19: Widening participation in higher education
116 DWP, 2020, Family Resources Survey 2018–19, pg 7 [published 26 March 2020]
117 DfE, 2020, Statistical dataset: apprenticeships and traineeships data. NB: the Commission uses 'disabled people' in place of the DfE's language of 'individuals with learning disabilities or difficulties.'
118 ONS, 2019, Disability and education, UK: 2019, 10. Measuring the data
119 ONS, 2014, 2011 Census: qualifications and labour market participation in England and Wales

be proficient at work.[120] According to the latest Employer Skills Survey published by the Department for Education (DfE), 84 per cent of vacancies caused by a skills shortage are due to a lack of technical and practical skills (required to perform a specific function) and 66 per cent due to soft skills (such as self-management).[121] Some employers have made a distinction between qualifications and skills, declaring that the future of work will need job skills, not university degrees.[122] In addition, the up-skilling and re-skilling of adults has become far more important within an uncertain and dynamic labour market.[123]

There are also many individuals who, for whatever reason, do not achieve a level 2 qualification (equivalent to GCSEs), which is generally viewed as a baseline of educational attainment in the UK. The latest data from the DfE show that 69.6 per cent of pupils with SEND in England by age 19 do not have any level 2 qualification.[124]

This makes it necessary that skills can be developed in a range of ways which are not correlated with qualifications. Increasing even basic skills could already provide a significant wage return: working adults with basic digital skills are paid an average annual salary that is 50 per cent higher than those without these skills.[125] Conversely, a lack of digital skills is correlated with worklessness: 56 per cent of ESA claimants who had not worked were unable to use the internet, compared to 42 per cent who had worked previously.[126]

2.2.3.1

However, a high proportion of disabled people do not have the skills required to thrive in a modern society and economy. For instance, disabled people are less likely to have key digital skills than their non-disabled peers. According to the ONS in 2019, 60 per cent of working age adults that had never used the internet were disabled, and 50 per cent of working age adults that had not used the internet in over three months were disabled.[127] In total, it is estimated that 521,000 disabled working-age adults do not engage with the internet.

The Social Market Foundation estimates that developing the skills of disabled people to the equivalent standard of non-disabled people would boost the economy by £35 billion in 30 years. And while disabled people would benefit from improved confidence and career prospects, employers would benefit from both greater workforce diversity and increased productivity.[128]

2.3 Housing

At every stage of life, a constant should be a home that is accessible and meets disabled people's needs. Finding suitable housing is important in its own right, though it also has important implications for other areas of disabled people's lives. For example, working age

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120   HRreview, 2014, 88% of businesses believe school leavers are unprepared for the world of work
121   DfE (Government Social Research), 2020, Employer Skills Survey 2019: Skills needs research report, pg 42
122   Ravi Kumar S., Steve George, Sept 2020, Why skills – not degrees – will shape the future of work. WEF
123   CSJ, 2020, The Long Games: how to reboot skills training for disadvantaged adults
124   DfE, 2020, Special Education needs and disability: an analysis and summary of data sources
125   CSJ Disability Commission analysis of Lloyds Bank data: Lloyds Bank, Consumer Digital Index 2019 Report, Appendix 32
126   DWP, 2020, The work aspirations and support needs of claimants in the ESA support group and UC equivalent, pg 73
127   ONS, 2019, Internet Users dataset [released 24 May 2019]
128   Stephen Evans, 2007, Foresight: disability, skills and work: raising our ambitions. Social Market Foundation

adults with an unmet need for accessible housing are estimated to be four times more likely to be unemployed or not seeking work due to sickness/disability than disabled people without accessible housing needs or whose housing needs are met.[129] As the Equality and Human Rights Commission (EHRC) reported in 2018, appropriate, accessible housing helps transform participants' lives for the better, providing 'enhanced prospects for employment and study.'[130] Conversely, according to one poll, nearly a third (28 per cent) of disabled adults who had found it difficult to find an accessible home were unable to work as a result, and just over a fifth (22 per cent) were unable to leave the house independently.[131] The Centre for Ageing Better, in evidence to the CSJ Disability Commission stated that:

> Housing is a key determinant of health, with the supply, quality and design of homes all impacting on population health and wellbeing.

Survey data from the Centre for Ageing Better also showed that 72 per cent of people in the UK agreed that homes should as standard be built to be suitable for people of all ages and abilities, while 48 per cent disagreed that UK society does enough to support people to live at home safely and independently as we age.[132] To the Commission's knowledge, there is no current estimated total cost of inaccessible housing to the economy, public health and the Treasury,[133] although there are indications of the impact of homes with significant hazards on costs to the NHS, part of which may be prevented by proactive adaptations. For instance, according to a report by BRE, leaving long-term sick and disabled occupants in homes with 'significant hazards' costs the NHS nearly £414 million per annum in the first year of treatment alone.[134] According to another report, the health impact of poor housing for all people[135] costs the NHS £1.4 billion a year (similar to alcohol and tobacco) and increases the demand for social care.[136]

2.3.1 A high proportion of adults currently live in inaccessible and inappropriate housing

Despite the evidence to show the benefits of accessible housing, according to DWP survey in 2013, 17.5 per cent of individuals with an impairment experienced participation restrictions (i.e. barriers or obstacles existed) within their own home in 2013, up from 15.1 per cent in 2011,[137] compared to 0.3 per cent and 0.6 per cent of individuals without an impairment.[138] These restrictions may have been accentuated recently by a move towards homeworking: according to a survey conducted by Habinteg during the first lockdown in 2020, almost one in four disabled people did not have a home that met

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129 LSE, Papworth Trust & Habinteg, 2016, No Place like an accessible home
130 EHRC, 2018, The housing experiences of disabled people in Britain, pg 8
131 Savanta Comres, 2017, Leonard Cheshire Disability – Survey of Disabled Adults: Housing section, Table 27/1
132 As referenced in: MHCLG, 2020, Raising accessibility standards for new homes
133 Foundations, the National Agency for Home Improvement, is currently conducting research on the social value of adaptations.
134 Bre Group, n.d., The half billion £ cost of not carrying out preventative housing interventions
135 Including housing that reduced health and safety Category 1 hazards (hazards that pose a serious and immediate risk)
136 Bre Group, 2015, Briefing paper: the cost of poor housing to the NHS. NB: analysis on 2011 data.
137 This analysis compares individuals with 'impairments' in both the 2011 and 2013 wave. [Accessed via: www.gov.uk/government/statistics/life-opportunities-survey-wave-2-part-2-results]
138 Base for adults without impairments in both waves, 3,690. Base for adults with impairments in both waves, 2,710.

their access needs.[139] Disabled respondents were also over three times more likely than non-disabled respondents to report that the inaccessibility of their home undermined their well-being.[140]

There has been some improvement in the supply of accessible housing over the past decade. According to the English Housing Survey conducted in 2014–15, a comprehensive survey of accessibility, homes built after 2001 were five times more likely to have level access to the entrance (68 per cent) compared with those built before 2001 (13 per cent).[141] An updated survey in 2018/19 of English homes showed that the number of houses that meet all four visitability standards (a flush threshold; toilet at entrance level; sufficiently wide doorways and circulation space; level access to the main entrance) has risen from 4.5 per cent to 9 per cent of the housing stock in England over the previous decade.[142]

Yet progress has not gone far enough. Too few houses in England today meet an accessibility standard that matches the needs of the disabled population. According to the English Housing Survey (EHS), 1.8 million disabled people in 2015 had an unmet housing need, 580,000 of whom were of working age.[143] Of this figure, almost 365,000 homes with a disabled person stated their accommodation was unsuitable for their needs (19 per cent of all disabled households). It is concerning that this figure has only decreased by 1,000 since the previous survey was conducted in 2011/12. In the latest EHS in 2018/19, a quarter of households with wheelchair users are households that do not have all four 'visitability' features.[144]

2.3.2 Many disabled people wish to move to a new house but find it difficult to do so

One in ten households including a person with long-term disability requiring adaptations wanted to or were planning to move somewhere else more suitable to their needs in 2014/15 (figure unchanged from 2011–12).[145] According to one survey, 63 per cent of wheelchair users wanted to move home, and a third of these stated it was because their current home was inaccessible.[146] However, many find this incredibly difficult. In a 2017 Savanta Comres survey, of the individuals who had looked for an accessible home, 46 per cent said it was difficult or very difficult to find one.[147] The same survey also showed that for those who said finding an accessible home was difficult,[148] almost a third (28 per cent) stated that a negative consequence had been that they were unable to work and 41 per cent stated it had negatively impacted their physical and mental health.[149]

This problem exists in both the private sector and in social housing. According to a survey by Abode Impact, half of the wheelchair users surveyed (n = 448) were actively looking for a home to rent privately, but over 90 percent of all respondents had experienced barriers

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139   Habinteg, 2020, News story: lockdown tougher for disabled people due to inaccessible homes says YouGov poll
140   Habinteg, 2020 [Accessed via: www.habinteg.org.uk/download.cfm?doc=docm93jijm4n2734]
141   DCLG, 2016, English Housing Survey: Adaptations and Accessibility Report, 2014–15
142   MHCLG, 2020, English Housing Survey 2018: accessibility of English homes – fact sheet
143   LSE, Papworth Trust & Habinteg, 2016, No Place like an accessible home
144   MHCLG, 2020, English Housing Survey 2018: accessibility of English homes – fact sheet
145   DCLG, 2016, English Housing Survey: Adaptations and Accessibility Report, 2014–15
146   Abode Impact, 2018, Accessibility is key: wheelchair accessible homes needed for private rent
147   Accessible home is defined as 'a home in which it would be easier to live than a standard home if you have difficulty or are unable to move, walk or stand independently'
148   Unweighted base = 175
149   Savanta Comres, 2017, Leonard Cheshire Disability – Survey of Disabled Adults: Housing section

to accessing the private rented sector (PRS).[150] The situation is equally as dire in the social housing sector. The average waiting time to get an accessible home is 25 months.[151] According to a survey of local authorities conducted by the EHRC (50 per cent response rate), nearly one in five respondents said it would take 20 years to clear their current waiting list, even if no new wheelchair users apply for housing in the meantime.[152] The median time to clear the waiting list is five years.

2.4 Access to goods and services

Under the Equality Act 2010, disabled people have the right to equal access to goods and services as non-disabled people. This means removing barriers wherever goods and services are provided and providing access to publicly- and privately-owned buildings and resources, with no extra cost. This is also critical to the functioning of our economy. Disabled people are not just employees requiring reasonable adjustments in work, they are also consumers and customers. Disabled people and their families have an estimated spending power of £249 billion per year.[153] Studies have shown there is a direct link between disabled people being employed in companies and better service delivery, especially for other disabled people.[154, 155]

Yet, in all areas of life disabled people are often prevented from accessing the same quality of service and the same experience of the built environment as non-disabled people. The latest data (Figure 4) shows that the proportion of disabled people[156] experiencing participation restrictions accessing public, commercial and leisure goods and services appears to be on an upward trend: from 34 per cent in 2011 to 37 per cent in 2014, while the proportion of non-disabled people stating this has declined over the same period. Of the proportion of disabled people who perceive a barrier, 44 per cent have problems moving around the building, 22 per cent have problems approaching the building, and 23 per cent mentioned inadequate lifts or escalators.[157, 158] According to the Extra Costs Commission, 'three quarters of disabled people have felt so badly treated because of their disability that they have left a shop or business.'[159]

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150   Abode Impact, 2018, Accessibility is key: wheelchair accessible homes needed for private rent
151   EHRC, 2018, Housing and disabled people: England Statistics
152   Aspire, n.d., Aspire's research reveals shocking waiting times for wheelchair accessible social housing
153   DWP, 2016, The spending power of disabled people and their families in 2014/15, and changes since 2012/13
154   Tone Alm Andreassen, 2012, Disability as an asset? Reflections on employment patterns in the Health and Social Care Sector. Vol 32, No 3
155   Solovieva, T.I., Dowler, D.L., Walls, R.T. (2011). Employer benefits from making workplace accommodations. Disability and Health Journal, 4, 1, 39–45
156   NB: the Life Opportunities Survey uses the definition of 'adults with impairments' which may not be the same as the GSS harmonized definition the Office for National Statistics uses, which may affect who is classed as disabled.
157   DfT, 2017, National implementation plan for the accessibility of the UK rail system for people with disabilities and persons with reduced mobility
158   Office for Disability Issues, 2011, ODI Life Opportunities Survey Wave One results
159   Extra Costs Commission, 2015, Driving down the extra costs disabled people face: final report

Figure 4: Proportion of people experiencing a participation restriction outside the home, by disability status, adults aged 16 and over, UK, 2009–2014
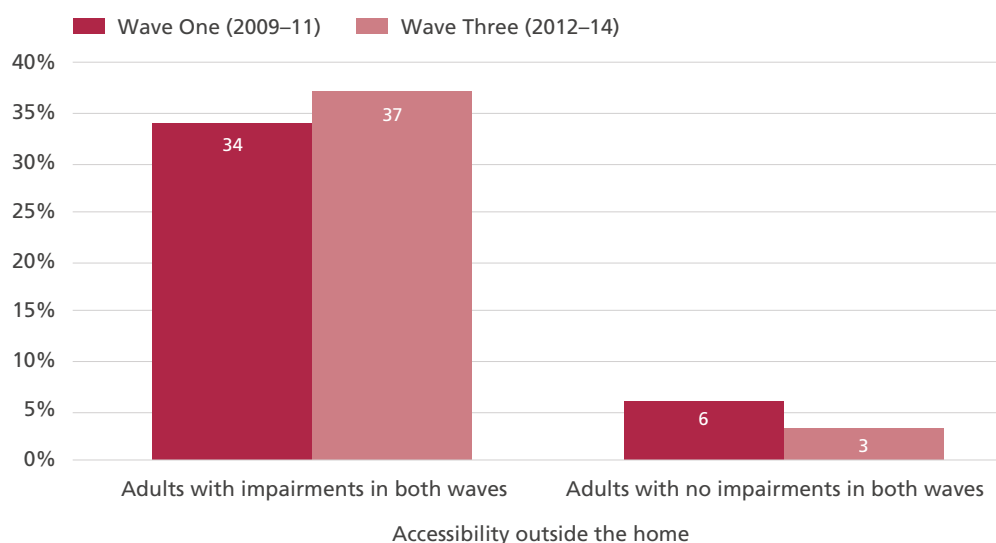
Source: ONS[160]

2.4.1 Access to the web can be liberating, but vast swathes of our online world is inaccessible

We are increasingly moving to a digital world, and the evidence above has shown that the pandemic may have accelerated digitisation in both the workplace and in consumer channels. This makes it important that everyone can engage and flourish in the digital age. Part of this is about acquiring the digital skills needed for the future of work, and the assistive technology to get online. But it is also important that websites are accessible for all people. This could be as simple as having sufficiently contrasting colours (for individuals with visual impairments), or captions on pre-recorded audio (for individuals with hearing impairments).[161]

However, according to *Purple* (a disability charity), 73 per cent of disabled people experience barriers on more than a quarter of websites they visit.[162] An example is the retail sector. UK consumers are spending more online, with an average £1.5 billion spent online in February,[163] and the proportion of total sales that took place online has grown by over 10 per cent when comparing the period over the pandemic to the same period in 2019 (March to August).[164] Despite this, vast swathes of our retail sector websites are inaccessible. As of Q2 2020, Sitemorse (an independent auditer of digital capability) found that 76 per cent of the largest retailers' websites were rated four or below out of ten for their accessibility[165] when measured against international guidelines on accessibility.[166] Only

160   Sample size: Accessibility outside home, adults with impairments (2,710), adults without impairments (3,690). ONS [The National Archives], 2015, Life Opportunities Survey: Wave Three, Final Report, October 2012 to September 2014
161   W3C, 2018, Web Content Accessibility Guidelines (WCAG) 2.1 [Accessed via: www.w3.org/TR/WCAG21]
162   [Accessed via: https://wearepurple.org.uk/the-purple-pound-infographic]
163   ONS, 2020, Retail sales, Great Britain: June 2020
164   ONS, 2020, How the COVID-19 pandemic has accelerated the shift to online spending (blog)
165   Sitemorse, 2020 Q2/UK Retail 500 Websites [Accessed via: https://sitemorse.com/index/report-table.html?rt=1710]
166   Sitemorse, n.d., Accessibility Category [Accessed via: https://sitemorse.com/assessment-categories/accessibility]

four sites scored above seven, and no retail organisation adhered to the full guidelines on all their webpages.[167] 104 retailers failed all tests on every single page, an increase of five since the previous quarter.

2.5 Transport

In a 2017 survey conducted by Savanta Comres, seven per cent of disabled adults (aged 18–65) stated that they had to turn down a job because public transport did not accommodate their disability, five per cent missed a job interview, and five per cent did not take up an educational or training course.[168] Equally worrying, 11 per cent stated they had missed a hospital appointment. In total, 45 per cent of disabled people surveyed reported at least one negative consequence of public transport that did not accommodate their disability. The importance of accessible transport has been highlighted by the OECD, who stated that by incorporating universal design principles into transport, the 'comfort and system quality, safety, reliability and information provision will generally improve travel for all.'[169]

2.5.1 There are growing barriers to disabled people being able to use a car

Disabled people are considerably more likely to use their own car than public transport. This mirrors the position for non-disabled people.[170] In 2019, disabled people made on average 309 trips in cars/vans as drivers and 163 trips as passengers. This compares to 505 trips and 127 trips for non-disabled people, respectively. By a considerable margin, (and when compared to Figure 5 which shows disabled people's most used mode of public transport) cars are the most used form of transport for disabled people.

For many disabled people, having close parking to amenities can remove a significant barrier to accessing goods and services or employment. In the UK this is provided through the Blue Badge scheme. Savanta Comres found that a positive consequence for those who use Blue Badges were the confidence to go out (35 per cent), improvements in their well-being (33 per cent), and a reduced need to bring a mobility aid (23 per cent).[171] Without the Blue Badge scheme, according to the Department for Transport,[172] 75 per cent of Blue Badge holders say they would go out less often. However, disabled people face barriers accessing these parking bays. A 2020 survey found that three in four (74.8 per cent) disabled motorists stated that finding suitable disabled parking was either 'difficult' or 'very difficult'.[173]

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167 Sitemorse, 2020, UK retail websites – progress in making their websites accessible. NB: full guidelines refers to WCAG 2.1 level A and level AA.

168 Savanta Comres, 2018, Leonard Cheshire Disability: survey of disabled adults transport section

169 OECD, n.d., Economic Benefits of Improving Transport Accessibility, pg 20

170 National Transport Survey data [Accessed via: www.gov.uk/government/statistics/national-travel-survey-2019]

171 Savanta Comres, 2017, Leonard Cheshire Disability: Survey of disabled adults transport section, Table 90/1

172 DfT, 2018, Blue badge scheme: consultation on eligibility

173 Disabled Motoring UK, 2 November 2020, Baywatch Results 2020

2.5.2 Disabled people are increasingly using public transport, and rely on some modes more than non-disabled people

Disabled people are taking an increasing number of trips using public transport. Figure 5 shows the most common types of public transport used by disabled people. Although this data is limited to two years using the standardised definition of disability, both this and the longer-term data for people with mobility difficulties (the old definition) show that disabled people are increasingly using public transport.[174] For instance, a five-year rolling average of trips made by people with a 'mobility difficulty' show a 55 per cent increase in train journeys taken between 2007 and 2019 (which was higher than the 15 per cent increase over the same period for individuals with no mobility difficulty). There were also smaller increases for other modes such as taxis (4.3 per cent increase).[175] Figure 5 also shows that although disabled people are nearly three times less likely than non-disabled people to take rail trips, they took more trips per year on local buses, taxis/minicabs and private hire transport. Even on rail, the number of Passenger Assist requests has increased significantly by 36 per cent over the past six years.[176]

Figure 5: Average trips made by disabled people per year on the most popular public transport for disabled people (bars) 2018–19, compared to non-disabled travellers (scatter points), 2019
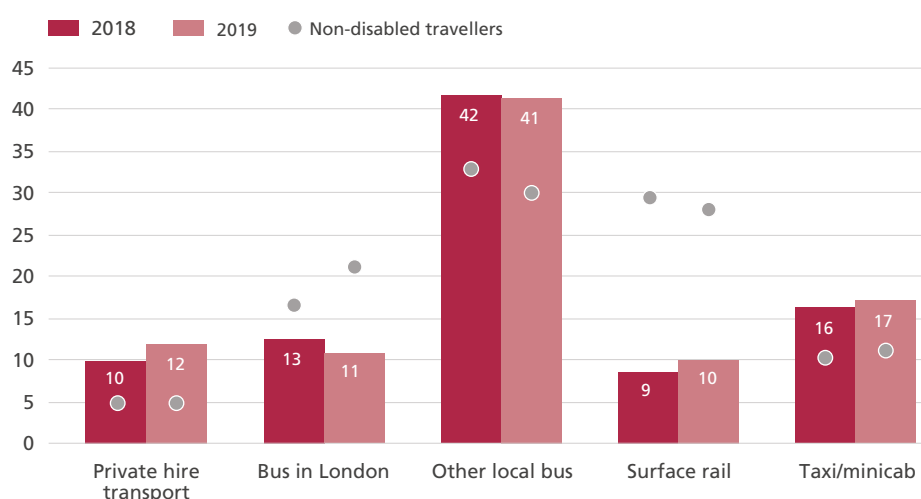
Source: CSJ Disability Commission analysis of the National Transport Survey[177]

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174 'Mobility difficulties' is defined as 'adults who responded to say they have difficulties travelling on foot, by bus or both' but does not include those with difficulty getting in or out of a car.' [Accessed via: DfT, 2020, Statistical dataset: accessibility: Mobility difficulties]. Disability is defined using the GSS Harmonised definition created by the ONS. [Accessed via: GSS, 2019, Measuring disability for the Equality Act 2010 harmonisation guidance]. 'Disability' is used in the National Transport Survey for the first time in 2018.
175 National Transport Survey data 2019 (Accessibility datasets: NTS0709)
176 ORR, Passenger assistance [Accessed via: https://dataportal.orr.gov.uk/statistics/passenger-experience/passenger-assistance/] NB: this figure does not include the number of assists provided on a 'turn up and go' service
177 National Transport Survey data 2019 (Accessibility datasets: NTS0711)

2.5.3 Yet many more disabled people are deterred from using public transport

Disabled people continue to face significant obstacles to accessing public transport. According to a Savanta Comres survey in 2017, 43 per cent of respondents experienced problems as a result of their disability when trying to travel by bus; 35 per cent for trains; and 20 per cent for taxis/Private Hire Vehicles (PHVs) problems.[178]

Evidence also shows disabled people would use public transport more if it were accessible. DfT research into disabled people's experiences of rail travel in 2017 found that disabled people would like to travel more frequently across all types of rail journeys than they currently do, with 32 per cent stating they would like to commute by rail most days of the week, compared to 14 per cent currently doing so. For users who have short business journeys, a quarter would like to travel by rail two to three days a week, compared to 12 per cent who currently do this.[179] This unmet demand may have significant consequences for employment opportunities by circumscribing the jobs that disabled people are able to do.

2.6 The remainder of the report

The UK can and should be leading the world in showcasing the diverse talent and unique skills that disabled people can bring to the workplace, and in dismantling the barriers to employment and participation in society disabled people encounter. This report matters not just for disabled people, but for the majority of people in the UK today. According to research conducted globally, more than half of us know or are in contact with a disabled person[180] – according to Savanta Comres polling conducted for the Disability Commission in April 2020, this rises to 68 per cent in the UK.[181]

Good quality employment brings significant rewards to the individual, the economy, business, and society, but this section of the report had shown that there are stark inequalities across all areas of society for disabled people that prevent individuals from being able to live independently. Disabling policies and practices abound across employment, housing, transport, education access to premises and the internet, and in wider society, and these lock disabled people in a vicious circle of inaccessibility, discrimination, and poverty. In the following chapters the report will analyse the drivers of these trends and propose structural and systemic changes. These inter-locking problems require a strategy that is equally as ambitious about tackling the dearth of accessible housing as it is about ensuring high quality employment; as invested in changing workplace culture as it is school culture; and is alive to the needs and diverse talents in the disabled community.

178   Savanta Comres, 2018, Leonard Cheshire Disability: survey of disabled adults transport section Table 95/1
179   DfT, 2019, Research on experiences of disabled rail passengers, pg 41
180   The Valuable 500, Disability Confident: the Business Leadership Imperative
181   Savanta Comres, 2020, Disability Commission Questions

chapter 2

Employment

Summary of recommendations

Part one: The Supply Side: supporting disabled people into work

1. Supporting more disabled pupils onto apprenticeships

Recommendation 1a: the Government should review the apprenticeship programme to assess how it is working for disabled apprentices, with a particular focus on:

i.   the impact of the fall in level 2 apprenticeships on prospective disabled apprentices;

ii. reforming the national targets set for the proportion of disabled apprentices on the programme to align with the proportion of the working population that is disabled;

iii. developing absolute as well as relative targets for the number of disabled apprentices.

Recommendation 1b: the Government should review and improve how it advertises the available support for disabled people to undertake apprenticeships to both employers and employees. Measures such as automatic pop-up reminders on the digital Apprenticeship Service for employers could be a simple, timely and effective tool to inform employers of the support they can receive. The government should work with Disabled People's Organisations (DPOs), employers' organisations and other key stakeholders to determine how to best advertise this support.

2. Rolling out supported employment services

Recommendation 2a: The Government should develop a standard fidelity scale that can be used to assess supported employment service providers to ensure they are offering a quality service. Given the link between a high-fidelity score and high employment outcomes, providers should only be able to bid for contracts if they can demonstrate the ability to achieve a high score on the fidelity scale.

Recommendation 2b: The Government should fund a partnership initiative, modelled on IPS Grow, to help support the roll-out of local supported employment services to groups of disabled people with the lowest employment rates.

Recommendation 2c: Once supported employment services have been established, the Government should scale up investment in providers that are achieving the best employment outcomes for disabled people (taking into account the severity of the disability).

Recommendation 2d: Once funding for the roll out of supported employment services is confirmed, the Government must communicate and advertise these opportunities as widely as possible.

3. Improving the quality and supply of supported internships

Recommendation 3a: Responsibility and funding for supported internships, including job coach support, should be based solely within the Department for Education.

Recommendation 3b: The Government should draw on evidence-based research to create a national framework and set of standards for supported internships that builds on the four key principles stipulated by the DfE. These standards should include the use of up-to-date tools and templates, and best practice resources and training, for example.

Recommendation 3c: The government should establish an inspection regime to quality assure supported internship providers to ensure they adhere to the newly established national standards and provide the resources to support providers to maintain these standards. This quality assurance regime should cover all the key partners (the host employer, the supported employment service provider, and the overall coordinator of the internship).

Recommendation 3d: The Government should run a process to identify the organisations that meet the supported internships national framework and funding should only be released to those that meet this framework. All funding released for the development of supported internships must be ringfenced.

Recommendation 3e: Organisations delivering supported internships should publish and report their outcomes regarding the number of disabled people they have supported into sustained employment. A positive employment outcome might ultimately be defined as paid employment over 16 hours per week, though this figure may well be lower depending on the severity of the disability. Future funding for supported internships should be targeted on providers demonstrating the best outcomes.

Recommendation 3f: The DfE should formally commit to ensuring all young people with EHC Plans are offered a fully funded supported internship.

Recommendation 3g: The government should conduct an awareness campaign to increase young peoples', employers', and educational providers' awareness of supported internship opportunities.

Part two: The Demand Side: forging inclusive working environments

4. Disseminating best practice to employers

Recommendation 4a: A 'what works' centre should be established that ensures the recommendations stemming from existing and new high quality research can be made easily accessible to employers, and funds new research where there are gaps in knowledge. This could be linked to the best practice Disability Confident portal (outlined in recommendation 9c).

5. Improving the legal provisions for flexible working, trade unions and statutory sick pay

Recommendation 5a: The Government should enact the proposal in the UK's Employment Bill 2019–20 to make flexible working the default for all jobs.

Recommendation 5b: If Recommendation 5a is not enacted, the Government should remove the 26 weeks wait for the request for flexible working, and reduce the time needed to respond to a request and/or appeal.

Recommendation 5c: The Government should encourage employers that recognise trade unions to work in partnership with them by negotiating or consulting with them on equality issues.

Recommendation 5d: Union equality representatives and disability champions should be provided with statutory rights to time off to perform their role (facility time), equivalent to those provided to union learning representatives.

Recommendation 5e: Statutory Sick Pay should be raised to the European average. To mitigate the negative consequences for small and medium sized firms, the Government should introduce a partial rebate for firms that can demonstrate they have a return-to-work plan and support employees to do so.

6. Improving the Access to Work scheme

Recommendation 6a: The Government needs to ensure employer and employee awareness of Access to Work support is increased. This might involve raising awareness in schools and universities and requiring employers to provide information on the scheme to all job applicants. It might also involve including an up-to-date list of expert providers on the Access to Work webpage to allow disabled people to investigate and understand options before they make an application. The government should work with relevant stakeholders to identify the best ways to increase awareness of Access to Work.

Recommendation 6b: Disabled people should be entitled to an indicative Access to Work award to cite to employers when job seeking. This will strengthen disabled people's confidence to apply for roles and provide re-assurance to employers that the costs of adjustments will be re-imbursed.

Recommendation 6c: The administration surrounding Access to Work applications needs to be reviewed and amended to ensure the bureaucratic burden for applicants is minimised.

Recommendation 6d: The length of time it takes for employers to receive re-imbursement for up-front payments for adjustments should be reduced.

Recommendation 6e: Access to Work should be amended to allow for the easier passporting of adaptations from one organisation to another. The default position should be that equipment purchased using an Access to Work award should be transferred automatically to the employee's new organisation.

Recommendation 6f: The Access to Work cap should be removed.

Recommendation 6g: The Disabled Students' Allowance which provides support in higher education should be passported to Access to Work once the student has graduated. This provides continuity between higher education and work and reduces the need for separate assessments for each.

7. Introducing mandatory workforce reporting

Recommendation 7a: The Government should require employers with 250+ employees to report the proportion of their workforce that is disabled.

Recommendation 7b: Employers should be required to use a standardised question when asking their employees about their disability status. This should be developed in consultation with the relevant stakeholders including DPOs, employers, trade unions and the Government Statistical Service.

Recommendation 7c: Employers should collect data on their employees' disability status on an annual basis in a standardised manner and using a standardised data collection process.

Recommendation 7d: Employers should be required to report their workforce disability prevalence to the Government. The Government should publish these figures.

8. Introducing pay gap reporting

Recommendation 8a: The Government should extend mandatory gender pay gap reporting to disability for employers with 250+ employees.

Recommendation 8b: Employers should be required to report their mean and median disability pay gaps, the percentage of employees in each pay quartile who are disabled, and the mean and median bonuses paid to disabled and non-disabled people.

9. Reforming Disability Confident

Recommendation 9a: Disability Confident needs to be reformed so that levels 2 and 3 require new and current members of the scheme to meet minimum thresholds regarding the proportion of their workforce that is disabled. The exact thresholds should be determined in consultation with DPOs, employers' organisations and other relevant stakeholders.

Recommendation 9b: Employers should be required to commit to moving up from level 1 to levels 2 and 3. Employers who do not move up from level 1 after three years should be stripped of their accreditation and barred from applying for level 1 accreditation again for a further 3 years.

Recommendation 9c: A portal should be created to help Disability Confident employers network with (and draw on the expertise of) business advisory networks, DPOs and disability consultants, thereby helping them move up the levels or maintain their existing level of accreditation. This portal should also link to the 'What Works' information portal outlined above (see recommendation 4a).

Recommendation 9d: The guaranteed interview scheme should be reviewed as it is problematic for many employers and could deter them signing up to the scheme.

10. Leveraging Government Procurement Expenditure

Recommendation 10a: Employers' workforce disability metrics (the proportion of the workforce that is disabled) should be taken into account in the contract award decision for all public sector contracts (and not just central government contracts).

Recommendation 10b: The government should establish an aspirational target for workforce disability prevalence towards which all employers with large government contracts should be required to work. This target should apply to the firm's whole workforce, and not just the contract workforce.

Recommendation 10c: Where organisations awarded large government contracts are unable to demonstrate the measures they have put in place to work towards the aspirational workforce disability prevalence target, this should be taken into account in the contract award decision should they bid for large government contracts in the future.

Recommendation 10d: The threshold for the size of procurement contracts above which the Social Value Act applies should be reduced substantially. The precise threshold should be determined in collaboration with procuring bodies, employers' organisations, procurement experts and other relevant stakeholders.

11. Fixing national level disability employment reporting

Recommendation 11a: The Government should review all publicly-funded agencies and organisations to ensure that they use the harmonised definition of disability.

Recommendation 11b: The Government should keep the precise questions used to identify disability in national surveys constant over time to ensure continuity of information, and prevent breaks in usable data.

Recommendation 11c: The government's measurement of progress should focus on the disability employment gap rather than the absolute number of disabled people in employment.

Recommendation 11d: The government should use the 'prevalence-corrected' disability employment gap as its main measure of progress and set a target to halve the employment gap on the basis of this measure by 2035.

Recommendation 11e: The Government should collect data on functional measures of disability in order to identify how far changes in the harmonised disability measure are due to increased self-identification rather than increases in medically-defined functional impairment.

Recommendation 11f: The Government should report the disability employment gap by impairment type as well as reporting the overall disability employment gap.

Introduction

As the State of the Nation chapter demonstrates, disabled people suffer significant disadvantage in the labour market. For example, the disability employment gap currently stands at 29 per cent, with 52 per cent of disabled people of working age being in work, compared with 81 per cent of non-disabled people.[182] By age 26, disabled people who were also disabled at age 16 are four times more likely not to be in employment, education or training than non-disabled people.[183]

The Commission recognises that for many people living with a long-term health condition or impairment, accessing the world of work may not always be an appropriate goal. For this reason, a robust and supportive social security system is essential.

Nevertheless, for disabled people who want to work, it is essential the barriers they face both within organisations and in the labour market more broadly are identified, addressed and dismantled. The CSJ Disability Commission believes the Government should focus on both providing the support disabled people need within their job search activity to enable them to enter into employment, and also on encouraging employers to ensure their workplaces are inclusive and accessible. Supply-side efforts to support disabled people into work will not prove effective if employers view disabled people as a problem to be managed rather than as a valuable resource, or if they are unwilling to implement the sorts of employment practices that will enable disabled people to thrive.

The following sections offer a series of recommendations that have the potential to impact substantially on disabled people's chances of obtaining employment and progressing within their careers.

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182 ONS, Dataset: A08: Labour market status of disabled people
183 Joseph Rowntree Foundation, 2005, The education and employment of disabled young people, pg 41

Part 1
The Supply Side: supporting disabled people into work

A number of important supply-side interventions offer potentially important routes to into work for disabled people. These include apprenticeships, supported internships and traineeships. In 2018/19, these three routes were estimated to provide opportunities to over 51,000 disabled people to secure employment.[184] However, there is a need to ensure these routes are as effective as possible for disabled people, and they are offered on a sufficient scale. For instance, Ofsted, the Office for Standards in Education, Children's Services and Skills, has stated that the main problem for young pupils with special educational needs and disabilities is 'the lack of effective routes into appropriate employment.'[185] The number of starts on any of the three routes above has fallen slightly from a high of 56,025 to 51,266 between 2016/17 to 2018/19, driven by a decline in apprenticeship and traineeship starts.

Improving access to employment through these opportunities is critical to closing the disability employment gap, given they can provide the skills development and the support that disabled people often require to enter employment. The following three sections of the chapter focuses on each of these three routes (apprenticeships, supported employment services, and supported internships) in turn.

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184   This figure excludes the opportunities through supported employment as there are no figures for this.
185   Education Select Committee, 2018, SEND Review: Written evidence from Ofsted (SCN0598)

Supporting more disabled people onto apprenticeships

Apprenticeships are the central tenet of the Government's vocational education and training policy. They are paid roles, with apprentices being provided with training from training providers or 'employer providers' (employers who provide the training element of apprenticeships) registered with the Department for Education.[186] Apprenticeships must be at least 12 months in duration, and apprentices must spend at least 20 per cent of their time in off-the-job training. Apprentices will have an end-point assessment, at which point they are deemed by the employer and training provider to possess the necessary skills, knowledge and behaviour. Individuals who complete intermediate (level 2) apprenticeships – equivalent to GCSE level – earn, on average, 16 per cent more than those whose highest qualification is one level below.[187] The returns on higher apprenticeships can outperform university degree-level qualifications, with university graduates earning less, on average, five years after graduation (£26,000) than a level 5 apprentice earns three years after completion (£26,740).[188]

As well as providing a route for young people into employment, apprenticeships can also help mid-career individuals reskill and upskill, thus allowing them to remain in employment or to continue advancing in their careers at a time when the labour market is rapidly evolving.[189] This is important given that of the 1.5 million people employed in jobs that are at high risk of automation, 98.8 per cent of these individuals are qualified to level 3 or below.[190]

The apprenticeship system has been overhauled recently. In response to the Richard Review in 2012, it was reformed to better align apprenticeship standards to employer needs, and also to ensure rigour within the training and assessment process.[191] In 2015, the Government announced a move away from the old-style apprenticeships – known as frameworks – and introduced 'apprenticeship standards', which are matched onto a series of 'occupational maps' that cover all sectors of the economy. Historically, apprenticeships were only available up to level 5 (sub-degree level). In 2015, the Government introduced the first level 6 (degree) apprenticeship, in collaboration with higher education providers.[192]

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186   National Apprenticeship Service, 2019, A Guide to apprenticeships
187   BIS, 2015, Measuring the Net Present Value of Further Education in England, pg 7
188   DfE, 2019, Graduate outcomes (LEO): outcomes in 2016 to 2017, Table 1. NB: figures relate to UK domiciled students. This includes students from Scotland, Wales and Northern Ireland, who earn a median income of £26,400.
189   While there are no figures for the number of existing employers who start an apprenticeship within their current occupation for the purposes of re-skilling or up-skilling. However, it is likely that those who do are older. In 2018/19 54.3 per cent of all apprenticeship starts were individuals age 25 and over.
190   ONS, 2017, The probability of automation in England: 2011 and 2017, Figure 8
191   CSJ, 2020, Trade Secrets: how to reboot apprenticeships and kick-start the recovery, pg 24
192   The Government created a £9.4 million pot to accelerate the introduction of degree apprenticeships (Degree Apprenticeship Development Fund). WECD, 2019, Evaluation of the Degree Apprenticeship Development Fund. Report to the Office for Students by Warwick Economics & Development.

A key part of these reforms was the introduction of the apprenticeship levy for large businesses in May 2017. Apprenticeships are now funded in two main ways: for large organisations, they are primarily funded through a levy, set at 0.5 per cent of the employee wage over £3 million. This provides large employers with a pot of money on which they can draw to invest in apprenticeships. For small businesses (with a wage bill of below £3 million) apprenticeships are co-funded between the employer and the Government with the Government paying 95 per cent of the training and assessment costs.

Primarily because of the funding changes, there has been a significant shift in training activity towards apprenticeships. According to one recent Government-commissioned report, the apprenticeship levy is regarded as the 'first port of call' to fund training,[193] not least given the desire on the part of employers to ensure they utilise their apprenticeship levy funding pots. According to one study of employer perceptions of the levy (just before its introduction), 30 per cent of respondents said they would consider converting management and leadership programmes into apprenticeships; 53 per cent would so the same for a graduate programme; and 34 per cent would consider doing this for a school leaver programme.[194]

1.1 There has been a fall in apprenticeship starts by disabled apprentices

Apprenticeships can provide important stepping-stones for disabled apprentices[195] to move into work and progress their skills.[196] As Figure 6 shows, the vast majority (87.1 per cent) of disabled apprentices are studying at level 2 (GCSE equivalent) and level 3 (A-level equivalent). In 2018/19, 84 per cent of pupils with Education Health and Care (EHC) Plans in England after Key Stage Four (GCSE) who enrol on an apprenticeship do so at level 2.[197]

Figure 6: Apprenticeship starts for disabled apprentices, by level of apprenticeship, England, 2014/15–2018/19
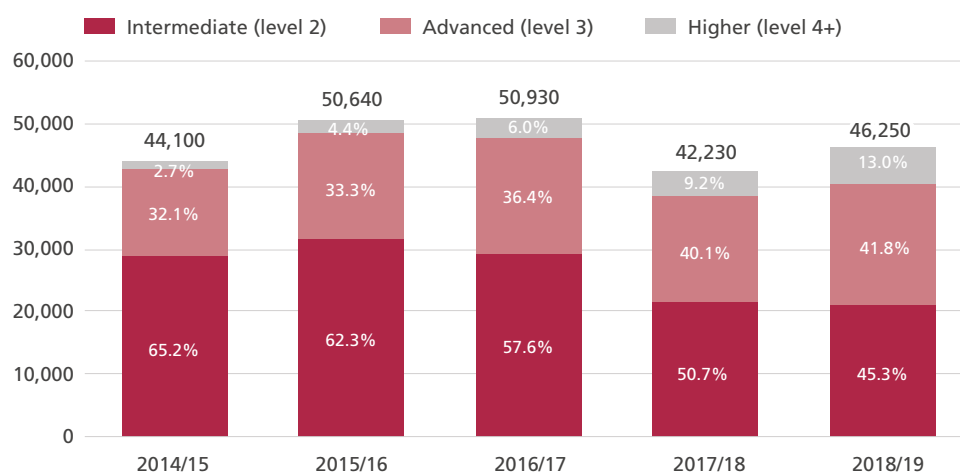
Source: CSJ Disability Commission analysis of DfE data[198]

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193   DfE, 2020, Levy paying employer decisions and accounting for prior learning. Research report 1005
194   UK Trendence Research, 2017, Employer guide: apprenticeship levy study
195   The DfE uses the term 'Learning Difficulty or Disability (LDD). The Commission has replaced this with 'disability' for continuity.
196   NAS submission to the CSJ Disability Commission; Wehman P et al. 2014, 'Competitive employment for youth with autism spectrum disorders: early results from a randomized clinical trial', Journal of Autism and Developmental Disorders
197   DfE, 2020, Academic Year 2018/19: Key Stage 4 Destination Measures
198   DfE, 2020, Statistical dataset: apprenticeships and traineeships data

However, annual apprenticeship starts fell by 98,000 between 2016/17 and 2018/19,[199] with apprenticeship starts for disabled apprentices falling by nearly 5,000 (or 9.2 per cent) over the same period. As Figure 6 shows, this has been driven by a collapse of starts at level 2.

There are several factors that explain the fall in level 2 starts. The new standards (as outlined above) are more rigorous than the frameworks they replaced, and some organisations, particularly SMEs, have struggled to offer the new requirement for 20 per cent of the apprentice's time to be spent in 'off-the-job' training. According to survey research by the Federation of Small Businesses (FSB) in 2019, almost a quarter of small firms stated one of the biggest challenges when engaging with apprenticeships was the 20 per cent requirement.[200]

In addition, some of the former 'frameworks' (for instance, Business Administration Level 2) were not replaced by the Institute for Apprenticeships and Technical Education (IfATE) with new 'standards', despite evidence of employer demand for such apprenticeships. For example, in 2018/19, a year before the Business Administration Level 2 framework was due to be retired, there were 12,938 starts. What is more, in this year, 49 per cent of these starts were among levy-payers (i.e. suggesting demand among levy-paying employers for a Business Administration apprenticeship) and large organisations such as the NHS continued to advertise for administrative positions on the basis of this framework.[201]

Beyond this, levy-paying organisations are focusing more heavily on higher-level apprenticeships, with evidence showing a key objective is to re-coup as much of the levy as possible.[202] In 2018/19, 49.1 per cent of all level 2 apprenticeships were funded by levy paying employers, whereas 73.7 per cent of level 4 and 5 apprenticeships, and 80.4 per cent of degree-level apprenticeships, were funded in this way. Given that most disabled apprentices enter at level 2 or 3 (as shown in Figure 6), the trajectory towards higher level apprentices among some large employers is concerning. This also has implications for the affordability of the entire apprenticeship regime: employers that spend all their levy pots can employ apprentices on the same co-investment terms as SMEs, thus reducing the overall pot of money available for non-levy paying firms.[203]

1.2 Employers are unaware of the available financial support to hire disabled apprentices

Several forms of support are available to help disabled pupils (especially with special educational needs) to access apprenticeships. If an apprentice with an EHC Plan (or legacy statement)[204] does not achieve level 1 English and maths for a level 2 apprenticeship or a level 2 English and maths (GCSE-equivalent) for a level 3 apprenticeship but otherwise

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199 House of Commons Library, 2020, Briefing paper: Apprenticeship Statistics
200 FSB, 2019, Fit for the Future: apprenticeship and small businesses. NB: 1,665 small businesses surveyed and all were members of the FSB.
201 CSJ, 2019, Trade Secrets: how to reboot apprenticeships and kick-start the recovery, pg 31
202 DfE, 2020, Levy paying employer decisions and accounting for prior learning. Research report 1005
203 CSJ, 2020, Trade Secrets: how to reboot apprenticeships and kickstart the recovery
204 EHC Plans are discussed further in the Education Chapter (Chapter Three, Part Two). They are given to individuals who require additional support with their learning, health and social care needs, and lays out this support and those responsible for it. These plans are active between the ages of 0 and 25.

meets the occupational standards of the apprenticeship, training providers can adjust the minimum English and maths requirements to Entry Level 3 Functional Skills.[205] Access to Work can fund various adaptations,[206] including structured job coaching. This has been acknowledged by a previous Government report to be critically important for some disabled apprentices.[207]

There is also additional support for apprentices with learning disabilities. Providers can apply for additional (up to £150), excess (above £150 per month), or exceptional (total cost of £19,000 and above) learning support for these apprentices, depending on the level of need.[208, 209] Providers and employers can receive an additional bursary of £1,000 if they employ an individual aged 19–24 with an EHC Plan, introduced in 2018.

However, the Government has acknowledged that these forms of support are poorly understood by employers.[210] Indeed, according to a CSJ survey conducted in October 2019, 43 per cent of private sector employers who currently have apprentices are unaware of any of the financial support they can receive from the Government, and only ten per cent are aware of the existence of a bursary to support young adults with EHC Plans.[211] The Open University (OU) in 2010 surveyed 711 large and small employers in England across the public, private and third sectors and found that while 38 per cent of employers had recruited disabled apprentices in the three years before the survey, 18 per cent of all employers were not using any external support, and 43 per cent of this figure were not aware of the support available to them or how to access it.[212] In evidence to the CSJ Disability Commission, the Shaw Trust commented that:

> [the] Government at all levels should […] do more to promote [the] Additional Learning Support Funding that is available, alongside Access to Work, to support the additional needs and adjustments for [disabled] learners.

1.3 The Government has set low targets for apprenticeship starts by disabled apprentices

The Department for Education has set targets to widen participation in apprenticeships among disadvantaged groups, focusing on individuals with black, Asian and minority ethnic (BAME) backgrounds and disabled people. In the original Benefits Realisation Strategy, published in 2017, the target was for 11.9 per cent of apprenticeships to be started by disabled people.[213]

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205   UK Parliament, 2019, Written Question UIN 4263, tabled on 23 October 2019 (SEN: employment and training)
206   ESFA, 2020, Apprenticeship funding rules and guidance for employers August 2020 to July 2021. Version 3
207   Peter Little OBE, 2012, Creating an Inclusive Apprenticeship Offer
208   Additional learning support is set at £150 per month; excess learning support is provided above the fixed monthly rate; and exceptional learning support is for all eligible learners with support needs over and above £19k.
209   DfE, 2018, Exploring the funding and support for apprentices with additional support needs, pg 77
210   House of Commons Education Select Committee, 2018, The Apprenticeships ladder of opportunity: quality not quantity
211   CSJ, 2020, Trade Secrets: how to reboot apprenticeships and kickstart the recovery
212   The Open University, 2019, Access to Apprenticeships, pg 15
213   DfE, 2017, Apprenticeship reform programme: benefits realisation strategy

While the government is on track to meet this 11.9 per cent target,[214] the target itself has been criticised by the National Audit Office for being well below the 19 per cent of the working-age population who are disabled.[215] In addition, while the proportion of apprenticeship starts going to disabled people has increased, the overall number of apprenticeships started by disabled people is falling (given the fall in overall apprenticeship numbers). While the overall proportion of apprenticeships started by disabled people has grown by 1.8 percentage points between 2015/16 and 2018/19, the raw number has dropped by 4,390 over the same period, or by 8.7 per cent.[216] The current proportion of the apprenticeship population that is disabled is 11.7 per cent, which is just below what it was at its height in 2005/06 (11.9 per cent).[217]

Recommendation 1a: the Government should review the apprenticeship programme to assess how it is working for disabled apprentices, with a particular focus on:

   i. the impact of the fall in level 2 apprenticeships on prospective disabled apprentices;

   ii. reforming the national targets set for the proportion of disabled apprentices on the programme to align with the proportion of the working population that is disabled;

   iii. developing absolute as well as relative targets for the number of disabled apprentices.

Recommendation 1b: the Government should review and improve how it advertises the available support for disabled people to undertake apprenticeships to both employers and employees. Measures such as automatic pop-up reminders on the digital Apprenticeship Service for employers could be a simple, timely and effective tool to inform employers of the support they can receive. The government should work with Disabled People's Organisations (DPOs), employers' organisations and other key stakeholders to determine how to best advertise this support.

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214   DfE, 2019, Progress report on the Apprenticeships Reform Programme
215   NAO, 2019, Department for Education: The Apprenticeships Programme HC 1987 Session 2017–2019
216   CSJ Disability Commission analysis of DfE data: DfE, 2019, FE Data Library [Accessed via: www.gov.uk/government/statistical-data-sets/fe-data-library-apprenticeships]
217   Peter Little OBE, 2012, Creating an Inclusive Apprenticeship Offer, pg 5

section 2
Rolling out supported employment services

The Government has recognised that large volume, low-intensity models of employment support such as the Work Programme, while relatively effective at getting large numbers of people into work, have not been successful for disabled people. According to research by Social Finance, only 14 per cent of the disabled people in the Work Programme were supported into employment.[218]

In contrast to mass employment programmes such as the Work Programme, supported employment models have the potential to support disabled individuals into (or re-enter) employment via a personalised and high-intensity service. According to the British Association of Supported Employment, there are five key principles to supported employment that distinguish it from mainstream employment programmes:[219]

- Customer engagement – usually through the local authority.

- Vocational profiling – identifying the aspirations, learning needs, individual skills, past experiences and job interests of the job seeker, working with families.

- Employer engagement – contacting an employer and setting up 'working interviews' and other arrangements that do not conform to the rigid and formal interview process.

- Job matching – job analysis, an assessment of the workplace to determine the need for assistance or adaptations and the potential to 'job carve.'[220]

- In-work support both for the employer and the worker – this may include on-site skills and induction training, and support outside of the workplace. Job coaches continually review career aspirations and potential for increased responsibility.

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218   Social Finance, in evidence to the CSJ Disability Commission. Note: this figure is based on number of job outcomes for ESA New Customers and Other ESA customers divided by total number of attachments
219   BASE, n.d., About Supported Employment [Accessed via: www.base-uk.org/about-supported-employment]
220   Job carving involves analyzing work duties performed in a job and identifying specific tasks that can make the most of the skills of the individual. For more information, see: www.base-uk.org/employers-recruitment-jobcarving

Case study: Individual Placement and Support

The Individual Placement and Support (IPS) is a form of supported employment model that puts the 'employment specialist in the clinical team' alongside psychiatric nurses, social workers and psychologists to help individuals with mental health conditions get into competitive paid employment. In its current form, the model is used for individuals with severe mental health conditions, with participants engaging with the service through secondary care (for instance, in hospital). In contrast to most other support programmes, it places the individual into employment and then provides wrap-around health, social care, and employability support alongside this. This support is time unlimited. By framing employment as a health outcome, it marks a step-change in the delivery of mental health services.

In 2019, according to Public Health England, just nine per cent of people in contact with secondary mental health services were employed, which is significantly lower than the rate of 45 per cent for people with any long-term health conditions. By contrast, early outcomes show the IPS model is capable of achieving an employment rate of around 30 per cent, (more than three times higher than the national average).

Source: multiple[221, 222]

A key difference between supported employment programmes and other support programmes is the intensity of the job coaching role. Job coaches (who would typically be external to the firm but could also be employed in-house) are often connected to participants for several months after they have entered employment and provide support to both the employer and the individual. This is similar to the coaching provided by supported internships for young people on EHC Plans (see below). By working with the employer, some of the employer's concerns and negative perceptions can be allayed, thus building their confidence in employing disabled people. As supported employment services also match the individual to the role, this can lead to higher job satisfaction and retention rates, benefitting both the employer and employee.[223]

Critically, there is no requirement for supported employment programmes to be run out of Jobcentre Plus, which makes disabled people's willingness to engage more likely. Qualitative research conducted by the DWP in 2020 showed that even an 'appealing' offer of support from Jobcentre Plus (JCP) would be met with distrust due to disabled people's previous negative interactions with job centres, and a perception that JCP has a 'hidden agenda' of cutting benefits and costs.[224] This may include the concern that if they fall out of employment it may be difficult for them to return to benefits.

The government currently procures employment support for its national employment programmes through the Commercial Agreement for Employment & Health-Related Services (CAEHRS)[225] which uses large contract package areas that mirror the English regions. However, supported employment programmes are often better provided within the local community. In so doing, they can develop close links with the local public and voluntary sector and can support individuals who do not access Jobcentre services. In their

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221 IPS Grow, n.d., Service Specification IPS Model (Individual Placement and Support in Secondary Mental Health Services)
222 Public Health England, 2018, Health Profile for England: 2018 Chapter 6: Wider Determinants of Health
223 Beyer, S. and Robinson, C., June 2009, A Review of the Research Literature on Supported Employment, pg 9
224 DWP, 2020, The Work aspirations and support needs of claimants in the ESA Support Group and UC Equivalent
225 BASE, 2020, DWP announces new Employment and health-related Services agreement

Keep it Local report, the New Local argued that 'intimate knowledge of the local area also means being able to better respond to local context and needs.'[226] United Response, in evidence to the CSJ Disability Commission, argues that: 'locally based supported employment provision, delivered in conjunction with local authorities, could dramatically improve employment outcomes.'

However, only in rare instances is employment support commissioned locally, though there have been a few examples, such as the *Working Well programme* in Greater Manchester, funded through the European Social Fund.[227] The Government has also commissioned pilots of supported employment services, which is discussed below (Section 2.1).

2.1 Supported employment services work for the groups of disabled people with the largest employment gaps

As the State of the Nation chapter shows, there are three groups that have particularly low employment rates: individuals with mental health conditions; those with learning disabilities; and those with autism. According to the NHS, individuals with mental health conditions are also more likely to drop out of the labour market altogether. In addition, the largest group in the ESA support group is people with 'mental and behavioural disorders.'[228] The number of barriers to employment perceived by ESA support group or UC equivalent claimants with mental health conditions was significantly higher than for those without a mental health condition: 31 per cent of claimants with a mental health condition reported between 10–15 barriers, compared to 20 per cent of claimants without a mental health condition.[229]

Supported employment services have been found to provide effective support for these groups of disabled people. For instance, according to research by Mencap in 2016, in the absence of supported employment services, employers are 'unlikely to experience the best outcomes from people with a learning disability',[230] given the support such services provide to both the employer and the individual.

A growing number of studies in the UK demonstrate the positive effects of supported employment models for individuals with learning disabilities. A report for North Lanarkshire council in 2007 showed that individuals with learning disabilities that gained employment through the supported employment programme were 113 per cent better off financially than when not in a job. 94 per cent of workers entered employment for more than 16 hours per week, the average being 22.4 hours per week.[231]

In addition, an evaluation of Kent's supported employment service in 2011 demonstrated that where individuals with learning disabilities were supported into employment, this resulted in an estimated saving of £1,290 per individual supported into employment per

226 New Local, 2020, This isn't working: reimagining employment support for people facing complex disadvantage
227 An example is the ESF-funded Greater Manchester Working Well Specialist Employment Service.
228 CSJ, 2017, Rethinking disability at work: recommendations, polling data and key statistics, Figure 15
229 DWP, 2020, The Work aspirations and support needs of claimants in the ESA Support Group and UC Equivalent
230 Dr Stephen Beyer & Dr Annie Beyer, 2016, A systematic review of the literature on the benefits for employers of employing people with learning disabilities, pg 30
231 Beyer, S. (2007). An evaluation of the Outcomes of Supported Employment in North Lanarkshire. Welsh Centre for Learning Disabilities, Cardiff

year to the Local Authority, and a £3,564 saving per individual per year to the taxpayer.[232] A study of Gloucestershire County Council's supported employment services in 2015 identified savings to the Local Authority of £144,170 per year, and a combined return to the LA and taxpayer of £1.42 for every £1 spent on the service.[233]

There is also considerable international evidence that demonstrates the effectiveness of Individual Placement and Support (IPS) for individuals with mental health conditions, especially in comparison to other forms of employment support. For instance, evidence from randomised control trials of IPS in Europe found that, compared to other vocational rehabilitation services focusing on a train-and-place model, supported employment services clients were 'twice as likely to gain employment' (55 per cent versus 28 per cent) and their jobs lasted significantly longer. In addition, the costs were lower than for standard services over the first six months, and individuals who gained employment experienced reduced hospitalisation.[234] In a review of 15 randomised control trials, one of which was from the UK,[235] there was, on average, a 35.7 percentage point improvement in competitive employment outcomes for participants receiving supported employment versus traditional employment interventions (58.9 per cent achieving a job outcome with IPS versus 23.2 per cent for the control group, averaging across studies).[236]

However, the success of supported employment models depends on their quality. IPS quality in the UK is measured by a 25-point fidelity scale developed by researchers in the US in 2015 (with providers being scored on a scale of 1–5 for the good practice items to which they are expected to adhere). International evidence shows a link between adherence to the model and better employment outcomes.[237, 238] Similar fidelity scales are now being trialled by BASE for supported employment services.[239]

Proof of Concept schemes for supported employment services were introduced by the Government in 2017 to trial supported employment in nine local authority areas. All schemes were audited to assess how they met the criteria in the Supported Employment Quality Framework or the IPS model.[240] According to data from the Proof of Concept Schemes, as shown in Figure 7, the best outcomes (regarding the proportion of the cohort that moved into employment) were achieved by the schemes that adhered strictly to the fidelity scale. Worryingly, however, some schemes scored less than 50 per cent on this scale.

232 Kilsby, M and Beyer, S (2011) A Financial Cost:Benefit Analysis of Kent Supported Employment – Establishing a Framework for Analysis. Kent County Council
233 Dr Mark Kilsby, Julie Allan and Dr Stephen Beyer, 2015, An independent financial costs:benefits analysis of Gloucestershire County Council's Employment Service (GES)
234 Burns, T., & Catty, J. (2008). IPS in Europe: The EQOLISE trial. Psychiatric Rehabilitation Journal, 31(4), 313–317
235 Canada, Hong Kong, Australia, UK, Netherlands, and one study which covered '6 European countries'
236 Bond GR, Drake RE, Becker DR, 2012, Generalizability of the Individual Placement and Support (IPS) model of supported employment outside the US. World Psychiatry.
237 Jung Kim et al. 2015, Predictive validity of the Individual Placement and Support fidelity scale (IPS-25): A replication study. Journal of Vocational Rehabilitation 43 209–216
238 For instance, according to a longitudinal study of 27 IPS programs in the Netherlands on IPS services, the 'improvement of fidelity is associated with improvement of employment outcomes over time.' [Accessed via: https://link.springer.com/article/10.1007/s00127-020-01890-0]
239 BASE, 2017, Supported Employment Quality Framework [Accessed via: www.base-uk.org/knowledge/supported-employment-quality-framework]
240 BASE, n.d., Supported Employment Proof of Concept [Accessed via: www.base-uk.org/poc]

Figure 7: Evaluation of the Proof of Concept schemes: job outcomes (%) against externally audited fidelity score (%) (partial evidence from local authorities)
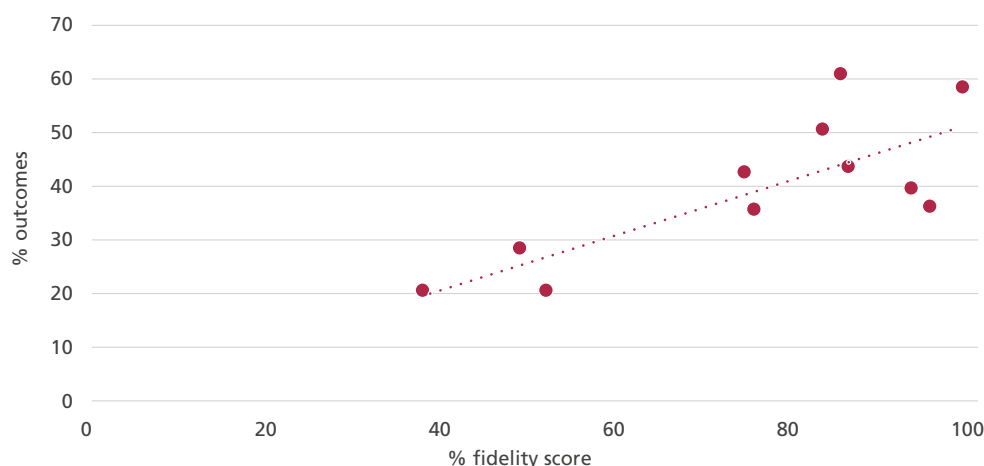
Source: BASE, in evidence to the CSJ Disability Commission

2.2 Access to supported employment services is very limited

Although supported employment services appear to perform well in getting disabled people into employment, many disabled people do not have access to these services. Efforts are underway to expand provision for people with severe mental illness. Under the NHS Mental Health Implementation plan (2019–20 to 2023–24) 55,000 people with severe mental illness will have access to IPS services in England by 2023–24.[241] To support this expansion, the Government has funded an initiative, called IPS Grow.[242] This partnership programme, led by Social Finance, was created to support the national expansion of IPS services by collating information, best practice and resources, and providing hands-on practical support from an IPS Grow Lead around designing, implementing, and delivering IPS Services. IPS Grow is currently being evaluated by RAND.[243]

IPS Grow may prove to be of significant benefit to individuals with a mental health condition through the expansion of IPS services. This is a critically important matter given nearly three fifths of organisations in a 2018 CIPD survey included mental health in their top three causes of long-term absence (56 per cent of organisations in 2018, compared to 42 per cent in 2016).[244] This figure is set to grow even further given the likely impact of the pandemic on mental health, with 47 per cent of employers citing reduced mental wellbeing among employees during the pandemic.[245]

However, the Commission believes that similar programmes to IPS Grow should be developed to scale-up local supported employment services for other groups of disabled people with particularly low employment rates (such as those with learning disabilities).

241 Rinaldi, 2020, Returning to work is seen as a milestone in recovery
242 IPS Grow, what is IPS grow? [Accessed via: https://ipsgrow.org.uk/what-is-ips/about-ips-grow]
243 RAND Europe, n.d., Evaluating IPS Grow
244 CIPD, 2018, Health and well-being at work: survey report May 2018, pg 46
245 CIPD, 2020, Embedding new ways of working: implications for the post-pandemic workplace, pg 12

The Government should also learn from poor employer awareness of available support for disabled apprentices (Section 1.2, above). The roll-out of supported employment services should be supported by an information campaign, to communicate and advertise these opportunities as widely as possible.

Recommendation 2a: The Government should develop a standard fidelity scale that can be used to assess supported employment service providers to ensure they are offering a quality service. Given the link between a high-fidelity score and high employment outcomes, providers should only be able to bid for contracts if they can demonstrate the ability to achieve a high score on the fidelity scale.

Recommendation 2b: The Government should fund a partnership initiative, modelled on IPS Grow, to help support the roll-out of local supported employment services to groups of disabled people with the lowest employment rates.

Recommendation 2c: Once supported employment services have been established, the Government should scale up investment in providers that are achieving the best employment outcomes for disabled people (taking into account the severity of the disability).

Recommendation 2d: Once funding for the roll out of supported employment services is confirmed, the Government must communicate and advertise these opportunities as widely as possible.

section 3
Supported internships

Supported internships have become increasingly common in the UK over the last decade. For example, Project SEARCH (now DFN Project SEARCH), has operated in the UK since 2010. The key principles of supported internships are for interns to receive: substantial learning in the workplace; additional learning outside the workplace; and job roles that meet both learner and employer needs. They should also provide appropriate support for both the employer and the learner.[246] Supported internships are very similar to the supported employment model (outlined above), except they are intended for younger adults on EHC Plans with learning difficulties and/or disabilities.[247] These internships involve unpaid rotations of work placements (usually, but not exclusively, three) in the final year of education. Similar to supported employment models, critical to their success of supported internships are effective job coaches, keen interns, positive engagement with employers, and a good job match between interns and employers.

There is extensive research in the United States highlighting the effectiveness of supported internships. An evaluation by the Marriott Foundation showed that of the 3024 participants who entered onto a supported internship programme, 2,524 secured an internship, and 1586 were subsequently offered positions within the host company.[248] There is also international evidence highlighting the key elements of successful supported internships. This evidence suggests job carving (involving the analysis of job duties and responsibilities and tailoring the role to suit the candidates' talent and skills) is particularly important in ensuring the effectiveness of the placement.[249]

Supported internships in the UK are not centrally commissioned by government. Instead, they are delivered through local partnerships between the young person, the educator, the employer and the supported employment partner (this role can is sometimes conducted in-house in FE Colleges).[250] Supported internships can be delivered by any institution that receives funding from the Education and Skills Funding Agency (ESFA). This includes schools, colleges and independent specialist providers.[251] Funding streams for supported internships are complex. Funding is primarily accessed via the Education and Skills Funding Agency (for individuals over the age of 18) and the Higher Needs Budget (for individuals between the ages of 16–18). Additional funding can be accessed through the Department for Work and Pensions' (DWP) Access to Work scheme. Local authority health and social

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246 DfE (CooperGibson Research), 2013, Supported internship trial for 16 to 24 year old learners with learning difficulties and or disabilities: an evaluation

247 DfE, 2014 (revised June 2017), Supported internships guidance, pg 6

248 Luecking and Fabian, 2000, Paid internships and employment success for youth in transition. Career Development for Exceptional Individuals, 23(2), 205–221 NB: these were paid internships. The model in the UK is unpaid.

249 Department of Education, Employment and Workplace Relation (Australian Government), 2011, Employer Perspectives on recruiting people with disability and the role of Disability Employment Services

250 CSJ, April 2020, Supported Internships: an example of best practice from DFN Project SEARCH, pg 11

251 Preparing for Adulthood, Supported Internship factsheet, Revised in November 2016

care provision budgets may also top-up this funding.[252] This complexity has been criticised for reducing take-up, consistency and accountability of supported internships.[253] However, this complexity would be reduced were responsibility for internships to be located in a single central government department (possibly the DfE given its closer proximity to, and current responsibility for, the young disabled people leaving school who might subsequently benefit from a supported internship). This would facilitate a smooth transition from school into a supported internship.

Case study: DFN Project SEARCH

DFN Project SEARCH is a supported internship programme that aims to secure competitive, long-term employment for participants with learning disabilities and autism aged 17 and above. As part of the programme, interns rotate through three roles at a host business while also undertaking classroom-based learning, career exploration and skills training. There are 630 delivery partners in total (including education providers, employers and supported employment providers). First, DFN Project SEARCH provides the licence to deliver the model, specialist support materials and professional advice. Similar to the IPS model, DFN Project SEARCH quality assures and supports the delivery partners to follow model fidelity, which is based on the world-leading US Project SEARCH programme. Second the supported employment providers (for instance, the local authority) supply job coaches. Third, host employers allow DFN Project SEARCH to use their business to train interns and participants receive skills training tailored to their needs by educators and job coaches. This collaborative partnership is overseen by a local steering committee comprised of key stakeholders and an operational team who are responsible for recruiting participants, delivering and reviewing the programme.

The DFN Project SEARCH model views a successful employment outcome as non-seasonal, integrated work for a minimum of 16 hours a week, paid at the prevailing rate for the job. Compared to a 5.6 per cent employment rate for individuals with learning disabilities and known to adult social care services, DFN Project SEARCH has achieved an annual average of 70 per cent of interns achieving paid employment with 60 per cent securing full-time paid jobs since 2016. Critically, 55 per cent of the 2019 cohort retained their jobs despite the Covid-19 pandemic. DFN Project SEARCH is the only model to produce large-scale annual employment outcome data. In 2018/19, 477 interns completed the programme and 64 per cent secured a paid job thereafter, with (as mentioned above) 55 per cent maintaining full-time paid roles throughout the first national lockdown of the pandemic. The average wage of each graduating intern (£8.71) was significantly above the National Living Wage (£8.21) for that year. Since DFN Project SEARCH was launched more than 1,300 interns have been supported into employment.

Source: DFN Project SEARCH, in evidence to the CSJ Disability Commission

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252 CSJ, April 2020, Supported Internships: an example of best practice from DFN Project SEARCH, pg 11
253 Ibid

3.1 Quality assurance of supported internships is lacking

The Department for Education expects supported internship providers to adhere to guidance (published in 2017) which sets out the key elements of supported internships. According to this guidance, while providers are free to design their supported internship programmes to 'fit their local circumstances and to meet the needs of their learners' there are four principles that 'should be followed:'[254]

1. A significant majority of the intern's time must be spent at the employer's premises;

2. Interns must have some learning alongside their time with the employer (including English and maths);

3. Jobs 'must work' for the young person and the employer, with the goal of paid employment at the end; and,

4. The ongoing support of the job coach to the young person and employer.

However, there is no external quality assurance of these services, and in a DfE-commissioned research report into supported internship models, it was found that funding was given by the DfE to providers who do not adhere to the four principles above. Some young people were not based primarily with the employer each week, some job coaches were untrained, and some supported internships took longer than two years to complete.[255] According to a survey of schools and colleges, only 47 per cent of supported internships included mentoring. Also concerning was that nearly a third of supported internship providers (schools and colleges) did not have a post-placement review.[256]

There is also considerable variation in the monitoring of supported internship providers. Ofsted inspect the progress of interns in their inspections of FE or sixth form colleges. But, as the DFN Project SEARCH case study shows above, this is only one aspect of a successful supported internship. The other key partners in the delivery of the internship (the supported employment service provider that provides the job coach, the host employer, and the overall coordinator of the internship) are not quality assured.

3.1.1 Outcomes achieved by supported internships are variable

To the Commission's knowledge, there are no national longitudinal studies that have sought to determine the long-term outcomes of supported internships[257, 258] beyond the data collected by individual organisations such as DFN Project SEARCH.

Nevertheless, the available evidence shows a wide variation in supported internship outcomes across the country. The 2013 evaluation of supported internship providers in 15 trial areas showed impressive outcomes when compared to national figures: 36 per cent gained paid employment, including apprenticeships (5 per cent) and 14 per cent progressed to further education or training. However, the report also noted that of those who gained employment a 'sizeable' proportion of this was part-time,[259] temporary,

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254 DfE, 2014 (revised June 2017), Supported internships guidance, pg 12–13
255 DfE, 2020, Approaches to Supported Internship delivery: research report, pg 5
256 DfE, 2017, Work experience and related activities in schools and colleges Research report, pg 57 (Base = 93)
257 DfE, 2020, Approaches to Supported Internship delivery: research report
258 BASE, in evidence to the CSJ Disability Commission
259 NB: there is no definition of part-time used in the DfE's report

agency, or seasonal work.[260] In the most recent DfE evaluation, although 'most providers' estimated that at least 50 per cent of young people on their programme achieved paid employment, with some suggesting figures in excess of 75 per cent, 'other providers' (proportion not stated) estimated employment rates below 50 per cent. A small number reported employment outcomes between zero and 25 per cent.'[261] The evaluation did not show whether employment was full-time or sustained despite these being important markers of the success of the programme (which should be included in future evaluations).

Part of the variation in the effectiveness of different supported internship schemes could be explained by the requirement from some supported internship providers that interns meet a minimum standard before they are admitted to the programme, while others take a more open approach to recruitment. However, another explanation is likely to be that, as shown above, some providers do not adhere to the four key supported internship principles set out by the Department for Education (outlined above).

The Department for Education has commissioned a mapping exercise of the quality and quantity of supported internships across the country, conducted by the National SEND employment forum[262] (NSEF). The aim of this exercise is to create a database of providers, as well as creating a database of where supported internships are being provided, and where there are gaps in provision. NSEF will then use this information to create forums and networks of support with the aim of allowing every young person with SEND to access a good quality supported internship programme.[263] It is unclear at present how the DfE expects to monitor and enforce quality on a long-term basis.

Case study: SEND Preparation for Employment Grant

To improve the work of supported internship providers, the DfE made a *SEND preparation for employment grant* available in the 2018/19 academic year. This £9.8 million grant sought to improve the quantity and quality of supported internships by establishing supported internships forums (comprising employers, education partners, supported employment providers, young people with SEND and their families, and local authorities) and tackling the problem of a lack of quality job coaches through training initiatives.

However, none of the grants given to each of the 152 local authorities in England were ring-fenced, and in an FOI response to the Commission, the DfE stated that it had 'no formal reporting requirements and therefore no outcomes have been measured' for the number of job coaches trained or the supported internship forums created as a result of this grant funding. Local authorities could provide a voluntary return about increased activity on preparation for employment, but the number that did so is unknown.

Source: multiple[264, 265, 266]

260 DfE, 2013, Supported internship trial for 16 to 24 year old learners with learning difficulties and/or disabilities: an evaluation, pg 11
261 DfE, 2020, Approaches to Supported Internship delivery: research report
262 BASE, National SEND employment forum (NSEF) survey about supported internships
263 Ibid
264 DfE, 2018, Guidance: SEND preparation for employment grant allocation: 2018 to 2019 (updated 25 Jan 2018)
265 CSJ Disability Commission FOI request to the Department for Education [Received 3 September 2020]
266 Preparation for Employment grant determination letter

3.2 There is no accurate figure for the number of supported interns in the UK today, but numbers are likely to be low

According to official figures, in 2016, there were just 65 supported interns in England. By 2020, this had risen to 2,231, although this is likely to underrepresent the real figure due to the way the data is collected.[267] Training providers (including FE colleges) are required to collect data on supported internships through the Independent Learning Record (ILR) (an FE database). However, investigations have highlighted 'errors in accuracy […] in 15 of the 42 providers interviewed,' with providers stating they had more students (and for longer) than the sample recorded by the DfE.[268]

It is clear that many educational institutions and employers do not offer, or are unaware of, supported internships. A 2017 DfE survey of schools and colleges found that only one-eighth (13 per cent) of institutions offered supported internships, covering just over a quarter (28 per cent) of the population of post-16 learners, although more than half (51 per cent) of 'general colleges' (FE colleges) and a quarter of special schools offered supported internships to post-16 learners.[269] There are, however, plans to increase the number of supported internships offered to young people, with 32 per cent of all institutions,[270] and 62 per cent of FE colleges, expecting to do so.

To understand employers' perceptions of supported internships, the CSJ Disability Commission asked YouGov to survey 501 senior HR decision makers within private sector organisations about supported internships. According to the survey findings, of the employers who used supported internships or knew of them,[271] 34 per cent agreed or strongly agreed they could not find a good quality supported internship provider, while only 12 per cent disagreed or strongly disagreed. Given this, it was perhaps unsurprising that only eight per cent of the employers offered supported internships. A further 33 per cent knew about them but did not have them (suggesting nearly 6 in 10 employers are unaware of supported internships altogether). Of those that knew about or used supported internships, nearly two fifths (37 per cent) agreed or strongly agreed that they did not know how to find eligible participants.[272]

There is, however, significant scope to expand supported internship provision through the education system. Of the 9,350 pupils with EHC Plans who completed Key Stage 4 in 2018/19[273] most entered further education (63 per cent) or sixth form college/school sixth form (20 per cent). This provides an opportunity to roll out supported internships. In its 2016 Post-16 Skills Plan the Department for Business, Energy, and Industrial Strategy (BEIS) stated that all young people with EHC plans should undertake a supported internship, unless there is a good reason not to do so.[274] The DfE needs to endorse this aim and provide a roadmap laying out how it will be achieved.

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267 House of Commons Library, 2020, Special Educational Needs and Disability Question for DfE UIN 6071
268 DfE, 2020, Approaches to Supported Internship delivery: research report
269 DfE, 2017, Post-16 Institutions Omnibus: Wave 5 findings December 2017, pg 23 (base = 501)
270 Ibid, pg 18
271 YouGov, 2020, CSJ Disability Commission polling. NB: All figures, unless otherwise stated, are from YouGov Plc. Total sample size was 501 Senior HR Decision Makers. Fieldwork was undertaken between 19th – 25th November 2020. The survey was carried out online. (Base = 501) (Number of employers who used supported internships or knew of them = 203)
272 Ibid NB: All figures, unless otherwise stated, are from YouGov Plc. Total sample size was 501 Senior HR Decision Makers. Fieldwork was undertaken between 19th–25th November 2020. The survey was carried out online.
273 DfE, 2020, Academic Year 2018/19: Key Stage 4 Destination Measures
274 BIS & DfE, 2016, Post-16 Skills Plan

In particular, the Government could learn from the '10,000 Black Interns' Initiative, established in 2020 with former Prime Minister David Cameron's support, which aims to provide internships for 10,000 young black people. The initiative has the active participation of universities, including from the Russell Group,[275] and has attracted over 450 employers from 21 sectors. The initiative has secured 1,000 internships (as of summer 2020).[276] If successful, the scheme might provide an effective blueprint for the development of a similar scheme targeted at disabled pupils.

Recommendation 3a: Responsibility and funding for supported internships, including job coach support, should be based solely within the Department for Education.

Recommendation 3b: The Government should draw on evidence-based research to create a national framework and set of standards for supported internships that builds on the four key principles stipulated by the DfE. These standards should include the use of up-to-date tools and templates, and best practice resources and training, for example.

Recommendation 3c: The government should establish an inspection regime to quality assure supported internship providers to ensure they adhere to the newly established national standards and provide the resources to support providers to maintain these standards. This quality assurance regime should cover all the key partners (the host employer, the supported employment service provider, and the overall coordinator of the internship).

Recommendation 3d: The Government should run a process to identify the organisations that meet the supported internships national framework and funding should only be released to those that meet this framework. All funding released for the development of supported internships must be ringfenced.

Recommendation 3e: Organisations delivering supported internships should publish and report their outcomes regarding the number of disabled people they have supported into sustained employment. A positive employment outcome might ultimately be defined as paid employment over 16 hours per week, though this figure may well be lower depending on the severity of the disability. Future funding for supported internships should be targeted on providers demonstrating the best outcomes.

Recommendation 3f: The DfE should formally commit to ensuring all young people with EHC Plans are offered a fully supported internship.

Recommendation 3g: The government should conduct an awareness campaign to increase young peoples', employers', and educational providers' awareness of supported internship opportunities.

275   Russell Group, 2020, 10,000 Black interns campaign aims to transform prospects for young Black people
276   Private Equity News (Bérengère Sim), 2020, Over 450 companies join initiative to create 10,000 Black internships

Part 2

The Demand Side: forging inclusive working environments

Although research conducted by Disability Rights UK in 2017 suggests 84 per cent of employers believe disabled people make a valuable contribution to the workplace,[277] it is clear disabled people still face major barriers to obtaining and remaining in employment, and in progressing within their careers. In 2017, CSJ/YouGov polling of 502 senior decision makers with responsibility for human resources found many employers' attitudes towards disabled people remain worryingly negative, with 34 per cent of respondents questioning the ability of disabled people to do the job (Figure 8).[278]

Also concerning is that employers continue to cite the costs of making reasonable adjustments to be a barrier to employing disabled people (cited by 31 per cent of respondents to the CSJ poll) despite the availability of Access to Work funding, and that many of the adjustments disabled people often require are relatively inexpensive (the provision of flexible working patterns, for example). A separate poll by Leonard Cheshire in 2018 showed that 66 per cent of employers believed that workplace adjustments were a barrier to employing a disabled person (up from 60 per cent in 2017).[279]

Employer attitudes of this nature are also mirrored by a lack of adoption of disability equality employment practices in many British workplaces. Evidence from the government's nationally-representative 2011 Workplace Employment Relations Study shows that on average, workplaces in Britain have adopted only 0.9 of the following five disability equality practices: recruitment and selection either reviewed or monitored by disability; promotion either reviewed or monitored by disability; pay reviewed by disability; specialist recruitment procedures in place to encourage applications from disabled people; and formal assessments conducted of the extent to which the workplace is accessible to disabled employees or job applicants. Only about 10 per cent of workplaces use three

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277   Disability Rights UK & REED, 2017, Disability and Employment, pg 7
278   CSJ, 2017, Rethinking Disability at Work: recommendations, polling data and key statistics, pg 11
279   Leonard Cheshire, 2019, Reimagining the Workplace, pg 10

or more of these practices.[280] As such, although four in five workplaces have an EO policy, many of these policies are 'empty shells' that lack substantive practices to deliver equality commitments.[281]

Figure 8: Which, if any, of the following do you think would be barriers to your business hiring disabled people? *(please select all that apply, if nothing in particular would be a barrier to your business hiring a disabled person, please select the 'not applicable' option)*
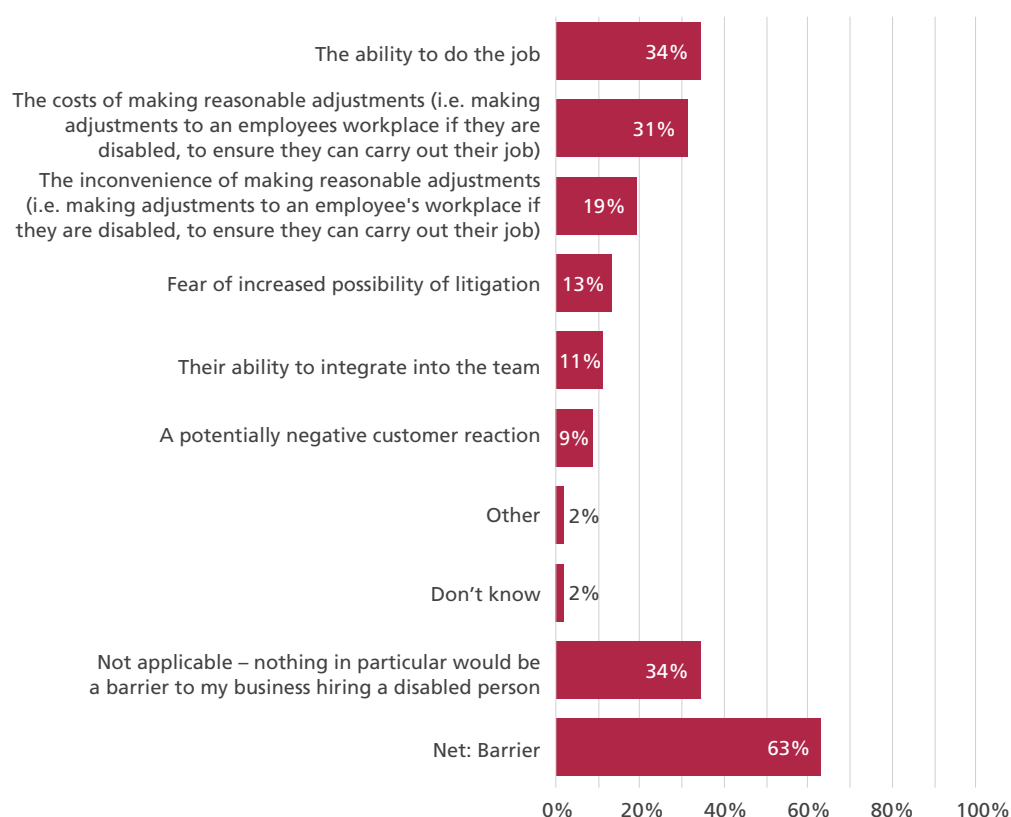
Source: CSJ/YouGov polling[282]

Similarly, in a survey commissioned by Evenbreak in 2020[283] more than three in ten disabled candidates reported a lack of information in job advertisements on employer adjustments and policies 'all the time' (Figure 9). In another survey commissioned by the BBC the top selected barriers to disabled people in finding work opportunities were 'finding a workplace that is suitable for my needs' (33 per cent) and a 'lack of options for working from home' (30 per cent). [284]

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280   Hoque, K., Bacon, N., Wass, V. and Jones, M. (2018) Are High Performance Work Practices (HPWPs) enabling or disabling? Exploring the relationship between selected HPWPs and work-related disability disadvantage, Human Resource Management, 57, 2, 499–513

281   Hoque, K. and Noon, M. (2004). 'Equal Opportunities Policy and Practice in Britain: Evaluating the 'Empty Shell' Hypothesis'. Work, Employment & Society, 18(3): 481–506

282   YouGov Plc. Total sample size was 502 senior decision makers with major decision-making responsibility for human resources in private sector businesses. Fieldwork was undertaken between 27 January and 2 February 2017. The survey was carried out online.

283   Respondents included disabled people in the UCL Disability Network and candidates on the Evenbreak job board

284   YouGov, 2020, The YouGov Disability Study: 25 years of the Disability Discrimination Act

Figure 9: Prevalence of a lack of information in job advertisements or workplace policies regarding available adjustments, disabled applicants or employees, 2020 (base = 709)
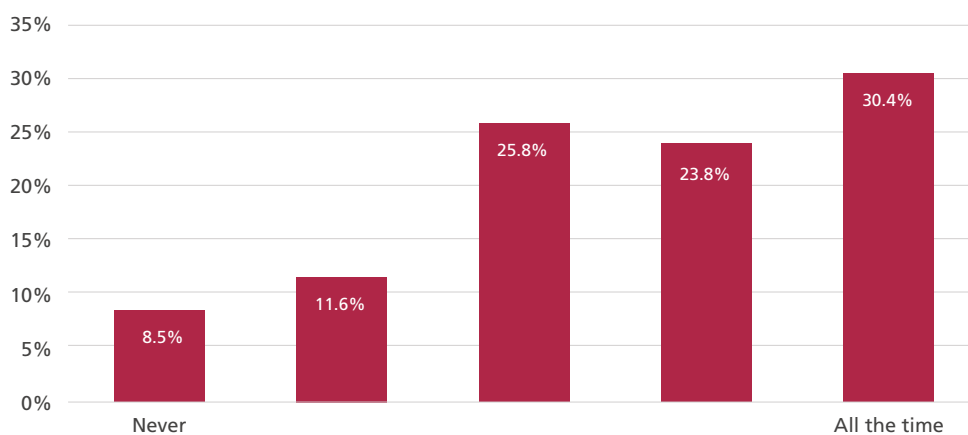
Source: Evenbreak[285]

In addition, many disabled employees are keenly aware of some of the negative perceptions that some employers hold towards them. According to research commissioned by Evenbreak, more than half of disabled candidates (53 per cent) stated that worrying about how employers will perceive them was 'very relevant' in impeding their job search.[286] In a survey conducted on behalf of Leonard Cheshire, nearly a third (30 per cent) of disabled people stated that employers do not take them seriously as a candidate because of their disability, and nearly two in five (39 per cent) agreed that they have felt discriminated against because of their disability.[287] Also reflecting how aware disabled employees are of employers' negative attitudes towards them is that almost half of all disabled people report feeling sufficiently comfortable to disclose their disability to employers.[288]

Disabled people therefore face significant barriers from a lack of information in job advertisements, to negative employer attitudes regarding their abilities and suitability for job roles. These barriers are likely to make it difficult for them to get into and thrive in work,[289] or for people to remain in employment if they become disabled. Indeed, Opinium survey data in 2017 found that applications were 26 per cent less likely to result in an interview where a disability was declared.[290]

Therefore, any strategy that seeks to improve disabled people's employment outcomes must address the barriers disabled people encounter in the workplace. Indeed, the effectiveness of the supply side interventions outlined in Part One of this chapter is dependent on these barriers being overcome. This will require the development of workplace cultures in which disabled people are viewed as contributing valuable skills and experience rather than as

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285   Evenbreak, 2020, Barriers to Employment: what disabled candidates say
286   EHRC, 2013, Research report 88: barriers to employment and unfair treatment at work: a quantitative analysis of disabled people's experiences
287   Savanta Comres, 2018, Leonard Cheshire Disability Survey: employment section Q11d1-3
288   Savanta Comres, 2018, Leonard Cheshire Disability Survey: employment section Q11d4
289   Survey data from 2018 showed that almost a third of disabled people stated that they have not had the opportunity to fully showcase their skills and talents (30 per cent). Savanta Comres, 2018, Disability Survey: employment section Q11d1-3
290   Opinium, October 2017, Disabled people need to apply for 60% more jobs

a cost to be managed, in which they feel their job applications will be taken seriously, and they feel comfortable discussing their disability (and the reasonable adjustments they require) with employers. This does not happen in many workplaces currently, the result being that disabled people feel (and are) effectively disbarred from large parts of the economy.

Given this, the following sections of the report address what can be done to encourage and incentivise employers to provide a more welcoming and supportive workplace environment to disabled people, and to consequently hire disabled employees in greater numbers.

section 4
Disseminating best practice to employers

Best practice in relation to the employment of disabled people can range from providing alternative interview formats to ensuring disability is a corporate strategic priority. At the heart of best practice, however, is the provision of workplace adjustments, with the Equality Act 2010 mandating employers to introduce reasonable adjustments to remove barriers that a disabled person experiences in carrying out the role and which places them at a substantial disadvantage compared to non-disabled people.[291]

According to research by the Business Disability Forum, the most common adjustments very often require a minimal budget, including flexible working or adjusted hours.[292] However, despite this, a large proportion of employers do not make the necessary adjustments, or are unaware of how to make adjustments to accommodate disabled people's differing needs. For instance, a YouGov conducted poll in 2016 of 686 senior decision-makers at businesses of various sizes found that 60 per cent worried about getting support for an autistic employee wrong, and 60 per cent did not know where to go for support or advice about employing an autistic person.[293] The CIPD, in evidence to the CSJ Disability Commission highlighted that employers are faced with a multitude of often confusing information on how to make adjustments across many different organisations and websites:

> The collective view from our practitioners is that it can be confusing to navigate the many sources of disability and health related information, advice and guidance (IAG) already available – and this applies to all employers.

Beyond this, others have suggested that there is a paucity of evidence more broadly for 'what works' where disability equality and inclusion practices are concerned. While a lot is known about the reasons employers do not employ disabled people, there is less known about employer practices that will help to overcome the barriers disabled people face.[294] The CIPD has argued it is 'surprising that we find little discussion of evidence of 'what works' in diversity' and 'what strategies and practices seem to be the best bet for increasing workplace diversity and inclusion'.[295] This lack of discussion is, however, perhaps inevitable given the lack of understanding regarding the practices that are most likely to improve

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291   Government Equalities Office, 2010, Equality Act: duty on employers to make reasonable adjustments for their staff
292   BDF, 2020, The Great Big Workplace Adjustments Survey 2019-2020: Exploring the experience and outcomes of workplace adjustments in 2019–20
293   National Autistic Society, in evidence to the CSJ Disability Commission
294   Phillips, Kimberly G., Houtenville, Andrew J., O'Neill, John, Katz Elaine, 2019, The Effectiveness of employer practices to recruit, hire, and retain employees with disabilities: supervisor perspectives. Journal of Vocational Rehabilitation. Vol 51
295   CIPD, 2019, Diversity management that works: an evidence-based view

disabled people's employment outcomes in the workplace[296]. In an OU survey conducted in 2019, the biggest challenge when hiring disabled apprentices or graduates was the knowledge and understanding around the practical adjustments required (31 per cent).[297]

4.1 Employers want simple, easy-to-use guidance from a single source

While a variety of guides exists at the national and international level,[298] many businesses want a simple, evidence-based guidance from one source. In a survey by Disability Rights UK, 37 per cent of UK businesses stated that a single gateway for information and advice would help businesses in employing disabled people.[299] CIPD research shows that when asked for the three government-led changes that would make the greatest difference to improving how their organisation manages people with a disability and/or long-term health condition, 58 per cent of private sector organisations selected a 'one-stop shop' providing information and practical tools.[300] Commentators have, however, highlighted the fragmented nature of advice, which can impede employers from accessing tailored, timely, and practical advice beyond generic information.[301]

4.1.1 A 'What Works' centre is needed that offers clear advice and guidance to employers on disability employment

A precedent for such a centre is the What Works Centre network that the Government created in 2013. At this time, these centres had three primary roles:[302] synthesising research findings; providing access to what is known about the evidence base; and communicating the findings to the target audience. However, over the following eight years, most Centres have placed 'an increasing proportion of their effort in interpreting research (e.g. producing actionable guidance) and on supporting uptake and application of evidence.'[303] Critically, they are independent of Government (though are partly funded by it). Usually, but not always, they are partnered with third sector organisations that can provide scope for wider engagement.

A 'What Works Centre' for disability employment best practice would be well placed to synthesise knowledge and research on the policies and practices that would, in a multitude of different ways, support disabled people, and also provide specific guidance and interventions tailored to the needs of specific groups. It could also fund research to develop understanding of some of the thornier problems bedevilling policy makers: for instance, understanding how to create more positive workplace cultures, or on how employees might be encouraged to disclose their disability (see below for research from Cornell University). It could also be responsible for producing practical guidance to

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296   Enayati, H., von Schrader, S., Erickson, W., & Bruyére, S.M. (2019). Minimizing discrimination and maximizing inclusion: Lessons from the federal workforce and federal subcontractors. In S.M. Bruyère (Ed.) Employment and Disability: Issues, Innovations, and Opportunities, 33-63. Ithaca: Labor and Employment Relations Association

297   The Open University, 2019, Access to Apprenticeships, pg 15

298   For instance: Disability@Work and Disability Rights UK; Building for success in recruiting and supporting disabled people in the workplace

299   Disability Rights UK & REED, 2017, Disability and Employment pg 9

300   CIPD, 2018, Health and wellbeing at work survey

301   Liz Sayce, in evidence to the CSJ Disability Commission (reference: LSE, 2018, Switching focus)

302   EPPI, 2020, What works centres report [Accessed via: https://eppi.ioe.ac.uk/cms/Default.aspx?tabid=3731] pg 6

303   Ibid

implement research findings, and link with business networks and DPOs to disseminate good practice to employers (the example of the Education Endowment Foundation in the UK is provided below).

Case study: Research on disclosure from Cornell University

To understand what drives the decision to disclose, research has been conducted by academics at Cornell University into the key facilitating and inhibiting factors. This has the potential to help employers in the UK understand what they need to do to increase disclosure. For instance, one of the 'very important' facilitating factors was knowing that the employer was actively recruiting and hiring disabled people (56.8 per cent of respondents cited this as 'very important'). However, in the Disability Commission's polling, only 41 per cent of the UK private sector employers surveyed stated senior management demonstrated a strong commitment to the recruitment and hiring of disabled people.

Conversely, the most common inhibitors to the decision to disclose were the risk of being fired/ not hired (73 per cent rated this as 'very important') and the employer focusing on the disability (62 per cent). Yet again, evidence shows there is a potential disconnect with employer practice in the UK. According to the Business Disability Forum's survey on adjustments, of the people who needed adjustments but did not currently have them, more than a third were worried about asking for adjustments for fear they would be treated differently by their employer (34 per cent) or colleagues (31 per cent).

Source: multiple[304, 305, 306]

Case study: Education Endowment Foundation (EEF)

The EEF is a charity created in 2011 by the Sutton Trust in partnership with Impetus Trust. The DfE provided a founding endowment of £125 million. Between 2011 and 2018 it raised an additional £138 million from a variety of public and private sources. Its main aims are:

1. To synthesise evidence from around the world on what works in teaching and learning and sharing this through practical and actionable resources such as its toolkit or guidance reports

2. To generate evidence on what works and to improve teaching and learning by funding robust independent evaluations of high-potential programmes

3. To scale up evidence to make sure that teachers and other practitioners can act on evidence, with visualisations for strengths of different interventions using 'cost,' 'evidence strength' and 'impact'

304 von Schrader, S. Malzer, V., Erickson, W., & Bruyère , S. (2010). Emerging Employment Issues for People with Disabilities: Disability Disclosure, Leave as a Reasonable Accommodation, Use of Job Applicant Screeners.Ithaca, NY: Cornell University. N = 598

305 YouGov, Omnibus Survey 2020, NB: All figures, unless otherwise stated, are from YouGov Plc. Total sample size was 501 Senior HR Decision Makers. Fieldwork was undertaken between 19th–25th November 2020. The survey was carried out online. (base = 501)

306 BDF, 2020, The Great Big Workplace Adjustments Survey 2019-2020: Exploring the experience and outcomes of workplace adjustments in 2019–20

The EEF has worked to achieve buy-in from thousands of teaching professionals. In 2018 alone, the Teaching and Learning Toolkit produced by the EEF was used by nearly two thirds of all senior leaders in secondary schools to inform their decision-making, with over 175,179 individual users of their toolkits in that year alone. It is also funding innovative new projects in areas of practice where little is known. It has piloted the special educational needs and disabilities (SEND) review, set up to encourage schools to self-audit their approach to inclusion, implement a 'bespoke action plan' to change their practices and drive improvement, followed by a peer-review. As of November 2020, the review guide has been downloaded by over 5,000 schools.

Source: EEF [307, 308, 309]

Recommendation 4a: A 'what works' centre should be established that ensures the recommendations stemming from existing and new high quality research can be made easily accessible to employers, and funds new research where there are gaps in knowledge. This could be linked to the best practice Disability Confident portal (outlined in recommendation 9c).

307   EPPI, 2020, What works centres report [Accessed via: https://eppi.ioe.ac.uk/cms/Default.aspx?tabid=3731]
308   EEF, 2019, Annual Report 2018, pg 8
309   EEF, 2019, SEND Review [Accessed via: https://educationendowmentfoundation.org.uk/projects-and-evaluation/projects/send-review/#closeSignup]

section 5

Improving the legal provisions for flexible working, unions and Statutory Sick Pay

5.1 Access to flexible working

Flexible working has become a mainstay of working practices over the coronavirus pandemic. There are many reasons why employers should consider this adjustment as a permanent fixture to their disability and inclusion practices. As an adjustment to working practices, it has been associated with lower absence rates, and it enables employees to manage disability and caring responsibilities.[310] In a survey by Versus Arthritis on the experiences of people with musculoskeletal conditions during the Covid-19 pandemic, of those who had started working from home[311] 60 per cent felt it benefitted their physical health and 53 per cent enjoyed the flexibility working from home afforded them.

In 2014, the Government extended the *Right to Request Flexible Working* to all employees. As such, all employees who have worked for the employer for at least 26 weeks, are legally classed as an employee, and have not made any other flexible working requests in the past year, are eligible to make a request.[312] A disabled employee can, under the Equality Act 2010, request flexible working without meeting the 26 weeks eligibility criteria. However, making this adjustment can rest on the disabled person's 'willingness to disclose their disability'[313] which, as outlined above, they are often unwilling to do. If the employee does not disclose their disability, employers are required to objectively consider requests in a 'reasonable manner'[314] and respond within three months. This wait time can be prohibitive for employees with undisclosed disabilities.

In addition, requests for flexible working (outside of reasonable adjustments) may be rejected for a variety of reasons, with the bar for rejection being somewhat low. Reasons for rejecting requests include if employers believe it will create a 'burden of additional costs' or if the request does not fit with the 'planned structural changes to the business.'[315] If a request is rejected, the decision can be appealed, but the employer decides whether to consider the appeal, and will only do so within three months of receiving the original

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310 Giardini & Kabst, 2008, Effects of work-family human resource practices; CIPD, 2018, Health and well-being at work survey; Age UK and Carers UK, 2016, Walking the tightrope: The challenges of combining work and care in later life
311 Versus Arthritis. 2020. Impossible to Ignore campaign survey (unpublished)
312 The Flexible Working Regulations 2014 [Accessed via: www.legislation.gov.uk/uksi/2014/1398/made]
313 Dr.Jo Cartwright, in evidence to the CSJ Disability Commission
314 [Accessed via: www.gov.uk/flexible-working]
315 Ibid

request, unless an alternative timeframe is agreed with the employee requesting the adjustment.[316] This can cause problems for disabled people who, as mentioned above, may not wish to disclose their condition to their employer.

The limitations of the current legal provisions are concerning given the importance of flexible working in enabling disabled people to get into and remain in employment. DWP research in 2013 showed that 21 per cent of working disabled people stated that modified working hours has enabled them to stay in work.[317] According to research by the Business Disability Forum before the pandemic, flexible working and working from home were the most common types of support still required by disabled respondents with adjustments already in place.[318] For employers to be able to tap into the talent pool of disabled people, offering flexible working is therefore essential. Indeed, the Conservative Party acknowledged flexible working as a priority in their 2019 manifesto, committing to 'encourage flexible working and consult on making it the default unless employers have good reasons not to.'[319] The Employment Bill 2019–20 announced in the Queen's Speech in December 2019 included proposals (subject to consultation) to make flexible working the default, unless employers have a good reason not to agree.[320] No date has currently been set for a second reading.

5.1.1 The offer of flexible working in job adverts is outstripped by demand
Despite the importance of flexible working to many disabled people, the proportion of job adverts which offer flexible working options, according to Timewise, remains low, although it has grown from 9.5 per cent in 2015, to 17 per cent in 2019.[321] The main form of flexible working offered is part-time working, with this being offered by 44 per cent of the adverts offering flexibility. By contrast, only 16 per cent of the adverts offer home working, and only 27 per cent offer flexible working (negotiable with employer). Even during the pandemic in 2020, just 22 per cent of the jobs advertised offered any type of flexible working.[322] Despite its apparent unavailability, there is significant demand from disabled people (and the wider population) for more flexible working patterns. According to DWP research in 2013, 36 per cent of disabled people not in employment said they would need modified working hours, or the option to work part-time, to be able to work.[323] This is mirrored by a wider desire for more flexible working: nine in ten people, according to Timewise, wanted to work flexibly in 2019. However, Timewise noted that while working from home has been widely adopted, other forms of flexible working, such as compressed hours, have not.

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316 Ibid
317 DWP, 2013, Fulfilling Potential: Building Understanding
318 BDF, 2020, The Great Big Workplace Adjustments Survey 2019–2020: Exploring the experience and outcomes of workplace adjustments in 2019–20, pg 18. NB: Both types of support were still needed by 17 per cent of all respondents with disabilities or conditions with adjustments in place.
319 The Conservative and Unionist Party Manifesto 2019
320 House of Commons Library, 13 January 2020, Research Briefing: Employment Bill 2019–20
321 Flexible working defined as 'working patterns that are different from a rigid 9 to 5 at the employer's premises, and can be part-time, working from home, flexible start and finish times, remote working term-time, job-share, annualised or compressed hours.' Timewise, 2019, The Timewise Flexible Jobs Index 2019
322 Timewise, 2020, The Timewise Flexible Jobs Index 2020
323 DWP, 2013, Fulfilling Potential: Building Understanding

The new working patterns that have emerged during the coronavirus pandemic present an opportunity to re-imagine our work practices for the better and enshrine flexible working as the default position.

Recommendation 5a: The Government should enact the proposal in the UK's Employment Bill 2019–20 to make flexible working the default for all jobs.

Recommendation 5b: If Recommendation 5a is not enacted, the Government should remove the 26 weeks wait for the request for flexible working, and reduce the time needed to respond to a request and/or appeal.

5.2 The role of trade unions in supporting disabled people in the workplace

Trade Unions can play a central role in ensuring disabled people are able to access employment and receive fair treatment. They can offer disabled employees' independent guidance on disability issues, champion the equality agenda within workplaces and play an important role in influencing the culture of the organisation. The CIPD, in evidence to the CSJ Disability Commission, commented:

> As well as acting as important role models for equality and diversity, union representatives also play a key role in representing members who raise complaints about unfair treatment and/or discrimination or harassment in relation to equality issues such as disability.

As outlined above, few employers in Britain have adopted a substantive set of disability equality practices.[324] Such practices are likely to prove important in helping disabled people attain and remain in employment. Research shows trade unions play an important role in encouraging the adoption of disability equality practices in the workplace, with practices being more prevalent in unionised than nonunionised workplaces, particularly where negotiation and consultation over equality issues takes place.[325]

In addition, trade unions have recruited and trained specialist equality representatives and disability champions in recent years. The role of these representatives is to provide information, advice and guidance to employees regarding equality and disability-related matters, and to work with employers with a view to improving equality practice. These new forms of union representative have been shown to improve employment outcomes for disabled people significantly. According to research in 2015, 71 per cent Disability Champions reported 'a lot' or 'some' influence on employer willingness to conduct disability audits of documents, buildings or procedures, while over half (57 per cent) reported 'a lot' or 'some' influence on employer equal opportunities practices with regard to disability.[326]

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324 Disability@Work, in evidence to the CSJ Disability Commission

325 Hoque, K. and Bacon, N. (2014). 'Unions, joint regulation and workplace equality policy and practice in Britain: Evidence from the 2004 Workplace Employment Relations Survey'. Work, Employment and Society, 28(2): 265–284

326 Bacon N and Hoque K (2015) The influence of trade union Disability Champions on employer disability policy and practice, Human Resource Management Journal 25(2): 233–24

However, the effectiveness of these representatives is dependent on whether they have sufficient time to conduct their role. Unlike other union representatives, they currently have no statutory right to time off (facility time) for training or to carry out their activities.[327] Indeed, many equality representatives and disability champions are 'hybrid' reps, taking on roles that provide statutory rights to time off (shop steward roles or health and safety representative roles, for example) and using some of the time these roles provide in order to carry out the equality representative or disability champion role.[328]

Therefore, providing rights to time off to equality representatives and disability champions (similar to those provided to union learning representatives) would increase their ability to play the role effectively, and would also likely support a growth in the number of equality representatives and disability champions across unionised workplaces.[329]

Recommendation 5c: The Government should encourage employers that recognise trade unions to work in partnership with them by negotiating or consulting with them on equality issues.

Recommendation 5d: Union equality representatives and disability champions should be provided with statutory rights to time off to perform their role (facility time), equivalent to those provided to union learning representatives.

5.3 Raising statutory sick pay

The current statutory sick pay (SSP) scheme entitles employees, by law, to receive a weekly payment of £95.85 from their employers when they are unable to work due from day four of sickness. To be eligible for the entitlement, employees must earn on average £120 a week before tax. The weekly rate can be paid for up to 28 weeks.[330] During the pandemic, the Government temporarily abolished the three-day wait for SSP and extended the scope of the entitlement to those who had to self-isolate due to the virus.[331] It is also important to consider the increasing prevalence of poor mental health among the population. According to research in 2020, the onset of poor mental health increases the probability of presenteeism (working despite their illness or condition) by 12 percentage points.[332] Employer entitlement (beyond the statutory minimum of £95.85 per week) can help mitigate this problem. However, there is a long-standing problem with the current rate of Statutory Sick Pay which can cause problems for the economic and health outcomes for disabled people.

327 CIPD, in evidence to the CSJ Disability Commission
328 Bacon N and Hoque K (2015) The influence of trade union Disability Champions on employer disability policy and practice, Human Resource Management Journal 25(2): 233–24
329 Professor Susan Corby and Dr Laura William, in evidence to the CSJ Disability Commission
330 Gov.UK, n.d., Statutory Sick Pay (SSP) [Accessed via: www.gov.uk/statutory-sick-pay]
331 Gov.UK, 12 March 2020, Budget 2020 [Accessed via: www.gov.uk/government/publications/budget-2020-documents/budget-2020]
332 Bryan, M.L., Bryce, A.M. and Roberts, J. (2020) Presenteeism in the UK : effects of physical and mental health on worker productivity. Working Paper. Sheffield Economic Research Paper Series, 2020005.

First, given the low rate of statutory sick pay, this can force workers to continue working despite their illness or condition (presenteeism).[333] Survey evidence by the CIPD in 2020 showed that the 'vast majority' (89 per cent) of organisations surveyed observed presenteeism (working while ill) in the last 12 months, up from 72 per cent in 2016. Over a quarter (27 per cent) of those reported that the level of presenteeism they have observed has also increased over this period, compared to just 7 per cent who reported a decrease.[334] The CIPD has suggested this is linked to increases in stress, anxiety and depression.[335]

In addition, the low rate of SSP is more likely to push disabled than non-disabled workers into debt. The SSP entitlement is less than the National Minimum Wage[336] and represents one-fifth (19 per cent) of average weekly earnings (£504).[337] A BritainThinks survey (Figure 10) shows that 56 per cent of workers with a severe disability agree or strongly agree that they would have to go into debt if they had to rely on SSP for two weeks, compared to just 39 per cent of workers with no disability.[338]

Figure 10: Percentage of individuals who would go into debt or not pay their bills if they had to rely on Statutory Sick Pay as income for two weeks, by disability status, 2020
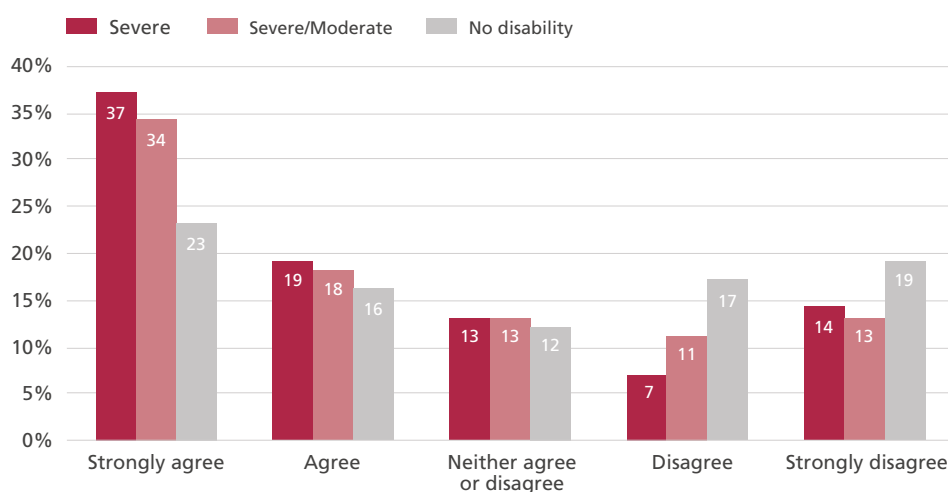
Source: TUC/BritainThinks[339]

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333   Monojit Chatterji & Colin J. Tilley, 2002, Sickness, absenteeism, presenteeism, and sick pay. Oxford Economic Paper s54(4):669-687. DOI: 10.1093/oep/54.4.669
334   CIPD, 2020, Health and well-being at work survey report, pg 32
335   CIPD, 2018, Presenteeism hits record high in UK organisations as stress at work rises
336   Institute of Employment Rights, 13 March 2020, UK sick pay nearly worst in Europe and in breach of international law
337   TUC, 9 September 2020, Blog: Why we need an increase in statutory sick pay
338   TUC/BritainThinks data shared with the CSJ Disability Commission (Base = severe disability (90), severe/moderate (89), no disability (87)).
339   Ibid

The UK has one of the lowest rates of statutory sick pay in the developed world. The European Committee of Social Rights in 2018 reported that the UK's Statutory Sick Pay rate is 'lower than 40 per cent of the median equivalised income' (accounting for the size of the household.[340] During the pandemic, while the UK kept its sick pay at the same rate, it was doubled in Ireland to £266 a week, while Germany and Austria paid £287 a week.[341]

The Commission believes that the rate at which Statutory Sick Pay is paid should be increased. This will help disabled workers to stay in work. However, this could be costly for small and medium sized firms.[342] A potential solution for this would be to provide a partial rebate for small and medium-sized firms that demonstrate they have return to work plans and provide adequate support for employees.[343] Indeed, as the Resolution Foundation points out, the UK is unique among European countries (except the Netherlands) in that the state does not share the cost of sick pay.[344]

> **Recommendation 5e:** Statutory Sick Pay should be raised to the European average. To mitigate the negative consequences for small and medium sized firms, the Government should introduce a partial rebate for firms that can demonstrate they have a return-to-work plan and support employees to do so.

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340   European Committee of Social Rights, 2018, European Social Charter Conclusions xxI-2 (2017), pg 188–190
341   Hansard, 18 March 2020, Statutory Sick Pay and Protection for Workers. Volume 673: debates on 18 March 2020
342   Resolution Foundation, 2020, Briefing: Doing what it takes: protecting firms and families from the economic impact of coronavirus, pg 2
343   TUC, n.d., 'Health is Everyone's Business': TUC submission to the DWP and the DoHSC Consultation, pg 21
344   Resolution Foundation, 2016, Retention Deficit: a new approach to boosting employment for people with health problems and disabilities.

section 6
Improving the
Access to Work scheme

Having the right adjustments in place can be the difference between a disabled employee falling out of the labour market or progressing in their career. While, as mentioned above, most adjustments require a minimal budget,[345] not all are inexpensive, with previous employer surveys highlighting how employers perceive the cost of making adjustments to be a barrier to recruiting disabled people.[346] However, to support employers with the cost of adjustments, the Government introduced Access to Work in 1994. This programme aims to reduce the inequalities in employment outcomes by providing advice and funding support for disabled people over the age of 16 to ensure they can perform their role and get to and from work.[347]

Support funded by Access to Work can include communication support in interview, special aids and equipment, adaptations to premises and vehicles, and support workers. In total, two thirds of all approvals are for support workers (often used in supported internships and other supported employment services) and special aids, with the Mental Health Support Service (introduced in 2011[348]) and travel to work making up nearly a third. As a proportion of cost, 64 per cent of Access to Work funding was spent on Support Workers and 28 per cent on Travel to Work. Individuals can receive annual funding up to £60,700 as of 1 April 2020.[349] Data on applications from 2018/19 show there were 32,000 people who successfully applied to Access to Work.[350] Despite this, the number of successful applicants has only just surpassed the level achieved in 2009/10 (29,700), recovering from a low of 22,100 in 2011/12. The increase is largely due to the growth in mental health support, which has risen from 350 successful applications in 2010/11 to 4,490 in 2018/19. Even so, the number of people accessing the scheme can be considered low given 78,310 undergraduate students in higher education were in receipt of Disabled Students Allowance in England in the same year.[351]

Although most employers can access funding through this scheme, the proportion of costs the employer will be expected to pay will vary depending on how many people they employ. Small employers (fewer than 50 employees) pay 20 per cent of the costs up to £1,000, while large employers (250+ employees) pay the first £1,000 and 20 per cent of the remaining costs, up to £2,800. The exact share of the costs incurred to employers will

345   BDF, 2020, The Great Big Workplace Adjustments Survey 2019-2020: Exploring the experience and outcomes of workplace adjustments in 2019–20
346   CSJ, 2017, Rethinking Disability at Work: recommendations, polling data and key statistics
347   DWP 2018 Access to Work: Qualitative research with applicants, employers and delivery staff
348   House of Commons Library, 2020, Research Briefing – Access to Work scheme for disabled people, pg 4
349   DWP, 2020, Guidance: Access to Work: factsheet for customers (updated 17 August 2020)
350   House of Commons Library, 2020, Research Briefing – Access to Work scheme for disabled people, pg 7
351   www.hesa.ac.uk/data-and-analysis/performance-indicators/widening-participation/table-t7

depend on the type of adaptation required. If the support provides a 'general business benefit to the employer' then a contribution can also be sought from the employer in addition to the above.[352]

6.1 Access to Work has transformed the employment opportunities of many disabled people

The DWP conducted qualitative research into Access to Work in 2018. It found that as a result of the support provided, applicants felt 'empowered' and that most successful applicants were able to work to the best of their ability and more confidently. The DWP concluded that Access to Work 'levelled the playing field' with their peers.[353] To account for fluctuating conditions, Access to Work allows individuals to 'have their award reviewed as many times as their situation changes' to ensure adequate and appropriate support is provided.[354] Reviews take place at least annually.

Given the cost barrier perceived by employers to employing disabled people (see above), the DWP's qualitative evaluation of Access to Work suggests it has enabled cost-sensitive employers to hire disabled employees where they might have otherwise been unwilling to do so,[355] although access to funds depends on the size of organisation and the type of adjustment.[356] Other benefits demonstrated within the DWP's research include higher productivity, better employee-employer relationships, and confidence that the most appropriate and effective support is being provided. This mirrors findings from a 2009 review into Access to Work, which also found higher attendance, better retention, and better health and well-being among disabled employees.[357] Research by the Centre for Economic and Social Inclusion in 2015 showed that the overall benefits of Access to Work to society outweigh its costs by a factor of more than three to one.[358]

6.1.1 Awareness of Access to Work remains low among employees and employers

Despite the opportunities presented by Access to Work, awareness of the scheme among employees remains low. In response to a Parliamentary Question in March 2020, the Minister for Disabled People stated that the scheme is promoted 'through the Jobcentre Plus' and 'through the Disability Confident scheme' as well as working through stakeholder organisations to share 'information about how individuals can apply for support.'[359] However, many disabled employees, even more than quarter of a century after the introduction of the scheme, are unaware of it. According to a survey by Unison of 4,455 disabled people in public sector roles conducted during the pandemic, more than two in five (41 per cent) did not know about it, and nearly a quarter (23 per cent) did not

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352 House of Commons Library, 2020, Research Briefing – Access to Work scheme for disabled people
353 DWP 2018 Access to Work: Qualitative research with applicants, employers and delivery staff
354 Ibid, Annex 1
355 Ibid, pg 4
356 House of Commons Library, 2020, Research Briefing – Access to Work scheme for disabled people
357 Dewson, et al (2009) DWP Evaluation of Access to Work: Core Evaluation. Research Report No. 619
358 Melville, D. Stevens, C, and Vaid, L. (2015) Access to Work Cost Benefit Analysis, a report for RNIB, Centre for Economic and Social Inclusion
359 UK Parliament, 2020, Written Question UIN 27688 (tabled on 10 March 2020) Access to Work Programme

think the scheme could help with working from home.[360] According to a survey conducted by Versus Arthritis, 59 per cent of respondents had never heard of Access to Work or how it could help them enter and remain in work.[361]

Employers' knowledge of Access to Work is similarly limited. According to the CSJ/YouGov's polling of senior HR Decision makers in the private sector in 2017 only 25 per cent had heard of it.[362] Similarly, research conducted by the CIPD in 2018 found that only 32 per cent of organisations had used Access to Work, while 40 per cent had not heard of it or of the support it can provide.[363] This is concerning given that employers that are unaware of the financial support they can receive for making adjustments may also be less likely to employ disabled people. The aforementioned 2017 CSJ survey found that of the businesses that stated the cost of reasonable adjustments was too high, only a fifth knew about Access to Work (21 per cent).[364]

To better understand employer awareness of Access to Work, in 2020 the CSJ Disability Commission asked YouGov to poll 501 senior private sector employers with HR responsibilities. The analysis showed that 61 per cent of respondents were aware of Access to Work, but only 14 per cent of organisations use it. Overall awareness of the scheme was similar across all employer sizes. However, smaller employers (10 to 49 employees), who are the most likely to benefit from Access to Work, were the least likely to use it: only 9 per cent used it, compared to 28 per cent of larger employers (250+ employees). Conversely, small employers were considerably more likely to state they knew about Access to Work but did not use it when compared to larger employers (53 per cent versus 34 per cent). These findings mirror those from the CSJ's poll in 2017.[365]

Figure 11: The use of access to work, private sector employers, UK, 2020
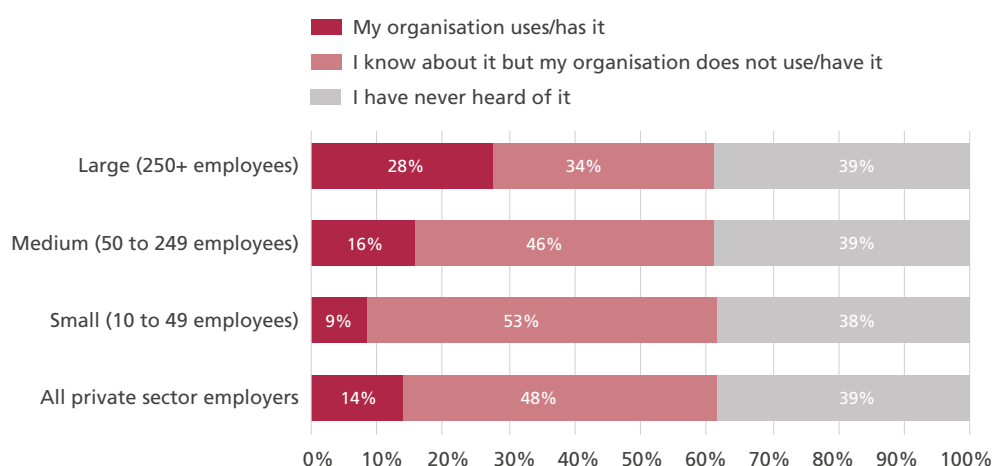
Source: CSJ Disability Commission/YouGov[366]

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360   Unison, 2020, Covid-19 and disabled workers: time for a home working revolution

361   www.versusarthritis.org/media/13466/working-it-out-report.pdf NB: Versus Arthritis promoted the survey through their own communication channels. 1,582 people with arthritis and related conditions responded from the UK.

362   YouGov, Omnibus Survey 2020, NB: All figures, unless otherwise stated, are from YouGov Plc. Total sample size was 501 Senior HR Decision Makers. Fieldwork was undertaken between 19–25 November 2020. The survey was carried out online.

363   CIPD, 2018, Health and Well-being at work, pg 8

364   Base = 154

365   CSJ, 2017, Rethinking Disability at Work

366   YouGov, Omnibus Survey 2020, NB: All figures, unless otherwise stated, are from YouGov Plc. Total sample size was 501 Senior HR Decision Makers. Fieldwork was undertaken between 19–25 November 2020. The survey was carried out online.

Equally, the Jericho Foundation, in evidence to the CSJ Disability Commission, highlighted that:

> there is still a lack of knowledge regarding available grants for adaptions to workplaces [which] needs to be addressed to improve employment opportunities for disabled people.

6.2 Overall satisfaction rates for Access to Work are high but problems with its delivery remain

Where disabled people have benefitted from the funding Access to Work provides, overall satisfaction rates are high. For instance, in the APPG for Multiple Sclerosis' report into employment, 72 per cent of employees with multiple sclerosis were satisfied with the support they received, and only 13 per cent were dissatisfied.[367] Where employers are concerned, satisfaction with Access to Work is more variable. The Commission's YouGov polling asked private sector employers about their perceptions of Access to Work. The results revealed a mixed picture (see Figure 12). Of the employers who knew about or used it, only a third (32 per cent) agreed or strongly agreed that it has a good reputation while more than one in ten disagreed or strongly disagreed. Almost a third believed it took too long to reclaim the money from the scheme, and that it is too bureaucratic. Yet nearly four in ten employers stated it allowed for appropriate and fit-for-purpose adaptations (just six per cent disagreed).

Figure 12: Perceptions of Access to Work, all private sector employers who know or use Access to Work, UK, 2020

Source: CSJ Disability Commission/YouGov[368]

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367   APPG for MS, 2016, Employment that works: supporting people with MS in the workplace, pg 31

368   YouGov, Omnibus Survey 2020, NB: All figures, unless otherwise stated, are from YouGov Plc. Total sample size was 501 Senior HR Decision Makers. Fieldwork was undertaken between 19th–25th November 2020. The survey was carried out online. Base for this question was 308
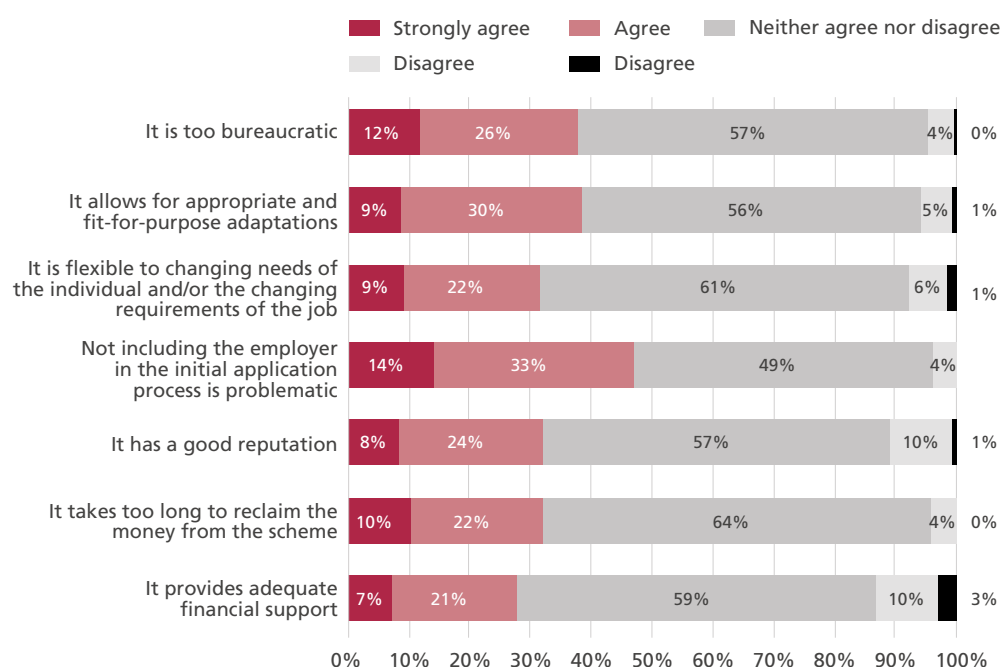
6.2.1

Despite overall high satisfaction rates with Access to Work among employees (as outlined above), employers have raised a number of concerns. One such concern relates to the lack of guidance regarding whether an application is likely to be successful. Evidence from NADSN to the Disability Commission suggested a lack of guidance and targeted information on available support were barriers to disabled employees' engagement with the scheme.[369] Similarly, according to the Business Disability Forum's survey on adjustments, more than one in eight (13 per cent) employees who needed adjustments but did not currently have them stated that not knowing if they would be entitled was a barrier to asking.[370] Research by the DWP in 2018 also showed that the 'lack of awareness of eligibility for support' impacted on how confident applicants felt about disclosing their disability to employers and potentially prevented them from seeking support before reaching crisis point.[371] Providing information at an earlier stage on the type of support that is likely to be funded, and who might supply that support, would provide disabled people with a clear picture of their available options.

Concerns over eligibility for Access to Work are likely to be particularly great among young people entering the labour market for the first time, or among employees experiencing disability onset. It should be possible for such individuals to approach their employer (or prospective employers) with a degree of certainty regarding whether they will be eligible for Access to Work, and whether the employer is likely to be re-imbursed for the cost of adjustments. In December 2010, the Government introduced a pre-employment eligibility letter, which indicated potential eligibility for Access to Work. This is an important step. However, an improvement on this would be the provision of indicative awards. Such awards would not be definitive, given the actual award (should the individual be successful in securing the job) would be dependent on a range of contextual factors such as the nature of the role, the applicant's living situation, and the size of the employer.[372] Nevertheless, an indicative award would provide applicants and employers with greater certainty regarding the likely outcome of an Access to Work application.

6.2.2

A second concern is that all stages of the application process are frequently subject to delays. NADSN, in evidence to the CSJ Disability Commission, commented:

> Delays can have a negative impact on Disabled staff who at best then have to wait for equipment and training [to use it]. At worst, extensive delays can jeopardise employment.

It is important to avoid delays in the provision of adaptations and aids where all roles are concerned, but particularly for those that are short-term. For example, within the context of the economic downturn, it is critical that disabled people accessing the Government's Kickstart programme (a six-month paid placement for young people on universal credit) are provided with timely adaptations to their working environment. Without this, it is unlikely disabled individuals will be able to work to the best of their ability and showcase their talents.

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369   NADSN evidence to the CSJ Disability Commission
370   BDF, 2020, The Great Big Workplace Adjustments Survey 2019–2020: Exploring the experience and outcomes of workplace adjustments in 2019–20
371   DWP 2018 Access to Work: Qualitative research with applicants, employers and delivery staff pg 5
372   Liz Sayce, 2011, Getting in, staying on and getting on: Disability employment support fit for the future

It is difficult to identify a single key reason for the delays that occur. The APPG for Multiple Sclerosis described the application process for employees as 'onerous', and also highlighted decision delays by the Access to Work service following application and assessment. The continued reliance on paper-based systems has been exposed during the coronavirus pandemic as a lengthy (and sometimes unachievable) ask. In evidence to the CSJ's Disability Commission, Abbi Brown, Knowledge Sharing Officer at the National Deaf Children's Society, stated:

> colleagues who use British Sign Language (BSL) interpreters have been told by Access to Work (AtW) during lockdown that they still need to provide paper copies of invoices signed by hand by their managers [… which] would mean the manager printing off the invoice, signing it by hand and then sending back to the deaf employee to be countersigned and then sent back to AtW by which time the deadline for the invoice to be sent may have passed, and the cost of the interpreter will have to be paid by the company.

Many employers agree that the process is too bureaucratic. The Commission's poll of private sector employers shows that almost four in ten (38 per cent) private sector employers who know about or use Access to Work agreed that the scheme was 'too bureaucratic,' rising to 53 per cent for large employers (see Figure 12 above). In total, only 5 per cent of all employers disagreed or strongly disagreed with this statement.

A further potential source of delays is that employers only become involved at the procurement stage, after the employee has made the initial application. This can result in missed deadlines, especially for employers engaging with Access to Work for the first time, given the need for them to develop an understanding of the scheme and their responsibilities within it. According to DWP research, not involving employers until the procurement stage has contributed to employers' 'limited understanding of [Access to Work] and the overall process'[373] and in some cases led to aids and adaptations being delayed. Figure 12 above shows that almost half (47 per cent) of all private sector employers agreed or strongly agreed that not including the employer in the initial application process is problematic.[374] Another concern relates to delays in employers receiving reimbursement after having paid up-front for the cost of adjustments. This may result in adaptations not being provided at all. The CSJ Disability Commission's YouGov polling showed that a third (32 per cent) of private sector employers (and 50 per cent of large employers with 250+ employees) that use or are aware of Access to Work agreed with the statement that 'it takes too long to reclaim the money from the scheme,' while only 4 per cent disagreed (see Figure 12).[375]

6.2.3
A third concern is that for some individuals, the cap on financial support blocks access to and progress in work. A cap on the amount that could be drawn down from Access to Work was introduced in October 2015 and set at £42,100 per year (1.5 times the national average salary). According to the DWP, the cap aimed to achieve an equilibrium between the need to support as many disabled people as possible and ensure that provisions for

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373 DWP, 2018, Access to Work: Qualitative research with applicants, employers and delivery staff
374 YouGov, Omnibus Survey 2020, NB: All figures, unless otherwise stated, are from YouGov Plc. Total sample size was 501 Senior HR Decision Makers. Fieldwork was undertaken between 19th–25th November 2020. The survey was carried out online. Base = 308
375 Ibid, Base for this question = 62

individual users were reasonable and make the best use of public funds.[376] A transitional period until April 2018 was granted for existing claimants spending above the capped amount to adjust to the new fixed limit.[377] In 2018, 42 per cent of the 200 people (approximately 80 people) entitled to transitional protection reduced their spend below the April 2018 cap of £43,100, while the average spend among the remaining transitionally-protected claimants reduced from £57,000 to £45,000 each.[378] This made £2.4 million available for new claimants to the Access to Work Scheme.[379]

Critics argue that this disproportionately affects those who require support staff, given the high cost of such support (British Sign Language interpreters and job coaches for individuals with learning disabilities, for example). Business Disability Forum members have reported that employees affected by the cap have had to reduce the number of hours they work as a result of reductions in support.[380] In a 2018 judicial review case,[381] it was recognised that some disabled people (with hearing impairments, for example) were disproportionately impacted by the cap.[382] In response, the Government increased the cap by 36 per cent from £42,100 to £57,200 in April 2018[383] to align with double the national average wage.[384] However, even with this uplift, a small number of people have support needs that cost more than the cap allows. In these instances, not all employers (especially SMEs) can make up the shortfall. As one Business Disability Forum partner stated, the cap has forced many employers to ask: 'not *Who is the best person for the job?* but rather *Who is the best person for the job whose adjustments I can afford'*.[385]

6.2.4

A fourth concern with Access to Work is that it can be difficult to transfer awards from one organisation to another. Providing a seamless transition between organisations is important because the average worker changes organisations six times over their career.[386] At present, when an individual leaves an organisation, they must inform the Access to Work team. But if the individual gets a new job and moves to a new organisation, they have to make a new application. For example, if an individual has an existing travel claim based on one address, changing premises because of a new job would class as a change in circumstance. They would therefore have to attain three quotes for the cost of their new journey and make a new claim. Funding for support workers or equipment through Access to Work also cannot be automatically transferred when an individual moves to a new employer.[387] In such instances, a new application is required.[388] In addition, the transfer of any equipment to the new organisation is at the previous employer's discretion.

376 Department for Work and Pensions, May 2015, Equality analysis for the future of Access to Work
377 Hansard, 20 March 2018, Access to Work Scheme: Statement made on 20 March 2018 (UIN HCWS563)
378 Ibid
379 High Court of Justice Queen's Bench Division, 17 August 2018 [Accessed via: www.inclusionlondon.org.uk/wp-content/uploads/2018/08/2089113-R-Buxton-v-SSWP-Final-approved-Judgment-00000002.pdf], pg 8
380 BDF response to the Work and Pensions Committee's inquiry on Access to Work cap on support grants
381 Deighton Pierce Glynn, 5 January 2018, Access to Work cap challenged in High Court
382 Although the ruling did not agree that the Public Sector Equality Duty (PSED) was breached as the cap legitimately aimed to increase the number of disabled people accessing support and gain employment – see: Inclusion London, 20 August 2018, Access to Work cap – judicial review results [Accessed via: www.inclusionlondon.org.uk/campaigns-and-policy/act-now/access-to-work-cap-judicial-review-results]
383 Department for Work and Pensions, 17 August 2020, Access to Work: factsheet for customers
384 Inclusion London, 20 March 2018, Government increase Access to Work cap
385 BDF Response to the Work and Pensions Committee's inquiry on Access to Work cap on support grants
386 The Association of Accounting Technicians, 2015, Work – in numbers
387 Department for Work and Pensions, 29 September 2020, Access to Work factsheet for employers
388 Department for Work and Pensions, 24 September 2020, Access to Work: staff guide

6.2.5

A final problem is that the link between Disabled Students Allowance and Access to Work needs to be closed. In 2019/20 more than 24,315 students enrolled in their first degree were in receipt of disabled student allowance.[389] By the time they leave education, according to the latest available data, 70.8 percent of those on Disabled Students Allowance transition into 'highly skilled' employment or further study.[390] Many, if not all, will require similar support in employment. However, there has been concern that there is a significant gap between the support available under DSA and from universities compared to what is available through Access to Work. This is worrying because almost three in ten (28 per cent) of DSA recipients disagreed that the support they receive meets all of their needs.[391] According to the University of Warwick, in evidence to the CSJ Disability Commission:

> The difference between the support available under DSA and from universities compared to what is available from Access to Work can be stark. Support, such as mentoring for people on the autism spectrum… is often difficult and expensive for employers to access for their employees and rarely funded.

The lack of join-up between DSA and Access to Work can lead to assistive technology not being provided in place of existing support funded in the final year of study through DSA.[392] According to the Business Disability Forum, there have been examples of where assistive technology funded through the DSA has not been matched by Access to Work funding. In these instances, disabled people have struggled to transition into work.[393] Some have had to go on to 'adjustments leave,' or, in some instances, have taken sick leave in their first year of employment.[394]

Recommendation 6a: The Government needs to ensure employer and employee awareness of Access to Work support is increased. This might involve raising awareness in schools and universities and requiring employers and requiring employers to provide information on the scheme to all job applicants. It might also involve including an up-to-date list of expert providers on the Access to Work webpage to allow disabled people to investigate and understand options before they make an application. The government should work with relevant stakeholders to identify the best ways to increase awareness of Access to Work.

Recommendation 6b: Disabled people should be entitled to an indicative Access to Work award to cite to employers when job seeking. This will strengthen disabled people's confidence to apply for roles and provide re-assurance to employers that the costs of adjustments will be re-imbursed.

Recommendation 6c: The administration surrounding Access to Work applications needs to be reviewed and amended to ensure the bureaucratic burden for applicants is minimised.

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389   CSJ Disability Commission data request to HESA: Jisc data request 151279
390   Office for Students, n.d., Differences in student outcomes [Accessed via: www.officeforstudents.org.uk/data-and-analysis/ differences-in-student-outcomes/disability]
391   Ibid, pg 11
392   Business Disability Forum, 2018, Response to the Work and Pensions Committee's Inquiry on Assistive Technology in Employment – Paragraph 3.6
393   BDF, 2020, Assistive technology in Employment – written submission to the APPG on Assistive Technology Paragraph 6.4
394   Ibid

Recommendation 6d: The length of time it takes for employers to receive re-imbursement for up-front payments for adjustments should be reduced.

Recommendation 6e: Access to Work should be amended to allow for the easier passporting of adaptations from one organisation to another. The default position should be that equipment purchased using an Access to Work award should be transferred automatically to the employee's new organisation.

Recommendation 6f: The Access to Work cap should be removed.

Recommendation 6g: The Disabled Students' Allowance which provides support in higher education should be passported to Access to Work once the student has graduated. This provides continuity between higher education and work and reduces the need for separate assessments for each.

Introducing mandatory workforce reporting

7.1 Employers perceive benefits to measuring the proportion of the workforce that is disabled

The UK government acknowledges the transformative benefits of disability employment reporting, and it has outlined these benefits in its framework for *Voluntary reporting on disability, mental health and wellbeing*,[395] which it introduced in November 2018. This document, which encourages employers to report the prevalence of disabled people in their workforce on a voluntary basis, argues that transparent reporting has the potential to help employers: 'improve employee engagement and retention'; 'better understand the experiences of disabled people'; 'better monitor internal progress in building a more inclusive environment'; and 'access a wider pool of talent and skills through promoting inclusive and disability-friendly recruitment, retention and progression policies.'

Concurring with this, in a survey of large organisations with more than 250 employees conducted by the CIPD, 31 per cent agreed there was a business case for disability, mental health and wellbeing reporting, and 50 per cent agreed the moral case was clear.[396] The CIPD stated, in evidence to the CSJ Disability Commission, that they are 'in principle […] supportive of moving towards introducing a mandatory approach [to workforce reporting]'.

Several private sector organisations have already implemented workforce reporting. For instance, five UK broadcasters (BBC, ITV, Channel 4, Channel 5 and Sky) have signed up to Diamond, a system for tracking on- and off-screen diversity. In the case of Channel 4, being able to report on disability has enabled them to understand the impact of policies and practices. For instance, a communication campaign of films about disabled staff was associated with an increase in self-reported disability prevalence at the broadcaster from 3 per cent to 11 per cent between December 2015 and December 2016.[397,398] In 2018/19, Microsoft's diversity and inclusion report gave the proportion of their workforce that was disabled. According to the report, Microsoft made the decision to report this to enable the company 'to better understand our workforce and appropriately invest and support employees.'[399]

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395 DWP & DoHSC, 2018, Guidance: Voluntary reporting on disability, mental health and wellbeing
396 CIPD-commissioned survey – YouGov, 2019
397 Channel 4, 2016, Channel Four television corporation report and financial statements 2016, pg 110
398 As cited in: Disability@Work & LSE, 2019, improving disabled people's employment and pay: proposal for transparent reporting by employers
399 Microsoft, 2020, Global Diversity & Inclusion Report 2020, pg 15

One of the best UK examples of how disability employment data can be captured across a range of metrics and applied to benefit disabled people is through the NHS's Workforce Disability Equality Standard (WDES). NHS research in 2016 showed that disabled staff were more likely to experience harassment, bullying or abuse, and were more likely to feel pressured to work when unwell.[400] Given these findings, the NHS Equality and Diversity Council (EDC) created the WDES Strategic Advisory Group (SAG) which formed the ten metrics of the WDES.[401]

Where mandatory disability employment reporting mechanisms have been used, such as in the United States, evidence suggests that this has improved employer understanding of their diversity and inclusion policies in relation to recruiting and retaining disabled people. It has also encouraged employers to test out new policies and practices that might increase the employment of disabled people. According to a survey of US federal contractors who are required to report their disability prevalence, 52.9 per cent stated that their policies and practices relating to employing people with disabilities changed somewhat or to a great extent as a result of the introduction of disability employment reporting.[402] There is also evidence to show employers are using their data to assess their success in recruiting (51 per cent), retention (27 per cent) and progression (23 per cent) of disabled people in the workforce.[403]

7.2

Many employers already claim they have the infrastructure necessary to collect data on their workforce disability prevalence, and that the costs of doing so are not onerous. In February 2019, the CIPD conducted a survey of 731 senior HR and business leaders for organisations over 250 employees. As Figure 13 shows, only a quarter of large employers (24 per cent) agreed with the statement that their organisation lacks the systems/ infrastructure to be able to collect high quality data, suggesting that over three quarters of organisations already have all or at least some of the infrastructure in place to facilitate mandatory reporting. Given the introduction of mandatory reporting would include an implementation period, this would give the remaining employers the time they need to introduce the necessary infrastructure.

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400   Ryan et al, 2015, Research on the experience of staff with disabilities within the NHS Workforce: A joint report between Middlesex University and the University of Bedfordshire
401   These metrics look at workforce representation across pay bands, recruitment, career progression, reasonable adjustments, the experience of harassment, bullying or abuse, representation on the organisation's board, and satisfaction with the employer's attitudes, practices and adjustments [Accessed via: www.england.nhs.uk/wp-content/uploads/2020/03/nhs-wdes-annual-report-2019.pdf]
402   Sarah von Schrader & Susanne Bruyere, 2018, What Works? How Federal Contractors are implementing Section 503
403   Ibid, pg 21
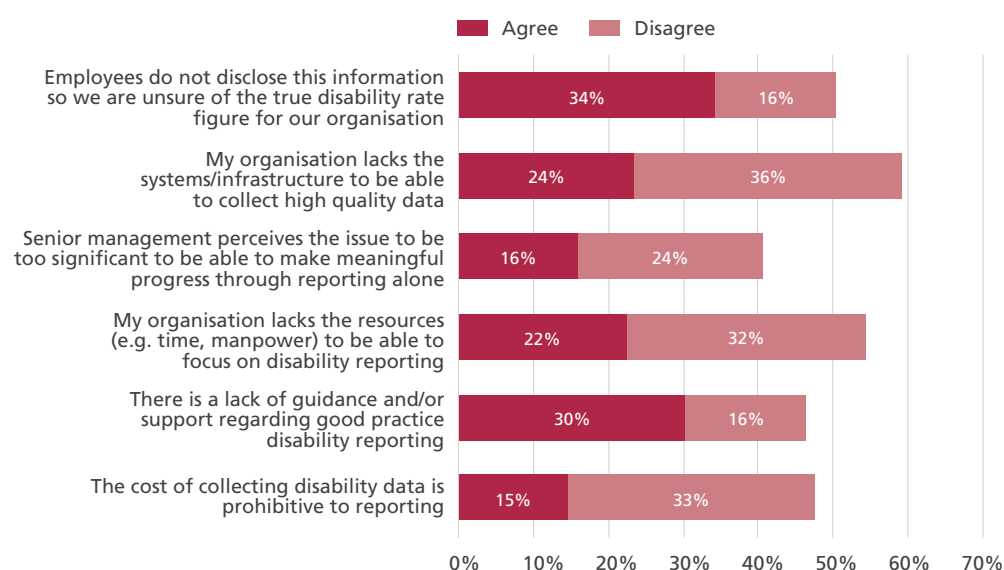
Source: CIPD[404]

7.3 Few employers measure their workforce disability prevalence

As outlined above, in November 2018 the government introduced a framework for *Voluntary reporting on disability, mental health and wellbeing.* Its introduction reflects a growing acceptance that 'transparency is a vital first step towards harnessing the power of a diverse workforce'.[405] There is currently a low take-up of the voluntary reporting framework. According to a CIPD survey of 700 HR professionals in 2019, over half of respondents are not aware of it. Of those that are aware of it, 10 per cent claim to have adopted it in full, 7 per cent claim to have adopted it in part, and 7 per cent are working towards adopting it.[406] This mirrors findings in the Commission/YouGov polling, which showed that only 11 per cent of private sector organisations claim to use the framework, while 59 per cent have never heard of it.[407] This lack of take-up of the framework is perhaps unsurprising, given the similarly low take-up of voluntary gender pay gap reporting prior to the introduction of statutory reporting within The Equality Act 2010 (Gender Pay Gap Information) Regulations 2017.

Given the clear benefits of disability employment reporting (as outlined by the Government above), the Commission proposes that disability employment reporting should become mandatory for all employers with 250 or more employees.

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404   CIPD/YouGov Survey 2019 – data shared with the CSJ Disability Commission by the CIPD (unpublished)
405   Sayce, L., Bacon, N., Hoque, K., Wass, V. & Jones, M. (2019) Improving disabled people's employment and pay: proposal for transparent reporting by employers. London School of Economics/ Disability@Work briefing paper
406   CIPD, in evidence to the CSJ Disability Commission
407   YouGov, Omnibus Survey 2020, NB: All figures, unless otherwise stated, are from YouGov Plc. Total sample size was 501 Senior HR Decision Makers. Fieldwork was undertaken between 19th – 25th November 2020. The survey was carried out online. (base = 501)

This raises the question of how mandatory disability reporting should be introduced. A best practice approach regarding this is outlined in a recent Disability@Work briefing paper.[408] This highlights the need for employers to use a standardised question when asking employees about their disability status. This question might be developed in consultation with expert bodies including the ONS's Government Statistical Service and relevant stakeholders. By not permitting employers to deviate from this question, this would help ensure comparable information across employers and allow employers to benchmark their progress against other organisations and the national average. This standardisation is important given that even slight changes in the wording of the question asked can produce markedly different results (which would not allow for comparable data). The need for a standardised question is recognised in the United States, with employers with large federal government contracts being required under Section 503 of the Rehabilitation Act of 1973 to collect information on their employees' disability status using a standardised question.

Disability@Work also recommend a standardised method for collecting data. Figures for organisational disability prevalence vary dramatically depending on the collection method. For example, in the NHS, only 3.6 per cent of non-clinical and 2.9 per cent of clinical workforce declared a disability through the Electronic Staff Record (ESR) in 2019.[409] However, 18 per cent declared in the anonymised NHS staff survey.[410] One approach would be the adoption of a method similar to that adopted in the United States with Section 503 of the Rehabilitation Act of 1973 (introduced in 2013), which requires employers with large federal contracts to invite employees to disclose their disability status using a standard 'Voluntary Self-Identification of Disability' form.[411]

In addition, Disability@Work recommend that data should be collected annually. Disability is not static, with some individuals acquiring a disability during their working lives, while others recover from long-term conditions. In addition, some conditions fluctuate over time. As such, it is necessary to collect data on employees' disability status on a regular (annual) basis.

7.4

Research suggests it is important to employers that the government provides clear guidance of this nature regarding disability employment reporting. In February 2019, the CIPD conducted a survey of 731 senior HR and business leaders for organisations over 250 employees (large employers) to ascertain the barriers they perceive to implementing organisational reporting of disability. The second highest barrier was a lack of guidance or support regarding good practice for disability reporting (30 per cent). Many employers already recognise both the business and moral arguments for collecting data on disability employment.[412] The findings from the CIPD survey suggests employers would welcome a standardised best practice approach to disability employment reporting (as outlined above).

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408 Disability@Work, 2020, recommendations for amendments to the framework for voluntary reporting on disability, mental health and wellbeing.
409 NHS Workforce Disability Equality Standard (WDES) Annual Report 2019, pg 10 & 13 (excluding medical and dental staff)
410 NHS Workforce Disability Equality Standard (WDES) Annual Report 2019, pg 8
411 Form CC-305 – [www.dol.gov/sites/dolgov/files/ofccp/regs/compliance/sec503/Self_ID_Forms/VoluntarySelf-ID_CC-305_ENG_JRF_QA_508c.pdf]
412 YouGov Survey 2019 – data shared with the CSJ Disability Commission by the CIPD

Also suggesting the likelihood employers will be willing to comply with mandatory disability employment reporting is the experience of other previously voluntary initiatives that have been moved onto a mandatory footing. For example, gender pay gap reporting was made obligatory in 2017 for organisations with over 250 employees[413] There has been 100 per cent compliance, with 48 per cent of employers publishing action plans to address disadvantage.[414]

There will also be a role for large membership organisations, such as CIPD and CBI, Chambers of Commerce and the Business Disability Forum to provide guidance to businesses about how to meet the requirements of a mandatory disability employment reporting system, how to use the data for inclusion purposes, and how to produce a narrative for the figures and action plans for future improvements. The Broadcasting sector has worked successfully through sector organisations, as demonstrated by the 'Doubling Disability initiative.'[415] This initiative was run jointly by Creative Diversity Network and CAMEo Research Institute at the University of Leicester on behalf of the BBC, Channel 4, ITV, Sky, Viacom/C5, ITN and Pact.[416] Through this structure, the broadcasters were able to improve cross-industry knowledge on disability and equality practices.[417]

Recommendation 7a: The Government should require employers with 250+ employees to report the proportion of their workforce that is disabled.

Recommendation 7b: Employers should be required to use a standardised question when asking their employees about their disability status. This should be developed in consultation with the relevant stakeholders including DPOs, employers, trade unions and the Government Statistical Service.

Recommendation 7c: Employers should collect data on their employees' disability status on an annual basis in a standardised manner and using a standardised data collection process.

Recommendation 7d: Employers should be required to report their workforce disability prevalence to the Government. The Government should publish these figures.

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413 Equality Act 2010 (Gender Pay Gap Information) Regulations 2017
414 Government Equalities Office, 2018, Gender pay gap information regulations 2017: summary of reported data
415 Doubling Disability, n.d., Creative Diversity Network and UK Broadcasters Commit to 'Doubling Disability'
416 BBC, 2019, BBC announces major commitment to boosting disability representation on and off screen in 2020
417 University of Leicester, 2019, Doubling disability research report

section 8
Introducing pay gap reporting

Mandatory disability employment reporting, as discussed above, is an important first step towards enabling employers to better understand the experiences of disabled people in their workforce, will empower them to address the representation of disabled people in their workforce, and thus help increase the recruitment and retention of disabled people. However, as it will provide employers with more accurate information on the individuals within their workforce who identify as disabled, it will also enable them to report their disability pay gap.

The State of the Nation showed that the disability pay gap in the UK is currently 12.2 per cent,[418] and that this pay gap is experienced at every level of the organisation. The importance of highlighting the pay gap was summarised by the Trade Union Congress in their submission to the CSJ Disability Commission:[419]

> Our research found disabled workers are more likely than their non-disabled peers to have to go without basic amenities, such as heating on a cold day or food, when they are short on money.

8.1 There is support among business leaders to implement pay gap reporting

Employers and business representatives have expressed their support for pay gap reporting. For instance, the Confederation of British Industry (CBI) in 2018 'welcomed proposals to collect data on ethnicity and disability pay gaps.'[420] According to a survey of private and voluntary sector employers by the Equality and Human Rights Commission (EHRC) conducted in 2018, 55 per cent of employers collect information on pay and progression generally, but this rises to 65 per cent of large employers (250 employees or more). Among employers who collect information, 42 per cent saw the potential to use the data to compare differences between disabled and non-disabled employees.[421] Despite this, only 5 per cent did so regularly, and 10 per cent occasionally. Nevertheless, the survey shows that of those who collect data on pay and progression but do not currently do so by disability status (47 per cent of all employers), 77 per cent said they could be encouraged to do so.

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418 ONS, 2020, Disability pay gaps in the UK: 2018, Figure 6 & 6
419 For the research that underpins this statement, see: GQR, Working Life in Britain: Survey of working people – addendum, August 2019
420 LSE 2018 Switching focus
421 EHRC, 2018, EHRC Research Report 117: Measuring and reporting on disability and ethnicity pay gaps, pg 35

A recent e-petition on ethnicity pay gap reporting raised concerns that may ostensibly be relevant to disability pay gap reporting. According to a survey of 80 organisations by PwC these concerns included: the legality of collecting data; poor response rate and problems ensuring employee anonymity; reporting on a binary basis (that does not account for the fact that some ethnic groups earn more than the average); and skewed results because of small numbers.[422] In relation to disability pay gap reporting, concerns regarding legality would be overcome by extending the *Equality Act 2010 (Gender Pay Gap Information) Regulations 2017* to require large organisations (with 250+ employees) to report their disability pay gaps. Response rate concerns would be minimised given the necessary data on individuals' disability status will have been collected already via the mandatory employment reporting provisions outlined above. The problem of reporting on a binary basis does not apply to disabled people, given that disabled people with physical impairments, mental health conditions or illnesses, or other impairments earn less on average than non-disabled people, according to ONS data.[423] Finally, skewed results because of small numbers are unlikely to be a problem given the regulations would only apply to organisations with 250+ employees.

However, as well as reporting their mean and median pay gap, it is also important to understand the proportion of employees in each pay quartile who are disabled. This will identify whether disabled people cluster towards the bottom end of the pay distribution or are equally distributed across it. The Commission would also recommend government requires employers report differences in bonuses paid to disabled and non-disabled employees at both the mean and median, and the proportion of disabled and non-disabled staff to whom bonuses are paid. These proposals would mirror the current regulations for gender pay gap reporting.[424]

> **Recommendation 8a:** The Government should extend mandatory gender pay gap reporting to disability for employers with 250+ employees.
>
> **Recommendation 8b:** Employers should be required to report their mean and median disability pay gaps, the percentage of employees in each pay quartile who are disabled, and the mean and median bonuses paid to disabled and non-disabled people.

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422 UK Government and Parliament, 2020, Petitions: Introduce mandatory ethnicity pay gap reporting
423 ONS, 2019, Disability Pay Gaps in the UK: 2018
424 Legislation.gov.uk, 6 April 2017, The Equality Act 2010 (Gender Pay Gap Information) Regulations 2017
     [Accessed via: www.legislation.gov.uk/ukdsi/2017/9780111152010]

section 9
Reforming Disability Confident

Accreditation of employers via the Disability Confident scheme has the potential to signal to disabled jobseekers the employers who are more likely to hire them and treat them well. As Figure 14 shows, almost two thirds of disabled applicants state that finding a disability-friendly employer is very relevant to their search for employment. Accreditation is also useful for employers given it has the potential to increase their ability to attract disabled applicants, which may prove important in helping them to address their skills gaps. As such, accreditation has the potential to support employers to achieve meaningful change.

Figure 14: 'How relevant is finding disability-friendly employers in searching for a role?', all disabled applicants, UK, 2019
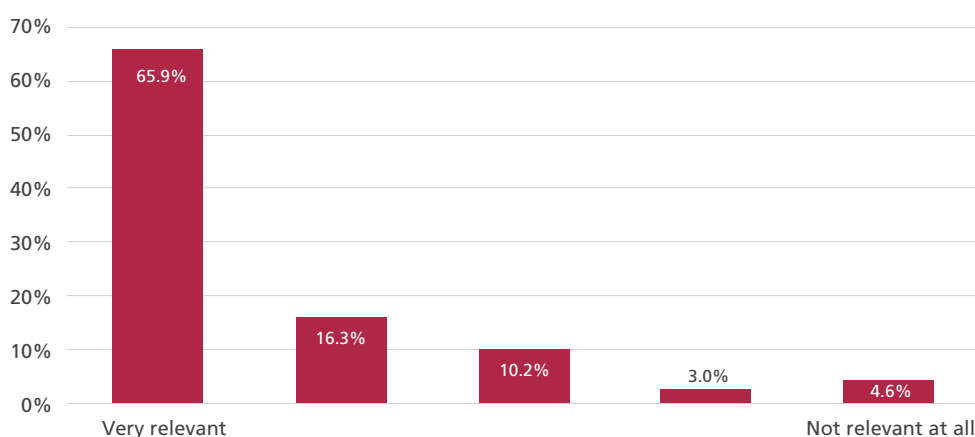
Source: Evenbreak[425]

9.1 Disability Confident replaced the previous Two Ticks accreditation scheme, and many Two Ticks employers became Disability Confident employers

The first government accreditation scheme aimed at signalling best practice disability employers was the Positive About Disabled People Two Ticks Award, introduced in 1990. This was awarded to employers who agreed to act on five commitments regarding the employment, retention, training and career development of disabled employees.[426] Two Ticks soon became a highly recognised symbol on job advertisements.

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425   Evenbreak, 2020, Barriers to employment: what disabled candidates say
426   Disability@Work, 2019, Briefing note: two ticks or no ticks? An assessment of two ticks 'positive about disabled people' certification

However, the Two Ticks award came under scrutiny for its failure to attract a wide range of employers, and to engender change to workplace policies and practices. Only 6.6 per cent of employees were in Two Ticks workplaces.[427] And of the five commitments that Two Ticks employers were supposed to uphold, they were found to be only slightly more likely than non-Two Ticks employers to uphold one of the commitments (to interview disabled people if they met a minimum standard), and no more likely to uphold the other four commitments.[428] In 2016, the Two Ticks scheme was replaced by Disability Confident, which had been launched by the DWP in 2013.[429] It has three levels of accreditation, described in Table 1. Only the third level requires external validation.[430]

Table 1: The levels of Disability Confident

Level	Number of employers (%) as at 3/12/2020	Key requirements	External auditing?
Level 1	15,389 (79.7)	Employers agree to five commitments and to carry out at least one of nine activities.	No
Level 2	3,578 (18.5)	Employers agree to all core actions set out in two lists (one for the recruitment and one for the retention of disabled people) and at least one activity from each of the two 'activity' lists.	No (self-assessment form)
Level 3	336 (1.7)	Employers must: achieve all core actions for level 2 accreditation (and have this externally validated); engage with the Voluntary Reporting Framework (though doing so does not require them to record or report information on the proportion of the workforce that is disabled); and employ at least one disabled person.	Yes

Source: DWP[431, 432]

Many of the organisations that had Two Ticks accreditation were transferred to the Disability Confident scheme at level 2 when the Two Ticks scheme came to an end in 2016. Altogether 2,311 employers were transferred across.[433] The process happened automatically without these employers being audited to ensure they met the requirements expected of them by Disability Confident.

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427 Work and Pensions Select Committee, 2020, Written evidence from Professor Nicolas Bacon and Professor Kim Hoque (DEG0074)
428 Hoque, K., Bacon, N. and Parr, D. (2014) 'Employer disability practice in Britain: assessing the impact of the Positive About Disabled People 'Two Ticks' symbol'. Work, Employment & Society, 28(3): 430–451
429 NAO, 2019, Supporting Disabled People in Work
430 House of Commons Library, 2020, Disabled People in Employment Briefing Paper (Number 7540)
431 DWP, 2020, Disability Confident: employers that have signed up
432 DWP, 2019, Guidance: Disability Confident for levels 1, 2 and 3 (updated 28 November 2019)
433 Bacon, N and Hoque, K, 2019, Briefing note: two ticks or no ticks? An assessment of two ticks 'positive about disabled people' certification

This lack of auditing is a feature of Disability Confident more broadly, with there being no independent auditing of Disability Confident employers until they reach level 3, and even here, the audit is carried out by a peer level 3 organisation rather than by an independent inspection body. At level 2, employers have to complete a self-assessment form and return it to DWP, which gives them accreditation for a further two years. Level 1 accreditation has no reporting mechanism, and employers simply must agree to the commitments and commit to undertake one action (from an approved list).[434]

9.2 Despite recent reforms, Disability Confident suffers from similar problems to its predecessor

Analysis of data from the Government's nationally representative 2011 Workplace Employment Relations Survey matched with data from the DWP on whether the workplace had Two Ticks status shows that Two Ticks employers were no more likely to adopt disability equality practices (such as monitoring and reviewing recruitment, promotion and pay by disability, making assessments of workplace accessibility, for example) than were non-Two Ticks employers. They were also proportionately no more likely to employ disabled people, and disability 'gaps' in job satisfaction and well-being, for example, were just as large.[435] There are many similarities between Two Ticks and Disability Confident, in that neither require external accreditation, and both focus on the policies and processes employers have in place rather than on the number of disabled people they employ. It is likely, therefore, that Disability Confident will be no more successful than Two Ticks in improving disabled people's employment outcomes.

The lack of external accreditation also risks the possibility that employers will use Disability Confident to seek to improve their brand image, while not making substantive changes to their disability equality policies and practices, or employing disabled people in greater numbers. Indeed, it is perhaps concerning that the most common action taken across all employers who were accredited through Disability Confident was simply 'promoting they were Disability Confident' internally (68 per cent) and externally (62 per cent).[436]

9.2.1

Emergent research on Disability Confident itself suggests that, as with Two Ticks, its impact has been limited. A recognised achievement of the scheme has been that it has raised awareness of disability in the workplace. However, the Commission believes that it can do more. Research by DWP on Disability Confident found that accredited employers 'were positive about employing people with disabilities' but, surprisingly for a scheme dedicated to being confident about disability, a significant minority of Disability Confident employers (12 per cent) did not disagree that disabled staff would make the organisation less productive.[437] This finding is comparable to those in surveys of all organisations, regardless of Disability Confident accreditation. For example, a Disability Rights UK survey

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434 DWP, 2019, Guidance: Level 1: Disability Confident Committed (updated 28 November 2019)

435 Bacon, N and Hoque, K, 2019, Briefing note: two ticks or no ticks? An assessment of two ticks 'positive about disabled people' certification [Accessed via: www.disabilityatwork.co.uk/wp-content/uploads/2019/02/Disability@Work-Two-Ticks-Briefing-Paper-4.pdf]

436 DWP, 2018, Disability Confident Scheme: Summary of findings from a survey of participating employers, pg 3

437 Ibid

in 2017 of all UK employers found that only 82 per cent of respondents said disabled people were as productive as non-disabled staff.[438] In addition, while one of the main aims of Disability Confident is for employers to recruit more disabled people, fewer than half (49 per cent) of all employers in the DWP's research reported they had employed at least one person with a disability 'as a result of joining the scheme.'[439] And, in 2018, more than a quarter (28 per cent) of level 3 Disability Confident employers did not know how many disabled people had joined since becoming level 3,[440] despite level 3 being 'champions for disability employment.'

Other evaluations have also highlighted the limited effectiveness of Disability Confident. The NHS's Workforce Disability Equality Standard report for 2019 showed that only a marginally higher proportion of disabled staff in Disability Confident Trusts than in non-Disability Confident Trusts felt that adequate adjustments had been provided (72.8 per cent vs. 67.1 per cent). There were no other significant benefits for disabled staff as a result of working in a Disability Confident Trust.[441]

Since these evaluations, the Government has introduced reforms to Disability Confident. In November 2019, level 3 Disability Confident employers were required to 'refer to the Voluntary Reporting Framework published in November 2018' and 'to publicly report on their disability employment.'[442] In the same reforms, level 3 disability confident employers also had to make an explicit commitment 'to employ disabled people.' The requirement for level 3 employers to refer to the Voluntary Reporting Framework might be considered a minimal reform, given that it is possible for employers to do so without having to report the number of disabled people they employ. Similarly, the requirement 'to employ disabled people' might be considered a low threshold for determining whether an organisation should gain or keep its Disability Confident accreditation.

Given this, the Commission believes Disability Confident should be substantially reformed, in particular with employers at levels 2 and 3 being required to meet minimum thresholds for the proportion of their workforce that is disabled. The exact thresholds should be determined in consultation with DPOs, employers' organisations and other relevant stakeholders. This will ensure Disability Confident becomes focused on accredited firms' disability employment outcomes rather than simply on the practices and processes they have adopted. Where level 1 'committed' employers are concerned, they should be required to commit to moving up to levels 2 and 3. Failure to do so should result in employers being stripped of their accreditation (and barred from re-applying for a time period of three years).

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438 Disability Rights UK & REED, 2017, Disability and Employment, pg 7
439 DWP, 2018, Disability Confident Scheme: Summary of findings from a survey of participating employers, pg 3
440 Ibid, Figure 4.2
441 NHS, 2019, NHS Workforce Disability Equality Standard (WDES) Annual Report 2019, pg 45
442 DWP, 2019, Guidance: Level 3: Disability Confident Leader (updated 28 November 2019)

9.3 Many disabled employees and private sector employers do not know Disability Confident exists, and its adoption is limited

In a recent poll of disabled adults commissioned by the BBC and conducted by YouGov between 13–20 October 2020, only one in seven (14 per cent) of respondents stated they had heard of Disability Confident. Supporting the evidence above regarding the lack of effectiveness of the scheme, of those who said they had heard of it, only just over a third (37 per cent) stated they believed it has been effective at promoting employment for disabled people. A relatively similar size stated that it has not been effective (36 per cent), and within this, 15 per cent stated it has been very ineffective.

Where employers are concerned, a 2018 CIPD survey of HR and Learning and Development (L&D) professionals in private, public, and voluntary, community and not-for-profit (non-profit) organisations showed that only 21 per cent had heard of Disability Confident while only 12 per cent used it.[443] This figure was lower for private sector organisations: only four per cent were accredited to any level of Disability Confident. Evidence to the CSJ Disability Commission from the University of Greenwich pointed to qualitative research suggesting the scheme 'was seldom a driver for change and that there were low levels of awareness of the scheme among managers and employees.'[444]

According to the CSJ Disability Commission's November 2020 YouGov polling (Figure 15) 41 per cent of HR professionals in private sector organisations knew about Disability Confident, and of this figure, 13 per cent were signed up to it. Smaller employers (10–49 employees) were less likely to be signed up compared to larger employers (250+ employees) but were equally as likely to state they knew about it but did not have it.

Figure 15: Proportion of private sector employers that use or know about Disability Confident, UK, 2020
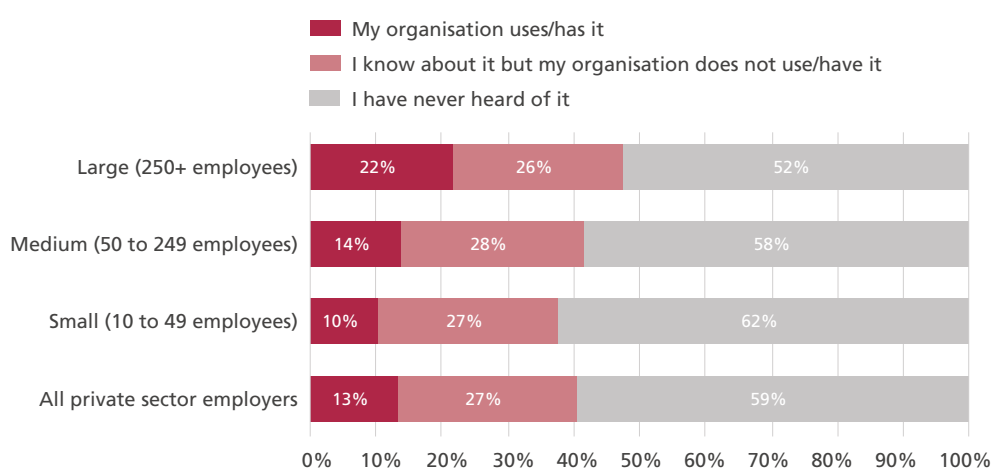
Source: CSJ Disability Commission/YouGov[445]

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443   CIPD, 2018, Health and well-being at work: survey report May 2018, pg 24 Base = 798
444   Evidence submission from Professor Susan Corby and Dr Laura William, University of Greenwich
445   YouGov, Omnibus Survey 2020, NB: All figures, unless otherwise stated, are from YouGov Plc. Total sample size was 501 Senior HR Decision Makers. Fieldwork was undertaken between 19th–25th November 2020. The survey was carried out online. (base = 501)

Also supporting these findings regarding the lack of uptake of Disability Confident is research conducted by Disability@Work showing that of the 15,123 Disability Confident employers in November 2019, over half were in the voluntary or public sectors, while only 6,480 private sector businesses had Disability Confident accreditation (at any level). Given there are 1.39 million private sector businesses in the UK that are not sole traders, this means only 0.47 per cent of these firms had Disability Confident accreditation.[446]

Certain features of the scheme may also be limiting its uptake. For instance, the requirement to offer an interview to all disabled applicants who meet the minimum criteria for the job (previously the Guaranteed Interview Scheme) is not necessarily appropriate for many large organisations who recruit at scale (where mass seasonal recruitment is concerned, for example). In the Lord Holmes Review into public appointments, it was suggested that this requirement was not being upheld consistently.[447]

9.4 Many employers with Disability Confident do not engage with DPOs

If Disability Confident employers are to hire disabled people in greater numbers, and improve employment outcomes for their disabled employees, they may require additional best practice advice and guidance regarding the employment of disabled people. As such, the Commission recommends the development of a portal that links employers to business advisory networks, DPOs and disability consultants. This portal should also link to the 'What Works' centre, outlined in Section 4 above. There is evidence to show that some Disability Confident employers are disconnected from the expert advice of DPOs, despite this being an expectation of level 1 'committed' employers regarding the communication and promotion vacancies to disabled people.[448] According to CSJ Disability Commission/ YouGov polling, nearly four in ten employers (39 per cent) signed up to Disability Confident had not sought the advice of DPOs.[449] While there may be a variety of reasons for this lack of engagement, at present there are no channels built into Disability Confident to link employers with DPOs, despite the expectation to do so.

> **Recommendation 9a:** Disability Confident needs to be reformed so that levels 2 and 3 require new and current members of the scheme to meet minimum thresholds regarding the proportion of their workforce that is disabled. The exact thresholds should be determined in consultation with DPOs, employers' organisations and other relevant stakeholders.
>
> **Recommendation 9b:** Employers should be required to commit to moving up from level 1 to levels 2 and 3. Employers who do not move up from level 1 after three years should be stripped of their accreditation and barred from applying for level 1 accreditation again for a further 3 years.

446   Disability@Work, 2019, Response to the Government's Reforms of Disability Confident Level 3
447   Lord Holmes of Richmond MBE, Lord Holmes Review: Opening up public appointments to disabled people
448   DWP, 2019, Guidance: Level 1: Disability Confident Committed (updated 28 November 2019)
449   YouGov, Omnibus Survey 2020, NB: All figures, unless otherwise stated, are from YouGov Plc. Total sample size was 501 Senior HR Decision Makers. Fieldwork was undertaken between 19th–25th November 2020. The survey was carried out online. (base = 501) (Disability Confident accredited organisations = 67)

Recommendation 9c: A portal should be created to help Disability Confident employers network with (and draw on the expertise of) business advisory networks, DPOs and disability consultants, thereby helping them move up the levels or maintain their existing level of accreditation. This portal should also link to the 'What Works' information portal outlined above (see recommendation 4a).

Recommendation 9d: The guaranteed interview scheme should be reviewed as it is problematic for many employers and could deter them signing up to the scheme.

Leveraging government procurement expenditure

According to the Institute for Government, the UK Government spends £292 billion buying goods and services from external suppliers, amounting to one third of public expenditure.[450] The Commission believes this provides the Government with a unique opportunity to influence how organisations behave. In the past, the Government, and the rest of the world, have mainly considered value for money as the sole criteria within the procurement process. According to the European Commission, European public authorities spend £1.8 trillion of goods and services, with 'lowest cost remaining the sole criterion for awarding contracts in 55 per cent of all procurement.'[451]

In 2012, the UK Government introduced the Public Services (Social Value) Act, which required public procurement organisations to consider how procurement could be leveraged to improve social, economic and environmental well-being.[452] This is based on the straightforward notion that procurement expenditure should be determined using broader criteria than just short-term financial or economic cost.

The benefits of incorporating a social value approach at every stage of the commissioning process are enormous. According to a Social Enterprise UK survey of local authorities in 2019, 82 per cent of local councils believe that social value drives higher levels of growth, and 42 per cent stated it had reduced social inequalities.[453] Critically, these perceptions were backed up by significant savings accrued in other areas of local authority spending (for instance, social care): while 65 per cent felt their council had the potential to save money, 25 per cent stated they had already done so as a result of applying social value principles.

Businesses also benefit from being viewed as socially responsible organisations. Brands viewed as having a 'high' purpose (i.e. adding social value) have been found to grow three times faster than their competition.[454] Research by Deloitte in 2019 found that when making decisions about brands, 28 per cent of consumers identified with how the company treats its own people/employees, and 19 per cent with how the company supports communities.[455, 456]

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450   Institute for Government, 2020, Procurement after Brexit
451   House of Lords, 2019, Public Procurement and the Civil Society Strategy Volume 797: debated on Thursday 23 May 2019
452   DCMS & Cabinet Office, 2021, VCSEs: a guide to working with government
453   Social Enterprise UK, 2019, Front and Centre: putting social value at the heart of inclusive growth
454   Jim Stengel Company, n.d., In today's business world, purpose is the go-to discipline for a reason
455   Deloitte, 2019, Purpose is everything: how brands that authentically lead with purpose are changing the nature of business today
456   Purpose is often used to describe exactly what social value does: articulates why an organization exists, what problems it is here to solve, and who it wants to be to each human it touches through its work.

10.1 There is a need to include robust social value metrics relating to disabled people

The Government has realised the scope for public procurement to drive social value. In its recent public consultation on the Social Value Act, it has stated that 'the public sector must maximise social value effectively and comprehensively through its procurement. It cannot afford not to; a missed opportunity to deliver social value is a cost that has to be absorbed elsewhere in public services.'[457]

This urgency is no clearer than with disability. The State of the Nation outlined the substantial benefits that accrue to the individual, the Government, the economy, and society from increasing the employment of disabled people, and the costs of not acting. Despite the benefits of embedding social value into procurement processes, and the urgency of doing so, in 2015 only around nine per cent of public procurement expenditure (around £25 billion) encouraged more responsible business practices,[458] with only a fraction of this being dedicated to supporting disabled people into work. Focusing on this outcome in the procurement and delivery of services has the potential to impact significantly on the recruitment and retention of disabled people.

10.2

There has also been a gradual extension of the Social Value Act over Government business. When it was introduced in 2012 it required central and local government officials to consider social value around the procurement of services (procurement practice must also comply with the Public Sector Equality Duty (PSED) which was introduced within the Equality Act 2010 – the Act making it clear that public bodies can use procurement to drive equality.)[459] In 2015, Lord Young reviewed progress of the Act and found: a 'mixed picture' regarding awareness and take-up; varying understanding of how to apply the Act (especially at the pre-procurement stage); inconsistent practice; and under-developed measurement of social value.[460] In 2018, it was announced the requirements of the Social Value Act in central government would be extended to ensure all major procurements explicitly evaluate social value where appropriate, rather than just 'considering' it.

Most recently, in 2019, the Department for Digital, Culture, Media and Sport (DCMS) undertook a consultation on social value in Government procurement. In addition, the Government announced that it was training 4,000 commercial buyers in how to design procurement to deliver social value effectively and efficiently. In September 2020, the Government responded to the public consultation and outlined a new procurement model in a policy procurement note (PPN 06/20), which came into force on January 1st, 2021.[461]

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457 Cabinet Office & DCMS, 2020, Social value in government procurement consultation
458 Chris White's review into the Social Value Act in 2017 – based on previous surveys of local authorities and the NHS on implementation of social value and policies.
459 Social Enterprise UK, the social value guide: implementing the Public Services (Social Value) Act, pg 9
460 Cabinet Office, 2015, Social Value Act review – report
461 Cabinet Office & DCMS, 2020, Policy Procurement Note PPN 06/20

PPN 06/20 stipulates the following:

i.   Social value is to be explicitly evaluated in all central government procurement rather than just being 'considered'.

ii. It sets out the different forms of social value against which tendering firms can be evaluated in the award of contracts. One of the explicit social value outcomes is to reduce the disability employment gap.

iii. A minimum weighting of 10 per cent of the total score for the award of the contract to be based on social value, to ensure that it carries a heavy enough weight in evaluating bids (a higher weighting can be applied if justified).

iv. To monitor the progress of the contractors in achieving the social value outcomes, key performance indicators (KPIs) are to be agreed between the contracting parties. These are recorded and monitored throughout the contract lifespan.

10.2.1 There is no guarantee that disability will be taken into account in the contract award decision

The Commission believes these are all positive steps, but the Government could go further to ensure procurement decisions embed positive outcomes for disabled people. First, disability employment outcomes need to be taken into account in *all* contract award decisions. Under PPN 06/20, contracting authorities are required to select social value objectives that are relevant and proportionate to the contract. As such, there is no guarantee that disability will be taken into account in the contract award decision.

10.2.2

Second, in the instances where tendering firms will be judged on disability employment gap outcomes, PPN 06/20 outlines that firms will be judged on whether they can demonstrate action to increase the representation of disabled people; to support disabled people in developing new skills relevant to the contract, including through training schemes that result in recognised qualifications; and to influence all stakeholders through the delivery of the contract to support disabled people. However, it does not stipulate explicitly that firms should be evaluated based on their disability employment metrics (such as the proportion of their workforce that is disabled). The Commission believes this should be central to contract award decisions. In essence, if there are two equivalent tenders in terms of quality, cost, and value for money, the firm with the higher workforce disability prevalence should be awarded the contract.

10.2.3

Third, an aspirational target for workforce disability prevalence should be introduced. It is possible that firms will be able to win contracts despite having very low disability employment rates. As such, the Commission advocates the introduction of an aspirational target towards which firms should be required to work. This mirrors the situation in the United States. Under the Federal Contractor Regulations (s503 of the Rehabilitation Act, 1973), firms with large federal contracts are required to work towards an aspirational seven per cent 'utilisation goal' (see case study below).

Case study: Section 503 of the Rehabilitation Act 1973

In 2013, the US Federal Government enacted Section 503 of the Rehabilitation Act 1973. Under these regulations, federal contractors with contracts of $15,000 or more must work towards an aspirational target (termed a 'utilisation goal') for seven per cent of their workforce to be disabled employees. The regulations stipulate that the organisation must: set this target across job categories; have an affirmative action plan and demonstrate outreach; keep metrics on results of affirmative recruitment and hiring; offer self-ID invitation at various points in the employment process; provide an equal opportunity (EO) policy statement; and review its personnel policies.

These reforms have proved largely successful. A 2018 survey of employer policies on the employment of disabled people commissioned by the US Department of Labor found that federal contractors were 2.5 times more likely to 'actively recruit' disabled people (15.7 per cent versus 38.2 per cent) than non-federal contractors; were more than twice as likely to partner with organisations (33.8 per cent versus 15.5 per cent); and over three times more likely to have a dedicated recruiter (3.5 per cent versus 11 per cent).

Source: Cornell University[462] Westat[463]

10.2.4

Fourth PPN 06/20 specifies that social value KPIs should focus on the 'contract workforce' rather than the 'whole workforce'. Hence, the focus will be on improving disability employment outcomes within the section of the firm's workforce involved in delivering the contract, and not within the firms' workforce as a whole. The Commission argues the focus should be on the latter.

10.2.5

Fifth, PPN 06/20 outlines the requirements for firms to monitor and record their social value KPIs. However, it does not outline the sanctions firms should face should they fail to uphold their social value commitments. The Commission therefore argues that sanctions should be applied to firms that are unable to demonstrate progress towards the achievement of their social value KPIs (in the case of disability, by being unable to demonstrate the measures they have put in place to increase the number of disabled people they employ). This might include failure to meet social value KPIs counting against firms in future procurement exercises.

10.2.6

Sixth, PPN 06/20 only applies to central government procurement, and not to all public sector contracts. The Commission believes the requirement for contractors to focus on increasing their disability employment should apply to all public sector contracts, and not just central government procurement.

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462   Sarah von Schrader & Susanne Bruyere, 2018, What Works? How federal contractors are implementing Section 503
463   Westat, 2020, Implementation of disability-inclusive workplace policies and practices by federal contractors and non-federal contractors

A final issue relates to the size threshold for procurement contracts above which the Social Value Act should apply. For instance, the Disabled Facilities Grants, which adapts homes for disabled people, is a good example of where social value should be applied. The grant is offered by District Councils, who usually fund contractors to undertake the home adaptation. However, according to Social Enterprise UK, District Councils are 'the least likely to apply social value.'[464] Part of the reason for this is that there is a threshold above which contracts must take into account social value. For the procurement of supplies and services, the current threshold is set at £189,330 for other bodies such as lower tiers of government, and £122,976 for central government.[465] Social Enterprise UK, in their recent report stated that the 'threshold' for considering social value 'appears therefore to be a barrier to greater adoption of the Act by public sector bodies which typically or exclusively tender below the threshold.'[466] The Disability Commission therefore believes the threshold above which procurement contracts must take into account the social value framework (as outlined in PPN 06/20) should be lowered. The precise threshold should be determined in collaboration with procuring bodies, employers' organisations, procurement experts and other relevant stakeholders.

Recommendation 10a: Employers' workforce disability metrics (the proportion of the workforce that is disabled) should be taken into account in the contract award decision for all public sector contracts (and not just central government contracts).

Recommendation 10b: The government should establish an aspirational target for workforce disability prevalence towards which all employers with large government contracts should be required to work. This target should apply to the firm's whole workforce, and not just the contract workforce.

Recommendation 10c: Where organisations awarded large government contracts are unable to demonstrate the measures they have put in place to work towards the aspirational workforce disability prevalence target, this should be taken into account in the contract award decision should they bid for large government contracts in the future.

Recommendation 10d: The threshold for the size of procurement contracts above which the Social Value Act applies should be reduced substantially. The precise threshold should be determined in collaboration with procuring bodies, employers' organisations, procurement experts and other relevant stakeholders.

464   Social Enterprise UK, 2017, Our Money Our Future, pg 26
465   Cabinet Office, 2020, Procurement Policy Note – new thresholds 2020
466   Social Enterprise UK, 2017, Our Money Our Future, pg 26

section 11
Fixing national level disability employment reporting

11.1 Understanding the national data is critical to understanding the impact of national policies

To assess and continue to monitor the extent to which the Government has achieved its targets around disability employment, it is essential that reliable and consistent national-level statistics are in place. In the aftermath of Covid-19, and the increased risk of poor health due to its long-term effects, understanding and measuring labour market trends regarding disability is critical to ensuring the correct policy response. The current Government measure of disability prevalence in the population is designed to capture a core set of individuals covered by equality legislation. The definition of disability, and the question asked in national surveys (such as the Labour Force Survey) was updated in 2013 by the Government Statistical Service (GSS) harmonised standards.[467, 468] The question that it asks respondents to ascertain their disability status is:[469]

Q1. Do you have any physical or mental health conditions or illnesses lasting or expecting to last 12 months or more?

A: Yes, No, Don't Know.

If Yes:

Q2. Does you condition or illness reduce your ability to carry out day-to-day activities?

A: Yes, a little; yes, a lot; and Not at all.

All individuals that answer 'yes, a little' or 'yes, a lot' are classed as disabled. There have been two discontinuities in the measurement of disability over time, once in 2010, when the introductory narrative to the question changed, and once in 2013 when the question was changed to the GSS harmonised definition of disability. These changes make it impossible to compare trends pre- and post-2013 because disability measurement, like many measures, is sensitive to adjustments in the wording of the question.[470]

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467 Disability@Work, 2020, Measuring disability and interpreting trends in disability-related disadvantage
468 In 2013, the Office for National Statistics introduced a harmonised definition of disability which focused on a self-reported measure of long-standing physical or mental health condition or illness which reduces the ability to carry out day-to-day activities. It replaced a medicalised definition of disability which focused on the functional ability of respondents.
469 Disability@Work, 2018, Briefing note: how can labour market information on disability be improved?
470 Disability@Work, 2020, Measuring disability and interpreting trends in disability-related disadvantage

11.2 Some Government-funded agencies do not use the harmonised definition of disability

In some Government-funded agencies, the harmonised definition of disability is not used or recommended. For example, while the Government uses the two questions above, Advance HE (the agency which champions the learning and teaching, equality and diversity, and leadership and governance in higher education[471]) recommends that higher education providers ask one question which combines disability classification and severity of impact (as referenced on the Higher Education Statistics Authority):

> Do you have an impairment, health condition or learning difference that has a substantial or long-term impact on your ability to carry out day to day activities?[472]

The Government definition of disability refers to a 'physical or mental health condition or illness' whereas Advance HE references 'impairment, health condition or learning difference'. And while it is advised that universities include additional explanations with reference to the Equality Act 2010, it is not mandated. There are also examples of this definition of disability being used at a local authority level, on the Local Offer website, which describes the support services that exist for disabled pupils within the local area.[473]

11.3 Absolute targets set by the Government misrepresent progress

As the State of the Nation chapter outlined, previous governments have put in place targets to increase the employment of disabled people. The Government, in its 2015 general election manifesto, pledged to halve the disability employment gap by 2020. In its general election manifesto in 2017,[474] it changed this to a target to get one million more working-age disabled people in employment between 2017 and 2027.[475]

The Government is well on the way to meeting this target: between Q1 2014 and Q1 2019, the number of disabled people in work increased by 947,000. However, it was likely that this was not a result of Government employment programmes or increased investment in support for disabled people. Indeed, the DWP and DHSC estimated that a third of this figure (325,000 – 387,000) was linked to higher disability prevalence in the population, with a further 7 per cent accounted for by population growth.[476] As a result, over the same period, the disability employment gap has only gradually declined.[477]

471   HE Academy, 2018, Merging single sector agency announces new name as Advance HE
472   Higher Education Statistics Agency (HESA), n.d., Disability definition [Accessed via: www.hesa.ac.uk/collection/student/datafutures/a/disability_disability]
473   Norfolk County Council, SEND Local Offer [Accessed via: www.norfolk.gov.uk/children-and-families/send-local-offer/about-the-local-offer/the-difference-between-sen-and-disabilities]
474   The Conservative and Unionist Party Manifesto 2017
475   DWP & DoH, 2016, Improving Lives: the work, health and disability green paper
476   DWP & DoHSC, 2020, The Employment of Disabled People: data to 2019
477   NAO, 2019, Supporting Disabled People to Work. HC 1991 Session 2017–19 (28 March 2019)

11.4 The relative target – the disability employment gap – also misrepresents progress

It is preferable to focus on the disability employment gap rather than the absolute numbers of disabled people in employment, given the former shows more clearly the disparity between disabled and non-disabled people. However, the disability employment gap metric itself is also not ideal.

The headline disability employment gap metric shrank in each year up until 2020 (Figure 16). However, this does not factor in the increased prevalence of disability in the population. Disability prevalence in the working age population has increased from about 16.5 per cent in 2013 to 19.5 per cent in 2020. It is likely that this is primarily due to increased self-identification,[478] rather than an increased rate of functional impairment or increasingly complex and demanding activities in day-to-day life.[479] The growth in workforce disability prevalence may, therefore, be explained by individuals with certain conditions now identifying as disabled, while in the past individuals with the same condition would not have identified as disabled. As Disability@Work's submission to the CSJ Disability Commission stated:

> The increase in disability prevalence between 2013-2020 in the UK may therefore not reflect changes in underlying health and functional impairment and/or their impacts on activity-limitation, but be the result of changes in recognition, acceptance, law, policy and practice.

These individuals are more likely to be in employment given their conditions are likely to be less activity-limiting. As such, it is necessary to correct for workforce disability prevalence in calculating the disability employment gap. Once such a correction is made, the disability employment gap appears not to have shrunk.

This can be seen in Figure 17, which shows the *prevalence-corrected disability employment gap*. This shows how much higher total employment would be in the absence of a disability employment gap. By this measure, there is no evidence the disability employment gap has closed in recent years. Other studies have corroborated the finding that the apparent reduction in the size of the disability employment gap is likely a function of increased self-identification. For instance, while the employment figures for self-identified visually impaired people increased from 39 to 48 per cent between 2005 and 2012, those that were 'registered' blind (medically-defined) have seen their employment rate fall from 33 per cent to 26 per cent between 2005 and 2015.[480]

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478   The Family Resources Survey (which includes all disabled people regardless of age) shows that mental health, social/behavioural, and 'other' impairment types are increasing in numerical terms the quickest. Table 4.5
      [Accessed via: www.gov.uk/government/statistics/family-resources-survey-financial-year-201819]
479   Disability@Work, 2020, Measuring disability and interpreting trends in disability-related disadvantage, pg 3
480   Ibid, pg 5–6

Figure 16: The disability employment gap (DEG) (%) between disabled and non-disabled people of working age (16–64), UK, 2013–2020
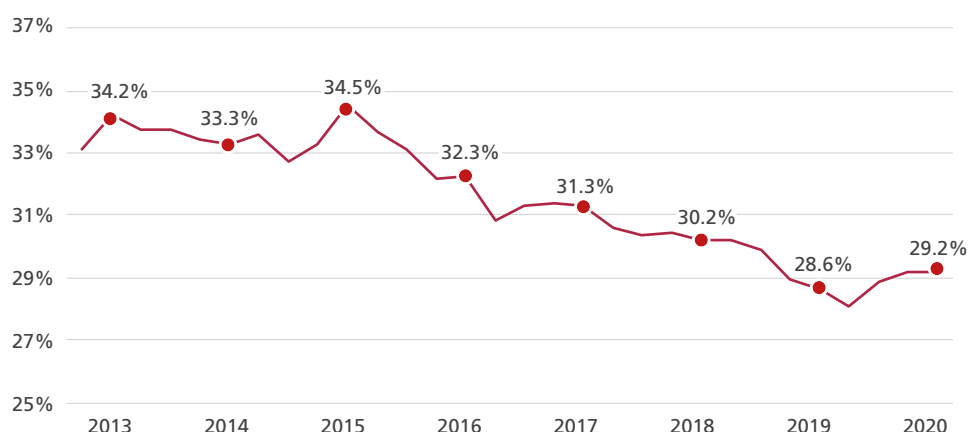
Source: ONS[481]

Figure 17: The prevalence-corrected disability employment gap (%), UK, 2013–2020
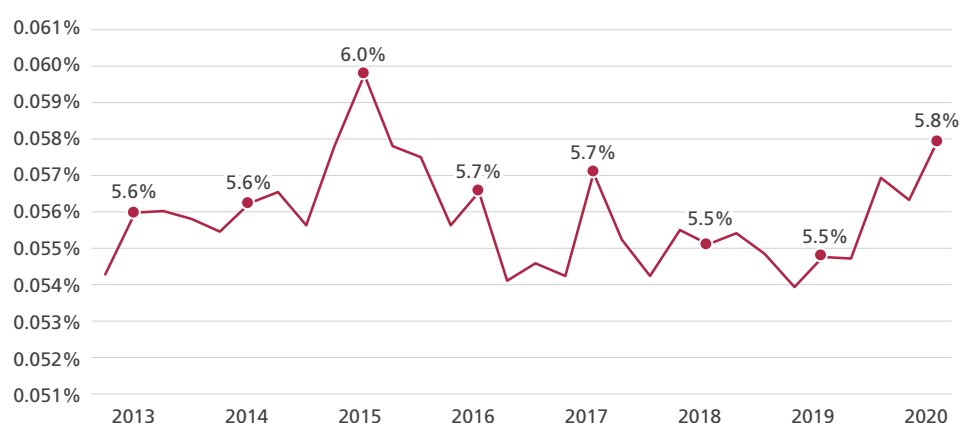
Source: Disability@Work[482]

This calls into question the government's claim that it is making progress in closing the disability employment gap. Given this, the Commission recommends the government takes account of the prevalence-corrected disability employment gap when interpreting trends in disabled people's employment. The Commission also believes the Government should be ambitious in tackling the disability employment gap, and as such, should commit to halving the prevalence-corrected disability employment gap by 2035.

The government should also regularly collect additional data on functional measures of disability. This can be used to benchmark changes in the harmonised disability measure. The purpose of this would be to gauge the extent to which trends in disability prevalence are accounted for by the broadening understanding of disability and increased self-identification rather than by changes in rates of medically-defined functional impairment.

481   ONS, 2020, Dataset: A08: labour market status of disabled people
482   Wass V and Jones M (2020) Measuring disability and interpreting trends in disability-related disadvantage.

Two possible ways to do this would be the re-introduction of the function-based module of questions used in the Health Survey for England (HSE), or the introduction of measures formulated by the Washington Group sets, which are becoming established as an international standard for measuring disability in functional terms.[483]

Finally, it is widely acknowledged that disability employment gaps vary significantly by impairment type. For example, in 2019 individuals with difficulty in hearing were 14.6 percentage points less likely to be in employment than the general population, while individuals with severe or specific learning difficulties were 58.5 percentage points less likely.[484] As such, the government should report not just the overall disability employment gap, but also the disability employment gap for different impairment types.

> **Recommendation 11a:** The Government should review all publicly-funded agencies and organisations to ensure that they use the harmonised definition of disability.
>
> **Recommendation 11b:** The Government should keep the precise questions used to identify disability in national surveys constant over time to ensure continuity of information, and prevent breaks in usable data.
>
> **Recommendation 11c:** The government's measurement of progress should focus on the disability employment gap rather than the absolute number of disabled people in employment.
>
> **Recommendation 11d:** The government should use the 'prevalence-corrected' disability employment gap as its main measure of progress and set a target to halve the employment gap on the basis of this measure by 2035.
>
> **Recommendation 11e:** The Government should collect data on functional measures of disability in order to identify how far changes in the harmonised disability measure are due to increased self-identification rather than increases in medically-defined functional impairment.
>
> **Recommendation 11f:** The Government should report the disability employment gap by impairment type as well as reporting the overall disability employment gap.

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483   Ibid
484   ONS, 2019, Disability and employment, UK: 2019 (release date: 2 December 2019); UK employment rate May–June 2019 (ONS, 2019, Employment in the UK: September 2019: Estimates of employment, unemployment and economic inactivity.

chapter 3

Education

Summary of recommendations

Part one: Creating inclusive school environments

1. Creating inclusive physical and digital environments in schools

Recommendation 12a: The Government should extend the *Public Sector Bodies (websites and Mobile Applications) Accessibility Regulations 2018* to make schools and nurseries fully compliant with the Web Content Accessibility Guidelines 2.1 (AA), rather than compliant only for websites and apps that provide essential online administrative functions.

Recommendation 12b: The latest Ofsted inspection framework should be updated to include the inspection of Accessibility Plans. At present there is no mention of Accessibility Plans in this framework. Where no progress or insufficient progress towards these plans is identified, this should contribute to the overall inspection outcome.

Recommendation 12c: The Government should allocate one wave of the ten-year Capital Building Fund to support the improvements to the accessibility of school buildings and grounds. Schools should apply by outlining their need and urgency, and the DfE should provide funding to schools with the lowest accessibility and the highest pupil need. To supplement this fund, the Government should allocate a one-off cash injection from the Soft Drinks Levy.

2. Increasing the number of disabled teachers in schools and in positions of leadership

Recommendation 13a: To encourage an increase in the proportion of the teaching workforce that is disabled, the DfE should require all schools to sign up to the Disability Confident scheme, subject to the reform of Disability Confident outlined in Recommendations 9a–d.

Recommendation 13b: Given the encouraging overall results and relatively small resources required, funding for Diversity Hubs should be re-instated, and a new performance metric on disability should be introduced for all Hubs to ensure the proportion of disabled teachers recruited onto the programme (and progressing from it) is equivalent to the proportion of the teaching workforce that is disabled.

Part two: Improving our educational offer for pupils with special educational needs and disabilities

3. Embedding SEND in teacher training

Recommendation 14a: Initial teacher training must include a focus on whole-school inclusion and SEND provision should be integrated across the ITT programme.

Recommendation 14b: The Government should strengthen the SEND training element within the Early Career Framework for teachers and provide additional funding for this. In particular, the Government should offer:

i.   training based in Special Schools and AP;

ii. training on the role and use of technology and SEND; and,

iii. accreditation for training routes which specialise in SEND provision.

4. Offering more experiences of the workplace

Recommendation 15a: The Department for Education should produce an action plan to resolve the lack of supported work experience opportunities offered by schools to disabled pupils/pupils with SEND – the plan should include a dedicated DfE grant which is tailored to short-term and flexible work placements and supports education providers and employers to make placements accessible as standard.

Recommendation 15b: The Government should fund research to understand why employers do not offer experiences of the workplace to pupils, with a specific focus on engaging disabled pupils/pupils with SEND. The findings from this research should be used to inform recommendations to encourage employers to offer experiences of the workplace.

Recommendation 15c: The Government should double the current expectation of work experience placements/work exposure for disabled pupils/pupils with SEND. These pupils should be provided with two work placements before the age of 16, and another two between 16 and 18.

5. Strengthening transitions to employment within EHC Plans

Recommendation 16a: Local authorities should review their EHC Plans to ensure that there is a presumption of equal opportunity for employment from the commencement of the Plan, with a forward-looking approach, and support mechanisms in place to enable successful transitions to employment. Recommendations 1a–b, 2a–d, and 3a–g provide ways to increase and improve some key routes into employment for young disabled adults.

Recommendation 16b: Pupils with an EHC Plan who move into employment before the age of 25 should be able to return smoothly and quickly to a new Plan if their employment ceases. This could be done by swapping the 'education' element of the EHC Plan with an 'employment' placeholder.

6. Ensuring the best use of the Disabled Students' Premium

Recommendation 17a: The Disabled Students' Premium should be ring-fenced and protected from any future changes in the funding provided to higher education providers through the sector regulator, the Office for Students.

Recommendation 17b: The Disabled Students' Commission should review higher education providers' use of the Disabled Students Premium. In future, the Office for Students should change their Terms and Conditions of funding to require providers to outline in detail in their Access and Participation Plans the support that the Disabled Students Premium funds.

Recommendation 17c: Every higher education provider must appoint a senior leader, such as a Pro Vice Chancellor or Vice-Chancellor/Principal, to lead on the inclusion of disabled people, giving them responsibility and accountability for setting and delivering key performance indicators.

7. Reforming the Disabled Students' Allowance

Recommendation 18a: The DfE should review the application process for the Disabled Students' Allowance. The review should seek to:

i.   streamline the process;

ii. assess quotes for NMH support on a value for money basis that takes into account quality as well as cost; and,

iii. move from the overly medicalised diagnosis of need (for instance, requiring additional medical evidence of a disability) which can increase the stress and burden on the individual, to a needs assessment (similar to that of Access to Work) which relies on the social model of disability.

Recommendation 6g argued for a smooth transition between the DSA and Access to Work support. All changes to the DSA recommended above should be made in line with this.

Recommendation 18b: The Commission supports the decision to blend the different funding pots of the DSA. However, the DfE should remove the £25,000 cap introduced in 2020, so that disabled students can receive all the support they require.

Recommendation 18c: The Department for Education should remove disabled students' up-front costs associated with accessing assistive technology through the DSA by abolishing the £200 hardware charge.

Recommendation 18d: The DfE should conduct an annual information campaign for disabled students, similar to the DfE's 2018 campaign to encourage 'underrepresented groups' to apply to university. The campaign should be implemented in collaboration with Disabled People's Organisations (DPOs), to provide accessible guidance on the university application, disclosure, and support available through the DSA.

Introduction

Our education system provides the armour against a torrent of immediate and longer-term challenges in our economy and society. It develops the skills that prepare individuals for the future of work; it enhances employability and entrepreneurial spirit by incubating the leaders of tomorrow; and it shapes our view of the world and our attitudes towards others who inhabit it. But as the State of the Nation chapter has shown, disabled pupils and/or pupils with special educational needs (SEND) face disadvantage at each stage of education.

While these two categories are not the same, there is an overlap. As such, this Chapter makes recommendations that seek to improve the accessibility of schools and the inclusion of all disabled pupils and/or pupils with SEND. Part one covers the school environment and how to encourage more disabled people to enter the teaching profession. The second part outlines the case for improving the educational offer for pupils with SEND in relation to knowledge and skills development, and preparation for adulthood and employment. The final part of the report addresses the need for greater support for disabled students in higher education.

A note on Covid-19

The pandemic and the associated lockdown disrupted the education of many disabled pupils. Ofsted noted that the 'simpler routines [of remote learning] proved beneficial'[485] for some pupils with SEND, while the DfE commented that those who remained in face-to-face education were reported to benefit from the experience.[486] The problem of understanding the impact of lockdown on pupils with SEND is compounded by the paucity of data available. Research has shown a widening of the attainment gap for pupils on Free School Meals (FSM) and their peers by between 11 and 75 per cent.[487] Pupils with SEND are twice as likely than average to claim FSM. There was also disruption to vital education services, particularly speech and language services.[488] Data from the Disabled Children's Partnership in 2020 showed that 32 per cent of parents said their school offered no home learning support in relation to their child's SEND during lockdown.[489] Given these challenges, the inclusion of ambitious proposals within the Prime Minister's National Strategy for Disabled People is all the more important. While all children's education has suffered as a result of the pandemic, responding to the lost attainment and forgotten skills should not obfuscate the task to ingrain accessibility and inclusion within our education system.

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485 Ofsted, 10 November 2020, Authored Article: HMCI commentary: findings from visits in October

486 CQC & Ofsted, 2020, COVID-19 series: briefing on local areas' special educational needs and disabilities provision

487 EEF, June 2020, Impact of school closures on the attainment gap: rapid evidence assessment

488 Ofsted, 10 November 2020, Authored Article: HMCI commentary: findings from visits in October

489 Disabled Children's Partnership, 2020, #Leftinlockdown – parent carers' experiences of lockdown, pg 2

Part 1
Creating inclusive school environments

Before disabled pupils can learn, they must be able to enter an accessible and inclusive environment. But across our education system, there are examples of where such environments do not exist. In this part of the chapter, the Commission highlights problems regarding the accessibility of the built and digital environment, and the lack of information for disabled pupils and their families regarding accessibility. In particular, the documents in which schools outline their plans to create accessible buildings, and provide accessible information to disabled pupils and their families, are often unpublicised and underused. Second, there is evidence to show that more can be done to encourage talented disabled people into the teaching profession, and into positions of leadership.

section 1
Creating inclusive physical and digital environments in schools

An important pre-requisite for the engagement with education for any disabled pupil is that the built and digital environments are inclusive, and in particular, adhere to the principles of universal design.[490] These principles seek to ensure that the shared environment is designed so it can be accessed and understood by all people regardless of age, size, ability or disability. As the Centre for Excellence in Universal design commented, it is a 'fundamental condition of good design' that it seeks to benefit everyone. A critical tenet of this is ensuring that these principles are embedded in the design of school buildings and digital environment from the outset.

All Schools must, under the Equality Act 2010, remove the barriers that disabled pupils face to get into the school. According to DfE guidance, all schools need to have an 'Accessibility Plan.' These plans focus on:[491]

1. Improving the physical environment of schools to enable disabled pupils to take better advantage of education and other provisions;

2. Improving the availability of accessible information to disabled pupils; and,

3. Increasing the extent to which disabled pupils can participate in the curriculum.

1.1 Schools are a long way from being accessible for all disabled pupils

However, the evidence suggests there is a long way to go before the three priorities listed above are achieved. First, despite Accessibility Plans requiring access to the built environment, pupils in England are being let down by inaccessible buildings. Research published in 2020 by the Alliance for Inclusive Education (ALLFIE) shows that 27.3 per cent of parents who were asked about the built environment of their disabled pupil's school said it was inaccessible and unusable, with 31 per cent stating this is sometimes the case (Figure 18). In addition, only 26 per cent of education professionals asked (including teachers, headteachers and teaching assistants) (n = 50) believed the built environment of their schools was accessible.[492] The needs of some pupils were perceived to be largely unmet,

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490   The Centre for Excellence in Universal design, n.d., What is Universal design?

491   DfE, 2014, The Equality Act 2010 and Schools: departmental advice for school leaders, school staff, governing bodies and local authorities, pg 10

492   ALLFIE, 2020, 'Accessibility Plans as effective tools for inclusion in schools: are they working? pg 68 (n = 50) NB: respondents were asked this question once taking into account lighting, noise and physical features.

such as those with sensory and communication impairments and learning difficulties. Equally worrying was that only 28.5 per cent of education professionals (n = 49) said lessons were physically accessible,[493] which can disrupt access to learning.

Figure 18: Proportion of parents who felt the school buildings and the physical environment of the school was accessible and usable for their child/children (%)
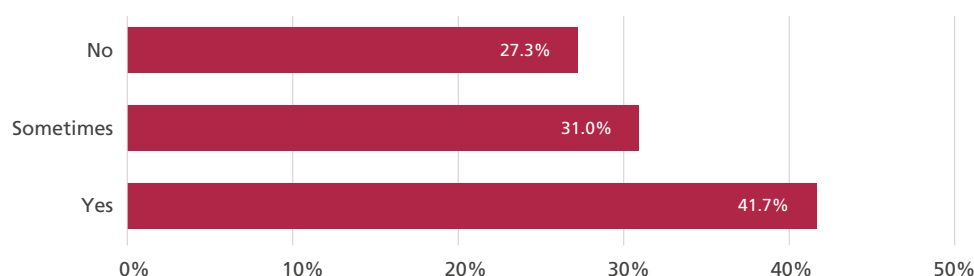
Source: ALLFIE[494]

1.1.1

A second concern relates to accessible information regarding the built environment or services provided by the school. Information of this nature plays a critical role in enabling disabled pupils and their families to participate fully within the wider school community and in reducing barriers to learning. However, according to the same ALLFIE report, only 14.9 per cent of parents stated their school provided information in a format accessible for their child without them having to make additional requests. Only 40.9 per cent of education professionals stated that schools they worked with provided information in an alternative format where a need had been identified, and without additional requests being made.[495]

One of the ways to embed Universal design principles is through upgrading websites to ensure they comply with the *Web Content Accessibility Guidelines* (WCAG), which is an international standard for improving web accessibility. This would involve the adoption of several simple adaptations. For instance, 'alt text' provides a written description of images which can be picked up by screen reading tools used by visually impaired readers.[496]

In 2018, the Government introduced the *Public Sector Bodies (websites and Mobile Applications) Accessibility Regulations 2018* which meant that public sector bodies must adhere to the WCAG accessibility standards (version 2.1 AA). However, primary and secondary schools and nurseries are partially exempt from these regulations. At present, schools must ensure the content of their websites or apps is accessible only in relation to 'essential online administrative functions.'[497] This has not been legally defined, but could include content that the public need to use to access school/nursery services (for

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493   Ibid, pg 84
494   ALLFIE, 2020, 'Accessibility Plans as effective tools for inclusion in schools: are they working?
495   Ibid, pg 41
496   Penn State, n.d., Image ALT Text [Accessed via: https://accessibility.psu.edu/images/alttext/]
497   [Accessed via: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/953459/
       GDS-Accessibility-Regulations-campaign-for-education-Update_2020.pdf]

example, forms that let parents outline school meal preferences).[498] While a step in the right direction, the lack of compliance with the full regulations is likely to exclude disabled pupils from information relating to both learning and wider community engagement.

1.1.2

Third, there is almost no knowledge of Accessibility Plans among disabled pupils and their families. Although the plan is supposed to be published on the Local Offer (a local authority website that provides information on the local support services available for pupils with SEND and their families), almost no disabled pupils or their parents/carers involved in the ALLFIE research knew of these plans or were involved in their design. Of the 239 parents who responded to the question on whether they knew of the Accessibility Plans, only 21.3 per cent had heard of them, and of this group only 52.4 per cent had read them.[499]

In addition, none of the parents or parent carer forums included in the ALLFIE research had been consulted about the development of the Plans, while only 2.5 per cent of the 239 parents who responded to an online questionnaire had been consulted. Accessibility Plans have been a legal requirement since 2002, and statutory guidance states they must be reviewed every three years.[500] The ALLFIE report concluded that schools 'on the whole are making little effort to publicise the documents or to use them proactively.'[501]

1.2 There is no regulatory oversight of schools' adherence to 'Accessibility Plans'

The Commission believes Ofsted is best placed to ensure proper consultation on the development of Accessibility Plans, and that the provisions within them are enacted. According to the Department for Education's advice for schools in relation to the Equality Act 2010, Ofsted inspections 'may include' a school's Accessibility Plans when it inspects schools,[502] and this role dovetails with its broader purpose of ensuring inclusion within the learning environment. Indeed, the DfE's Permanent Secretary stated in evidence to the Education Select Committee in March 2020 that Ofsted is the 'mechanism' for identifying whether schools are being more inclusive,[503] and that the 'Ofsted inspection regime has been changed to put more focus on inclusion.'[504] However, in a freedom of information request sent by the CSJ Disability Commission, Ofsted confirmed that they did not report on Accessibility Plans, and appeared to conflate safeguarding with accessibility:

> inspectors will look at, and report on, safeguarding and how leaders are ensuring that they have effective safeguarding procedures in place and that pupils are kept safe. However, inspectors do not specifically report on a school's 'Accessibility Plan.'[505]

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498 Government Digital Service, 2018 (Feb 2021), Guidance: understanding accessibility requirements for public sector bodies

499 ALLFIE, 2020, 'Accessibility Plans as effective tools for inclusion in schools: are they working?

500 Schools Week (Freddie Whittaker), 2020, Schools failing in legal duty to implement 'accessibility plans'

501 ALLFIE, 2020, 'Accessibility Plans as effective tools for inclusion in schools: are they working? pg 35

502 DfE, 2014, The Equality Act 2010 and Schools: departmental advice for school leaders, school staff, governing bodies and local authorities, paragraph 4.3.1

503 Formal meeting (oral evidence session): support for children with SEND, Monday 9 March 2020, Q98

504 Ibid, Q31

505 Ofsted response to a freedom of information request [received 21/09/2020]

The School inspection handbook – describing the main activities carried out during inspections of 'maintained schools and academies' – does not mention 'accessibility' or 'Accessibility Plans.'[506]

1.3

There are also concerns that schools do not have the financial resources to improve accessibility as outlined in their plans. Indeed, evidence to the Education Select Committee showed that there are already significant financial pressures that schools (and the budget which supports pupils with additional needs) are under in relation to supporting disabled pupils' learning needs.[507] This financial pressure will prevent schools from being able to make the necessary changes to increase school accessibility for disabled pupils. Equally, research by ALLFIE in 2020 showed that the inadequacy of information on accessibility and support from staff led to 'a number of parents [feeling] they had no choice but to send their children to special schools.'[508]

There are pots of money that could be used to support schools to adhere to Universal design principles. Schools can apply to several funds to help upgrade their buildings, some of which are specifically for urgent support.[509] [510] For instance, the Government introduced the Priority School Building Programme in 2014 for schools in the worst condition across the country that require urgent repairs to their buildings. This Programme stipulates that access and inclusion must be taken into account at the design stage for both whole school and individual block refurbishments.[511]

The Department for Education also allocates routine school capital funding to help maintain and improve the condition of school buildings and grounds. Notably, the Government increased this funding by £400 million in the 2018 budget.[512] School capital funding is comprised of several funding pots including School Conditions Allocations and Condition Improvement Funding. Large Multi-academy Trusts (MATS), local authorities and larger voluntary aid schools can receive School Condition Allocations while academies or schools can bid for Condition Improvement Funding. In contrast to the Priority School Building Programme, outlined above, funding provided through these channels can be given to schools to deliver 'their own priorities.'[513]

In addition, in 2020, the Government launched a ten-year, multi-wave rebuilding programme for schools to replace ageing school buildings with 'modern, energy efficient designs.'[514] This provides a further opportunity to build accessibility into the design of school buildings.

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506   Ofsted, 2019, School inspection handbook
507   House of Commons Education Committee, 16 October 2019, Special educational need and disabilities, pg 50
508   ALLFIE, 2020, 'Accessibility Plans as effective tools for inclusion in schools: are they working? pg 57
509   CIF is an annual bidding round for eligible schools to address poor conditions [Accessed via: www.gov.uk/guidance/condition-improvement-fund]
510   The Urgent Capital Support is provided when those eligible for CIF need more urgent support and cannot wait for the next round of the CIF, pg 5
511   Baseline designs – access and inclusion [Accessed via: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/276733/PSBP_baseline_designs_access_and_inclusion.pdf]
512   Gov.UK, 4 April 2019, School capital funding [Accessed via: www.gov.uk/guidance/school-capital-funding]
513   DfE, 2020, Condition grants spend guidance, pg 6
514   UK Parliament, Statement UIN HCWS319: Capital update [29 June 2020]

There are, to the Commission's knowledge, no continuous pots of money that focus specifically on ensuring that the schools that are the least accessible in the country have the funding to upgrade their facilities. In 2018, the Government used a one-off fund of £100 million (provided through the Soft Drinks Levy) for the purposes of improving access to school facilities such as playgrounds and kitchens.[515]

Recommendation 12a: The Government should extend the *Public Sector Bodies (websites and Mobile Applications) Accessibility Regulations 2018* to make schools and nurseries fully compliant with the Web Content Accessibility Guidelines 2.1 (AA), rather than compliant only for websites and apps that provide essential online administrative functions.

Recommendation 12b: The latest Ofsted inspection framework should be updated to include the inspection of Accessibility Plans. At present there is no mention of Accessibility Plans in this framework. Where no progress or insufficient progress towards these plans is identified, this should contribute to the overall inspection outcome.

Recommendation 12c: The Government should allocate one wave of the ten-year Capital Building Fund to support the improvements to the accessibility of school buildings and grounds. Schools should apply by outlining their need and urgency, and the DfE should provide funding to schools with the lowest accessibility and the highest pupil need. To supplement this fund, the Government should allocate a one-off cash injection from the Soft Drinks Levy.

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515   DfE, 2020, Condition grants spend guidance

Increasing the number of disabled teachers in schools and in positions of leadership

Role models in school can be vital to encourage and inspire all pupils to achieve. Often, these role models are the teachers themselves. Research in 2002 looking at the socio-emotional factors affecting achievement outcomes among pupils from disadvantaged backgrounds found that relationships with teachers 'become increasingly significant' as adolescents look for role models and support from non-parental adults.[516] Another study showed that pupils who felt their teachers encourage them are more committed to learning and more successful academically than pupils who do not feel their teachers encourage them.[517] Given this, it is important that disabled pupils have role models in school (in the form of disabled teachers) with whom they can identify.

Encouraging disabled teachers into leadership roles may help to further raise expectations for disabled pupils by embedding high aspirations from the top. Research investigating the educational transitions of young disabled pupils in England showed that educational expectations played 'an important role at crucial transitions in the English school system' such as to upper secondary education (A levels) and university.[518] However, according to survey data by Savanta Comres in 2017, half of all disabled adults who had recently left statutory education (between the ages of 18 and 24) believed their teachers may have had lower expectations of them because they were disabled,[519] and 43 per cent were not encouraged to go into any course or pursue their chosen career.

Disabled teachers can therefore be important role models and can support and mentor disabled pupils through their education. However, there is incomplete data on how many disabled people are entering the teaching profession. According to DfE data contained in the School Workforce Census, only 49 per cent of teachers answered the question on disability in 2019. Although this census is mandatory, not all schools provide information on disability.[520] On a national level, this means that disability is hidden from the agenda since the Government does not use it in its analysis of the workforce.

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516   Becker, B.E. and Luthar, S.S., 2002. Social-emotional factors affecting achievement outcomes among disadvantaged students: Closing the achievement gap. Educational psychologist, 37(4), pp 197–214

517   Harachi TW, Abbott RA, Catalano RF, Haggerty KP, 1996, The effects of risk and protective factors on antisocial behavior and academic success in the early primary grades. Paper presented at the meeting of the Life History Research Society.

518   Chatzitheochari, S. and Platt, L., 2018, Disability differentials in educational attainment in England: primary and secondary effects

519   Savanta Comres, 2018, Leonard Cheshire Disability: Education Section (Unweighted base = 270) NB: there was no breakdown by type of disability.

520   DfE, 2020, School Workforce in England: methodology – 'Teacher disability'

At an organisational level, as Chapter Two (Section 7) outlined, the Government has acknowledged the benefits of disability workforce reporting, and it has detailed these in its framework for *Voluntary reporting on disability, mental health and wellbeing*,[521] which it introduced in November 2018. This document, which encourages employers to report the prevalence of disabled people in their workforce on a voluntary basis, argues that transparent reporting has the potential to help employers: 'improve employee engagement and retention'; 'better understand the experiences of disabled people'; 'better monitor internal progress in building a more inclusive environment'; and 'access a wider pool of talent and skills through promoting inclusive and disability-friendly recruitment, retention and progression policies.'

The CSJ Disability Commission requested information from the Government on their approach to encourage schools to report on disability through the School Workforce Census. The Government response referred to the 'Statement of Intent on the Diversity of the Teaching Workforce' which set out their 'commitment to increasing the diversity of the teaching workforce across all nine protected characteristics, including disability.'[522] But this document is illuminating by its absence of a focus on disability: while the Race Disparity Audit, the Gender Pay Gap reporting duty and the LGBT survey are mentioned in the DfE's Statement of Intent, there has been no similar drive to understand and to encourage disability workforce reporting.[523]

2.1 Few teachers disclose a disability

Despite the lack of data available, it is still interesting to note that of schools that responded to the question on disability in the Census data, only 0.5 per cent of teachers reported being disabled in the academic year 2019/20.[524] This is compared to 19 per cent of the working-age population who identify as disabled.[525] Despite a very low number of teachers reporting a disability, there is some evidence to show that significant numbers of disabled people do seek to enter the profession: according to Teach First, a national programme which recruits graduates as new teachers, 16 per cent of the 2017 teacher cohort that were trained by Teach First were disabled.[526] However, to the Commission's knowledge, there is no information on how many disabled newly qualified teachers (NQTs) drop out because they cannot access the support or adjustments they need from the school.

Also demonstrating the apparent lack of consideration of disability within the teaching workforce is the limited sign-up among schools to the Disability Confident scheme. Notwithstanding the limitations of what Disability Confident has achieved (see Chapter Two, Section 9), according to analysis by the CSJ Disability Commission, 1,827 education and training providers across the whole sector were estimated to be signed up to Disability Confident as of March 2021, including independent training and learning providers (ITPs/ILPs), universities, and FE Colleges. Given there are more than 6,000 secondary schools in England alone, it is likely that only a small proportion of

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521   DWP & DHSC, Guidance: voluntary reporting on disability, mental health and wellbeing
522   CSJ Disability Commission freedom of information request from the Department for Education [received 23/10/2020]
523   DfE, 2018, Statement of intent on the diversity of the teaching workforce
524   DfE, 2020, School Workforce in England: methodology – 'Teacher disability'
525   House of Commons Library, 13 August 2020, People with disabilities in employment [Accessed via: https://commonslibrary. parliament.uk/research-briefings/cbp-7540/]
526   TeachFirst, 2017, Our work and its impact

schools have signed up. On top of this, more than two thirds of these education and teaching providers (68 per cent) have signed up to the lowest level (level 1 committed) of the scheme.[527] The Commission's proposed reforms to Disability Confident, including meeting minimum thresholds for the proportion of disabled people in the workforce (as set out in Recommendations 9a-b) and incentives to progress through the levels, would provide a firm basis for all schools to sign up.

2.2 Disabled teachers are unlikely to be supported into leadership positions

Getting disabled teachers into the profession is an important first step. A second step is to provide progression pathways to leadership. Indeed, research from the world of business shows that having a diverse leadership team creates positive cultural change, improves performance, and leads to better understanding of the needs of all stakeholders.[528] The Commission believes these benefits are also relevant for the school environment since schools are both educators and employers. However, the lack of data returned to the DfE on disability (as outlined above) also makes it difficult to understand progression and representation of disabled teachers in leadership positions. Since the current data on disability only covers less than half of all teachers the DfE does not provide a breakdown of the data by school type or position within the school.[529] Equally, research has shown that the consequences of non-disclosure can mean that individuals are not provided with the support they require.[530]

In 2014, the Government introduced Diversity Hubs to support teachers from a wide variety of backgrounds into higher positions within the school. These hubs were a key part of the strategy to create an inclusive workforce. In 2018 the DfE provided £2m of investment for these hubs over two years.[531] Under the terms of this investment, eight schools received a budget to act as regional hubs to fund other local schools and organisations to develop local solutions to help teachers from diverse backgrounds to progress into leadership.[532]

Each project is bespoke to suit their context and circumstances, but all programmes must have classroom-style sessions, and an element of coaching/mentoring,[533] the latter having been shown to be associated more widely with high earnings and career progression.[534] In relation to outcomes, Diversity Hubs must also meet the following key performance metrics set by the DfE:[535] 70 per cent of participants to have started applying for promotion (or achieved promotion) within the lifespan of each project; 100 per cent of the target number of participants specified in bids achieved; participant retention rate of 85 per cent; participant satisfaction rate of 90 per cent.[536]

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527 CSJ Disability Commission analysis of DWP data: DWP, 2020, Disability Confident: Employers that have signed up
528 Women on Boards, October 2015, Improving the Gender Balance on British Boards, pg 9
529 DfE, 2020, School Workforce in England: methodology – 'Teacher disability'
530 Stanley, Nicky et al., 2005, Disclosing disability: disabled students and practitioners in social work, nursing and teaching
531 CSJ Disability Commission FOI to the DfE [received 23/10/2020]
532 DfE, 2020, Guidance – Equality and diversity fund: for school-led projects
533 DfE, 2019, Leadership Equality and Diversity Fund 2016–17 and 2017–18: analysis of the participant surveys
534 Sayce, 2009, Doing seniority differently: a study of highfliers living with ill-health, injury or disability. Interim report.
535 CSJ Disability Commission freedom of information request to the Department for Education [received 16/12/2020]
536 Other KPMs include: the average unit cost across each region should be £1,000 per participant; all project delivery should be completed by the end of each summer term; no more than 10 per cent of funding used for administration.

There is some evidence to suggest Diversity Hubs have achieved positive outcomes. According to the most recent annual report on Diversity Hubs in 2018/19 nearly all teachers responding to the end of programme survey (96 per cent) believed that the programme improved their confidence to apply for a promotion.[537] A lack of confidence was the largest barrier reported by respondents in the baseline survey (undertaken at the start of the programme). By the end of the programme, 26 per cent of respondents stated they had achieved the next stage promotion. In addition, 54 per cent reported they plan to apply the year after the programme had ended, compared to just 28 per cent in the baseline survey.

Despite these outcomes, there is less evidence of the impact on disabled people. For the 2019/20 academic year, four out of eight regional Diversity Hubs funded by the DfE had a remit to focus on disabled teachers (two regions – the North and East Midlands and the Humber – were managed by the same Hub). The CSJ Disability Commission wanted to understand how many of these Hubs funded projects related to disabled teachers. Oral evidence to the Commission reported that only one project focused on disability, and even then, only a handful of disabled teachers were recruited onto the programme. This was seen as a problem on both the demand and supply side: lack of disabled people (or low disclosure) within the profession, coupled with a lack of a focus on disability among the organisations bidding for funding.

In the Government's endpoint survey for the 2017/18 cohort, just 33 out of 527 participants on the programme reported a focus on disability during the programme, which was the lowest of any protected characteristic bar marriage/civil partnership.[538] In November 2020, the Government announced that it was pulling the funding for Diversity Hubs altogether.[539] The Commission believes this is a missed opportunity to support more disabled teachers into leadership positions.

Recommendation 13a: To encourage an increase in the proportion of the teaching workforce that is disabled, the DfE should require all schools to sign up to the Disability Confident scheme, subject to the reform of Disability Confident outlined in Recommendations 9a–d.

Recommendation 13b: Given the encouraging overall results and relatively small resources required, funding for Diversity Hubs should be re-instated, and a new performance metric on disability should be introduced for all Hubs to ensure the proportion of disabled teachers recruited onto the programme (and progressing from it) is equivalent to the proportion of the teaching workforce that is disabled.

537   DfE, 2021, Leadership Equality and Diversity Fund 2018/19: programme analysis (written in March 2020)
538   DfE, 2021, Leadership Equality and Diversity Fund 2018/19: programme analysis (written in March 2020)
539   Schools Week, 2020, 'Disgraceful': DfE axes funding for teacher diversity schemes

Part 2

Improving our educational offer for pupils with special educational needs and disabilities (SEND)

Part One of this chapter covered the need to embed accessibility and inclusivity into the school environment even before disabled pupils enter the classroom. But change must not end there. An inclusive environment must be aligned with the expertise and skills of teachers to enable pupils with special educational needs and disabilities (SEND) to access the curriculum. Without these skills and expertise, outcomes for these pupils are likely to remain low.

The Coalition Government set out changes in 2013 for pupils with SEND. These reforms were introduced in 2014 and, among other things, consisted of:[540]

- introducing a co-ordinated assessment process to assess a child's educational, health and care needs;

- ensuring local commissioners work effectively together to help children and young people with SEND, and improving communication between services;

- making sure that Education, Health and Care Plans from Year 9 (age 14) onwards included aspects to help them prepare for adulthood; and,

- formally introducing supported internships to help young people with SEND prepare for the workplace.

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540 Education Select Committee, 2019, Special Educational Needs and Disabilities

These reforms also replaced the existing SEN system of Action Plans, Action Plan Plus, and Statements of SEN, which provided tiered levels of support to pupils with SEND. Since 2014 the two types of support available are:

SEN Support which provides adjustments to support pupil learning. This can be in the form of extra teaching assistance (TAs), or assistive technology. Pivotal to this support is the SEN Coordinator (SENCO), a teacher with a post-graduate qualification in special education needs coordination.[541] Their main role is to strategically lead the school's inclusion and accessibility policies to overcome barriers to learning, identify needs and secure relevant services, to cascade good practice throughout the teaching staff, and to liaise with the family, the headteacher and the governing body.[542]

EHC Plans which provides more extensive additional support across education, health and social care. The first £6,000 of this support is to be paid by the school (the 'notional budget'), after which the local authority 'should' pay for additional support through 'top-up funding', the rate of which is set by the local authority 'by agreement with schools and academies' and taken from the local authority's 'high needs budget.'[543]

The SEND system is still evolving. For instance, in October 2019 the Government announced a SEND Review to investigate the current support for pupils on SEN support, with a key consideration focused on how to improve the joint working across education, health and care.[544] Although the review was announced in October 2019[545] at the time of writing there was no date set for publication.[546]

In addition, not all the reforms were implemented smoothly. While the deadline for transferring individuals from statements of SEN to EHC Plans only passed in April 2018, there were considerable problems with this process which have had a substantial and lasting impact on many pupils' ability to engage with education and, ultimately, their chances of living an independent life. The problems with this process include:

- The lack of integration of health services with education and social care;[547, 548, 549, 550]

- The quality of EHC plans written by local authorities;[551, 552]

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541   The Special Educational Needs and Disability Regulations, 2014, Part 3: Duties on schools
542   The Special Educational Needs and Disability Regulations, 2014, Part 3: Duties on schools
543   ESFA, June 2019, High needs funding 2019 to 2020: operational guide, pg 43
544   DFE, 2020, Consolidated annual report and accounts for the year ended 31 March 2020, pg 48
545   DfE, 2019, Major review into support for children with special educational needs
546   UK Parliament, 9 September 2020, Written Question UIN 87715, Special Educational Needs: Reviews
547   Written evidence to the Education Select Committee's inquiry into the SEND reforms from the Association of Educational Psychologists (SCN0495)
548   Written evidence to the Education Select Committee's inquiry into the SEND reforms from the Association of Directors of Children's Services (SCN0503)
549   The lack of integration has been helped by the introduction of the national trial of the single route of redress for all three key elements (although not available for plans that were finalised before 2018 – Ofsted submission to the Education Select Committee's inquiry into the SEND reforms. See also: DfE, 2020, SEND tribunal: Single route of redress national trial
550   The DfE has established the SEND System Leadership Board in 2019 to bring together leaders across education, health and social care to improve joint working after it was found that some parts of the EHC Plans were not working as they should have [See: DFE, 2020, Consolidated annual report and accounts for the year ended 31 March 2020]
551   Written evidence to the Education Select Committee's inquiry into the SEND reforms from the Association of Educational Psychologists (SCN0495)
552   Written evidence to the Education Select Committee's inquiry into the SEND reforms the Association of School and College Leaders

- For some individuals, such as those with 'Autism Spectrum Disorder' (who form 30 per cent of all pupils on EHC Plans)[553] the diagnosis process can take up to two years;

- Unequal access to diagnosis. Professor Amanda Kirby, in evidence to the CSJ Disability Commission, highlighted how access to diagnosis is worse for children from low socio-economic backgrounds, specific BAME communities, and females;

- A continued lack of educational psychologists who are key to the EHC Plan assessment process, and for supporting individuals with SEND Support, despite recent Department initiatives to increase their numbers.[554]

It is also important to mention that the problems above exist within the context of acute funding and resource pressures within the SEND system. By 2017/18, 124 local authorities were overspending their higher needs budget, an increase of 43 per cent from 2013/14.[555] Although in October 2019 the Government announced a further £780 million for high needs funding in 2020-21,[556] the Institute for Fiscal Studies argued this 'may only be enough to keep higher needs spending per pupil largely constant in real terms.'[557] However, the rate increase of EHC Plans is growing. The year-on-year increase of EHC Plans was 8.7 per cent in 2019/20, up from 6.9 per cent in 2018/19, and 4.75 per cent in 2017/18.[558] In addition, the Disabled Children's Partnership in 2018 estimated that there was already a £1.5 billion funding gap between the services and support listed in EHC Plans and that provided by national and local government.[559] The National Audit Office commented that the Government lacked a full assessment of the financial consequences of the 2014 reforms.[560]

While the overall level of funding is important, also important is how this funding is used. Part Two of this chapter (Sections 3–5) therefore outlines ways in which timely and high-quality support can be offered to pupils.

553 The full categories used are: Austistic spectrum disorder, hearing impairment, moderate learning difficulty, multi-sensory impairment, other difficulty/disability, physical disability, profound and multiple learning difficulty, SEN support but no specialist assessment, severe learning difficulty, SEMH, specific learning difficulty, SLC needs, and visual impairment.
554 Education Select Committee, 2019, SEND Reforms
555 NAO, 11 September 2019, Support for pupils with special educational needs and disabilities in England, pg 30
556 Gov.UK, 11 October 2019, Schools to learn funding allocations following £14 billion pledge
557 IFS, 2019, 2019 annual report on education spending in England, pg 55
558 CSJ Disability Commission analysis of DfE data: DfE, National Statistics: Special Educational Needs in England: January 2020. NB: data for earlier years includes Statement of SEN.
559 Special Needs Jungle, 16 July 2018, £1.5 billion funding gap for disabled children's services in the UK NB: £1.1 billion of this was support by the NHS, and £433.9 million in support from children's social care services and the local authority.
560 Ibid, pg 10

section 3
Embedding SEND in teacher training

All teachers are potentially teachers of children with SEND.[561] According to an analysis by the Education Policy Institute, 39 per cent of children at some point between Reception (age five) and Year 11 (age sixteen) have an identified special educational need.[562] A survey by the OECD in 2018 also showed that '41 per cent of teachers in England work in classes with at least 10 per cent of pupils with SEND.'[563]

In addition, as of 2019, 91.6 per cent of pupils with 'SEND Support' attended mainstream schools.[564] Pupils with special educational needs but not assessed to need an EHC Plan are entitled to SEN Support (see above). This need is identified in different ways: through a health worker, paediatrician in early life,[565] SEN Coordinators in schools, or by teachers themselves.

Once a need is identified, it is critical that teachers know how to adapt their lessons and approach to be inclusive for all pupils. However, the evidence shows that SEND provision in mainstream primary and secondary schools suffers significant problems. For instance, Ofsted Parent View data showed in 2019 that almost a third of parents of pupils with SEND (29 per cent) would not recommend their secondary school to another parent, which is nearly double the rate for parents of pupils with no SEND in secondary schools (15.2 per cent).[566]

The consequences of not providing adequate support at the SEN Support stage is manifested in the significant increase in assessments for EHC Plans. According to research by the Association of Educational Psychologists in 2018, 94 per cent of Educational Psychologists (EP) services reported an increase in demand for their services, which the Association linked to parents' perceptions of the lack of provision at the 'SEN Support' stage. This creates a vicious circle, as it means EPs are able to spend less time supporting pupils at an earlier stage. In short, the lack of support for pupils at the SEN Support stage is driving parents to greater lengths to seek an EHC Plan.[567] In evidence to the CSJ Disability Commission, Nottinghamshire County Council highlighted:

> a danger…that the emphasis on EHCPs results in insufficient profile/priority being ascribed to those designated SEN Support.

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561   Gov.UK, January 2015, Carter review of initial teacher training (ITT), pg 34
562   Education Policy Institute, November 2017, How many children have SEND?
563   OECD, 2018, Results from TALIS 2018: Country Note: England (UK), pg 4
564   DfE, 11 September 2019, Support for pupils with special educational needs and disabilities in England, pg 5
565   Mencap [Accessed via: www.mencap.org.uk/advice-and-support/children-and-young-people/send-system]
566   CSJ Disability Commission FOI request to Ofsted on data in the Parent View survey [Received June 2020]
567   Written evidence to the Education Select Committee from the National Association of Principal Educational Psychologists (NAPEP). SCN0441

This was mirrored by Pinpoint, Cambridgeshire's parent-carer forum, in evidence to the CSJ Disability Commission:

> Our current system pushes parent carers towards the legal protection of Education Health Care Plans where, sometimes, this should not be needed to deliver what a child needs.

Improving the quality of SEN Support within schools will bring several rewards, including reducing the pull towards EHC Plan assessment and the compounding effect this has on resources; reducing tribunal costs, especially when families fail to get an EHC Plan (estimated to cost £100 million since the introduction of the 2014 reforms[568]); and, reducing exclusions of pupils with SEND. However, good identification and teaching of pupils with SEND forms only part of the solution. As the case study below shows, there are also simple pastoral practices which can be powerful tools to help raise expectations, which are significantly lower among disabled pupils and/or pupils with SEND.

Case study: Good practice in raising expectations for pupils with SEND

Pupils with SEND have significantly lower expectations for their transition into further education and employment than their peers. Analysis of Next Steps longitudinal data by *Warwick Social Sciences* of English pupils born in 1989/90 showed disabled young people are 15 percentage points more likely to have low university expectations compared to their non-disabled counterparts with similar socio-economic background and academic performance. Part of the solution is to tackle real and perceived low expectations of disabled pupils within the school environment.

There are some simple practices that have been associated with increased motivation to learn and better experiences. For instance, research commissioned by the Careers and Enterprise Company highlighted how 'teachers are highly influential and [pupils] are 18 times more likely to be motivated to learn if their teacher knows their hopes and dreams.' In addition, qualitative analysis by the National Association for Special Educational Needs (NASEN) on pupils' experiences showed four themes were critical to making a positive school experience for pupils with SEND, including equal allocation of teachers' support. The study concluded by proposing that simply listening to the voices of pupils with SEND can be a powerful tool to inform inclusive practice.

Source: Warwick Social Sciences[569] CEC[570] NASEN[571]

Regarding the skills and knowledge required to improve the learning experience of pupils with SEND, there is evidence to show that both newly qualified teachers (NQTs) and the current teaching workforce lack the skills required to assess or teach pupils with SEND.

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568 Special Needs Jungle, 14 December 2018, What costs £103.7 million and makes disabled children miserable?
569 Warwick Social Sciences, 2018, Childhood Disability & Educational Attainment
570 Careers & Enterprise Company, 2018, The SEND Gatsby Benchmark Toolkit
571 Dimitrellou, E. and Male, D., 2019, Understanding what makes a positive school experience for pupils with SEND: can their voices inform inclusive practice?

3.1 Many Newly Qualified Teachers (NQTs) report that training did not prepare them well for teaching pupils with SEND

In a DfE-commissioned survey of NQTs, most respondents felt their training prepared them well for most of the 22 aspects of school life asked about in the survey, including pupil safeguarding (91 per cent) and planning effective lessons (91 per cent) (Figure 19). However, nearly half (47 per cent) felt unprepared for teaching pupils with SEND, and 60 per cent felt unprepared to assess their progress.[572]

Figure 19: Proportion of NQTs that felt initial teacher training did or did not prepare them well for each teaching aspect (prepared = 7/10 or more, unprepared = 6/10 or less), England, 2017
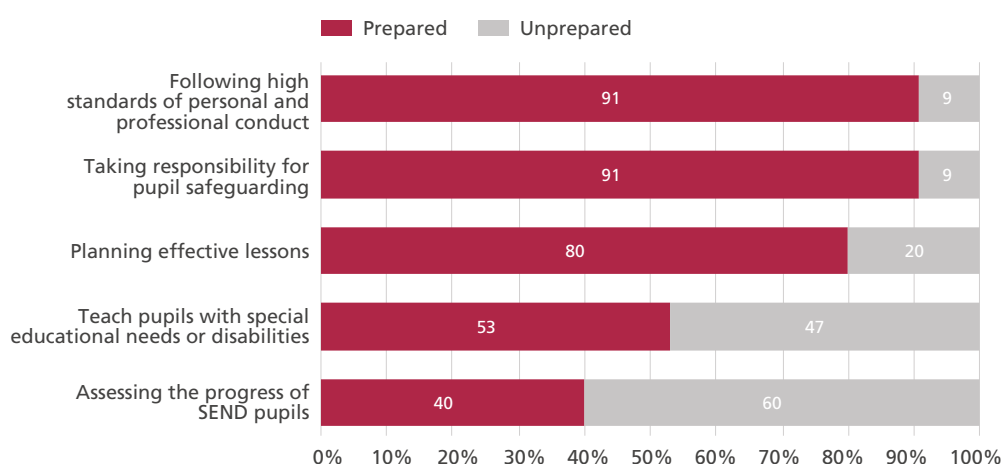
Source: DfE[573]

Given the importance of early intervention, it is particularly concerning that newly qualified teachers in primary schools were considerably less likely to feel prepared to teach and assess the progress of pupils with SEND compared to teachers in secondary schools.[574] Fewer than half (48 per cent) of NQTs in primary schools felt confident to teach pupils with SEND and only a third (34 per cent) felt confident assessing their progress, compared to 59 per cent and 47 per cent of NQTs in secondary schools.

3.1.1 There are significant gaps in the knowledge of SEND provision in the teacher workforce

There is also evidence that gaps exist within the current teacher workforce in relation to the skills required for teaching pupils with SEND. For instance, OECD research in 2018 showed that 23 per cent of headteachers in mainstream schools in England reported that delivery of quality instruction in their school was hindered by a shortage of teachers with competence in teaching pupils with SEND.[575]

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572 Department for Education, September 2018, Newly qualified teachers: annual survey 2017 NB: a rating of six or less out of ten is considered to be 'less well prepared'
573 Ibid
574 Ibid, pg 30
575 OECD, 2018, Results from TALIS 2018: Country Note: England (UK)

According to the same OECD survey, teachers in England identified the greatest need for further Continuing Professional Development (CPD) in relation to teaching pupils with SEND (37 per cent reported moderate or high need at primary and lower-secondary school).[576] Similarly, according to a DfE survey of teachers in mid-2019, while 86 per cent of all teachers surveyed felt equipped to identify when a child with SEN Support is making less than expected progress, 22 per cent do not believe that they are able to meet the needs of these pupils,[577] and more than one in ten (11 per cent) teachers disagree with the statement that when support is put in place for pupils with SEND, it is based on evidence of what works best to meet their needs, and enables them to have good outcomes.[578]

Research by the National Foundation for Educational Research (NFER) found that although 77 per cent of primary and secondary leaders in England spent more of their time on SEND provision in 2018/19 compared to the previous year,[579] almost a quarter of senior leaders stated that some provision was conducted by teachers and teaching assistants without training (Figure 20).

Figure 20: Staff who deliver SEND provision, by position and level of training, 2019
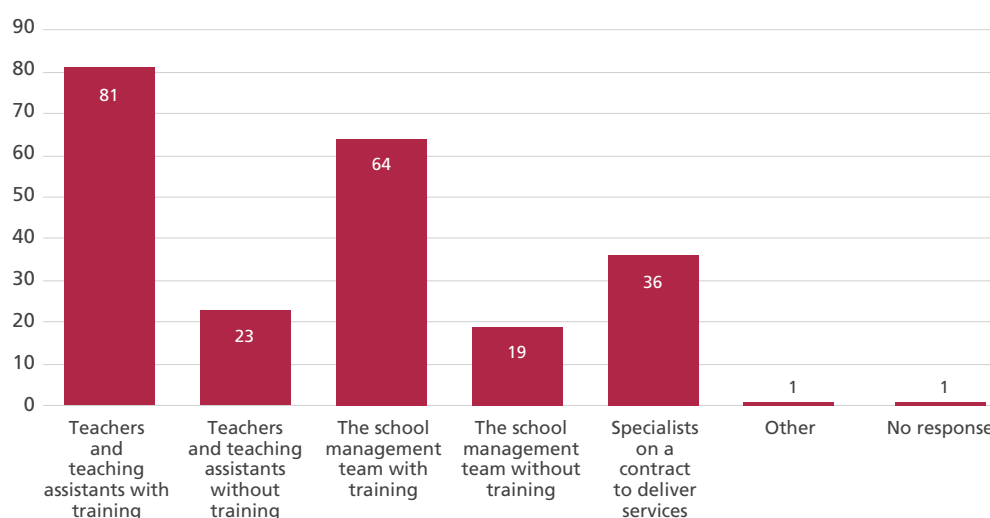
Source: NFER Teacher Voice Survey Omnibus[580]

The views of parents of pupils with SEND suggests that the needs of their children are not always met. Research by ALLFIE in 2020 showed that only 35 per cent of parents of pupils with SEND agreed that staff and teaching assistants were suitably trained.[581] On top of this, just 47 per cent of parents agreed that the main staff who worked with their child were fully aware of their needs.

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576   Ibid
577   DfE School snapshot survey Summer 2019, Table 328/1 (M7_2)
578   DfE School snapshot survey Summer 2019, Table 331/1 (M7_5)
579   National Foundation for Educational Research, 2019, Evidence for excellence in education [Accessed via: www.nfer.ac.uk/media/3825/teacher_voice_omnibus_survey_june_2019.pdf]
580   Ibid
581   ALLFIE, 2020, 'Accessibility Plans as effective tools for inclusion in schools: are they working? pg 84

An example of this paucity of knowledge can be seen in relation to the 'graduated approach.' The SEND Code of Practice (the statutory guidance for organisations that work with young people with SEND) published in 2014 instructs teachers to identify need and act.[582] To do this, the Code recommends using the graduated approach which takes the form of a four-part cycle: 'assess, plan, do and review.' Any support for pupils with special educational needs should revisit 'earlier decisions and actions', 'refine and revise' them in order to grow an 'understanding of the pupil's needs and of what supports the pupil in making good progress and securing good outcomes.'[583] However, according to DfE survey data in 2019, five years after the Code was introduced, 17 per cent of primary school and 42 per cent of secondary school teachers in England were unaware of the graduated approach.[584] And of those that were aware of it across primary and secondary schools in England, only 63 per cent 'always' use this approach.[585]

3.2 Recent reforms will not provide enough of a focus on SEND provision

The Government introduced reforms to Initial Teacher Training (ITT) in 2016. The Government's white paper, *Education Excellence Everywhere*, committed to strengthening ITT content to give teachers 'sufficient subject knowledge, practical behaviour management skills [and] understanding of SEND.'[586] The White Paper was published in response to the Carter Review in 2015 which, among other things, highlighted the variability of SEND training provision within ITT, especially in time-pressured one-year programmes.[587] In July 2016, the Department published a new Framework of Core Content for ITT to support effective training, in partnership with the Education Endowment Foundation,[588] which was updated in 2019. The current iteration of the framework advises that 'ITT providers should ensure SEND training is integrated across the ITT programme.'[589] To add to this, in March 2019, the DfE announced it was 'undertaking an audit of SEND provision across ITT providers, which it will use to produce a best practice guide.'[590] To the Commission's knowledge, this has yet to be published.

Despite some progress to embed SEND training in the ITT programme, problems remain. In 2017, UCL published a report which stated that the 'current arrangements for ITT are not structurally appropriate to allow for the increase in understanding by teachers about both general principles of inclusive pedagogy and key knowledge about specific diagnostic categories, that are needed to give the best chance to children with SEND in the classroom.'[591]

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582 DfE, 2019, The Teaching and Learning International survey (TALIS) 2018
583 DFE & DoH, 2015, Special educational needs and disability code of practice: 0 to 25 years (statutory guidance)
584 Winter Snapshot Survey 2019, Table 392/1 (P7)
585 Winter Snapshot Survey 2019, Table 393/1 (P8)
586 DfE, 2016, Educational Excellence Everywhere, pg 12
587 Sir Andrew Carter OBE, 2015, Carter review of initial teacher training (ITT), pg 57
588 Department for Education, November 2019, Guidance: Initial teacher training (ITT): core content framework
589 UK Parliament, 28 February 2019, Written Question UIN 227052: Teachers: training
590 Ibid
591 UCL Institute for Education, March 2015, Towards a New Reality for Teacher Education for SEND

In November 2020, the CSJ Disability Commission held a focus group of SEND inclusion specialists from a range of school types. One of the topics covered was teacher training. The overwhelming response of participants was that Initial Teacher Training was inadequate and does not meet the needs of a diverse pupil body. According to one focus group participant who was a SEND Inclusion Lead at a secondary school within which 10 per cent of pupils identified with SEND:

> From the teachers that the school employs, at most, the NQTs [newly qualified teachers] have half a day training at university in terms of supporting [pupils with SEND].

According to another participant, a senior leader within a mainstream further education college for disabled pupils and/or pupils with additional needs:

> When I get teachers in [to my college], it is almost like having to teach them from scratch… they have to learn their trade again.

3.2.1

The professional development of the existing workforce also suffers from a poor attention to pupils with SEND. As the UCL research above showed, there is a need for training in both the principles of inclusive pedagogy and key knowledge about specific diagnostic categories. However, there is evidence that SEND is often omitted from training courses. According to a recent DfE survey of teachers in 2019, 38 per cent of respondents believe there is not 'appropriate training in place for all teachers' to support pupils with SEN.[592] In relation to specific SEN groups, a National Association of Schoolmasters Union of Women Teachers' (NASUWT) survey in 2018 found that of those that had training on specific needs/conditions, only 44 per cent rated this 'effective.'[593]

The NASUWT survey also showed that more than a third (36 per cent) of teachers and school leaders in the UK stated that they had not received training or CPD specific to SEN/additional learning/support needs within the last two years.[594] Of the respondents that had (64 per cent), nearly a third (32 per cent) said that this did not cover inclusive teaching strategies. Equally worrying, 56 per cent did not receive training on effective use of support staff. Other studies have highlighted the variability in the effectiveness of Teaching Assistants (TAs) across England[595] despite evidence to show support staff are essential for the progress of pupils with special educational needs.[596] TAs have almost trebled in English schools between 2000 and 2019.[597]

To support the early career development of teachers, the Government introduced the Early Career Framework (ECF) in 2019.[598] This Framework provides the evidential base for a new training entitlement offered to all teachers in their first two years in employment. This 'enhanced offer of support' is part of the Government's plan to recruit and retain more teachers and involves high quality development materials, a dedicated mentor, and

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592 DfE School snapshot survey Summer 2019, Table 329/1 (M7_3)
593 The rating of effective was defined as 'subject knowledge, subject-specific pedagogy, clarity around learner progression (starting points and next steps) and activities designed to help teachers understand how learners learn.'
594 NASUWT, April 2018, Special Educational Needs (SEN), Additional Learning Needs (ALN) and Additional Support Needs (ASN), pg 15
595 Education Endowment Foundation, 2018, teaching & learning toolkit: Teaching assistants
596 Ibid, pg 17
597 Education Endowment Foundation, 10 October 2018, Making best Use of Teaching Assistants
598 DfE, 2019, Early Career Framework

funding for five per cent time away from the classroom for teachers in their second year.[599] The entitlement is due to be rolled out from September 2021, although some areas have been selected for an early roll-out from Autumn 2020. In response to questions tabled to the Government in 2018, the then Minister replied that 'SEND could be a key element of this framework.'[600]

However, the framework provides little reassurance that teacher training will improve sufficiently in relation to SEND. Indeed, the ECF mirrors the provision for SEND in the ITT Framework exactly, despite the evidence above to show that problems remain in relation to the training outcomes for pupils with SEND. Initial teacher training usually lasts for one year, which offers limited time for training on SEND provision. However, in the two-year training entitlement offered by the ECF, there may be more scope for training to embed inclusive learning.

3.2.2

The ECF could do this in a number of different ways. First, the framework should encourage cross-pollination between mainstream and special/alternative provision (AP) schools by offering specialist placements. There is evidence to support this approach. Research into mainstream teachers' attitudes towards the inclusion of pupils with SEND found that the level of respondents' professional development was significantly related to their attitude towards inclusion and their confidence in meeting the needs of pupils with SEND.[601] There is also emergent evidence in support of this approach in Ireland. All initial teacher education (ITE) programmes in Ireland were re-accredited from 2012. The evaluation of these changes which took place between 2015 and 2019 showed that school placements in special schools, 'resource classes' or learning support roles was the second most important element of their training experience for their development as inclusive teachers behind mainstream school placements (70.4 per cent rated this factor as 'significant' or 'very significant').[602] There should be more opportunities for placements within the professional development of teachers to ensure cross-pollination between key areas of our education system.

Case study: The Difference

The Difference is a two-year programme for teacher development to resolve the immediate problem of teacher shortages in Alternative Provision (AP) schools and the longer-term goal of reducing exclusion and improving pupil outcomes. Almost 80 per cent of pupils in AP have an identified special educational need or disability. The Difference model selects experienced, highly motivated teachers and places them in a two-year senior leadership post in an AP. The model includes bespoke school improvement support and leadership coaching from The Difference team, and dedicated supervision for the participants while at the AP. Over the two-year placement, leaders will gain specialist CPD training in: developing teaching and learning,

599   DfE, 2020, Policy Paper: Early career framework reforms: overview
600   UK Parliament, 8 February 2018, Written Question UIN 127824, Special Educational Needs
601   Avramidis, E., Bayliss, P. and Burden, R., 2000. A survey into mainstream teachers' attitudes towards the inclusion of children with special educational needs in the ordinary school in one local education authority. Educational psychology, 20(2), pp 191–211
602   National Council for Special Education (NCSE), 2019, Initial Teacher Education for Inclusion. Research Report 27

including on inclusive curricula; improving pupils' post-16 destinations; child development, mental health, effective whole-school approaches, interventions with families and multi-agency collaboration; and, traditional and contextual safeguarding (for instance, substance misuse).

The experience in AP combined with the training offered contributes to increased capacity in the AP teaching staff, and improved outcomes for pupils. Leaders can also return to mainstream schools after the two-year programme, which allows for cross-pollination between mainstream and AP schools. In turn, mainstream schools will be more likely to provide a whole-school approach to social, emotional, and behavioural health, all of which helps teachers and staff to intervene earlier.

Source: CSJ[603] The Difference[604]

Second, training related to assistive technology (AT) should be more widely available. AT has the potential to open access to the general curriculum by enabling individuals to complete tasks that they previously could not complete or did slowly. In this respect, it also helps to improve attainment.[605] However, according to a survey by Promethean, an education company, only one per cent of teachers surveyed stated their school prioritises tech training[606] and fewer than a fifth of teachers (19 per cent) believe the provision of tech training more broadly is adequate in their schools. While there is a need for more widespread training on EdTech, the APPG for Assistive Technology's forthcoming report will also highlight the importance of specialists who can support leaners with more specialist technology and support their colleagues to develop a broader awareness and confidence around technology and SEND. For instance, training around the use of 'eye-gaze' sensors, which allows users to control a computer screen with their eye movements.

Yet, according to ALLFIE research, few educational professionals believe that the content, structure and delivery of the curriculum is accessible for all disabled pupils.[607] At present, the DfE is funding training and support initiatives for teachers on SEND through the SEND Support Hub (part of the Edtech Demonstrator network) which provides free webinars for teachers to learn about new technology, and a network of 'EdTech SEND Champions' to disseminate best practice.[608] However, funding for these initiatives is time-limited and it is unclear if it will be renewed. Given the evidence above that tech training may not be reaching many teachers, providing a way to extend this reach through the ECF is critical.

Third, there should be an accreditation for the training related to SEND. Not all teachers will specialise in SEND provision or have the opportunity to be placed in an AP or special school. But for those that are, a qualification which recognises the specialist knowledge and skills they have acquired is essential. This model has also been used in other training courses, such as for the successful Careers Leaders programme. In the evaluation of this programme, it was noted that 'accredited courses were particularly appealing [to staff] as they were perceived to offer quality and a certain standard of learning and thus legitimacy and credibility to the role, to the individual, and amongst their colleagues

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603   CSJ, 2018, Providing the Alternative: how to transform school exclusion and the support that exists beyond
604   The Difference, The Difference Leaders Programme [Accessed via: www.the-difference.com/programme-detail]
605   DfE, 2020, Assistive Technology: Stakeholder report: Developers
606   Promethean, 2020/21, The State of Technology in Education
607   ALLFIE, 2020, 'Accessibility Plans as effective tools for inclusion in schools: are they working? pg 88
608   National Star, n.d, EdTech SEND Support Hub

and their school/college.'[609] Accreditation of courses also helped to increase take-up of training opportunities. Some qualifications in relation to SEND already exist. For instance, the University of Dundee has recently released a Masters-level qualification in educational assistive technology which will help up-skill specialists who can support learners with more complex needs.[610] The Early Career Framework does not mention the link with qualifications.

Recommendation 14a: Initial teacher training must include a focus on whole-school inclusion and SEND provision should be integrated across the ITT programme.

Recommendation 14b: The Government should strengthen the SEND training element within the Early Career Framework for teachers and provide additional funding for this. In particular, the Government should offer:

   i. training based in Special Schools and AP;

   ii. training on the role and use of technology and SEND; and,

   iii. accreditation for training routes which specialise in SEND provision.

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609 Institute for Employment Studies, 2020, Evaluation of the Careers Leader Training
610 University of Dundee, 8 July 2020, New course to tackle barriers faced by disabled learners

Offering more experiences of the workplace

Harnessing the talents and skills of disabled people should be a priority for employers. This includes in the promising areas of the economy with a high demand for skills. According to the *Employer Skills Survey* in 2019 almost a quarter (24 per cent) of all vacancies in the UK are in skills shortage areas, the highest level since 2011;[611] although the pandemic has disrupted many areas of the economy, a high proportion of the skills identified in the survey are transferrable between occupations. Disabled people should have accessible opportunities to contribute to the future skills needs of the economy and fill current skills gaps within the workforce. However, according to a DfE 2019 survey, pupils with SEND are less likely than pupils without SEND to be aware of the skills and qualifications they need for their future jobs/careers (60 per cent versus 76 per cent).[612]

One way to better understand and develop these skills is through experience of the workplace, for instance placements or job shadowing. This brings benefits to both disabled pupils and employers. For disabled pupils, good quality engagement with workplaces, embedded within the curriculum, can provide opportunities for them to inform their future career choices, contextualise their learning, and harness the skills and confidence to thrive in the workplace.[613] Schools can also use it to better understand the vocational preferences of the pupil, which can be used to match individuals to a job that meets their aspirations and skills.[614] When combined with good careers guidance (see the Team Domenica case study, below), work experience can be an essential element to a pre-internship or pre-employment pathway.

A large body of evidence links good quality work experience from a young age with successful employment for young adults. A survey by *Education and Employers* in 2016 on the experiences of young British adults aged 19–24, found that pupils who had work experience at age 14–16 were 45 per cent less likely to be not in employment, education or training (NEET) than peers who did not have work experience, controlling for background factors, such as parental education.[615] Indeed, employer engagement activity can be another route for young people to 'gain knowledge and skills about, and of relevance to, the labour market.'[616] In short, it strengthens social capital.

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611 Department for Education, November 2020, Employer Skills Survey 2019: Skills Needs, pg 7

612 DfE, Summer 2019, Omnibus survey of pupils and their parents or carers: wave 6, pg 77

613 DfE, 2017, Work Experience and related activities in schools and colleges: research report, pg 12

614 Preparing for Adulthood, n.d., Vocational Profile

615 Education and Employers Research, June 2017, Contemporary transitions: Young Britons reflect on life after secondary school and college. NB: all background factors taken into account in the regression analysis were: gender, ethnicity, geographic location, age, highest level of qualification, receipt of Free School Meals, and parental education.

616 Education and Employers Research, 2017, Contemporary transitions: Young Britons reflect on life after secondary school and college

Work experience is particularly important for transitions to work for pupils with SEND. Work experience is rated as 'consistently effective' by the Early Intervention Foundation at transitioning pupils with SEND into work.[617] In addition, the DfE guidance for 16–19 study programmes acknowledges that work experience for pupils with SEND may be 'a particularly important element of their study programme to build their skills and confidence.'[618] And, as the Shaw Trust has commented in evidence to the CSJ Disability Commission: 'providing work experience opportunities and supported internships for young people with SEND will become all the more important [to] secure meaningful employment' in the context of the economic disruption caused by the pandemic.

For employers, there is a clear economic case for providing young people with experience of the workplace. For instance, according to DfE research, 83 per cent of schools (excluding 6th form) rated wider community involvement as a benefit for employers.[619] Most importantly, it helps to develop the skills of the future workforce. Indeed, 63 per cent of respondents to the *Employer Skills Survey* in 2019 identified relevant work experience as a significant or critical factor when recruiting new staff, rising to 79 per cent for employers with skill-shortage vacancies.[620] These work placements are sometimes viewed as direct routes into the organisation. As one employer commented in evidence to a DfE research report published in 2017:

> Offering work experience [placements] provides [us] with an opportunity to show young people that we offer a career-path, not just temporary jobs.[621]

4.1 Disabled pupils are less likely to receive work experience opportunities than their peers

Despite the evidence on the importance of work placements, not all disabled pupils have access to these opportunities as part of their curriculum offer. Data from Ofsted's Parent View survey (between 2 September 2019 and 6 April 2020) showed that parents of pupils with SEND in secondary school are nearly three times more likely to strongly disagree that the school supports the wider pupil development than pupils with no SEND.[622] A Leonard Cheshire survey of young disabled adults in 2018 showed that 40 per cent of respondents who had recently left statutory education (aged 18 to 24) said they were not supported to find suitable work experience related to their chosen career,[623] and 43 per cent stated they were not able to take part in work experience while at school.

4.1.1 The lack of opportunities for pupils with SEND offered by schools is related to cost

There are several reasons why disabled pupils are not offered work experience opportunities. First, educational institutions are less likely to offer these placements to pupils with SEND. According to the latest DfE data from 2016, while 90 per cent of schools

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617   CEC, 2017, Transition programmes for young adults with SEND: What Works?
618   Education and Skills Funding Agency, 29 July 2020, 16 to 19 study programmes: guidance (2020 to 2021 academic year)
619   Ibid, pg 91
620   Department for Education, November 2020, Employer Skills Survey 2019: Skills Needs, pg 7
621   Department for Education, 2017, Work experience and related activities in schools and colleges, pg 92
622   CSJ Disability Commission FOI request to Ofsted on data in the Parent View survey [Received June 2020]
623   Savanta Comres, 2018, Leonard Cheshire Disability: Education Section (Unweighted base = 270)

and colleges offered work experience to Years 10 and 11 (equivalent to ages 14–16),[624] only 63 per cent of work experience coordinators in schools or colleges reported that their institution offered any work-related activities to pupils with SEND (Figure 21). In addition, case study findings from DfE research showed that 'in contrast to more general work-related activities, work experience placements were far less likely to be offered [by the school or college] to young people with SEND.'[625]

Figure 21: Proportion of educational institutions that offer work-related activities for pupils with SEND, by institution type, England, 2016 (%)
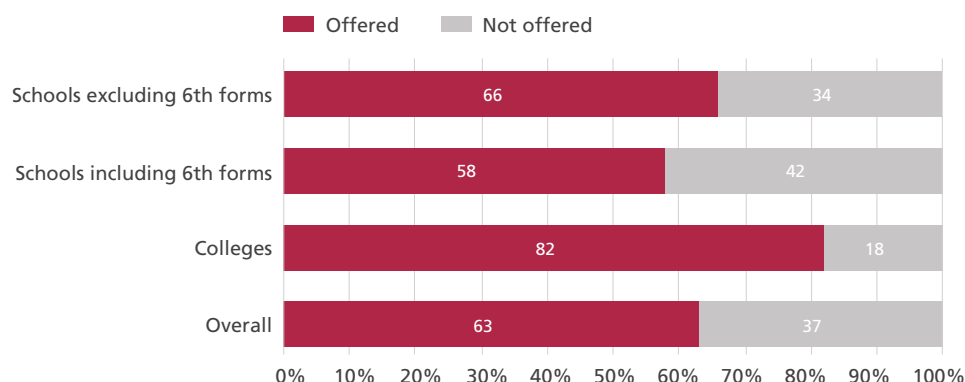
Source: DfE[626]

The unequal treatment of pupils with SEND in relation to work-related activities may in part be explained by the additional costs for providing placements for pupils with SEND, for instance, providing appropriate transport or assistive technology. Indeed, a DfE survey in 2016 showed that not all pupils were offered work placements because it was 'too expensive' or there was a lack of funding, but it was also noted that pupils with SEND tended to require different or higher levels of support.[627] At present, outside formal programmes such as supported internships and traineeships – where adjustments can be funded through the Access to Work scheme – there is limited funding that schools and colleges can draw upon to support pupils with SEND in the workplace.[628]

The lack of available funding is problematic for two reasons. First, some placements, such as that highlighted in the case study below, are part-time, being spread over several months alongside study. This may be more suitable for some disabled pupils rather than short-term, time-intensive placements, and acts as a vehicle to gradually develop the skills required to succeed in other programmes such as supported internships, or employment itself. However, this requires individuals to be supported (with a job coach, for instance) for a long time period, which can be costly.

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624 Base (unweighted): All respondents offering work experience to both pre and post-16s or to pre-16s only (543)
625 Ibid, pg 33
626 Department for Education, 2017, Work experience and related activities in schools and colleges Unweighted base: schools excluding 6th forms (187); schools including 6th forms (409); colleges (115)
627 Ibid, pg 39
628 Preparing for Adulthood, n.d., Work experience that works

Case study: Team Domenica

Team Domenica is a registered charity based in Brighton and Hove that provides education, employment and wellbeing support to people with learning disabilities, with the aim of supporting them into competitive employment. Team Domenica do not turn anyone away, and support individuals with some of the most complex needs.

To do this, they offer a staged route into employment. Most individuals begin on a 9-month work placement at the 'hub café' which offers workplace experience for one day per week. At the same time, the training centre offers learning focused on key skills such as numeracy, money-handling, and communication. An enrichment programme provides the opportunity for a range of activities to support friendship networks, confidence, and wellbeing. Alongside this, all individuals have access to a one-to-one mentor to support candidates and their families.

From this initial work placement programme, individuals can either progress onto supported work placements with external employers for nine weeks (including job coach support), or onto a six-month supported internship. The Wrap Around Programme (WAP) provides weekly advice sessions with individuals and supports them to progress to more hours and greater responsibility. This support is offered to both the employer and the employee, and available for life.

Since 2016, Team Domenica have achieved a 75 per cent paid employment rate for individuals on Supported Internships. Outcomes for wellbeing and confidence are equally impressive. In a recent survey, almost 83 per cent participants reported their happiness had increased since joining Team Domenica, and 81 per cent reported increased confidence. In addition, almost 94 per cent of parents and carers felt 'very' or 'somewhat' supported by the organisation.

Source: Team Domenica[629]

Second, not all pupils with SEND are in a position to access supported internships or traineeships at the age of 16. For instance, traineeships are designed for individuals who have a 'reasonable chance of being ready for an apprenticeship or other employment within six months of completion' and not for those who are 'the most disengaged.'[630] This may be relevant for many disabled pupils who require less support, but this is not the position of all. In the case of supported internships, the programme is offered to pupils with EHC Plans, and many providers ask for a minimum level of aptitude before an individual can enrol. Supported work experience can provide a bridge to these programmes and help pupils with SEND develop the skills and aptitudes required to access these programmes after the age of 16.

4.1.2 The low supply of work placements from employers limits opportunities for disabled pupils

On the employer side, only a minority of employers offer work placements, hence there are few opportunities for disabled pupils. DfE research in 2016 showed that the most common reason for the limited availability of work experience placements more generally

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629 Team Domenica, 2021, Impact Report
630 DfE, 2021, Traineeships: supporting young people to develop the skills for apprenticeships, sustainable employment, and further learning

for pupils in Year 10–11 was 'a lack of available opportunities.'[631] This situation appears to have worsened since then. According to IFF Research, 27 per cent of UK organisations in 2019 offered work placements to pupils in education in the past 12 months compared to 29 per cent in 2016.[632] Of this 2019 figure, 86 per cent offered work placements to pupils in school, 62 per cent for college students, and 50 per cent for university students.[633] Given the overall fall in work placements offered by employers between 2016 and 2019, it is likely that opportunities for disabled young people has also fallen.

To the Commission's knowledge, there is no concrete understanding of why employers do not engage with schools, and in particular with disabled pupils. Factors may be similar to the stated barriers for employing disabled people, discussed in Chapter Two (Part Two). For instance, perceptions of financial cost or administrative burden, or lack of awareness of opportunities. The Government should seek to understand the factors that prevent employers from offering experiences of the workplace for disabled pupils and lay out potential recommendations to encourage employers to engage.

One option that could be explored by the Government is to use Good Employment Charters as a way to engage employers. For instance, the Manchester Good Employment Charter is a good example of a how this might be achieved.[634] The Charter (and the others around the country like it) acts as a touchpoint between the local government and business. To obtain membership, employers must commit to uphold all the elements of the charter: extending secure and flexible work; achieving the real living wage; improving workplace engagement and voice; developing excellent recruitment and progression; improving people management; and developing a productive and healthy workplace. Charters could also be amended to provide for work experience opportunities and engagement with local schools as a key part of the employer's role within the community and to support the employment prospects of young disabled people.

Once the concerns around the financial cost for providing work experience opportunities have been addressed, and more employers are engaged through existing touchpoints such as Good Employment Charters, the Government must find ways to raise the number of work experience opportunities for pupils with SEND. The Government's statutory careers guidance, published in 2018, states that pupils should have at least one 'first-hand experience' of the workplace (including work visits, work shadowing and/or work experience) by age 16, and another by age 18, 'in addition to any part-time roles.'[635] This stems from the Gatsby Benchmarks (Benchmark 6[636]) which outlines good practice for the careers guidance system. The 16–19 Study Programme guidance for 2020–21, although not statutory guidance, recommends that all 16–19 study programmes 'should' have work placements.[637] Given the importance of work experience placements to increasing

631   Department for Education, 2017, Work experience and related activities in schools and colleges
632   DfE (IFF Research), 2020, Employer Skills Survey 2019: Developing the skills pipeline
633   CSJ Disability Commission analysis of IFF research DfE (IFF Research), 2020, Employer Skills Survey 2019: Developing the skills pipeline, pg 37 (Base = 4,436)
634   Greater Manchester Good Employment Charter, n.d., What is the Charter?
635   Department for Education, October 2018, Careers guidance and access for education and training providers
636   Gatsby Foundation, n.d., The Benchmarks: good career guidance [Accessed via: www.goodcareerguidance.org.uk/the-benchmarks]
637   Education & Skills Funding Agency, 29 July 2020, 16 to 19 study programmes: guidance (2020 to 2021 academic year)

employment opportunities for disabled people, the Commission believes that the target outlined in the statutory careers guidance should be raised to provide a greater number of opportunities for good-quality work experience for these pupils.

A new target doubling the existing recommended number of workplace experiences in the statutory careers guidance, specifically for disabled pupils, will help to focus school leader's minds on levelling the playing field.

Recommendation 15a: The Department for Education should produce an action plan to resolve the lack of supported work experience opportunities offered by schools to disabled pupils/pupils with SEND – the plan should include a dedicated DfE grant which is tailored to short-term and flexible work placements and supports education providers and employers to make placements accessible as standard.

Recommendation 15b: The Government should fund research to understand why employers do not offer experiences of the workplace to pupils, with a specific focus on engaging disabled pupils/pupils with SEND. The findings from this research should be used to inform recommendations to encourage employers to offer experiences of the workplace.

Recommendation 15c: The Government should double the current expectation of work experience placements/work exposure for disabled pupils/pupils with SEND. These pupils should be provided with two work placements before the age of 16, and another two between 16 and 18.

Strengthening transitions to employment within EHC Plans

For all pupils with SEND the opportunity to develop employability skills is critical for the chance to enter employment. However, for pupils who have complex and severe needs, it is important that opportunities for skills development and employment are available from an early age to increase confidence, aspirations and expectations, and that the local authority, school and family share high aspirations for the pupil's future. An American longitudinal survey showed that high parental expectations for their child's future is critical to the transitions to employment and independent living for disabled pupils.[638] Yet high expectations can often be lacking. Research by the Institute of Education at University College London (UCL) in 2008 showed parents may need support to overcome 'both attitudinal and practical barriers to high aspirations.'[639] More broadly, the aspirations of pupils with SEND[640] tend to decline in the face of multiple practical, financial, and attitudinal barriers.

Research by the Institute for Education in 2018 also showed that pupils with SEND at age 14 in the UK were already eight percentage points less likely to aspire to a professional or managerial occupation (27.3 per cent versus 35.9 per cent), once controlling for cognitive ability and sex. These pupils also aspired to occupations that commanded wages which were, on average, £1.97 (9.4 per cent) less per hour than occupations aspired to by pupils with no SEND but similar cognitive ability. This wage gap amounted to £3,790 per year.[641] Therefore, it is important, along with providing the opportunities and programmes to support skills and knowledge development, that pupil aspiration and confidence is also raised.

5.1

For some pupils, this notion of aspiration and confidence building is encapsulated within the EHC Plan. These plans were introduced in 2015 to integrate the education, health and care support of pupils with the most complex and severe needs.[642] Within most plans, the achievement of employment should be a key ambition alongside other long-term outcomes such as independent living and community participation.[643] These outcomes together form one of eleven sections the EHC Plan must cover, which are outlined in the

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638 P. Wehman et al. (2014) Predictors of Successful Transition from School to Employment for Youth with Disabilities. September 2014 Journal of Occupational Rehabilitation 25(2) DOI: 10.1007/s10926-014-9541-6

639 Centre for Research on the Wider Benefits of Learning, June 2008, Determinants of aspirations

640 Ibid

641 UCL, June 2018, SEN, school life and future aspirations

642 Tower Hamlets, n.d., Parental Support: Special Educational Needs and Disabilities (SEND): assessments

643 Paragraph 9.64 of the SEN Code of Practice

SEN Code of Practice 2014. According to this code, the outcomes for adulthood should underpin and inform the detail of the whole EHC Plan and be forward-looking in terms of preparing young disabled pupils with the skills or confidence for achieving their ambition, which includes the opportunity of future employment.[644]

5.1.1 Many EHC Plans are not forward-looking towards adulthood and employment

However, there is evidence to show that many EHC plans are not sufficiently forward-looking. The problem of a lack of ambition for disabled pupils is evident at the systemic and local level. The Education Select Committee has criticised the Department for Education for lacking focus on supporting young people into meaningful and sustainable employment and independent living opportunities.[645] At the local level, Ofsted has raised concerns about the quality of written EHC Plans in relation to weaknesses in planned outcomes.[646]

In addition, a DfE survey in 2017 on the experiences of EHC plans for parents and young people found the lowest rated perception on the future impact of the EHC Plan was the prospect of employment – fewer than half (47 per cent) of respondents agreed the EHC Plan would improve the chances of getting paid or unpaid work, while 13 per cent disagreed.[647]

A qualitative review of EHC Plans published by the DfE in 2018 found that the plans often did not have a 'forward looking' approach, and a sample of plans analysed were 'focussed on education and provisions being made within school.'[648] Despite parents having communicated concerns about skills development, engagement with the wider community and life outside schools, the research found these priorities were 'rarely represented in the outcomes and provisions' of the EHC Plan.[649] This situation was worse for older pupils with an EHC Plan. According to the DfE survey mentioned above, while 47 per cent of all respondents agreed that the Plan was likely to improve the prospect for paid or unpaid work, only 39 per cent of respondents where the Plan was in place for pupils aged 16–25 agreed that it would improve employment prospects. DfE qualitative research in 2016 found a potential reason for this was a late identification of need which led to a limited perception of the progress that the young person could make before they transitioned to adulthood.[650]

Part of the problem may be access to good quality opportunities. Indeed, the National Network of Parent Carer Forums, in evidence to the Education Select Committee,[651] has stated that 'employment opportunities [for disabled adults between the ages of 16 and 25] can be sparse, are often of poor quality and with limited choice or opportunities.' Recommendations 1a–b, 2a–2d, and 3a–3g will help to encourage the development of good quality apprenticeships, supported employment services, and supported internships by improving quality, raising awareness and increasing Government investment. If the

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644   Paragraph 9.5 of the SEN Code of Practice
645   House of Commons Education Committee, 16 October 2019, Special educational needs and disabilities, pg 87
646   Education Select Committee, 2018, SEND Review: Written evidence from Ofsted (SCN0598)
647   DfE, March 2017, Experiences of Education, Health and Care plans: a survey of parents and young people, pg 131
648   DfE, January 2018, Education, Health and Care plans: A qualitative investigation into service user experiences of the planning process, pg 58
649   Ibid, pg 57
650   DfE, March 2017, Experiences of Education, Health and Care plans: a survey of parents and young people
651   Education Select Committee, 2018, SEND Review: written evidence from National Network of Parent Carer Forums, [SCN0199]

issues around the supply of good quality supported routes into employment can be resolved, EHC Plans must have the opportunity and ambition for employment embedded within the fabric of the Plan (where agreed with the family).

5.2 It is difficult to return to an EHC Plan if the individual becomes unemployed

Another concern is that when disabled people enter employment before the age of 25, their EHC Plan can be ended by the local authority, usually (but not always) in agreement with the disabled pupil and their family. This is concerning for multiple reasons. First, it is not correct to believe that education ends when employment begins, which means educational support may be still required. Education (through training) can be a key element of an employed role, for instance, in apprenticeships. Second, although the 'education' part of the plan will be less relevant for the disabled person who is in employment, the social care and health elements will still be pertinent.

Third, if an individual leaves employment, they must re-apply to their local authority to get another EHC Plan. But as the case studies below illustrate, returning to a Plan can take months (and is not guaranteed), during which time the individual concerned cannot access other essential opportunities to support them back into work. This in turn places enormous stress on families. The loss of support when an EHC Plan ends may also deter parents from embracing programmes for work without the guarantee that the outcome will be sustained employment.

Case study: Tom's story

'Tom' is a 23-year-old with autism and learning difficulties. He was referred to our service for an 8 week Supported Work Experience opportunity, with a view to moving into Supported Employment of 16 hours per week. Through work experience, it became apparent that Tom would benefit from the more structured learning path over a longer period; a Supported Internship was considered but we needed to find out if his EHC Plan was still active, which was needed to access supported internships.

Tom previously had an EHCP, but when he was 21 and starting to claim Universal Credit, they had a meeting with the EHCP team and agreed to end the plan. Mum said that from her point of view, Tom was claiming benefit and would get a job, so he would not need the EHCP anymore.

We contacted the EHC Plan team in his area, explained the background and what we could put in place for him with a current EHC Plan. The EHC Plan colleague said that there would be a 5-month waiting list before it could be considered and, by then, Tom would then be too old to start a Supported Internship. There was no flexibility or special circumstances.

Source: BASE, in evidence to the CSJ Disability Commission

Case study: Elliot's story

Elliot is 22 years old and has a learning disability which arises from a rare genetic syndrome. At the annual review meeting in November 2019 (age 20) when the training provider said they were no longer able to support Elliot, the Local Authority took the decision to cease the EHC Plan.

Elliot's care team are constantly looking for any voluntary opportunities or meaningful activity for Elliot to take part in. They are doing this in response to Elliot consistently telling us "I want a job" and "would that be a good job for me?". Even with their best endeavours this is going to be extremely difficult to do – with no statutory plan in place the options for Elliot are extremely limited, he cannot access a supported internship or an inclusive apprenticeship without an EHC Plan. In short, he needs the support of qualified experienced job coach and the links and opportunities an internship or apprenticeship could bring.

Source: BASE, in evidence to the CSJ Disability Commission

To resolve these issues, the Commission recommends that when a pupil on an EHC Plan enters employment the 'education' element should be replaced by 'employment' which would operate solely as a placeholder to protect the automatic right to return to an EHC Plan, maintained until the age of 25. This will enable the flexibility for the 'education' element to be re-instated if an individual leaves employment and emphasise the continuity of support through the health and social care aspects of the Plan.

Recommendation 16a: Local authorities should review their EHC Plans to ensure that there is a presumption of equal opportunity for employment from the commencement of the Plan, with a forward-looking approach, and support mechanisms in place to enable successful transitions to employment. Recommendations 1a–b, 2a–d, and 3a–g provide ways to increase and improve some key routes into employment for young disabled adults.

Recommendation 16b: Pupils with an EHC Plan who move into employment before the age of 25 should be able to return smoothly and quickly to a new Plan if their employment ceases. This could be done by swapping the 'education' element of the EHC Plan with an 'employment' placeholder.

Part 3
Access to, and success in, higher education

The Equality Act 2010 confers the following duties on Higher Education Institutions (HEIs) in relation to disabled people.

First, the Public Sector Equality Duty (PSED) requires HEIs to minimise disadvantage experienced by disabled people, take steps to meet varying needs, encourage participation in public life, and tackle prejudice and promote understanding.[652] Under Section 20 of the Equality Act, HEIs are also responsible for making reasonable adjustments for students, where not doing so would put disabled students 'at a substantial disadvantage compared with students who are not disabled.'[653]

To meet these duties, HEIs are required to make adjustments to their online and built environment, and to teaching and learning. They also conduct outreach work to support disabled pupils into, and while studying at, these institutions. In undertaking these activities, HEIs can draw down from Government money, such as through the Disabled Students' Premium which is allocated (via formula) to HEIs by the Office for Students (OfS, the higher education regulator). All actions by HEIs to support disabled students should be outlined in Access and Participation Plans which each university must have as a condition of charging the highest tuition fee rate to students.

Students can also be supported directly through a grant provided by the Disabled Students' Allowance scheme for the costs of study incurred because of their disability. The Commission addresses both avenues of support in the following two sections.

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652 Equality Act 2010, Part 11, Chapter 1, Section 149; as mentioned in APPG on Assistive Technology, 2018, Virtual learning environments in higher education
653 Department for Education, 2019, Evaluation of disabled students' allowances, pg 14

section 6

Ensuring the best use of the Disabled Students' Premium

The evidence on the efficacy of higher education institution's actions to increase accessibility is mixed. On the one hand, in a YouGov survey of disabled adults in 2020, further and higher education was rated the most accessible area of life, with 65 per cent of disabled adults stating it was fairly or very accessible.[654] On top of this, the 2019 review into support for disabled students in higher education in England showed that there have been significant improvements. For instance, students were more likely to be involved in designing support services; there was an increased use of assistive technology such as 'lecture capture'; and an increased engagement with external specialist providers.[655]

In addition, more disabled students than ever before are entering higher education, which might be seen as a proxy for the improvement that has been achieved by HEIs. Between 2014/15 and 2019/20, the proportion of new entrants to higher education in England who reported a disability increased from 10.5 per cent to 14.5 per cent[656] (although as Chapter Two (Section 11) outlines, there are concerns with the definition of disability used in this data). Viewed from another perspective, according to the latest Higher Education Statistics Agency (HESA) figures in 2018/19, pupils with special educational needs and disabilities are now around twice as likely to progress to higher education in general than they were in 2009/10.[657] In addition, since 2009/10, pupils with SEN Support or EHC Plans are 1.7 and 2.5 times[658] more likely enter into 'higher tariff'[659] institutions.

Notwithstanding these improvements, a recent Office for Students (OfS) briefing paper on the support for disabled students in England stated that 'the quantitative and qualitative evidence [...] shows that many disabled students are achieving *despite* the barriers which remain in their way, not because these barriers have been entirely removed.'[660] According to research by Institute for Employment Studies (IES) which underpinned the OfS briefing paper, some areas required significant improvement: only 29.8 per cent of higher education providers that responded to the IES' survey stated that 90 to 100 per cent of teaching and learning places were fully accessible, and 8.2 per cent of providers stated that student accommodation was 90 to 100 per cent accessible.[661] In a DfE research report, published

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654 YouGov, November 13 2020, The YouGov Disability Study: Life in the UK

655 DfE, 2019, Evaluation of Disabled Students' Allowances, pg 12

656 HESA, n.d., Table 4 – HE student enrolments by HE provider and disability marker 2014/15 to 2019/20

657 Gov.UK, 30 July 2020, Statistics: Widening participation in higher education

658 Depending on whether an individual had 'SEN Support' (2.5 times more likely) or an EHC Plan (1.7 times more likely)

659 The tariff for each higher education institution (HEI) is based on the normalised mean of 'UCAS tariff points' which reflects the top three A level score the average entrant achieved [Accessed via: https://explore-education-statistics.service.gov.uk/methodology/widening-participation-in-higher-education-methodology]

660 Office for Students, October 2019, Beyond the bare minimum, pg 6. NB: emphasis added

661 IES, 2019, Review of support for disabled students in higher education in England pg 74–75. Base consists of 67 publicly funded higher education institutions in receipt of at least £20,000 of Disabled Students' Premium funding.

in 2019, one in five disabled students surveyed in 2018 disagreed with the statement that the higher education provider had a positive approach to supporting learning among disabled students,[662] and research from Policy Connect's Higher Education Commission in 2020 highlighted that 26 per cent of disabled students surveyed rated accessibility of their course as one or two out of five.[663]

6.1

To help support disabled students through higher education, and to help remove the barriers to success, the OfS pays higher education institutions in England a Disabled Students' Premium (DSP). According to the Office for Students, the funding:

> enables providers to support successful outcomes for disabled students, aims to support providers to move towards inclusive models of support and to meet the rapid rise in students reporting disabilities and mental health issues.[664]

There are a variety of ways that the money can be spent. For instance, on the expansion of disability services (more staff, training and resources) and use of assistive technology. The current fund stands at £40 million per year, although it is not ring-fenced. Each higher education provider's allocation is calculated based on the proportion of the provider population that receives Disabled Students' Allowance (weighted at x2) and those who self-declare a disability (weighted at x1).[665]

6.1.1

This premium has the potential to transform access to higher education institutions and help providers build inclusive environments from the start. However, there is a paucity of information on where this money is spent. In its *Terms and conditions of funding for 2019-20* the OfS requires providers to use their Disabled Students' Premium to support the aims and objectives in their Access and Participation Plans[666] and to 'support the costs of activities that will promote inclusion and remove barriers to participation and success for disabled students.' However, there is no expectation for HEIs to outline in their plans which initiatives and actions they have spent the premium on.[667] In 2019, the regulator set up a Disabled Students' Commission (DSC) to 'identify and promote approaches which work well for disabled students'[668] including 'the best uses for [the Disabled Student Premium] funding.'[669] However, there has been no published report on the DSC's findings in relation to the DSP, and there are no current plans in the DSC's Two Year Work Plan to do so.[670] The University Mental Health Adviser Network, in evidence to the CSJ Disability Commission, summarised the situation:

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662 DfE, 2019, Evaluation of Disabled Students' Allowances pg 12
663 Policy Connect HE Commission, 2020, Arriving at thriving: learning from disabled students to ensure access for all, pg 19
664 OfS, 2020, Guide to funding 2020-21, paragraph 71
665 OfS, 11 May 2018, Guide to funding 2018–19, pg 19
666 OfS, 2019, Terms and conditions of funding for 2019–20, pg 10–11
667 For instance, in the following two examples of Access and Participation Plans, there is no mention of how the HEI institutions use their premium funding to support students: https://academic.admin.ox.ac.uk/app; www.uea.ac.uk/about/university-information/widening-participation
668 OfS, n.d., Disabled Students' Commission
669 OfS, 2019, Insight – Beyond the bare minimum. Are universities and colleges doing enough for disabled students?
670 DSC, 2021, Annual Report 2020–2021: enhancing the disabled student experience, Appendix 1

Universities have not been held accountable for using [the Disabled Student Premium] to increase accessibility, to undertake impact assessments for any changes they have made/ will make or to provide evidence of the positive impact of this … funding.

6.2

To support the diversity agenda, many universities have placed responsibility and accountability for improving the outcomes for disabled students at senior institutional levels. According to the Russell Group, all 24 member universities have set the ownership and accountability of the equality agenda at Vice-Chancellor level[671] which the Russell Group perceives as necessary for driving change in access and participation. By driving forward progress from the top, universities can signal the importance of disability inclusion and other equality goals within the institution, which can then be cascaded through all aspects of teaching, learning and university provision, rather than relying on the specific initiatives of the Disability Support Service.

However, only 14 per cent of all higher education institutions in total in 2019 reported that strategic responsibility rested with a pro-vice chancellor, and just 12 per cent said it rested with a vice-chancellor or principal.[672] In addition, the Institute for Employment Studies' 2019 research highlighted the variability of commitment from senior leadership on disability-related issues (all respondents were 'senior institutional contacts' within the HE provider):

[a few respondents] said that senior management's commitment was still a 'work in progress', that they would value more opportunities from senior management to continue work in this area, or that commitment was limited or variable.

Recommendation 17a: The Disabled Students' Premium should be ring-fenced and protected from any future changes in the funding provided to higher education providers through the sector regulator, the Office for Students.

Recommendation 17b: The Disabled Students' Commission should review higher education providers' use of the Disabled Students Premium. In future, the Office for Students should change their Terms and Conditions of funding to require providers to outline in detail in their Access and Participation Plans the support that the Disabled Students Premium funds.

Recommendation 17c: Every higher education provider must appoint a senior leader, such as a Pro Vice Chancellor or Vice-Chancellor/Principal, to lead on the inclusion of disabled people, giving them responsibility and accountability for setting and delivering key performance indicators.

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671   Russell Group submission to CSJ Disability Commission
672   Institute for Employment Studies, 2019, Review of support for disabled students in higher education in England, pg 22

Reforming the Disabled Students' Allowance

The Disabled Students' Allowance (DSA) scheme was introduced in 1990/91 to help with the additional and essential expenditure disabled students incur while studying. In contrast to the Disabled Students' Premium, disabled students apply directly for the allowance. The type of support offered is tailored to the student's specific needs but falls under four broad categories: non-medical help support (for instance, British Sign Language interpreter); equipment (such as screen readers or high-powered computers); travel; and general course-related costs (which usually includes accommodation and books).[673] Grants are not subject to a means test.[674] To access DSA funding, students must meet with a Needs Assessor to determine what support they require.

DSA-funded assistive products and human support can mean the difference between succeeding and progressing from university or dropping out altogether. For instance, according to a DfE survey, two-thirds (68 per cent) of DSA recipients agreed that support provided to them helped them to participate more fully in their course than would have otherwise been the case.[675] In addition, a systematic analysis of 26 papers on assistive technology (AT) published in 2019 showed that AT can promote educational as well as psychological and social benefits.[676] Research by the former Department for Business Innovation and Skills (BIS) also showed that if students did not have appropriate support from either the DSA or the higher education provider, 'the result […] might be that students fail to achieve the outcome they are capable of, withdraw from their course or decide not to enrol for study at all.'[677]

7.1

In recent years there have been several changes to the eligibility for DSA and the application process. From the 2015/16 academic year onwards, students who were deemed to need computer hardware were required to make a £200 contribution to the cost. The changes to the DSA in the following academic year (2016/17) were more wide reaching. Higher education providers became responsible for structural changes such as course delivery, provision of information and improving access to the campus, access to IT equipment, and accommodation costs, which would no longer be covered by the DSA

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673   [Accessed via: www.practitioners.slc.co.uk/media/1338/sfe_dsa_guidance-document-for-new-dsa-students_pdf_1617_d.pdf]
674   HEFCE, 2009, Evaluation of provision and support for disabled students in higher education, paragraph 2.5.1
675   Department for Education, January 2019, Evaluation of disabled students' allowances, pg 11
676   Aoife McNicholl, Hannah Casey, Deirdre Desmond & Pamela Gallagher (2021) The impact of assistive technology use for students with disabilities in higher education: a systematic review, Disability and Rehabilitation: Assistive Technology, 16:2, 130–143
677   BIS, 2015, Disabled Students' Allowances Consultation: Equality Analysis

scheme.[678] Non-medical help (NMH) such as laboratory assistants and note takers were no longer funded through the DSA, and for the remaining NMH support, two quotes had to be provided, with the cheapest being selected. The routine supply of IT equipment (for instance laptops) to disabled students became subject to a 'more tailored approach' with equipment now only being supplied where a 'specific disability-related need is fully evidenced and justified.'[679]

Placing a greater emphasis on university support for adaptations was seen as broadly positive because it encouraged an environment that was accessible from the start and a 'closer integration' of support services.[680] It was also in line with the legal duties placed on HE providers by the Equality Act 2010. To support the increased responsibility of HE providers, the OfS doubled the Disabled Students' Premium from £20 to £40 million in 2016. In July 2020, the DfE announced that from the 2020/21 academic year, the four elements of the DSA would be restructured to form one pot, capped at £25,000 per annum (although travel expenses are uncapped).[681]

Even before these reforms had been implemented, there were problems with the functioning of the DSA. However, there is also evidence to show that some of these reforms have exacerbated existing problems and created new ones. The Commission outlines its main concerns in relation to the DSA below.

7.1.1 The application process for the DSA scheme is long, burdensome and stressful

Many disabled students report considerable barriers to accessing support while in higher education. According to a 2017 Savanta Comres survey of disabled adults under the age of 30, 25 per cent reported that they could not get onto the course of their choice at university or college.[682] Of this group (n=65), 34 per cent reported not getting the adjustments they needed and 16 per cent said the application process was inaccessible as reasons for not getting onto the course.[683]

This may in part be due to long-standing problems with DSA application process. While a DfE evaluation showed that more than half (55 per cent) of those in receipt of a DSA grant agreed that they received the support they required, 28 per cent disagreed.[684] The most common reasons for disabled people not applying for the DSA scheme after initially exploring the possibility of doing so was that they did not want to go through the assessment process (40 per cent) and the 'support I would get isn't worth the hassle of applying' (36 per cent).[685]

The qualitative interviews that supported the DfE's research suggested that many disabled students with specific learning difficulties needed to get their condition – already assessed while at school – reassessed in order to have the evidence required to apply,[686] and

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678   DfE, 2019, Evaluation of Disabled Students' Allowances, pg 14/15
679   Ibid
680   Department for Education, January 2019, Evaluation of disabled students' allowances, pg 16
681   UK Parliament, 6 July 2020, Statement UIN HCWS336: Higher Education Student Finance
682   Savanta Comres, 2018, Leonard Cheshire Disability: Education Section (Unweighted base = 363)
683   Savanta Comres, 2018, Leonard Cheshire Disability: Education Section (Unweighted base = 91)
684   DfE, 2019, Evaluation of Disabled Students' Allowance (DSAs)
685   Department for Education, January 2019, Evaluation of disabled students' allowances, pg 26
686   Ibid

this deterred them from applying. Indeed, a third of disabled students who applied for a DSA grant stated that providing evidence was 'fairly or very difficult'[687] and relied on a medicalised model of assessing eligibility and need. The process included submitting medical/diagnostic evidence from a GP, consultant, or other qualified medical practitioner, or an evidence form or diagnostic assessment (in the case of students with certain specific learning disabilities).[688] Where Student Finance England (SFE) deemed this insufficient, the student would be invited to provide more evidence. Ability Net, in evidence to the Policy Connect Higher Education Commission, stated that:

> the administration burden required to apply for DSAs, particularly the requirement for reading, form filling, physical access to assessment centres and the stress of providing evidence and being required to provide medical evidence for approval or rejection is a process that may risk the disengagement of the most vulnerable students.

This administrative burden is compounded for disabled students on part-time courses who have to re-apply for their award each year. The Open University – the largest provider of part-time undergraduate courses in England in 2019/20[689] – commented in evidence to the CSJ Disability Commission that they 'receive complaints from multiple students about having to reapply for DSA annually [which makes] it harder to buy and borrow equipment.'

7.1.2 The 'two quotes policy' for non-medical help provision has reduced cost but has also driven down quality

A further concern relates to the introduction of the requirement to have two quotes for non-medical help (NMH) provision in 2016/17. NMH provision may include British Sign Language interpreters or support professionals for students with sensory impairments.[690] In 2019/20 NMH support represented 42 per cent of the DSA budget (excluding needs assessment).[691] In evidence to the CSJ Disability Commission, the University of Warwick noted that requiring two quotes can be counter-productive to providing good quality service. Under the previous system, it was presumed that universities who had in-house provision would be the preferred supplier of this support, whereas at present two quotes are required for all non-medical DSA-funded support. The contract is awarded to the cheaper provider, regardless of the preference of the student. The Higher Education Commission's 2020 report into Disabled Student experiences in higher education said this problem 'was raised by nearly every one of the dozens of disability practitioners who submitted written evidence.'[692]

There is evidence to suggest that the competitive pricing of non-medical help support is linked to a drop in the price of this support. According to data from the Student Loans Company, the funding per student (both full-time and part-time students) of non-medical helpers has fallen by more than a quarter (27.5 per cent) since the introduction of the

687   DfE, 2019, Evaluation of Disabled Students' Allowances, pg 30
688   Student Loans Company, n.d., Disabled Students' Allowance (DSA) Guidance 20/21 v1.0, pg 19
689   HESA, n.d., Who's studying in HE? HE student enrolments by HE provider
690   Disabled Students Allowances Quality Assurance Group, 2017, Non-Medical Helper Providers QA Framework Version 2.0
691   Student Loans Company, 26 November 2020, Student Support for Higher Education in England 2020
692   Policy Connect HE Commission, 2020, Arriving at Thriving: learning from disabled students to ensure access for all, pg 38

two quotes policy,[693] although another factor in this fall was the reduction of funding for Band 1 and Band 2 support such as proof-readers or manual note takers[694] (which it is now the responsibility of universities to provide).

While more competition between providers can drive prices down, the concern is that this creates a trade-off with the quality of the service provided. Indeed, there is growing concern that many talented practitioners are leaving the profession because the pressure on costs is leading to low pay and poor job security.[695] In evidence to the CSJ Disability Commission, the University Mental Health Adviser Network quoted one practitioner who stated: 'the mentoring rate was reduced from £33ph (pre-2015) to £31 then £30. Once the hourly rate became £29, I stopped accepting any new students.'

Shortly after the introduction of the two quotes policy, in 2019, the body which evaluated each assessment centre's approach to selecting NMH providers, the DSA Quality Assurance Group, was disbanded.[696] This meant that, until 2019, it was an audited requirement for Assessment Centres to outline how NMH providers were selected, taking into account quality, value for money, student satisfaction and other factors. However, this selection process is no longer audited, although the DfE expects Assessment Centres to meet the minimum requirements as set out in the DSA Framework.[697] The National Association of Disability Practitioners, in evidence to the CSJ Disability Commission, stated that 'quality assurance is sorely lacking in the sector, following the demise of DSA-QAG in 2019.'

7.1.3 The £200 contribution for computer hardware unfairly prevents students from getting the support they need

Many disabled students need high-powered laptops to run assistive software, such as mind-mapping or text-vocalisation software. From 2016/17 onwards, disabled students have only been able to access this hardware support by paying the first £200 of the cost. The Government argued that since most students already have a laptop the £200 contribution would be deemed the mainstream cost of university study (i.e. the price of an average laptop).[698] Any cost incurred above this for the equipment would be related to the cost associated with the disability and paid for by the Government.

However, the result of this fee has been fewer students applying for this support. Figure 22 shows that the number of students claiming equipment through the DSA fell by more than 6,500 between 2014/15 to 2016/17. In 2018, the then Minister of State for Universities, Science, Research and Innovation, Sam Gyimah MP, stated that the 'main reason' for this fall was the £200 student contribution to the costs of computer hardware.[699] While the numbers of disabled students accessing equipment through the DSA has recovered to 2014/15 levels, this has not kept pace with the rise of disabled students entering higher education in the UK[700] which over the same period has increased by 25 per cent.

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693   Student Loans Company, 26 November 2020, Student Support for Higher Education in England 2020 NB: the figures used are for both full-time and part-time. The data used is for the year following the DSA application. This is because some of the requests for funding are submitted after the academic year.

694   Student Finance England, 2017, DSA Guidance document for new DSA students, Section 5

695   Policy Connect, 2020, Arriving at Thriving: Learning from disabled students to ensure access for all

696   Student Loans Company, 2019, Student Support Information Note (SSIN 08/19)

697   Student Loans Company, 2019, Student Support Information Note (SSIN 08/19)

698   Politics Home, 12 September 2019, £200 equipment charge disadvantages disabled students in higher education

699   UK Parliament, 13 April 2018, Written Question UIN 135499: Disabled Students' Allowance

700   There are no publicly available figures that focus on English domiciled disabled students.

Figure 22: The number of full-time and part-time students claiming Equipment DSA, all undergraduate students, England, 2014–2019
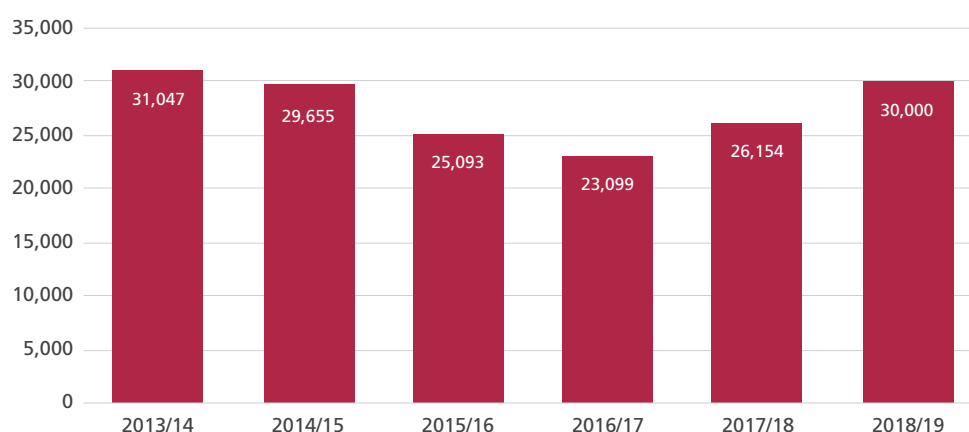
Source: SLC[701] and HESA[702]

On top of this, British Assistive Technology Association (BATA) research showed that the number of assessments for equipment through the DSA scheme remained at a similar level despite a fall in subsequent equipment orders.[703] A survey of disabled students conducted by BATA found that one in ten disabled students had not paid their £200 contribution and 69 per cent of these could not afford to do so. In total, 42 per cent of respondents stated the requirement to make a contribution negatively impacted their learning.[704, 705]

Emergent evidence suggests this may have also impacted disabled student satisfaction and retention rates in higher education. The introduction of this charge was associated with a fall in the proportion of disabled students who stated they were satisfied with the amount of funding to which they were entitled (74 per cent in 2015/16 to 67 per cent in 2016/17).[706] BATA evidence also showed there was a 62 per cent increase in overall dropout among students who had equipment approved but did not take it up in 2015/16, a year after the introduction of the fee.[707]

7.1.4 The £25,000 cap negatively affects more students than the official numbers suggest

The overall cap is one of the most recent changes to the DSA and will be introduced for the 2021/22 academic year. This cap replaced the caps on three of the four main 'sub-allowance' areas of support (equipment, non-medical help support, and the general DSA) with the travel grant remaining uncapped.[708] The introduction of the overall cap provides more flexibility for a number of students who would have reached the caps for each of the

701   Student Loans Company, 26 November 2020, Student support for higher education (HE) NB: figures for pupils claiming E-DSAs are taken a year after the claim was put in. This is because many of the invoices for support are processed late.
702   HESA Student data, Table 15 – UK domiciled student enrolments by disability and sex 2014/15 to 2019/20
703   BATA, 2018, The impact on disabled students of the introduction of a £200 levy on disabled student allowances and proposals for a positive way forward, pg 10
704   Ibid, pg 13
705   APPG for AT, 2019, Disabled Students' Allowances: giving students the technology they need to succeed
706   DfE, 2019, Evaluation of Disabled Students' Allowances, pg 10
707   BATA, 2018, The impact on disabled students of the introduction of a £200 levy on disabled student allowances and proposals for a positive way forward, pg 10
708   DfE, 2020, Higher Education Student Finance for the 2021 to 2022 academic year, Equality Analysis

sub-allowance areas. For instance, the current maximum spend on equipment through the DSA scheme is £5,849 for the duration of the course. The proposed £25,000 cap will offer students the potential to spend more on equipment if this is required.[709]

According to the equality analysis of the changes, the cap is expected to negatively affect three disabled people who currently receive a DSA grant in England in 2018/19.[710] However, this is likely to significantly underrepresent the number of students affected, because only invoices from the assessment centre relating to the maximum amount available would be forwarded to Student Finance England. But the university or charities often step in to fill the gap before this cap is reached. This is particularly relevant for Deaf students requiring British Sign Language (BSL) support. Lesley Morrice, Chair of the National Network of Assessment Centres (NNAC), highlighted these additional costs in evidence to the CSJ Disability Commission. In conversation with colleagues in NNAC and in NADP (National Association for Disability and Inclusivity Practitioners), Lesley Morrice stated that in addition to three students that would be affected by the cap per year,

> each assessment centre assessed approximately 2 or 3 students each year who exceeded the DSA. The cost (per student) to the University of meeting the needs of the student […] ranged from between 2K and £23k per annum – the average being £10k per annum additional cost to the institution.

7.2 Many disabled pupils are unaware of the support they can receive in higher education

The knowledge of the DSA scheme before higher education, and the support this can provide, can influence disabled people's decisions regarding whether or not to attend higher education. According to DfE research published in 2019, 42 per cent of disabled students who knew about the DSA and received grants said their prior knowledge of the scheme influenced their decision to go into higher education.[711] These statistics are supported by another DfE evaluation of access to higher education which found that extra financial support will only be helpful for underrepresented groups to apply to university if they are aware of it.[712] The same analysis also stated that the DSA can be more important for students with specific learning disabilities (for instance, dyslexia),[713] with a physical or sensory disability, with two or more disabilities, as well as for disabled mature and black and minority ethnic students.[714] All of these groups were more likely than average to say they could not have done the course without getting a grant from the DSA.

Despite the importance of prospective students being aware of the available support, according to the same DfE-commissioned research above, only 40 per cent of disabled students knew about the DSA scheme before starting their course, and only 58 per cent of those who received DSA grants did.[715] In total, 24 per cent of disabled students without

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709 Ibid, pg 20
710 DfE, 2020, Higher education student finance for the 2021 to 2022 academic year: Equality analysis, Table 5
711 DfE, 2019, Evaluation of Disabled Students' Allowances pg 12
712 DfE, 2019, Impact of finance on decision to go to university
713 In particular, dyslexia and other specific learning disabilities. See: HEFCE, 2015, Support for Higher Education Students with Specific Learning Difficulties in 2015
714 DfE, 2019, Evaluation of Disabled Students' Allowances, pg 13
715 DfE, 2019, Evaluation of Disabled Students' Allowances, pg 9

a grant had not previously heard of the DSA scheme.[716] Given how important it is to understand what support is available, there is a risk that people who lack this knowledge have lower aspirations to apply to higher education.

To improve awareness of the support available, some third sector organisations have started campaigns, including AbilityNet's "DSA Claim It!" campaign.[717] Some campaigns, such as University Mental Health Advisers Network's (UMHAN) 'I chose to Disclose', focus on the importance of disclosing a disability as a first step to receiving support.[718] This works well for individuals who are engaged with third sector organisations, but this may not reach many disabled pupils. UCAS has also, in collaboration with the OfS's Disabled Students' Commission, 'updated [its] information, advice and guidance to include information on DSA, to make the process easier for prospective disabled students.'[719]

These campaigns can improve awareness. But other information initiatives, such as the campaign trialled by the DfE in partnership with the Behavioural Insights Team may also be useful (see case study below).

Case study: DfE's targeted information campaign to underrepresented groups in 2018

The Department for Education launched a targeted information campaign to encourage students from underrepresented backgrounds to encourage them into university. In the three treatment groups individuals were either sent one letter to the school, one letter to the home address, or both. The letters were drafted and delivered according to the EAST framework developed by the Behavioural Insights Team; according to this framework, to modify behaviour in effective policies, nudges must be easy, attractive, social, and timely. The letters were sent signed by students currently studying from similar backgrounds and emphasised facts that were seen as important for this cohort.

In a randomised control trial conducted in 2018, the Behavioural Insights Team found that participants receiving both letters encouraging them to apply to a Russell Group university increased the proportion of students accepting an offer from these universities from 8.5 per cent to 11.4 per cent (statistically significant at the 10 per cent level). The report concluded that these letters 'are effective both at boosting aspiration and getting students to act on this aspiration.' The estimate was that, at the total cost of £10,000, 222 additional young people attended a selective university as a result, at a cost of £45.05 per additional student.

Source: DfE[720] BIT[721]

Since the letters are personalised by current students who share similar characteristics to the recipients, they may help to improve disabled pupils' expectations of higher education and aspirations to apply. Sending these letters while the pupil is still at school may also help to address the problem identified by NADP, set out in evidence to the CSJ

716   DfE, 2019, Evaluation of Disabled Students' Allowances, pg 22
717   Parliamentary Briefing, 2020, Support for disabled students in higher education in England, pg 14
718   UMHAN, n.d., I Chose to Disclose [Accessed via: www.umhan.com/Pgs/83-i-chose-to-disclose]
719   Disabled Students' Commission, 2021, Annual report 2020-2021: enhancing the disabled student experience, pg 27
720   Department for Education, 2017, Encouraging People into University: research report
721   Behavioural Insights Team, 11 April 2014, EAST: Four Simple Ways to Apply Behavioural Insights

Disability Commission, that applying for the DSA is often seen as an 'external' process, completed outside of school, or in the summer before entering higher education, with little opportunity for the school to support the prospective student.[722]

In addition, Warwick Social Sciences' research showed that disabled pupils' 'expectations were highly dependent on those of their parents.'[723] Therefore, it is important to tackle both pupil and parental expectations. The BIT information campaign may also be an important tool to tackle low parental expectations by raising parental awareness of the available support in higher education. Research by *Warwick Social Sciences* also highlighted that parents of disabled children can have overprotective attitudes and are anxious about their children's future, which may stem from social barriers faced by disabled people, including interactions with education professions or workplace discrimination.[724] In Chapter Two (Part Two) the Commission has provided recommendations to tackle the root causes of these problems. Nonetheless, this information campaign may help to increase parental expectations.

Recommendation 18a: The DfE should review the application process for the Disabled Students' Allowance. The review should seek to:

i. streamline the process;

ii. assess quotes for NMH support on a value for money basis that takes into account quality as well as cost; and,

iii. move from the overly medicalised diagnosis of need (for instance, requiring additional medical evidence of a disability) which can increase the stress and burden on the individual, to a needs assessment (similar to that of Access to Work) which relies on the social model of disability.

Recommendation 6g argued for a smooth transition between the DSA and Access to Work support. All changes to the DSA recommended above should be made in line with this.

Recommendation 18b: The Commission supports the decision to blend the different funding pots of the DSA. However, the DfE should remove the £25,000 cap introduced in 2020, so that disabled students can receive all the support they require.

Recommendation 18c: The Department for Education should remove disabled students' up-front costs associated with accessing assistive technology through the DSA by abolishing the £200 hardware charge.

Recommendation 18d: The DfE should conduct an annual information campaign for disabled students, similar to the DfE's 2018 campaign to encourage 'underrepresented groups' to apply to university. The campaign should be implemented in collaboration with Disabled People's Organisations (DPOs), to provide accessible guidance on the university application, disclosure, and support available through the DSA.

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722   National Association of Disability Practitioners, in evidence to the CSJ Disability Commission
723   Special Needs Jungle, May 21 2018, How do expectations influence disabled young people's educational attainment?
724   Warwick Social Sciences, 2018, Childhood Disability & Educational Attainment

Housing

Summary of recommendations

1. A new approach to building accessible homes

Recommendation 19a: The Government should raise the minimum accessibility standards from M4(1) to M4(2). This means that all new houses in large developments must be built accessible and/or adaptable as standard. This higher baseline will also help to remove the concern about non-compliance with the current optional targets.

Recommendation 19b: The Government must set a percentage for housing that meets the M4(3) standard (wheelchair user dwellings). The Commission recommends that this follows the London example, with 10 per cent of all homes set to be wheelchair accessible across social and private housing sectors (including affordable housing).

Recommendation 19c: The local authority must have the ability to increase the proportion of housing that meets the M4(3) standard if it can provide evidence of present and future need.

i. To support this, the Government should commission analysis which looks at the projected need for M4(3) housing across the country at a local level. This would provide local authorities with accurate information to set accessibility targets above the minimum threshold, which should also be adjusted depending on evidence from local disabled people's organisations, occupational therapists, or other experts.

ii. Unlike the current London Plan, local authorities should not be able to set targets below this threshold.

Recommendation 19d: Where references to the old standards are mentioned in plans approved after 2015, these must be removed and updated to conform to the new standards. To this end, the Planning Inspectorate must immediately audit old plans.

2. Improving adaptations to existing homes

Recommendation 20a: The Government should commit to an annual information campaign to raise awareness of the forthcoming DFG website, Adapt-ABLE, to ensure as many disabled people are able to use its services as possible.

Recommendation 20b: The Secretary of State should change the DFG means test so it is aligned to the social care means test. This provides a fair and integrated approach to support, which takes into account actual household costs, not notional ones.

Considerations will have to be made about the potential effect on demand for DFGs, given the two will dovetail, and how the DFG or social care costs will be considered in the means test for the other.

Recommendation 20c: The cap on the mandatory DFG has not been updated since 2009. The cap needs to be reviewed and lifted to the inflation-adjusted rate for 2021. It should be uprated in line with inflation in each year after.

Recommendation 20d: The Government should conduct a pilot to understand the impact of integrating occupational therapists within DFG teams. In particular, the pilot should evaluate the effect of this reform on the timeline and quality of adaptations provided, as well as overall customer satisfaction with the service that disabled people receive.

Recommendation 20e: The Government should create a centralised list of accredited contractors who are able to bid for DFG contracts. The Government could use the Trustmark model as a way of accrediting existing DFG providers. As per recommendation 10a all local authorities should expect contractors to adhere to the requirements of the Social Value Act.

3. A new approach to housing advertisement and allocation in the private social rented sector

Recommendation 21a: The Government should consult on introducing an open data platform for housing which will embed accessibility into online portals such as Zoopla or Rightmove and in the day-to-day practice of estate agents.

To do this, the Government would need to bring together key stakeholders in the housing sector to produce and agree on a standardised accessibility framework which can be used on housing portals and adhered to by estate agents. The consultation should consider the necessary support that would be required in the form of training and guidance for estate and letting agents at the implementation stage.

Recommendation 21b: In order that local authorities can accurately allocate the supply of accessible housing to demand, the Government should mandate that local authorities:

i. collect data on the number of disabled people in their area who require accessible housing (including type of need);

ii. use the framework for accessible houses agreed in Recommendation 21a to keep records of the accessible and adapted homes that exist within the social housing stock.

Recommendation 21c: The gaps in the provision of homes which meet disabled people's needs should be used to increase the supply of accessible housing in the local authority's planning strategy.

Introduction

As the State of the Nation Chapter showed, we are facing an ageing population who are living longer and working later into their adult lives. Almost 80 per cent of people become disabled during their working lives and more than half of all disabled people in the UK are working age adults.[725] Yet we are facing a crisis in which the supply of accessible housing is outweighed by increasing demand, all of which negatively affects disabled people's employment opportunities, wellbeing, and health.[726]

Without radically changing our approach to accessible housing, we are likely to continue to fail to provide for our population's needs. The Commission believes a three-pronged approach is required: first, we must have a cost-effective approach to ensure that new builds are accessible and meet the needs of the population. Second, we must tackle the existing inaccessible housing stock. Three quarters of the current housing stock in England was built before 1980,[727] almost all of which is inaccessible. Third, while the supply of housing pre-determines most of the options in this chapter, it is imperative that once this is fixed, we must consider how to best allocate accessible housing. We address each of these prongs in the following sections.

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725   CSJ analysis of DWP data: DWP, 2020, National Statistics: Family Resources Survey: financial year 2018/19, Disability tables, Table 4.3 (NB: disability prevalence averaged over three years (2016/17, 2017/18, 2018/19).
726   Department for Communities and Local Government, March 2015, Housing Standards Review, pg 47
727   MHCLG, Jan 2020, English Housing Survey 2018 to 2019: headline report (Housing stock tables, Annex Tables 2.1)

section 1
A new approach to building accessible homes

The Government's 2013–14 Housing Standards Review found accessibility standards for dwellings were a patchwork of local approaches to rules, guidance, codes, standards and regulations which were complex, counter-productive and sometimes contradictory.[728] As a result of this review the Government introduced new national accessibility standards in 2015, under *Approved Document M* of *The Building Regulations 2010*. These regulations set the minimum access standards for all new buildings in England. Volume 1 relates to dwellings, while Volume 2 relates to non-dwellings, a discussion of which is provided in Chapter Five (Section 1).[729] The requirements under Volume 1 are outlined in Table 2.

Table 2: The Building Regulations 2010 Access to and use of building: Approved Document Part M, Volume 1: Dwellings M4 (Categories 1–3)

Mandatory	M4(1) Category 1: Visitable dwellings	Guidance provided on level access, level thresholds, door and corridor widths, entrance level WCs and accessible heights for controls.
Optional	M4(2) Category 2: Accessible and adaptable dwellings	Broadly equivalent to the Lifetime Homes Standard, offering enhanced accessibility in circulation spaces and sanitary provision (bathrooms), and features to make homes more easily adaptable over time.
	M4(3) Category 3: Wheelchair user dwellings	Either: • *Wheelchair adaptable* including design features to make a home easy to convert. • *Wheelchair accessible* including features required by wheelchair users.

Source: MHCLG[730]

Each local authority is responsible for producing a local plan which sets out the building priorities for the local area, including in relation to accessibility.[731] However, while the optional accessibility standards were introduced in 2015, it was not until the National

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728   Department for Communities and Local Government, August 2013, Housing Standards Review
729   Volume 2 relates to buildings other than dwellings. The Commission returns to buildings other than dwellings in Chapter Five, Section 1 of this report.
730   MHCLG, 2020, Raising accessibility standards for new homes: a consultation paper, pg 8–9
731   Planning Portal, About the Planning System

Planning Policy Framework published in February 2019 that it became obligatory for local authorities to make use of the optional accessibility standards in the local plan where a need is identified.[732]

The draft local plan must be consulted on within the local area, after which the Planning Inspectorate reviews and approves the plan before it is adopted. The Planning Inspectorate examines the plan against the national planning policy framework to ensure it is in accordance with legal and procedural requirements. The Planning Inspectorate also makes a judgement on whether the plan is 'sound,' which involves four tests including whether the plan seeks to meet the area's 'objectively assessed needs.'[733] One of these needs is accessible housing for disabled and older people.[734] In August 2020, the Government published a White Paper which proposed to streamline and replace the tests of soundness.[735] In November 2020, the Government also announced a consultation on raising accessibility standards.

1.1 The cost of building homes to higher accessibility standards is low at the design stage

The cost-saving of designing in accessibility from the start is huge, especially where this can reduce the need to adapt houses further down the line. On average, adapting a typical home costs up to five times more than making one adaptable at the design stage.[736] The average total cost of building an entirely accessible/adaptable house to M4(2) standards versus the minimal standards (between £1,229–£1,386 depending on the type of house built) is equivalent to the average cost of retrofitting a ramp and widening a door (£1,000–£2,000).[737] Each house that meets the M4(2) standard[738] has an average saving to society of £8,600 over a 60-year building lifespan, which is between seven and eight times the average cost of factoring in higher accessibility at the design stage.[739]

Some local authority plans show just how inexpensive higher accessibility standards are. In one local authority, the cost of the 40 per cent M4(2) proportion on a 100-unit scheme outside the local town was estimated to be 'less than 0.2 per cent of total build costs.'[740] In another authority, it was posited that 'most of the differences between the standard building regulations and the M4(2) standard can be achieved through careful design and layout rather than requiring additional costs,'[741] and that while 'some of the requirements may have implications [for] the space required in new dwellings…they are not considered to be onerous.'[742]

732   Ibid
733   MHCLG, 2019, National Planning Policy Framework, pg 11
734   Ibid, pg 17
735   MHCLG, 2020, Consultation: Planning for the future, pg 31
736   EHRC, May 2018, Housing and disabled people: Britain's hidden crisis, pg 25
737   EHRC and Habinteg, October 2018, Housing and disabled people: a toolkit for local authorities in England: planning for accessible homes
738   The local authority referred to 'lifetime home standards' which were broadly equivalent to the M4(2) standard.
739   Huntingdonshire District Council, December 2017, Huntingdonshire Accessible and Specialist Housing Evidence Paper, pg 20–21
740   Waveney District Council, 2018, Topic Paper: lifetime design M4(2) Standard Justification
741   Eden District Council, 2015, Eden Local Plan: Housing standards review and policy HS5 background paper, pg 9
742   Ibid, pg 10

But there are also longer-term savings which are felt in the health and social care system. Preventing an older or disabled person from being re-housed saved £650 per household on average in 2008.[743] Housing built to the lowest accessibility standard is more likely to require costly, major adaptations in the future (for instance, funded by Disabled Facilities Grants). As such, the total cost of adapting a lower standard house is likely to be far higher than building a truly accessible home in the first instance.[744] As the Ministry for Housing, Communities and Local Government (MHCLG) have stated in their guidance for housing for older and disabled people, 'the most effective way to…maximise accessibility for everyone is for all parties to consider inclusive design from the outset of the process.'[745]

Some developers, such as Taylor Whimpey, have acknowledged in previous inquiries that the costs associated with building houses to higher accessibility standards would diminish over time, but there would be an initial transition period. According to Taylor Whimpey, what mattered was not the absolute cost to developers of adhering to higher accessibility standards, but cost relative to the competition who may not adhere to higher standards.[746] If standards were raised universally, the level playing field would over time diminish concerns of both the absolute and relative cost.

1.1.1 The minimum standard does not provide a good level of accessibility for homes and the projected supply of accessible housing in English local plans is low

According to the English Housing Survey in 2014–15, exactly one in ten households requiring adaptations that included a disabled person wanted, or were trying, to move somewhere more suitable for their needs, an increase from 8 per cent in 2011–12. Nearly half (47 per cent) of these individuals were under the age of 55.[747] Research by Habinteg in 2020 found that there are areas of the country, such as the West Midlands and Yorkshire and the Humber, where there are likely to be few houses that have been built to the 2015 optional accessibility standards, despite evidence of increasing demand.[748] In a survey of wheelchair users conducted by Adobe Impact in 2019, 80 per cent of respondents were currently living in a home that does not fully meet their needs, and 91 per cent experienced barriers to accessing the private rented sector. The main reason was the lack of available accessible properties (62 per cent).[749]

1.2

The Commission supports the Government's review into raising the accessibility standards contained in Part M, in light of the benefits of raising these standards, and the support for this from some areas of the sector. In the Commission's view, there are two concerns that explain why the current Part M regulations are not fit-for-purpose.

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743   DCLG, March 2015, Housing Standards Review, pg 51
744   EHRC, May 2018, Housing and disabled people: Britain's hidden crisis
745   MHCLG, June 2019, Housing for older and disabled people
746   Women and Equalities Committee, 2017, Building for equality: disability and the built environment, Chapter 4: Housing
747   English Housing Survey 2014–15, pg 13–14
748   Habinteg, January 2021, Forecast for Accessible Homes 2020, pg 14
749   Abode Impact, 2018, Accessibility is the Key

1.2.1

First, the baseline accessibility standard does not provide a good level of accessibility for most disabled people. For instance, under the minimal standard to which property developers must adhere (M4(1) standard) the front door must be accessible with a flush entrance and level access. But there is no requirement for any of the other external doors in the house to meet this standard,[750] which poses a potential fire safety risk, and would also require immediate adaptations to the property for it to be suitable for a wheelchair user.

In addition, despite US evidence highlighting a three in ten chance that an individual will acquire a disability in their working life, the baseline standards have few requirements to prepare houses to be adapted later in life.[751] For instance, there are no requirements in M4(1) to put in a stair frame that is wide enough to allow for the future installation of a stair lift. Nor is there a requirement that the ground floor bathroom have walls that are strong enough to support grab rails or other adaptations where appropriate. This can mean that housing is often not suitable to be adapted to the needs and requirements of disabled people. At worst, it may mean that individuals must sell their home to move into a more accessible property.

1.2.2

Second, very few local plans include targets for housing to meet higher accessibility standards which is more likely to meet the needs of disabled people. A Habinteg survey of local authorities in 2020 showed that just 25 per cent of new homes due to be built in England are set to the optional access standards (M4(2) or M4(3) standards).[752] Critically, more than half of the local authorities in England had no mention of the optional accessibility standards. Habinteg also found that the West Midlands region had no local plans with requirements to meet the optional accessibility standards.[753] Despite 3.6 per cent of all houses in England being home to a wheelchair user (979,560 people), only 2.4 per cent of homes in England are expected to be built to a standard that makes them accessible for wheelchair users (older wheelchair designs and M4(3) standard) according to local plans.[754]

The figures above highlight the historic under-investment in homes for disabled people, and the need for significant catch-up. The Government's 2015 forecast for accessible homes projected that 31 per cent of new homes being built to lifetime homes standard (broadly the equivalent to the M4(2) standard) and 2.4 per cent of new homes built to British Standard 9266 (broadly equivalent to the M4(3) standard) would increase to 45 per cent and 3 per cent, respectively, by 2024.[755] However, Habinteg's 2020 forecast above reveals that significantly fewer adaptable and accessible homes than the Government expects will be built.

750   Local Authority Building Control, 2016, Building regulations approved document part M in a nutshell
751   University of Rhode Island, 2013, Institutional Barriers to Employment for Individuals with Disabilities
752   Habinteg, January 2021, Briefing: Forecast for Accessible Homes, pg 5
753   Ibid, pg 5
754   Ibid, pg 13
755   MHCLG, 2020, Raising accessibility standards for new homes: a consultation paper, pg 10

1.2.3

There are two main reasons why local authorities have failed to set targets in their local plans. First, and most simply, many local plans were in place before the introduction of Part M in 2015. While local planning authorities are supposed to review their local plans at least once every five years,[756] many local plans are likely to be older. For instance, according to a CSJ Disability Commission survey sent to English local authorities in November 2020, out of the 237 responses, 72 local plans were introduced before 2015 and were still in force. In addition, it was not until the updated National Policy Planning Framework in 2019 that regulations stated that local authorities should make use of the new standards. Between the introduction of the new standards in 2015 and the updated Framework in 2019, there are some local authorities that still use the old standards. Habinteg (a social housing provider specialising in building and promoting accessible homes) conducted research in 2019 which showed that of the 181 local plans that had, at that time, been adopted after the introduction of the new accessibility standards, five plans had requirements for older standards, and 81 had no reference to any optional accessibility standards.[757]

1.2.4

Second, a lack of information on need in the local area has led to low or no targets being set in some local plans. When drafting a local plan, local authorities have a duty under Section 149 of the Equality Act 2010 to take into account the needs of disabled people.[758] The Planning Inspectorate must assess whether the plans are 'sound,' which includes an analysis of whether the plans seek to meet the area's 'objectively assessed needs.'[759] But the targets for accessible homes will only be as good as the underlying data which informs them. The Government's guidance on the data that can be used to inform a 'needs assessment' and underpin the targets for accessibility in local plans was published in 2015.[760] However, research by the EHRC in 2018 showed that only 12 per cent of authorities in the UK rate the data available to them as 'good' or 'very good'.[761]

For instance, it is important to consider the future demand for accessible and adaptable housing when setting targets in the local plans today. But the only data referenced by the Government guidance that contains future projections are entire population projections or household projections based on age and cohort alone (not disabled people specifically). There is a tool kit (which can only be accessed by payment) which identifies future need for older people,[762] but not one for working-age disabled people who might need M4(3) housing needs, for instance.[763]

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756 MHCLG, 2020, Guidance: plan-making [Accessed via: www.gov.uk/guidance/plan-making] Q: How often should a plan or policies be reviewed?
757 Habinteg, June 2019, A forecast for accessible homes 2020
758 EHRC, 2018, Housing and Disabled People: Britain's hidden crisis
759 MHCLG, February 2019, National Planning Policy Framework, pg 11
760 DCLG, March 2015, Guide to available disability data
761 EHRC, 2018, Housing and Disabled People: Britain's hidden crisis
762 See: Housing LIN [Accessed via: www.housinglin.org.uk/Topics/browse/HousingExtraCare/ExtraCareStrategy/SHOP/SHOPAT/Projecting-future-Need]
763 MHCLG, June 2019, Housing for older and disabled people

1.2.5

To make matters worse, often because of this lack of evidence, draft local plans that include targets are changed by the Planning Inspectorate at the review stage. The CSJ Disability Commission's survey also asked English local authorities about the prevalence of this occurrence. Of the local authorities that set targets for accessible and adaptable housing (n=90), 12 per cent stated that the planning inspectorate had amended these targets. In the qualitative responses as to the reasons, local authorities highlighted that these changes were due to a 'lack of need assessment in the local area' or 'no specific identified need for M4(3)'.

For instance, Breckland District Council had proposed a 'minimum of 20 per cent of all new major housing developments' to meet building regulation M4(2)[764] and a 'minimum of 5 per cent of all new affordable housing' to meet wheelchair user dwelling standards. However, when the local plan was sent to the Planning Inspectorate for review, the inspector removed all targets and stated that 'such requirements were not considered in the supporting viability assessment' and that he was 'mindful that the cost of such provision can be high.'[765] The authority has been asked by the Inspectorate to review its evidence in order to set new targets.

1.3 Even when targets are set in the local plan, some developers do not adhere to them

Once accessibility targets have been set in the local plan, they have the 'same legal weight as any other element of the Building Regulations.' In some cases where local plans are old, local authorities may negotiate with the developer to set a target for accessible homes.[766] Despite this, developers can challenge the accessibility requirements through a viability clause. The Equality and Human Rights Commission stated in their research report in 2018 that:

> developers can argue that accessible housing is more expensive and, therefore, less profitable, and negotiate that houses are built to the lowest allowable standards.[767]

The CSJ Disability Commission's survey also asked local authorities in England about the awareness of developers' non-compliance with accessibility targets. In total, 8 per cent of authorities (base=236) were aware of developers in their local area that do not adhere to the accessibility targets specified in the local plan (or negotiated on site). The main reasons cited were cost and viability (50 per cent), optional accessibility targets not being a requirement (28 per cent), and site-specific constraints (17 per cent) including extensions to buildings not falling within the scope of the regulations. Two local authorities estimated that the proportion of developers who do not comply is more than 75 per cent. These figures are based on the local authority's awareness of non-compliance. While local authorities can check compliance with targets in their local plan, according to the Equality

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764   Breckland District Council, 2019, Breckland Local Plan Pre-submission publication [Accessed via:
      www.breckland.gov.uk/media/13664/Pre-Submission-publication-part-1/pdf/Pre-submission_publication_part_1.
      pdf?m=637332774112070000], pg 53
765   The Planning Inspectorate, 25 October 2019, Report to Breckland District Council, pg 39
766   Information provided through the CSJ Disability Commission's survey of local authorities (November 2020).
767   EHRC, 2018, Housing and Disabled People: Britain's hidden crisis, pg 8

and Human Rights Commission, only 56 per cent of local authorities in Great Britain had an officer charged with monitoring compliance against the target.[768] The true figure for non-compliance is therefore likely to be much higher than the Commission's survey reveals.

Due to evidence of a lack of compliance by developers with the targets for adaptable and accessible homes set in the local plans, it is even more unlikely that the Government's forecast (outlined above) for adaptable and accessible homes to be built by 2024 will be met. Although MHCLG is currently conducting research into the current use of the optional accessibility standards, it is unclear whether this factors in non-compliance.[769]

1.4

A new approach for accessible housing is needed. In the original review that led to the introduction of the new accessibility standards, the Government posited that building accessibility into the housing design would improve the choice of housing for disabled people and support them to live independently and find employment.[770] The London Plan can provide a good example of a proactive approach to improving accessibility (see case study, below).

Case study: The London Plan

The London Plan is a development strategy written by the Mayor of London and published in 2016 by the Greater London Authority. The London Plan sets out the economic, environmental, transport and social framework necessary for the development of London over the next 20–25 years. Critically, the plan sets accessibility targets for new homes to which all local authorities in London must adhere. Policy 3.8 of the London Plan requires:

- 90 per cent of new homes to be built to Building Regulation requirement M4(2) ('accessible and adaptable dwellings').

- 10 per cent of new homes to be built to Building Regulation M4(3) ('wheelchair user dwellings').

The aims of the plan are twofold. First, to embed inclusive design in new homes so that they meet the needs of disabled people and enable them to lead independent lives. Second, to increase the supply of accessible housing stock to meet the demand from London's ageing population.

Source: Mayor of London[771, 772]

However, the Government must go further than this. According to Habinteg's research in 2020, only 27 of London's 33 local plans clearly specify targets for accessible homes. In addition, compared to the previous year there was a 14-percentage point drop in the number of planned adaptable and accessible homes to be built in London (74 per cent, down from 88 per cent).[773] This is in part explained by a 'get-out' clause under which local

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768   EHRC, 2018, Housing and Disabled People: Britain's hidden crisis, pg 33
769   Ibid, pg 11
770   DCLG, March 2015, Housing Standards Review
771   Mayor of London, March 2016, The London Plan, pg 2
772   Ibid, Chapter 3: London's People
773   Habinteg, 2020, Forecast for Accessible Homes 2020, pg 15

authorities do not have to comply with the targets contained in the London Plan if they can justify, with evidence, that the high proportion of adaptable and accessible homes does not match local need.

Some local plans were also approved before targets were set by the London Plan in 2016, which means they relate to the old accessibility standards. Given the paucity of information that can be used in evidence of local need, and the imperative to make up lost ground from years of building inaccessible homes, local authorities should not be able to fall below minimum requirements.

1.5

It is clear from the section above that the current system does not deliver for many disabled people. Minimal accessibility requirements are a scant reassurance to homeowners and tenants that their homes will be suitable for them as they age, or if they become disabled. And while higher accessibility requirements for developers can be included as targets in the local plan, many local authorities do not include them or they are removed by the planning inspectorate. Worse still, even if targets are included in the local plan, it is not guaranteed that developers will adhere to them.

Recommendation 19a: The Government should raise the minimum accessibility standards from M4(1) to M4(2). This means that all new houses in large developments must be built accessible and/or adaptable as standard. This higher baseline will also help to remove the concern about non-compliance with the current optional targets.

Recommendation 19b: The Government must set a percentage for housing that meets the M4(3) standard (wheelchair user dwellings). The Commission recommends that this follows the London example, with 10 per cent of all homes set to be wheelchair accessible across social and private housing sectors (including affordable housing).

Recommendation 19c: The local authority must have the ability to increase the proportion of housing that meets the M4(3) standard if it can provide evidence of present and future need.

i. To support this, the Government should commission analysis which looks at the projected need for M4(3) housing across the country at a local level. This would provide local authorities with accurate information to set accessibility targets above the minimum threshold, which should also be adjusted depending on evidence from local disabled people's organisations, occupational therapists, or other experts.

ii. Unlike the current London Plan, local authorities should not be able to set targets below this threshold.

Recommendation 19d: Where references to the old standards are mentioned in plans approved after 2015, these must be removed and updated to conform to the new standards. To this end, the Planning Inspectorate must immediately audit old plans.

section 2
Improving adaptations
to existing homes

Almost 90 per cent of our housing stock was built before 1990. Of this, only nine per cent of houses have all four 'visitability' features (level access to the entrance, a flush threshold, sufficiently wide doorways and circulation space, and a toilet at entrance level) according to the English Housing Survey conducted in 2014-15. This compares to 34.3 per cent of housing built after 1990.[774] Despite this, 57 per cent of housing that does not have all four 'visitability' features could be adapted with minor or moderate works to made to them.

The low level of house building in the UK today means that any increase in accessibility standards in new-build properties would not make an immediate difference to most disabled people today. As a result, it is imperative that support is in place to provide adaptations to existing homes. Nine per cent of all housing stock is home to a disabled person that needs an adaptation.[775] This means 365,000 homes are classed as 'unsuitable' for their occupants in England in 2014/15. This has declined by only 1,000 households since the previous survey was conducted in 2011/12. Of this figure, nearly a fifth (19 per cent) felt their home was unsuitable to their needs at present.[776] And while some felt that their home was suitable for their need at present, as individuals age, or as their condition deteriorates, the need for adaptation may become greater. Indeed, their house may become the source of disability onset or result in the worsening of an existing condition (for instance, a trip hazard leading to a fall).

2.1 Timely and good quality adaptations can be transformational to an individual's life

Accessible home environments can improve independence, and reduce the risk of injury and the reliance on assistance.[777] A small survey of local authorities by Foundations (the National Body for Home Improvement Agencies in England) in 2015 showed that the average age of moving into residential/nursing care for individuals who had been in receipt of an adaptation provided through the Disabled Facilities Grant (DFG) was 80 for two years before death, compared to 76 with no previous DFG, for six years before death.[778] Although this does not prove causation, it suggests that by investing in adaptations – at an

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774   DCLG, 2016, National Statistics: English housing survey 2014 to 2015: adaptations and accessibility of homes report, Chapter 2: figures and annex tables, Table 2.2
775   DCLG, 2016, National Statistics: English housing survey 2014 to 2015: adaptations and accessibility of homes report
776   DCLG, 2016, English Housing Survey Adaptations and Accessibility Report, 2014–15, pg 1
777   Royal College of Occupational Therapists, 2018, Adaptations with delay: a guide to planning and delivering home adaptations differently
778   Only 18 local authorities completed the FOI in full, 12 partially. Foundations, 2015, Linking Disabled Facilities Grants to Social Care Data: a freedom of information survey

average cost of £9,000 per adaptation – people are able to stay in the comfort of their own homes for longer, with a total cost avoidance of £116,000 per person for not having to move into residential care.[779] According to the formal evaluation of the 'lightbulb project' in Leicestershire, which included major and minor adaptations as well as equipment and wider housing support needs (warmth, energy, home security), for every £1 invested per year there was a £2 saving to Leicestershire and to the wider health system.[780]

Despite growing evidence to show that adaptations can save substantial amounts for the taxpayer and the individual, there has never been a comprehensive evaluation of the social value of adaptations. Indeed, most analyses have been on the cost savings of adaptations. Branch Properties, in evidence to the CSJ Disability Commission stated that 'good adaptations can have a major impact on wellbeing and quality of life.' However, there is little evidence on the benefits of adaptations in allowing disabled people to get out of their house, apply for a job or spend the money saved by the potential reduction in necessary care in other areas of their lives, or on the benefits to their mental health and well-being by being able to access the garden, or bathroom, for example. Foundations is currently conducting research into the social value of adaptations which will include analyses of these questions.

2.2 More expensive adaptations to houses can be provided through the Disabled Facilities Grant

Disabled Facilities Grants were introduced in the Local Government and Housing Act 1989 (and currently governed by 1996 legislation and regulation) to support people who can no longer access facilities in and around their house, and to prevent injury or potential loss of independence.[781] There are two types of DFGs: mandatory and discretionary.[782] Mandatory grants are funded up to a set cap (£30,000), while discretionary grants are offered by local authorities in addition or as an alternative to mandatory grants. While DFGs are one route to adapt a house, disabled people use a variety of means, for instance with the support of their family, through charities, or independently.

Each local housing team will usually have a policy document which outlines the assistance available in each area, of which one type of support is the Disabled Facilities Grant. Minor adaptations are usually paid for (the first £1,000) by the local authority,[783] and the cost of adaptations in council owned homes is met from the council's own budget rather than the DFG.[784] In addition, social services provide 'community equipment'[785] such as bathing aids.

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779   Ibid CSJ Disability Commission analysis of Foundations and Laing Buisson data.

780   Housing LIN, July 2017, The Lightbulb Project: Switched on to integration in Leicestershire, pg 2/3

781   Nuneaton & Bedworth Borough Council, n.d., HEART – helping you live independently at home: DFG Overview

782   Horsham District Council, 22 September 2016, Report to Cabinet: Discretionary Disabled Facilities Grants [Accessed via: https://horsham.moderngov.co.uk/documents/s4078/Discretionary%20Disabled%20Facilities%20Grants.pdf]

783   Under the Care Act 2014 for those who cannot complete two or more daily living activities, not means tested. From: Versus Arthritis, 2019, Adapted homes, empowered lives

784   Care&Repair England, Help with home adaptations: improving local services: A home adaptation challenge checklist

785   Powell, J. et al, 2017, The role of home adaptations in improving later life. Centre for Ageing Better, London
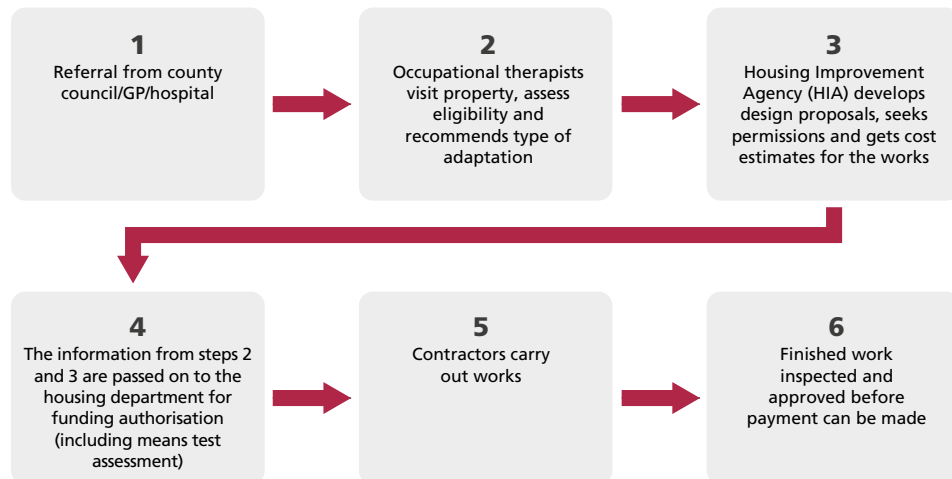
After the 2013 spending review, the Disabled Facilities Grant was incorporated into the Better Care Fund, a pooled budget seeking to integrate health, social care and, through the DFG, housing services. In April 2015 the central government stopped paying DFG funding directly to local housing authorities[786] and instead provided funding to the Health and Wellbeing Boards to decide on spending with the full agreement of housing authorities.

2.2.1 The Process of a DFG

Disabled Facilities Grants are delivered by the local authority (LA), but this process differs between each area. However, the broad process remains the same: an occupant is referred or makes an application;[787] eligible works are decided (based on whether these are 'necessary and appropriate' and 'reasonable and practicable'); the amount of grant is decided and means test applied if appropriate; and, finally, grant conditions are attached (for instance, a charge if the occupant moves within a given timeframe, known as a 'land charge') before contractors are called and installation is completed.

The process from formal application (which happens after the assessment of need) to grant approval must be completed within six months (step 4 in Diagram 1), including assessment of need and financial assessment to confirm eligibility. From the approval to installation (step 5–6), there must be twelve months for either the LA, the approved contractor or Home Improvement Agency (HIA) to carry out adaptations.[788] If HIAs are used, the LA should carry out regular inspections to ensure the work is of good quality.[789]

Diagram 1: An example of the process for DFGs in six steps

1
Referral from county council/GP/hospital

2
Occupational therapists visit property, assess eligibility and recommends type of adaptation

3
Housing Improvement Agency (HIA) develops design proposals, seeks permissions and gets cost estimates for the works

4
The information from steps 2 and 3 are passed on to the housing department for funding authorisation (including means test assessment)

5
Contractors carry out works

6
Finished work inspected and approved before payment can be made

Source: multiple[790, 791]

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786   Local Government Ombudsman, 2016, Making a house a home: local authorities and disabled adaptations pg 18
787   Gov.UK, n.d., Disabled Facilities Grants [Accessed via: www.gov.uk/disabled-facilities-grants/eligibility]
788   Local Government Ombudsman, 2016, Making a house a home: local authorities and disabled adaptations. NB: HIAs can conduct the work on behalf of the local authority, and nearly half of DFGs are delivered through HIAs.
789   Local Government Ombudsman, 2016, Making a house a home: local authorities and disabled adaptations pg 16
790   College of Occupational Therapists, 2015, Urgent Care: the Value of Occupational Therapy in England
791   Zhou, Oyegoke, Sun, 2019, Causes of delays during housing adaptation of healthy aging in the UK

2.3 There is evidence of unmet demand for DFGs

According to the DFG external review conducted by the University of West England in 2018, there is 'no robust data that can accurately predict the need for DFG at regional or local level.'[792] While this is the case, there are certain trends that suggest that there is unmet demand for DFGs. For instance, the number of adaptations granted through the local authority is far lower than the figure for unsuitable housing. Demand for home adaptations through DFGs increased by 27 per cent between 2015 and 2019,[793] resulting in 53,500 homes being adapted through DFGs in 2018/19.[794] However, according to the English Housing Survey, there were approximately 1.9 million homes in England that needed at least one adaptation, and 365,000 homes where the tenant/owner stated that the accommodation was unsuitable because of the lack of adaptation. To meet this rising demand, the Government increased the DFG allocation from £505 million to £573 million in 2020. This represented a 13.5 per cent uplift.[795] Despite this, there are signs that funding for DFGs is not being directed to groups that need it.

2.3.1 A higher proportion of working-age disabled households live in unsuitable homes, but receive fewer adaptations

When the Government increased its funding of DFGs in the Spending Review in 2015[796] the stated aim was to 'prevent 8,500 people from having to move into residential care'[797] which DFGs have been proven to do by up to four years. This is an important function of the Disabled Facilities Grant. However, survey data shows the proportion of disabled households saying they live in unsuitable accommodation is highest among working-age households. A third of disabled households below 55 (31.7 per cent) say they live in unsuitable accommodation, followed by a quarter (23.8 per cent) of individuals between the ages of 55 and 64.[798] Despite this, the vast majority of DFGs are provided for older people. In 2016–17, 65.1 per cent of all adaptations funded through the disabled facilities grant were over the age of 60, although this has fallen from a peak of 72.4 per cent in 2009/10.*799*

2.3.2 The housing tenures with the highest proportion of unsuitable homes are less likely to receive adaptations

The proportion of disable people living in the private sector is increasing, with more than half (57.5 per cent) of disabled people living in owned homes or renting privately. Between 2013/14 and 2018/19 the proportion of disabled people renting in the private sector in England increased at three times the speed as non-disabled people (1 percentage point versus 0.4 percentage points). As a result, the gap between the proportion of disabled people and non-disabled people living in the private rented sector in England has closed from a 1.8 to 1.4 percentage point difference over this period.[800]

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792   Mackintosh, Sheila et al, 2018, Disabled Facilities Grant (DFG) and other adaptations – external review: Main report
793   Leonard Cheshire, 15 June 2020, Disabled people face waits of more than two years for vital home adaptations
794   Foundations, January 2020, Disabled Facilities Grants: Activity Report for 2018/19, pg 3
795   HM Treasury, 15 December 2020, Policy Paper: Spending Review 2020
796   Foundations Timeline (website currently under reconstruction).
797   DoH and DCLG (2016a), 'Better Care Policy Framework 2016/17'. [Available at: www.gov.uk/government/uploads/system/uploads/attachment_data/file/490559/BCF_Policy_Framework_2016-17.pdf]
798   Figure 1.1
799   Foundations, 2020, Disabled Facilities Grants: Activity Report for 2018/19. NB: data for 2018/19 is not directly comparable with previous years as the age groups for this year changed to 65+, 18–65, <18. There was no data 2017/18.
800   CSJ Disability Commission analysis of ONS data: Dataset: Disability and housing 2019, Table 1

But while 14.9 per cent of owned homes that require an adaptation are classed as unsuitable, this rises to 32.2 per cent of homes needing an adaptation in the private rented sector in England (see Figure 23). And the private rented sector is more likely to have no visitability features when compared to other types of tenure. Almost three in ten (28.9 per cent) private rented housing had no accessibility features in 2014–15, nearly six percentage points higher than local authority housing, and eleven percentage points higher than housing association accommodation. Despite this, 42.4 per cent of private rented dwellings that do not have all four visitability features could be made visitable with minor or moderate works.[801] Indeed, lower accessibility in the private rented sector may drive the desire to move: one in five (19 per cent) disabled private renters wanted to or were looking to move to more suitable accommodation.[802]

Figure 23: Number of households in each tenure with a disabled person who say they need an adaptation, and proportion who live in unsuitable accommodation (%), England, 2014/15
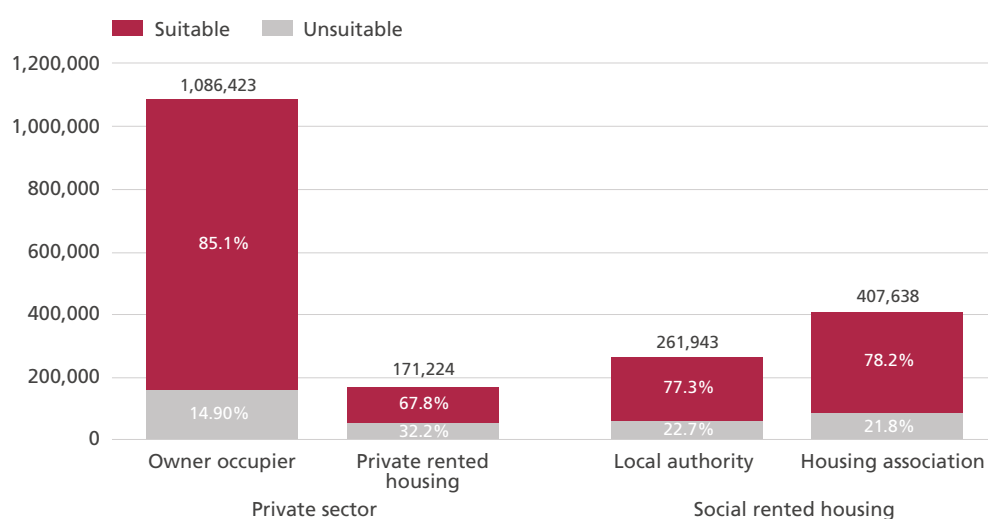
Source: MHCLG[803]

The high prevalence of unsuitable and inaccessible homes in the private rented sector, is also reflected in figures showing how few adaptations have been made to properties in this sector. According to the data provided by local authority returns to Foundations, while housing associations form 29.1 per cent of 'unsuitable housing' 37.3 per cent of all DFG-funded adaptations are to this type of housing (Figure 24). Equally, while unsuitable housing in the private rented sector forms 18 per cent of all houses (excluding local authority housing), on average only 6.5 per cent of DFG-funded adaptations were in the private rented sector (local authority housing is not included in this analysis because adaptations are paid for through the council's own budget, rather than through the DFG).

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801   DCLG, 2016, National Statistics: English housing survey 2014 to 2015: adaptations and accessibility of homes report, Chapter 2: figures and annex tables, Table 2.3
802   DCLG, 2016, National Statistics: English housing survey 2014 to 2015: adaptations and accessibility of homes report
803   Ibid, Chapter 1: figures and annex tables, Table 1.3

Figure 24: Average proportion of DFGs approved in each year, and proportion of homes that need adaptations and unsuitable homes, by each tenure type, England, 2010/11–2018/19

Legend: Owner | Housing association | Private rent

	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	Adaptation required (2014/15)	Unsuitable homes (2014/15)
Private rent	6.0	7.0	7.0	7.8	8.1	7.7	8.0		6.5	10.3	18.0
Housing association	31.4	30.5	32.8	31.7	34.7	35.7	33.7		37.3	24.5	29.1
Owner	62.6	62.5	60.2	60.5	57.3	56.6	58.3		56.2	65.2	52.9
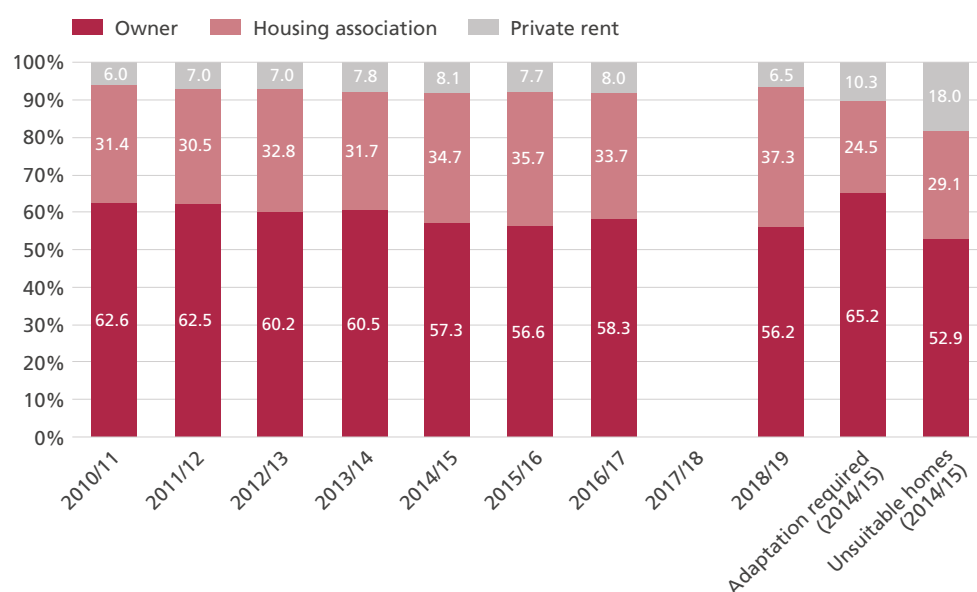
Source: Foundations[804] EHS[805, 806]

2.4 A mix of pecuniary and non-pecuniary barriers prevent the supply of adaptations meeting the demand from disabled people

Despite this unmet demand, few local authorities have used their entire budgets for DFGs in any given year (although it is common practice for local authorities to roll forward funds for grants that have been approved but not completed within the same financial year). It is important to note some authorities may overspend because of inefficient processes as well as a high demand for DFGs.[807] In a similar way, an underspend is not necessarily the result of a lack of demand. Nonetheless, there are problems with the way the current DFG process works which highlights the potential drivers for unmet demand. In particular, a lack of awareness, and an outdated and stringent means test, are just a couple of problems that prevent necessary adaptations from being funded. We discuss this further below.

2.4.1 Not many potentially eligible individuals know about the DFG
To the Commission's knowledge, there has been no analysis of disabled people's awareness of the Disabled Facilities Grant either nationally or in each area of the country. And there has been no analysis of what works to successfully promote DFGs. According to various disability groups, there are gaps in awareness. A recent report by Versus Arthritis shows

804 Foundations, January 2020, Disabled Facilities Grants: Activity Report for 2018/19
805 DCLG, 2016, National Statistics: English housing survey 2014 to 2015: adaptations and accessibility of homes report, Chapter 1: figures and annex tables, Table 1.3
806 NB: no data was collected for the 2017/18 year.
807 Mackintosh, Sheila et al, 2018, Disabled Facilities Grant (DFG) and other adaptations – external review report, pg 249

that 16.1 per cent of people with eligible care needs do not know that their local authority has a duty to provide community equipment,[808] let alone grants to adapt the house. In the social rented sector, housing associations are often more aware of available support than members of the public. This may explain the higher proportion of adaptations provided through the DFG to houses in the social rented sector when compared to other housing types.

A key criticism of the DFG process is that there is a lack of information about what adaptations are even possible, let alone the availability of financial assistance.[809] To rectify this, Foundations – the National Body for Home Improvement Agencies in England – have secured funding from InnovateUK to create a DFG website, called Adapt-ABLE. This website, among other things, will provide advice on individual's eligibility and an initial eligibility form, the aim being to integrate all areas of the DFG process to improve turn-around time, ensure accuracy of information and enable performance monitoring and accountability. This initiative is being jointly led by Foundations and Leeds Beckett University. Even so, there is a concern that this website will not have the requisite exposure, particularly to disabled individuals in the private rented sector. This suggests a need for an information campaign to draw attention to the website once it goes live.

2.4.2 The outdated means test prevents many from getting necessary adaptations

Under the current law, the mandatory means test threshold for all DFGs is set by Government with a maximum mandatory grant of £30,000. Social services can also provide community equipment separate to adaptations up to the value of £1,000.[810] In 2008, the Government introduced legislation which allowed local authorities to issue the Government-funded DFGs on a preventative basis, were given the ability to offer alternatives (such as loans) which were not means tested and introduced discretionary top-up loans.[811]

Between 70–75 per cent of all applications do not need to go through a means test because individuals are on certain types of benefits, or the works are for disabled children.[812] [813] The way the system operates is outlined in more detail below. According to the English Housing Survey, 340,000 households in England have not made adaptations due to financial reasons.[814] A survey conducted by the Motor Neurone Disease Association (MNDA) showed that 96 per cent of respondents chose cost of adaptations as a major barrier to adapting their home,[815] significantly higher than the length of time taken to make adaptations (25 per cent) and lack of information (22 per cent). Of the people who are assessed as needing an adaptation 34 per cent of applications do not proceed,[816] and more than a third of this was down to the need to contribute financially towards the adaptation.

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808 Versus Arthritis, 2019, Adapted Homes, Empowered Lives: a report on home aids and adaptations, pg 44
809 Care&Repair England, Help with home adaptations: improving local services: A home adaptation challenge checklist, pg 6
810 Powell, J. et al (2017) 'The role of home adaptations in improving later life' Centre for Ageing Better, London
811 An extension of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO)
812 Mackintosh, Sheila et al, 2018, Disabled Facilities Grant (DFG) and other adaptations – external review, pg 159
813 Income support, income-based employment and support allowance; income-based JSA, Guarantee pensions credit, housing benefit, working tax credit and/or child tax credit provided that the annual income for the purposes of assessing entitlement to the tax credit is less than £15,050, and UC
814 DCLG, 2016, National Statistics: English housing survey 2014 to 2015: adaptations and accessibility of homes report, Chapter 1: figures and annex tables, Table 1.9.
815 MNDA, 2019, Act to Adapt: access to home adaptations for people with motor neurone disease
816 Mackintosh, Sheila et al, 2018, Disabled Facilities Grant (DFG) and other adaptations – external review

The Secretary of State can choose through secondary legislation whichever means test he or she deems should be used by local authorities.[817] And local authorities can (and do) apply discretionary grants to remove the need for means testing for groups of individuals and can raise the threshold at which the means test is applied. For instance, Eastbourne and Lewes District Councils, in partnership, have removed the means test for works costing below £8,000 and for all works for people receiving palliative care.[818]

The CSJ Disability Commission supports the need for a means test to ensure that resources are allocated to those who need them but cannot otherwise afford them. The current DFG means test is like the housing benefit assessment which was introduced in the 1990s. In England, all local authorities use the same standard test. The key elements of the current means test (called the 'test of resources') are:[819]

1. Assumed weekly needs of the household is calculated, considering the number of people, their ages and the severity of the disability;

2. This is subtracted from the actual income (taking into account any savings*)

3. The residual income is multiplied by an amount (the 'loan generation factor'**) to arrive at the amount that the applicant is expected to pay.

* A proportion of the household's savings over £5,000 is converted into 'excess income' and added onto the actual income.

** The loan generation factor seeks to ascertain the amount that individuals would be able to receive from a loan given their 'residual income'. The reduction in grant is lower for tenants than for house owners because it is assumed that tenants would acquire loans at a worse rate.

2.4.3 Under this means test significant cohorts of people are prevented from having adaptations

Many individuals are prevented from having adaptations because of the way the means test has developed. Indeed, the means test penalised individuals with mortgages because payments are not factored to calculations of the assumed weekly needs of the household (step 1). The Review of the DFG in 2005 stated that this effectively penalises adults of working age[820] because 'it bears no relation to real outgoings and severely discourages those who work by requiring a level of contribution that for many represents an unsustainable burden.' In 2018, mortgage payments formed on average 29 percentage of a homeowners' disposable income.[821]

In addition, the test does not fluctuate depending on the area of the country in which individuals live, and therefore does not account for higher or lower living costs. For example, the average mortgage payment-to-income ratio fluctuates between 18.8 per cent and

817   Housing Grants, Construction and Regeneration Act 1996 c.53, Part 1, Chapter 1, Restrictiions on grant aid, Section 30
818   MNDA, 2019, Act to Adapt: access to home adaptations for people with motor neurone disease: summary, pg 7
819   Housing Renewal Grants Regulations 1996 (SI 1996/2890, as amended); Information provided by Stroud District Council [Accessed via: www.stroud.gov.uk/media/682339/stroud-pshr.pdf] pg 41
820   DCLG, 2016, National Statistics: English housing survey 2014 to 2015: adaptations and accessibility of homes: main report pg 163
821   Lee Boyce (ThisisMoney.co.uk), 17 March 2017, Mortgages are at their most affordable in four years – but could rates drop even further?

44.8 per cent between different parts of the country.[822] However, under the current means test, the average weekly needs of the household is viewed as remaining the same despite the individual's actual living situation. This means test differs to the one used in social care allocations, which takes into account actual household costs, not notional ones. It also has a higher savings threshold from £5,000 to £23,500, which makes more individuals eligible for support. However, unlike in the DFG means test, support drops off in the social care test once an individual reaches the maximum threshold. As a result of this, the latter means test is heavily skewed towards supporting those who cannot afford adaptations, and is likely to be a fairer test than the one currently used in the DFG process.

2.4.4

A further concern is that the statutory maximum grant offered has not been raised in over 10 years. The DFG limit has been updated only twice since 1996, in 2001 (rising from £20,000 in 1996 to £25,000)[823], and in 2008 (rising to £30,000). It has not been reviewed since and, due to inflation, is currently worth £22,767.37 in 2018.[824] While the local authority can raise the financial support limit, this is not standardised across all local authorities. The Royal College of Occupational Therapy stated that 'it appears to be increasingly difficult to achieve the required adaptations for adults within the current limit of £30,000 DFG funding, potentially preventing a number of applications from progressing.'[825]

2.5 The supply of adaptations takes too long from request to completion

As section 2.1 above showed, for adaptations to benefit an individual, they must be of good quality and be installed in a timely manner. However, local authorities take varying approaches, and in some cases significant delays can happen as a result. For instance, in a research report sampling 35 local authorities, researchers found that the initial process of 'request to case allocation' took between one and 189 days with an average of 41 days. The first assessment visit could take between one and 103 days, with an average of 21 days. To get from the Occupational Therapist to the grant approval took between 3 and 233 days, with an average of 85 days. Finally, installation took from 14 to 90 days, with an average of 54 days. From start to finish, the quickest local authority needed 60 days, the slowest needed nearly an entire year (360 days).[826] Leonard Cheshire research showed that on average over 2,400 people per year waited longer than six months for a decision between 2015/16 and 2018/19.[827] However, while many people have had to wait a long time for a decision, this does not necessarily contravene the six-month statutory timeframe for approval. This is because stages 1-3 in Diagram 1 (which would have been measured in the Leonard Cheshire research) occur before the start of the six month period.

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822   Ibid
823   Foundations Timeline (website currently under reconstruction).
824   Bank of England, 2020, Inflation Calculator [Accessed via: www.bankofengland.co.uk/monetary-policy/inflation/inflation-calculator] NB: inflation averaged 3.1 per cent over this period.
825   College of Occupational Therapists, 2016, Care Act 2014: Guidance for Occupational Therapists, Disabled Facilities Grants, pg 15
826   Zhou, Oyegoke, Sun, 2019, Causes of delays during housing adaptation of healthy aging in the UK, pg 6
827   Leonard Cheshire, 2020, Disabled people face waits of more than two years for vital home adaptations

Delays have been shown to happen in all stages of the DFG process: referral, allocation, assessment, funding and installation,[828] but the longest waiting time was at the funding decision stage (mainly as a result of limited resources and backlog).[829] There are many explanations for this delay in processing applications and paying the grant. Some local authorities prioritise based on need, which can delay some applications, and some are delayed by complexity, with simpler applications being dealt with quicker.[830] However, other reasons suggest problems with the process itself. In particular, a lack of integrated working within the local authority, and a shortage of competent contractors, while not an exhaustive list of reasons, are two key reasons why delays occur. These two issues are explored in further detail below.

2.5.1 Administrative barriers prevent integrated working between social care and housing teams

In many cases, the DFG process needs to be informed by an occupational therapist's (OT) report. Some reports have suggested that OTs are 'nearly always involved in assessing need' for a DFG,[831] although the Government has stated that legislation does not specify that an OT needs to be used in every case to assess needs. The OT's role is to assess whether the adaptation is 'necessary and appropriate,' and then the housing authority decides whether it agrees with the OT assessment and if it is 'reasonable and practicable', including a means test assessment. Usually, the County Council is responsible for social care, while housing is the responsibility of the District Council, which can make the process fragmented and confusing.[832]

However, some local authorities have sought to integrate their DFG teams with OTs specialising in housing. There is increasing recognition that this will potentially reduce backlogs,[833] with the Local Government Ombudsman reporting it reduces the time individuals have to wait for an answer.[834] The model has been particularly successful in Warwickshire, where several boroughs and districts have come together with the county council to integrate their services to provide a person-centred service (see case study below).

This approach is also in keeping with the 2014 Care Act which states that 'service users should have a single point of contact throughout the customer pathway.'[835] Similarly, the Royal College of Occupational Therapists (RCOT) has called for the need for 'current systems…to provide person-centred outcomes through a more integrated and collaborative approach to the assessment, design and installation of adaptations.'[836] RCOT is also creating guidance which will disaggregate the meaning of 'complex' and 'routine'

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828 Not all local authority areas have the same process – in integrated services such as the HEART partnership case study below, there would not necessarily be a 'referral' to the DFG team.

829 Zhou, Oyegoke, Sun, 2019, Causes of delays during housing adaptation of healthy aging in the UK

830 Ibid, pg 6

831 Care&Repair England, Help with home adaptations: improving local services: A home adaptation challenge checklist

832 Zhou, Oyegoke, Sun, 2019, Causes of delays during housing adaptation of healthy aging in the UK

833 Foundations, 2019, Disabled Facilities Grants: Structures & Staffing, pg 8

834 Local Government Ombudsman, 2016, Making a house a home: local authorities and disabled adaptations, pg 5

835 Ibid

836 Royal College of Occupational Therapists, 2018, Adaptations with delay: a guide to planning and delivering home adaptations differently

adaptations, which depends on the person, priorities and needs, the nature of activities they are having difficulty performing, the environmental barriers to independence, and the types of solutions required.[837]

Case study: HEART partnership in Warwickshire

In 2016, Nuneaton and Bedworth Borough Council, along with other boroughs, districts, and the county council, created a partnership agreement following a 'lean systems review' of the DFG services, called the HEART partnership. This agreement allowed the secondment of OTs specialising in housing into the DFG team, and also combined the Home Improvement Agency case worker (who would conduct the means test), the OT assistant, and grant worker (technical officer) into a Housing Assessment Officer role. This HAO role is trained to 'trusted assessors level 3 and level 4,' alongside Foundation's introductory courses to DFGs and other 'informal training.' There are three roles within the DFG team. Whether the case is transferred to them depends on an assessment of complexity:

- **Housing Assessment Officer (HAO):** For routine work (which involved 80-85 per cent of all work), the HAOs would lead

- **Occupational Therapist (OT):** If complex needs are identified, the seconded occupational therapists would take the lead

- **Technical Officer (TO):** In complex property cases, the technical officer may be consulted and may provide a full house inspection

The HAO works with the client from the initial application to the installation of the adaptation and provide seamless support from start to finish, by conducting the initial assessment of need, the means test, sourcing contractors, and inspecting the works at the end. The result has been encouraging, although not formally evaluated. Before the HEART partnership the average time for adaptations from application to installation in Nuneaton and Bedworth was 395 days. Since the partnership, the average time taken to supply an adaptation is 150 days (children's cases can take a long time, as discussions must be had with children OTs), which can be reduced to 40 days for a level access shower, which in 2016/17 formed 55 per cent of all DFG applications approved.

Source: Foundations[838] Nuneaton and Bedworth[839] DFG External Review[840]

There is a growing consensus that this approach to delivering quick adaptations through a good quality joined-up service which is person-focused is the right approach.[841, 842, 843] But, to the Commission's knowledge there has been no evaluation of the best model to follow, and its potential to be scaled to all local authorities in England.

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837 Ibid, pg 8

838 Foundations, December 2016, DFG Case Study #7: HEART Warwickshire

839 Nuneaton and Bedworth Borough Council, HEART – Helping you live independently at home [Accessed via: www.nuneatonandbedworth.gov.uk/info/21036/heart/353/heart_%E2%80%93_helping_you_live_independently_at_home]

840 Mackintosh, Sheila et al, 2018, Disabled Facilities Grant (DFG) and other adaptations – external review, pg 46

841 Royal College of Occupational Therapists, 2018, Adaptations with delay: a guide to planning and delivering home adaptations differently

842 Foundations, College of Occupational Therapists, 2015, Report on the DFG Summit

843 Equality and Human Rights Commission (EHRC) (2018), 'Housing and disabled people: The role of local authorities'. IFF Research. [Available via: www.equalityhumanrights.com/en/housing-and-disabled-people-role-local-authorities]

2.6 The quality of some adaptations is hampered by poor quality contractors

The biggest challenge identified by local authorities when carrying out installations was the difficulty in finding reliable contractors to carry out the works.[844] While each local authority will typically have an accredited list of builders, there is no consistent way to assess the quality and suitability of the builders to carry out home adaptations.[845] Part of this concern centres on the procurement approach which is used to assess contractors. Local authorities often use value for money as the largest factor in awarding contracts, which can lead to poor-quality and unattractive adaptations which are subsequently removed when the current residents move on.[846] For instance, in the DFG External Review, one local authority had a score profile of 10 per cent for quality, 90 per cent for price.[847] In Chapter Two (Section 10) we discuss the expansion of the social value framework to the procurement practices of district authorities, to further improve their quality and impact among disabled and older residents.

Recent research by Foundations showed contractor competence is a problem. This research used a sample of 27 cases referred to the Local Government Ombudsman (LGO) over a 28-month period in which contractor competence and work defects had been cited as a contributing factor in the complaint (representing a fifth of all DFG cases between April 2018 and September 2020). It was found that complaints about contractor competence were compounded by other, related issues, such as local authority vetting and monitoring, relationship breakdown between client and contractor, and defects identified after the adaptation was installed (mostly within three months).[848] These cases are likely to be the tip of the iceberg because they incorporate only individuals whose cases were not resolved through the local authority complaints system.

An important step to take is to ensure that all contractors considered for works should meet a minimum standard, with accreditation to ensure that they understand the requirements for fitting adaptations correctly. This could be associated with the social enterprise, Trustmark, which is a Government endorsed quality scheme that uses providers to certify and audit registered businesses to ensure they provide good technical competence, customer service, and trading practices.[849] This would provide confidence to the local authority and disabled people that checks have been put in place to ensure a high standard of adaptations. To provide uniformity, the Government could develop a centralised list of contractors, in conjunction with Trustmark. This would also open all providers to the possibility of work from neighbouring local authorities.

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844 Ibid
845 Mackintosh, Sheila et al, 2018, Disabled Facilities Grant (DFG) and other adaptations – external review, pg 199
846 Foundations, 2020, Round table 1: procuring adaptations
847 Mackintosh, Sheila et al, 2018, Disabled Facilities Grant (DFG) and other adaptations – external review, pg 199
848 Foundations UK, 2020, Contractor Evaluation Report (unpublished).
849 Trustmark [Accessed via: www.trustmark.org.uk/aboutus/what-is-trustmark]

Recommendation 20a: The Government should commit to an annual information campaign to raise awareness of the forthcoming DFG website, Adapt-ABLE, to ensure as many disabled people are able to use its services as possible.

Recommendation 20b: The Secretary of State should change the DFG means test so it is aligned to the social care means test. This provides a fair and integrated approach to support, which takes into account actual household costs, not notional ones. Considerations will have to be made about the potential effect on demand for DFGs, given the two will dovetail, and how the DFG or social care costs will be considered in the means test for the other.

Recommendation 20c: The cap on the mandatory DFG has not been updated since 2009. The cap needs to be reviewed and lifted to the inflation-adjusted rate for 2021. It should be uprated in line with inflation in each year after.

Recommendation 20d: The Government should conduct a pilot to understand the impact of integrating occupational therapists within DFG teams. In particular, the pilot should evaluate the effect of this reform on the timeline and quality of adaptations provided, as well as overall customer satisfaction with the service that disabled people receive.

Recommendation 20e: The Government should create a centralised list of accredited contractors who are able to bid for DFG contracts. The Government could use the Trustmark model as a way of accrediting existing DFG providers. As per recommendation 10a all local authorities should expect contractors to adhere to the requirements of the Social Value Act.

A new approach to housing advertisement and allocation in the private and social rented sectors

The supply of new homes has been a long-standing issue across all types of housing. In England, estimates have put the number of new homes required at up to 345,000 per year, accounting for new leasehold formation and a backlog. In 2018/19, a total of 241,000 new houses were built, a 9 per cent increase on the previous year.[850] The Housing White Paper published by the Department for Communities and Local Government in February 2017 intended to deliver 'radical lasting reform', and address the whole house-building process, from identifying sites to getting homes 'built quickly and sold on fair terms.'[851]

The Commission cannot see a clear way of improving the accessibility of housing without an increase of supply and affordability to the housing stock. Current local plans, where they are in place, provide for 187,000 new homes per year across England.[852] This falls short of the Government's national target of 300,000 per year by the mid-2020s, set in the 2017 Autumn Budget.[853] However, there are plans to improve this situation. For instance, the most recent Government proposals for reform of the planning system, published in August 2020, includes proposals for central Government to set local housing targets using a standard method (which also takes into account constraints, for instance Green belt and flood risk areas) in line with the national target for 300,000 more homes per year.[854] The proportion of housing required in each area will be weighted depending on the ability of each area to absorb the level of housing proposed, and focused on areas of least affordability for prospective house buyers.

However, even once the issue of supply has been tackled in the medium term, it is critical that adapted and accessible houses are advertised in a way that allows them to be matched with the individuals who would benefit from them. Yet across both the social rented and private sectors, there is an insufficient matching of the supply of accessible housing and need. In the private sector, poor information on accessible housing hampers the efficient matching of supply and demand, which can cause costly renovations and removal of adaptations. In social housing, a lack of information held centrally by local authorities, and in a detailed and consistent manner prevents the allocation of social housing with specific adaptations to individuals who would most benefit from it.

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850   House of Commons Library, Jan 2017, Tackling the under-supply of housing in England (Briefing Paper 07671)
851   DCLG, February 2017, *Fixing Our Broken Housing Market*, Foreword by Secretary of State Rt Hon Sajid Javid MP
852   MHCLG, 2020, Planning for the Future: White Paper August 2020, pg 14
853   HM Treasury, 2017, Autumn Budget 2017
854   MHCLG, 2020, Planning for the Future: White Paper August 2020, pg 32

3.1 Private sector

There is a considerable demand among disabled people to move into the private sector. Indeed, the private rented sector alone has doubled in size in the past 20 years.[855] A survey conducted of 448 wheelchair user households across the UK in 2018 showed that 50 per cent of wheelchair users who wanted to move, wished to do so in the private rented sector.[856] Yet in the same survey 91 per cent of all wheelchair users surveyed (not just those who wanted to move) experienced barriers to accessing the private rented sector. The main reason was the lack of accessible property (62 per cent).[857] A large part of this is likely to be the supply of accessible housing. However, the CSJ Disability Commission has heard that the inadequate matching of the supply of accessible housing to the need was a consistent problem evidenced in the private sector.

Although systematic research has not been conducted on the issue of inadequate matching, there is some evidence to highlight this challenge. Many disabled people are being shown properties that, had they been aware of the lack of accessibility features, they would not have visited. This is a waste of time and financial resources and prevents the housing market working in an efficient manner. Zara Todd, a disability rights campaigner, in evidence to Women and Equality Commons Select Committee highlighted the current situation:

> I had to go to 22 letting agents to get two viewings, just to find a flat that did not have stairs to get into it. I now rent somewhere that is not accessible, but it was the best that I could do from 22 letting agents.[858]

Abbi Brown, Knowledge Sharing Officer at the National Deaf Children's Society, in evidence to the CSJ Disability Commission highlighted the prevalence of the problem for bright young disabled graduates who were looking to start new careers:

> I am regularly contacted by bright young disabled graduates who are keen to move to cities for better employment opportunities but are struggling to find accessible accommodation.

In addition, making adaptations to the house is only cost effective if, when the current disabled residents leave, potential disabled tenants can search and identify housing that can already meet their accessibility needs. However, many houses are put onto the market without information about accessibility, and as a result, adaptations are removed. An example of better practice is in New York City, where marketing agents 'are required to attend a training course on fair housing practices including working with [disabled people].'[859] But training for marketing agents is useful only to the extent that the platform with which disabled people engage alerts them to the accessibility features of the property, allowing them to filter houses before contacting the marketing agent. It is then incumbent on the agent to understand what an 'accessible house' means.

855 MHCLG, 2020, English Housing Survey 2018 to 2019: headline report, Section 1 household tables Annex 1.1
856 Abode Impact, 2018, Accessibility is the Key: wheelchair accessible homes needed for private rent
857 Ibid
858 Women and Equalities Committee, 2017, Building for equality: disability and the built environment, Chapter 4: Housing
859 AccessibleNYC, 2019, An annual report on the state of people with disabilities living in New York City, pg 58

3.1.1 Any way of addressing information barriers must include all key players in the market

Any resolution to this problem in the private sector must address the poor information provided at each stage of the process, from the online portals to the local estate agent. But the two are increasingly and inextricably intertwined. According to Zoopla's State of the Property Nation Survey[860] of 6,000 consumers, 77 per cent of house buyers use online portals such as Rightmove or Zoopla. And while 51 per cent of consumers use agents (on the high street or on their websites), this is an increasingly smaller proportion of buyers, with customers increasingly turning to social media and property portals.[861] In evidence to the CSJ Disability Commission, Guy Hariss from Accessible PRS said that levelling the opportunities that disabled and non-disabled house searchers have:

> is about laying out the information required in a way that lets each individual property searcher make an informed decision for themselves.

If disabled tenants/buyers and others are to understand what 'accessibility' means, across a variety of estate agents, the information supplied through estate agents on these portals about adjustments to the house must be consistent and easy to understand. While accessibility standards for new builds seek to make uniform previous housing rules, for the 90 per cent of housing that was built before 2000 there is not one type of 'accessible' house. This makes it very difficult for prospective disabled renters/home-owners to identify which house would suit their needs.

As we increasingly use online portals and social media to view properties, this provides the opportunity to embed accessibility by providing a structured data platform to ensure that all estate agents can feed information into Zoopla and Rightmove (and other online housing portals) about the accessibility of the house that is being sold or rented. This has already been tried in other areas. The case study below shows the example of Accomable, which was incorporated into Airbnb. Much of the design and implementation of this new platform can be modelled on this example. There have also been innovations in the private sector that have sought to provide these platforms from which disabled people, older people, or others with accessibility needs, can identify the houses that would meet their needs.[862]

Case study: Accomable and Airbnb

Srin Madipalli saw a gap in the market for holiday rental properties in 2015. Across various online booking sites in the UK there was limited information about the accessibility of properties, and most disabled people would have to rely on the unverified information provided

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860 Zoopla, 2020, State of the property nation [Accessed via: https://advantage.zpg.co.uk/wp-content/uploads/2020/02/FINAL-SOPN_2020_Chapter_2_Screen.pdf] pg 7

861 Ibid, pg 8 Question: platforms on which consumers most recently looked for a property.

862 For instance, Home Swapper [Accessed via: www.homeswapper.co.uk/]; Home2fit [Accessed via: /www.home2fit.org.uk].

by the owners. There was also a lack of standardised definitions of what accessibility meant, little awareness of the features this related to and no training to support property owners to understand the needs of their potential clients.

In 2015, Srin became the founder and CEO of Accomable, a web platform which connected disabled people to holiday accommodation that suited their needs. In 2017, this was bought by and incorporated into Airbnb. The new web and app platform developed within Airbnb allows hosts across more than 200 different countries to input the accessibility features of their property. The platform provides granular detail on what 'accessibility' means, unbundles unclear terms such as 'wheelchair accessible,' and provides explanations of features which allows hosts provide detailed information about their home's accessibility. All information uploaded in relation to accessibility is accompanied by photographs.

Through this feature, individuals browsing on Airbnb can filter results based on a bespoke array of accessibility features. The information is designed, tested, and iterated to make sure that the platform is constantly updated to reflect the demand from disabled users. Because of this feature, disabled people are increasingly aware of the properties across the world that meet their needs.

Source: Airbnb[863]

The Government is in a position to lead a trailblazer group with estate agents, online housing portals, organisations that have pioneered similar 'registers' and the regulator to create this structured data framework. It could be led by a partnership between Government, the regulator and business, and ultimately owned by the sector. Critically, this would need to involve the active participation of disabled people and the priorities that they see for housing.

This can be modelled on the same principle as 'Open Banking'[864] in the banking sector. Changes to the way banks collect, store and share data, means there is a centralised and standardised platform to share data on the offers from banks as well as customer information. This means customers can change bank accounts with ease, use Monzo cards which link to a variety of different banks, and comparison websites can access individuals' data to help them choose the best offer.

There have also been similar initiatives which use the same principles of open data, including the introduction of the Bus Open Data Portal funded by the Department for Transport in 2017, which is seeking to standardise fare and ticket information.[865] Operators will also be supported to digitally upskill their staff and systems and processes where required. These two examples provide ways in which standardised and open data platforms have the potential to facilitate more efficient functioning of the market.

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863 Airbnb, n.d., Designing for Access: creating new features for guests with disabilities [Accessed via: https://airbnb.design/designing-for-access]

864 Open Banking [Accessed via: www.openbanking.org.uk/customers/what-is-open-banking/]

865 Department for Transport, 2019, Bus Services Act 2017: Bus Open Data Consultation Response [Accessed via: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/792313/bus-open-data-consultation-response.pdf]

3.2 Social rented sector

Social housing – either owned by the local authority or housing associations – can be appealing because of its affordable rent and security of tenure.[866] This in turn provides an opportunity for housing associations and local authorities to work closely with their tenants on employability and skills and build supportive networks.[867] But access to and the condition of social housing remain obstacles for disabled people. Because of a paucity of data, we simply do not know if social housing meets the needs of disabled people. However, disabled people are far more likely to live in social housing than non-disabled people. Almost a quarter (24.7 per cent) of disabled people in the UK were social renters, compared to 8.2 per cent of non-disabled people.[868] From a different angle, 41 per cent of people in UK social housing are estimated to be disabled,[869] although according to the English Housing Survey conducted for 2018-19, this rises to 53 per cent of all social housing households where one or more members are disabled.[870]

According to the latest national data in 2018–19, there were 115,586 households on local authority waiting lists in England who needed to move home on medical or welfare grounds, including grounds relating to disability.[871] This remains the second largest category of people people who need to move, behind individuals living in unsanitary or overcrowded housing. Yet only 22 per cent of English local authorities have an accessible housing register, and according to the DFG external review, some home choice and home swap systems perform poorly in terms of recording adapted and accessible social housing or matching disabled people to suitable properties.[872] As a result, there is very little matching between the supply and demand for accessible social housing.

Another consequence of the poor matching of accessible social housing to disabled applicants is that, as mentioned earlier, housing adaptations (for instance, ramps and handrails) are usually removed when new tenants that might not require adaptations move in.[873] As the Equality and Human Rights Commission (EHRC) found in 2018, 'one local authority told us that they took out 56 wet rooms, at a cost of around £10,000 each because adaptations were not wanted by non-disabled residents.'[874] The EHRC has also commented that some disabled tenants feel forced to take the house that is first offered to them out of fear they will not be offered another.[875]

IFF research shows that few local authorities hold data that is useful for estimating the number of disabled people currently inappropriately housed. Almost a third of local authorities asked suggested data on this was poor or very poor (29 per cent). To improve the data that local authorities hold in relation to disability, exactly a fifth of local authorities (20 per cent) identified a requirement for better evidence of need in the local area and

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866 Equality and Human Rights Commission (EHRC) (2018), 'Housing and disabled people: The role of local authorities'. IFF Research.
867 CSJ, 2018, Social housing and employment; helping social housing be the springboard to a better life
868 CSJ Disability Commission analysis of ONS data: Dataset: Disability and housing 2019, Table 1
869 CSJ Disability Commission analysis of ONS data: Dataset: Disability and housing 2019, Table 1
870 MHCLG, 2020, English Housing Survey, Headline Report 2018/19, pg 12
871 MHCLG, 2020, Statistical dataset: Local authority housing statistics data returns for 2018 to 2019, Section C – Allocations
872 Mackintosh, Sheila et al, 2018, Disabled Facilities Grant (DFG) and other adaptations – external review, pg 230
873 Foundations, 2020, Roundtable 1: procuring adaptations
874 Equality and Human Rights Commission (EHRC) (2018), 'Housing and disabled people: The role of local authorities'. IFF Research, pg 62
875 Ibid, pg 63

around a fifth (18 per cent) wanted to better understand the specific types of adjustments disabled people required.[876] Leeds Beckett University are currently working on a system which will improve each local authority's understanding of the housing adaptations within their local area and match this to survey data from prospective tenants about their needs. This system has yet to be evaluated in a pilot trial.

Recommendation 21a: The Government should consult on introducing an open data platform for housing which will embed accessibility into online portals such as Zoopla or Rightmove and in the day-to-day practice of estate agents.

To do this, the Government would need to bring together key stakeholders in the housing sector to produce and agree on a standardised accessibility framework which can be used on housing portals and adhered to by estate agents. The consultation should consider the necessary support that would be required in the form of training and guidance for estate and letting agents at the implementation stage.

Recommendation 21b: In order that local authorities can accurately allocate the supply of accessible housing to demand, the Government should mandate that local authorities:

i. collect data on the number of disabled people in their area who require accessible housing (including type of need);

ii. use the framework for accessible houses agreed in Recommendation 21a to keep records of the accessible and adapted homes that exist within the social housing stock.

Recommendation 21c: The gaps in the provision of homes which meet disabled people's needs should be used to increase the supply of accessible housing in the local authority's planning strategy.

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876   EHRC, May 2018, Research report 115: Housing and disabled people: the role of local authorities, pg 32

chapter 5

Access to goods and services

Summary of recommendations

1. New builds and extensions to existing buildings

Recommendation 22a: The Government should update *The Building Regulations 2010 Access to and use of buildings: Approved Document M, volume two* so that any change of tenancy requires the landlord to make the building compliant with Part M. The costs must be tied to the landlord and not the tenant or service provider.

Recommendation 22b: The Government should extend Qualified One-way Costs Shifting (QOCS) to cover Equality Act cases so that disputes can be resolved without fear of the cost.

Recommendation 22c: The Government should introduce mandatory reporting of the accessibility of public buildings (in relation to the Equality Act 2010) for organisations with more than 250 employees. All information should be made available in a range of accessible formats.

2. Improving the accessibility of public buildings through licensing

Recommendation 23a: The Government should change licensing requirements so premises must be made accessible in accordance with the Equality Act 2010 before they can trade.

Recommendation 23b: The Government should discuss with stakeholders the length and form of the minimum training a councillor should receive before first being allowed to sit as a member of a sub-committee, and the length, form and frequency of refresher training.

3. Extending web accessibility

Recommendation 24a: The web accessibility regulations introduced in the *Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018* should be extended to private organisations. The Government should also extend these regulations to schools and nurseries that are currently partially exempt (as per Recommendation 12a).

Recommendation 24b: The Equality and Human Rights Commission's (EHRC) enforcement role should also be extended to ensure compliance with the regulations in the private sector. Sufficient resources should be made available to the EHRC so they can perform this role.

Recommendation 24c: To support the enforcement of the regulations a portal should be created for people to report inaccessible websites directly to the EHRC.

Recommendation 24d: The government should provide advice and guidance on how the web accessibility standards required by the regulations can be implemented. This can be achieved by creating a portal which highlights examples of best practice from the sector. This portal could also serve as a platform on which employers can be connected to web developers.

Introduction

In both the built and digital environment, disabled people are prevented from accessing the same quality of service and experience as non-disabled people.

Where the built environment is concerned, ONS survey data published in 2015 showed that almost a third of disabled people over the age of 16 experience a 'participation restriction' outside their home.*877* While this survey has been discontinued, a 2019 survey by Euan's Guide showed that while 16 per cent of respondents believed that in the past year access to goods and services had improved, a slightly higher proportion (17 per cent) believed it had worsened.[878]

A YouGov poll of disabled people and their family and carers in November 2020 (Figure 25) corroborated these findings. The data also showed that out of all 'areas of life', pubs, bars and nightclubs received the lowest score for accessibility, with 53 per cent rating this fairly or very inaccessible.[879] This was followed by leisure facilities such as cinemas and bowling alleys (37 per cent) and leisure centres and sports facilities (36 per cent).

Figure 25: Disabled people's rating of accessibility in five selected areas of life, UK, 2019
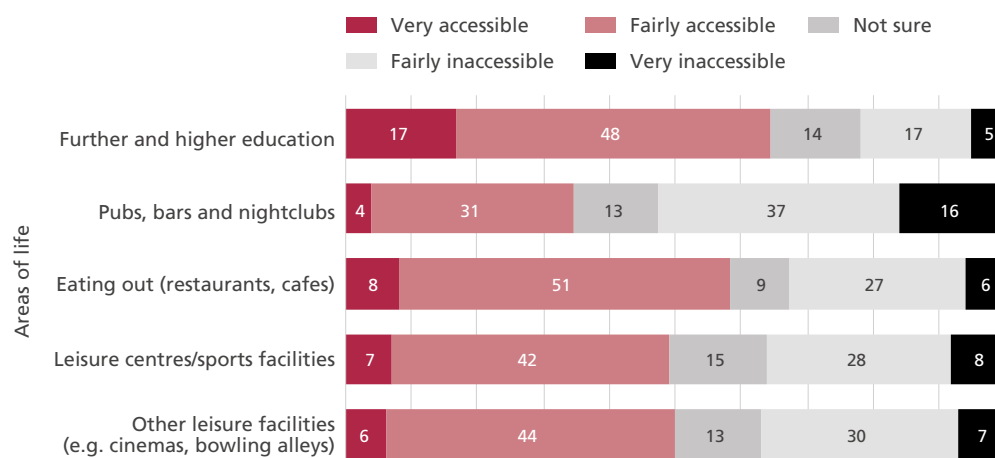
Source: YouGov[880]

Access to the web is of ever-growing importance as the world becomes increasingly digitised. According to a survey of 800 executives conducted by Mckinsey & Company, 48 per cent of respondents stated that they were accelerating the digitisation of customer

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877   Sample size: Accessibility outside home, adults with impairments (2,710), adults without impairments (3,690). ONS [The National Archives], 2015, Life Opportunities Survey: Wave Three, Final Report, October 2012 to September 2014.
878   Euan's Guide, 2019, The Access Survey 2019
879   YouGov, November 13 2020, The YouGov Disability Study: Life in the UK
880   Ibid

channels since the start of the Covid-19 outbreak.[881] Within this context, it is important that these online channels are accessible to all who wish to use them. However, vast swathes of our online world are inaccessible which bars disabled people from participation in the economy and society.

The legal background

Under the Equality Act 2010, there are two types of reasonable adjustment duties. First, the reasonable adjustment duty on employers which is based on removing disadvantage to an individual disabled person. The Commission covers this in Chapter Two (Part Two). Second, relevant for this chapter, is the duty on providers of services, goods and facilities (for instance shops and banks) must not discriminate against a person requiring the service by not providing the service. This latter duty is dependent on a group test.[882] The group test is met when it is decided that there is a substantial disadvantage (more than minor or trivial) to disabled people compared to non-disabled people. The duty is anticipatory, which means it is not enough for a provider to make the adjustment once they are asked to by (or need to for) a disabled person, but to reasonably foresee disadvantage where it may exist, to ensure disabled peoples' experience replicates 'as close as possible' that enjoyed by non-disabled people.

There are three aspects to the duty:[883]

- **Practice, policy or procedure:** If an adjustment is made for a disabled person or for a situation, but the underlying practice is still the same, this does not adhere to the anticipatory duty on service providers. Training for staff can underpin this.

- **Auxiliary aid or service:** Including extra staff assistance to disabled people.

- **Physical features:** The provider has a duty to remove physical features which impede access.

A simple way to comply with the law is to design public spaces with Universal design principles incorporated from the start. The aim of Universal design is to make spaces user-friendly for all individuals regardless of their age, size or disability.[884] Service users should be involved at every stage of the build process, so that as many barriers as possible are designed out.

The economic benefit to ensuring the inclusion of disabled people is well documented. The Purple Pound (the household income of disabled people and their families) is estimated to be worth nearly £250 billion annually to the UK economy.[885] According to research by KPMG, three quarters of disabled people have left a shop or business because of poor awareness or understanding of disability. The value of the revenue lost

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881   McKinsey & Company, What 800 executives envision for the post-pandemic workforce (September 23 2020). Article.

882   Stammeringlaw, 8 February 2015, Reasonable adjustments by service providers [Accessed via: www.stammeringlaw.org.uk/services/reasonable-adjustments-service-providers/#PCP_is_taken_before_any_adjustments]

883   House of Commons, 25 November 2020, Disability Discrimination Briefing Paper Number CBP 9061, pg 11

884   The Centre for Excellence in Universal design, n.d., Benefits and Drivers [Accessed via: http://universaldesign.ie/What-is-Universal-Design/Benefits-and-drivers]

885   [Accessed via: https://wearepurple.org.uk/the-purple-pound-infographic/]

as a result (the 'walkaway pound') is £420 million a week.[886] A report on the 'clickaway pound' in 2019 showed that inaccessible websites and apps caused UK businesses to lose £17.1 billion in revenue.[887]

Ensuring disabled people's accessibility needs are met from the start is also less expensive than providing costly retrofitted adaptations. Indeed, the Chapter Four (Section 1) showed that adaptions to a typical house to make it suitable for a variety of needs costs on average five times more than making the home adaptable in the first instance.[888]

However, while businesses may have taken heed of this fact, relying solely on them to act voluntarily to ensure disabled people's access to goods and services is unlikely to go far enough.[889] As such, if businesses cannot be relied on wholly to ensure disabled people have equal access to goods and services on the basis of voluntary, business case arguments, a more direct approach may be needed.

This chapter outlines a set of recommendations which, if implemented, will substantially improve the inclusion of disabled people within, and access to, the built and digital environment.

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886 KPMG, May 2018, Leading from the front, pg 11
887 Rick Williams and Steve Brownlow, 2019, The Click-Away Pound Report 2019, Table 1
888 EHRC, 2016, Housing and disabled people: Britain's hidden crisis, pg 25
889 Dr Deborah Dean, in evidence to the CSJ Disability Commission

section 1
New builds and extensions to existing buildings

All new non-dwellings are regulated through *The Building Regulations 2010 Access to and use of buildings: Approved Document M, Volume Two*.[890] Within this volume, there are three standards. M1 requires all new buildings to have reasonable provision enable disabled people to gain access and use the building and its facilities.[891] M2 requires extensions of buildings to have independent access, and M3 requires developers to provide suitable independent access and 'sanitary conveniences' (for instance, an easily flushable toilet).[892]

Table 3: The Building Regulations 2010 Access to and use of buildings: Approved Document M, volume two: buildings other than dwellings

Requirement		Limits on application
Access to and use of buildings other than dwellings		
M1	Reasonable provision must be made for people to – (a) gain access to; and (b) use, the building and its facilities	Requirement M1 does not apply to any part of the building that is used solely to enable the building or any service or fitting in the building to be inspected, repaired or maintained.
Access to extensions to buildings other than dwellings		
M2	Suitable independent access must be provided to the extension where reasonably practicable.	Requirement M2 does not apply where suitable access to the extension is provided through the building that is extended.
M3	If sanitary conveniences are provided in any building that is to be extended, reasonable provision shall be made within the extension for sanitary conveniences.	Requirement M3 does not apply where there is reasonable provision for sanitary conveniences elsewhere in the building, such that people occupied in, or otherwise having occasion to enter the extension, can gain access to and use those sanitary conveniences.

Source: MHCLG[893]

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890   Volume one contains accessibility standards for dwellings, which the Commission addressed in Chapter [x].

891   HM Government, 2015 edition, The Building Regulations 2010, Access to and use of buildings Approved Document M, Volume 2 – Building other than dwellings

892   CIBSE, 2015, Top Tips 3 – Sanitary conveniences, washing, and drinking water [Accessed via: www.cibse.org/knowledge/knowledge-items/detail?id=a0q20000006ob3wAAA]

893   HM Government, 2015, The Building Regulations 2010, Access to and use of buildings Approved Document M, Volume 2: Buildings other than dwellings, pg 8

While the provisions within Part M are closely aligned to the Equality Act, they are not the same as compliance with requirements for 'service providers and employers' under the Equality Act 'to make reasonable adjustment to any physical feature which might put a disabled person at a substantial disadvantaged compared to a non-disabled person.' According to the Part M document, contractors may therefore be required to design features or make reasonable adjustments to 'features which are outside the scope of Approved Document M.'[894]

The British Standards BS8300 originally provided the foundation for Part M regulations for buildings other than dwellings. These Standards were criticised for not catering to all disabilities in their design. For instance, individuals with chronic illness require rest spots within the building, but the British Standards do not take this into account. Demonstrating the importance of this, the removal or lack of rest stops has been identified as a key problem for disabled people during the pandemic. According to a Euan's Guide survey in June 2020, 48 per cent of respondents (which included disabled people, carers, and family and friends) were concerned about venues removing chairs and rest stops while 59 per cent were concerned with queuing or waiting, particularly in bad weather.[895]

The British Standard BS3800 was updated in 2018, and the most recent version (BS8300-2:2018)[896] included updated guidance for developers. These new standards placed a focus on building universally inclusive environments from the outset, rather than retrospectively installing accessible facilities.[897] The 2018 guidance includes recommendations about building layout, parking, access routes to and within buildings, entrances to and movement within buildings, building facilities, and guidance for specific rooms such as sanitary accommodation.[898]

In January 2021, the Government published amendments to Approved Document M, volume 2 which embedded British Standards 8300-2:2018, and introduced the requirement to install Changing Places toilets in some public buildings.[899] These toilets are facilities that meet the needs of a wide range of disabled people, for instance, with a tracking hoist system and adequate space for a disabled person and carer.[900] This change in regulation goes a long way to fulfil a previously unmet need. According to Euan's Guide in 2019, 50 per cent of disabled people and their families and friends report that not having access to a toilet that suited their requirements was a barrier to getting out and about.[901] The Changing Places initiative are expected to improve provision for 250,000 people across the UK who need enhanced public toilet facilities.[902]

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894   HM Government, 2015, The Building Regulations 2010, Access to and use of buildings Approved Document M, Volume 2: Buildings other than dwellings
895   Euan's Guide, July 2020, Covid Concerns and Precautions Survey Results (24/07/2020)
896   BS 8300-2:2018 Design of an accessible and inclusive built environment. Buildings – code of practice.
897   NYMAS, n.d., What is BS8300? [Accessed via: https://www.nymas.co.uk/blog/what-bs8300]
898   NBS, 2018, BS 8300-2:2018 Design of an accessible and inclusive built environment [Accessed via: www.thenbs.com/PublicationIndex/documents/details?Pub=BSI&DocID=320547]
899   HM Government, July 2020, The Building Regulations 2010: amendments to the Approved Documents, pg 2
900   BBC, 19 July 2020, Changing Places Toilets for disabled people to be compulsory
901   Euan's Guide, 2019, The Access Survey 2019
902   MHCLG, May 2019, Changing Places Toilets: a consultation paper

Where buildings are currently subject to Part M regulations, the local authority oversees compliance[903] as they do for property developers providing accessible housing (discussed in Chapter Four, Section 1). In the case of public buildings, compliance is typically sought through informal channels, such as discussions with the contractor. If this is unsuccessful the local authority can prosecute the contractor in the Magistrates' Court where a fine may be imposed. These cases can be brought up to two years after the completion of offending works.[904] Local authorities can also serve enforcement notices on building owners requiring the alteration or removal of the work which contravenes the regulations. If the owner does not comply, the local authority has the power to undertake the work itself and recover the costs from the owner.[905]

The Commission welcomes both of these amendments as improvements that will support a wide range of disabled people. However, more needs to be done to ensure disabled people have equitable and fair access to public buildings, both via the extension of existing building regulations, and also via better regulatory enforcement. The following section addresses these issues in detail.

1.1 Part M only covers material change of use, but this can mean buildings can change hands multiple times and not be subject to the regulations

Part M applies to existing buildings where there is a material change of use. This describes any building where there is a change in purposes or the circumstances in which a building is used. The regulations provide an exhaustive list of examples of material changes of use.[906] It is the responsibility of the local authority to enforce compliance with these regulations. However, there can be instances where there is no change of use, but the tenants have changed several times over the last 30 years. This can mean buildings can remain inaccessible for decades. This is particularly relevant for high street stores, which are unlikely to change use.

To rectify these instances, Part M should not be linked to change of use but change of tenancy. As such, a tenancy change for public buildings should trigger a re-assessment of accessibility of the building under Part M. The responsibility for enforcement must be laid on the local authority, rather than relying on individual disabled people bringing cases to the courts. On top of this, the costs to adapt the space should fall on the landlord as the responsible party for making the premise accessible. The cost should not be pushed onto tenants given this will likely deter business activity.

1.1.1 It is time-consuming and expensive to pursue cases in the court system

Turning to the issue of enforcement, the extension of Part M to cover any changes of tenancy will expand the scope of local authority responsibility over ensuring buildings meet the minimum accessibility threshold. So too will changes to licensing of public places

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903   Planning Portal, n.d., Building Regulations [Accessed via: www.planningportal.co.uk/info/200128/building_control/38/building_regulations/3]

904   Ibid

905   Ibid

906   HM Government, 2015, The Building Regulations 2010: Access to and use of buildings, Approved document M, Vol 2

(in Section 2, below). However, there may still be instances where the individual might have to go to court. Indeed, as Chapter Four (Section 1) explained, not all local authorities monitor compliance with Part M for dwellings, and where this is the case, local authorities have found non-compliance to be a problem. It is likely this level of non-compliance may also exist with the re-development of existing public buildings. There may also be disputes between customers and service or goods providers about the latter's duties regarding accessibility under the Equality Act 2010, and where the local authority has not resolved the dispute, it may still be necessary for individuals to take further action.

While it should only be in rare instances that a dispute should be settled in court, not least given the burden this places on both parties, these cases can have the benefit of setting precedents in law which can change policy and practice at a systemic level. However, few legitimate cases ever get to court, and many are settled before a ruling, which means that the Equality Act is relatively untested. For example, one of the only lawsuits to be filed in relation to web accessibility (Royal National Institute of Blind people (RNIB) vs. BMI-Baby in 2012) was settled out of court.[907]

1.1.2

Part of the reason why so many cases are settled out of court, or are never taken in the first place, is because of the huge cost that is associated with lodging a case. In 2012, claimants who were not eligible for legal aid could fund disability discrimination claims through a Conditional Fee Agreement (CFA) with After-the-Event (ATE) insurance to protect themselves from the risk of having to pay significant costs.[908] A CFA is a contract between a claimant and a solicitor whereby the solicitor is only paid if the claimant wins their case and receives compensation.[909] After-the-Event insurance is a legal expenses insurance policy that can be taken out after a legal dispute arises to prevent the claimant from paying the expenses of the defendant if the former loses.[910] Both of these mechanisms meant that no matter the outcome of the case, the claimant was protected from accruing substantial costs.

However, the implementation of the *Legal Aid, Sentencing and Punishment of Offenders Act* (LASPO) in 2013 meant that the ATE insurance premium cannot be recovered from the defendant even if the claim is successful.[911] [912] Instead, claimants must use their compensation to pay the ATE insurance premium which can amount to thousands of pounds.[913] The implementation of LASPO also changed CFA regulations which means that solicitors can no longer claim a success fee from the other party if the case is successful.[914] Instead, most law firms now charge their clients a percentage of the compensation to pay for their legal services. The Equality and Human Rights Commission (EHRC) estimated

907   Ibid
908   Select Committee on the Equality Act 2010 and Disability, 2016, The Equality Act 2010: the impact on disabled people, Chapter 9: Enforcement through the judicial process
909   Natasha Hall Law, [Accessed via: www.nh-law.co.uk/what-is-a-conditional-fee-agreement s]
910   DFA Law, n.d., What is 'after the event' insurance? [Accessed via: www.dfalaw.co.uk/faq_type/what-is-after-the-event-insurance]
911   Equality and Human Rights Commission, September 2018, The impact of LASPO on routes to justice report, pg 6
912   Select Committee on the Equality Act 2010 and Disability, 2016, The Equality Act 2010: the impact on disabled people, Chapter 9: Enforcement through the judicial process
913   Ibid
914   Natasha Hall Law, [Accessed via: www.nh-law.co.uk/what-is-a-conditional-fee-agreement#]

that funding an individual discrimination court case 2018, which includes court fees, legal advice fees and litigation costs, would cost an average of £28,000.[915] As such, the costs of bringing a claim to court prevent access to justice. [916]

The financial cost of taking cases to court, regardless of the outcome, can be mitigated through Qualified One-Way Costs Shifting (QOCS). This scheme ensures claimants are not liable to pay the defendant's legal costs if their claim is unsuccessful, but the defendant is required to pay the claimant's costs if the latter's claim is successful.[917, 918] QOCS was introduced in 2013 on the recommendation of Lord Justice Jackson to remedy the financial burden of bringing personal injury claims to court for claimants after ATE insurance premiums were no longer recoverable from the defendant. QOCS applies to all claimants regardless of their wealth.[919]

Extending QOCS to Equality Act cases would ensure that the costs associated with court cases do not deter disabled people from using the legal system to challenge discrimination. This could be achieved by amending the *Civil Procedure Rules 1998*, which are regularly updated each year through secondary legislation.[920] This recommendation is supported by both the EHRC and the House of Lords Committee on the Equality Act and Disability.[921]

1.2 The lack of information on the accessibility of public buildings prevents accountability and the ability for disabled people to plan journeys

Buildings that are non-compliant with the regulations and the provider's duties under the Equality Act can cause significant disruption for disabled people because there is often no publicly available information on the accessibility of the building (for instance, compliance with Part M regulations). This information is important for disabled people to plan journeys and to access services in an equal manner to non-disabled people. Yet, a 2018 survey by AccessAble (formerly DisabledGo, an online accessibility guide) showed that while 98 per cent of disabled people and carers check accessibility in advance of visiting a public building, 47 per cent reported occasions on which the advertised accessible facilities had not been available.[922] In addition, 76 per cent of all respondents (n = 845) had not visited a venue due to a lack of access information being available in advance and only 14 per cent of respondents stated that all of the accessibility information they need is readily available. For many disabled people today, it can be a gamble as to whether the building is accessible when they arrive.

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915 Women and Equalities Committee, 2019, Enforcing the Equality Act: the law and the role of the EHRC (HC 1470) Ch. 8

916 Women and Equalities Select Committee, 2019, Written submission from Equality and Human Rights Commission [Accessed via: www.equalityhumanrights.com/en/legal-responses/consultation-responses]

917 Select Committee on the Equality Act 2010 and Disability, 2016, The Equality Act 2010: the impact on disabled people, Chapter 9: Enforcement through the judicial process

918 Costs Barrister, May 28 2020, Disability discrimination and QOCS [Accessed via: https://costsbarrister.co.uk/access-to-justice/disability-discrimination-and-qocs]

919 Herbert Smith Freehills, n.d., Qualified one-way costs shifting (QOCS) for personal injury claims

920 Select Committee on the Equality Act 2010 and Disability, 2016, The Equality Act 2010: the impact on disabled people, Chapter 9: Enforcement through the judicial process

921 Women and Equalities Committee, 2019, Enforcing the Equality Act: the law and the role of the EHRC (HC 1470) Ch. 8

922 Accessible, October 2018, New survey highlights major accessibility gap for UK's 20 million disabled people and carers

Case study: Environmental, social and corporate governance (ESG)

Environmental, social and corporate governance (ESG) goals demonstrate the level of commitment a business has to operating in a sustainable and responsible way that manages social and environmental challenges.

In 2014, the EU Directive *2014/95/EU* came into force, which required companies with more than 500 employees to report on their annual management report on how their 'business' policies are implemented in relation to environmental protection, social responsibility and treatment of employees, respect for human rights, anticorruption and bribery, and diversity on boards (including age, gender, educational and professional background). Transparent and accurate data collection is critical in demonstrating ESG commitments, but there is no standardised way to report information.

In total, this directive was estimated to cover 6,000 large companies and groups across the EU, including listed companies, banks, insurance companies, and other companies designated by national authorities as public-interest entities.

Source: multiple[923, 924, 925]

To improve this situation, steps must be taken to enhance the accuracy, comprehensiveness and availability of information on the accessibility of public buildings. The onus should be on the service or goods provider to publish this information as part of their annual report and ensure it is available on their websites and in a range of accessible formats. The requirement could be modelled on the Environmental, Social and Corporate Governance (ESG) commitments that have been in force in the UK since 2014 (see case study above), with the exception that it should apply to all large employers with more than 250 employees.

Recommendation 22a: The Government should update *The Building Regulations 2010 Access to and use of buildings: Approved Document M, volume two* so that any change of tenancy requires the landlord to make the building compliant with Part M. The costs must be tied to the landlord and not the tenant or service provider.

Recommendation 22b: The Government should extend Qualified One-way Costs Shifting (QOCS) to cover Equality Act cases so that disputes can be resolved without fear of the cost.

Recommendation 22c: The Government should introduce mandatory reporting of the accessibility of public buildings (in relation to the Equality Act 2010) for organisations with more than 250 employees. All information should be made available in a range of accessible formats.

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923 European Commission [Accessed via: https://ec.europa.eu/info/business-economy-euro/company-reporting-and-auditing/ company-reporting/non-financial-reporting_en#companies]
924 KPMG, ESG [Accessed via: https://home.kpmg/uk/en/home/services/environmental-social-governance.html]
925 Government Actuary's Department, Issue 9 – September 2019: Investment bulletin, pg 23

section 2
Improving the accessibility of public buildings through licensing

Another way to improve compliance with the Equality Act, specifically for service providers, is to consider how licensing laws incorporate stipulations for accessibility. Only a subset of all service providers will need a license to operate. However, any public building that wants to sell or supply alcohol, provide regulated entertainment or late-night refreshment needs to apply to the local authority for a license.[926] To apply for a license, an organisation completes a standard application form which can be obtained from GOV.UK or Home Office websites or the licensing authority upon request. In the form, the applicant/s must include information about the location and value of the premises, the desired start date (and end date if applying for a limited period) of the licence and a description and schedule of the licensable activities.[927] The applicant must also state how they are going to meet the following four licensing objectives: the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm.

The application, including any accompanying documentation, must be provided to the relevant licensing authority and 'responsible authorities,'[928] (for instance, the police). These authorities have the opportunity to raise concerns which the local authorities will consider before approval.[929] Once an application has been submitted, a licensing committee, which comprises between ten and fifteen elected local councillors,[930] will make a decision on whether to grant permission for the license. In making this decision, the licensing committee will have regard to its licensing statement (which outlines the context and vision of the local authority) and current guidance from the Secretary of State. Decisions will also be made based on the four licensing objectives, above. A licensing hearing can also be held at the discretion of the committee.[931] Therefore, the Committee is an important touch-point between local government and business.

926 Home Office, 28 January 2019, Form: premises licence guidance
927 Home Office, 2012 (Jan 2019), Form: Premises Licence forms (Premises licence application ODT)
928 The term responsible authorities include: the chief officer of police, the fire and rescue authority, the primary care trust, the health and safety authority, the local planning authority, the environmental health authority, the environmental health authority, the body responsible for the protection of children from harm and trading standards officers. Home Office, 28 January 2019, Premises licence guidance [Accessed via: www.gov.uk/government/publications/premises-licence-application-forms/premises-licence-guidance]
929 Warrington Borough Council, n.d., Statement of Licensing Policy [Accessed via: www.warrington.gov.uk/sites/default/files/2019-08/licensing_policy_final_version_080615_final_2015.pdf]
930 Local Government Lawyer [Accessed via: www.localgovernmentlawyer.co.uk/governance/314-governance-a-risk-articles/24299-constitution-of-licensing-sub-committees]
931 Gov.UK, 2005, The Licensing Act 2003 (Hearings) Regulations 2005 No. 44, Regulation 14

2.1 There are no stipulations for accessibility to be considered in the licensing process

As mentioned in the introduction to this chapter, all organisations providing a service must make reasonable adjustments if it is anticipated that disabled people will be at a substantial disadvantage compared to non-disabled people. This includes the physical space as well as in the provider's policies, practices or procedures. Service providers must therefore consider the physical features of buildings and the barriers they create for disabled people.[932] However, there are no stipulations at present for the licensing committee to consider whether the licensing application meets the duties under the Equality Act 2010. The Commission believes this is a missed opportunity to hold service providers to account.

Indeed, at no stage of the licensing process are the Equality Act or accessibility mentioned. For instance, the application form does not mention the provider's duties under the Equality Act and there is no stipulation for accessibility to be included in the licensing committee statement where they outline their vision and local context. Nor does accessibility feature in the four licensing objectives to which each committee must adhere. This means that accessibility of buildings can often be an afterthought, or not considered at all.

The Scottish Government has introduced the requirement for applicants wishing to sell alcohol to include a 'disabled access and facilities statement' within their licensing application.[933] The statement must contain information about how accessible the venue is for disabled people including whether there is disabled access to, from, and within the premises, and the type of facilities and provisions provided for disabled people (such as disabled toilets, lifts, accessible tables, large print menus etc).[934] The guidance on the statement provided by the Scottish Government stipulates that applicants must consider all disabilities, including mental health conditions. Failing to provide this statement renders the application incomplete, meaning it cannot be considered by the Licensing Board.

The Scottish example represents a step forward, but there are limitations to this approach. First, the requirement to include a statement does not ensure that a certain level of access for disabled people is met before trading commences. The statement only shows the current accessibility of the building and facilities. Second, there is no current requirement for the statement to be published by either the applicant or the Licensing Board, (although it is recommended as 'best practice'), which means it usually does not perform the function of providing information to disabled customers.[935]

Nevertheless, licensing can provide a useful tool for local authorities to enforce accessibility for existing buildings that apply for licenses to provide entertainment or the sale of alcohol. Going beyond the Scottish example, the licensing committee must focus on the requirement for premises to be accessible before the business starts trading and ensure that the provision of information on the accessibility of premises to disabled people.

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932   Government, 2015, The Building Regulations 2010: Access to and use of buildings: Approved Document M, Volume 2: Buildings other than dwellings

933   Scottish Government (Justice Directorate), 8 March 2018, Disabled access and facilities statement for a premises licence: completion guidance

934   Angus.gov.uk. n.d., Disabled Access and Facilities Statement [Accessed via: www.angus.gov.uk/sites/default/files/2018-03/Disabled%20access%20and%20facilities%20statement.pdf]

935   Scottish Government (Justice Directorate), 8 March 2018, Disabled access and facilities statement for a premises licence: completion guidance

2.2 The quality of training for licensing committees varies across England

If considerations of accessibility are to be embedded in the licensing process, it is important that licensing committees can interpret and enforce the duties required of the licensee applicant by the Equality Act. However, concerns have been raised regarding the functioning of licensing committees. In a 2017 report by the House of Lords Select Committee on the Licensing Act 2003[936] it was found that licensing committees were poorly trained and produced inconsistent decisions.[937]

There is no standardised training that councillors must complete before sitting on licensing committees. Instead, different licensing authorities determine the training that committee members must undertake, which might or might not include courses from the Institute of Licensing.[938] The varying approaches that different local authorities take results in variation in the quality of licensing committee training, with evidence submitted to the Lords Select Committee review revealed that some councillors only received 'three hours training'.

Scotland provides a useful counter example. Each councillor must produce evidence they have received approved mandatory training before taking part in proceedings of the Licensing Board.[939] Although the UK government has recognised the need to improve training and provide stronger guidance on the conduct of licensing hearings, to the Commission's knowledge, it has yet to act on this matter.[940]

Recommendation 23a: The Government should change licensing requirements so premises must be made accessible in accordance with the Equality Act 2010 before they can trade.

Recommendation 23b: The Government should discuss with stakeholders the length and form of the minimum training a councillor should receive before first being allowed to sit as a member of a sub-committee, and the length, form and frequency of refresher training.

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936   Lords Select Committee, 4 April 2017, Licensing Act fundamentally flawed says Committee
937   Ibid
938   Lords Select Committee on the Licensing Act 2003, 2017, The Licensing Act 2003: post-legislative scrutiny HL Paper 146
939   Lords Select Committee on the Licensing Act 2003, Greater Manchester Combined Authority: written evidence (LIC0103)
940   Lords Select Committee on the Licensing Act 2003, 2017, The Licensing Act 2003: post-legislative scrutiny Paper 146

Extending web accessibility

More business is conducted over the web than ever before. As the introduction to this chapter showed, businesses are digitising their customer and employee platforms at a faster rate because of the coronavirus pandemic.

Web inaccessibility comes with significant economic costs to disabled people, businesses, and the economy. For example, a disabled person who cannot access a website to compare prices between different companies will likely end up paying more for products and services. Studies have also shown that web accessibility has benefits for mental health,[941] productivity in work,[942] access to information, and educational opportunities.

Businesses with inaccessible websites are also missing out on a potentially large number of customers, given the spending power of disabled people online in the UK in 2019 was £24.8 billion.[943] In addition, the algorithms used to optimise customer queries in search engines privileges accessible over non-accessible content. These web 'crawlers' cannot see images or watch videos, but can read description, sub-title, or transcript. The more accessible the content is, the more visible it is to search engines,[944] and the higher placed the website will be in the search results. The cost to UK businesses in lost revenue for inaccessible websites and apps was £17.1 billion in 2019.[945]

Accessible websites are also easily translatable to other languages,[946] hence web inaccessibility may reduce the organisation's overseas exposure and its export potential. In addition, accessible websites translate more easily to other devices such as iPads, computers, and mobile phones. Website inaccessibility can therefore reduce the businesses' exposure to the entire market. In summary, the Government itself has admitted that 'accessible websites usually work better for everyone. They are often faster, easier to use and appear higher in search engine rankings.'[947]

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941 Lloyds Bank, 2020, Lloyds Bank UK Consumer Digital Index 2020
942 H. Petrie et al. (Eds.) Universal design 2016: learning from the past, designing for the future
943 Rick Williams and Steve Brownlow, 2019, The Click-Away Pound Report 2019
944 Breezy Hill Marketing, 9 April 2018, Is a web accessibility algorithm the next big change?
     [Accessed via: https://blog.breezyhillmarketing.com/web-accessibility-algorithm]
945 Rick Williams and Steve Brownlow, 2019, The Click-Away Pound Report 2019
946 The Guardian, 1 August 2020, Mask rage: 'one man told me I shouldn't be allowed out if I can't wear one'
947 Government Digital Service, 2018, Guidance: Understanding accessibility requirements for public sector bodies

3.1 There are tools provided which can support organisations to become web accessible

There are international guidelines for web accessibility that have been adopted elsewhere in the world. The Web Content Accessibility Guidelines (WCAG)[948] outline minimum standards and provides advice to organisations (public and private) on how to make their websites compliant with these standards. While the details of the standards are updated every ten years they are based on four principles: that websites are perceivable, operable, understandable, and robust (see Table 4).[949] In the latest standards, these four WCAG design principles are supported by 12 guidelines. Each of these is broken down into specific requirements (or 'success criteria') that the organisation's web and app content needs to meet.[950]

Table 4: The four principles of accessibility

Perceivable	Users must be presented with information that is visible to all their senses. For instance, using text alternatives to photos or using clear colours to separate the foreground from the background.
Operable	Users must be able to interact with the entire platform. For instance, providing enough time to read scrolling information, or not designing content that is known to cause seizures.
Understandable	Users must be able to comprehend the information presented and know how to operate the user interface.
Robust	Content must be interpreted reliably by a wide variety of user agents and assistive technologies. This means the website must also be able to adapt to advancements in assistive technology.

Source: Accessibility Guidelines Working Group[951]

3.2 Recent legislation has mandated that most of the public sector complies with international standards

In 2018, the UK introduced the *Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018* which required all public sector bodies to be compliant with the international WCAG 2.1 AA accessibility standards described above.[952] The Government, in publishing these regulations were clear that this built on the existing obligations to disabled people under the Equality Act.[953] An organisation within the scope of these regulations must also have an accessibility statement that outlines which parts of their website or app are not accessible and, where appropriate, provide links to accessible alternatives, and contact details to enable problems to be reported and an accessible format to be requested.

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948   [Accessed via: www.w3.org/WAI/WCAG21/quickref/?versions=2.0#adaptable]
949   Government Digital Service, 10 October 2019, Policy Paper: Memorandum of Understanding
950   Full list can be seen here: [Accessed via: www.gov.uk/service-manual/helping-people-to-use-your-service/understanding-wcag]
951   [Accessed via: www.w3.org/TR/UNDERSTANDING-WCAG20/intro.html]
952   Government Digital Service, May 2018, Guidance: Understanding accessibility requirements for public sector bodies
953   Ibid

All existing websites within the scope of these regulations had to be compliant by 23 September 2020, and any new public sector websites created after 23 September 2018 needed to meet accessibility standards and publish an accessibility statement by 23 September 2019. The deadline for meeting the accessibility requirements for mobile apps is 23 June 2021.[954] There are some exemptions to this law, including in schools and nurseries where content does not relate to essential online administration functions.[955] In Chapter Three (Section 1), the Commission has argued for an extension of the regulations to make these institutions' websites complaint.

The Government Digital Service (GDS) monitors public sector bodies' compliance on behalf of the Minister for the Cabinet Office, taking a sample of public sector websites every year[956] and reviewing their accessibility statements.[957] GDS will also, on behalf of the Minister, publish a list of websites with non-compliant accessibility statements.[958]

The Government has also tasked the Equality and Human Rights Commission (EHRC) with enforcing these regulations in England, Wales and Scotland, and, to do so, it can use legal powers including investigations, unlawful act notices and court action. Individuals can raise complaints regarding accessibility directly with the website owner (by using the contact details provided in the body's accessibility statement) or, failing this, complain to the EHRC.[959]

3.3 Yet vast swathes of the web – especially in the private sector – remain inaccessible to disabled people

As Sir Tim Berners Lee, inventor of the World Wide Web, once said 'the power of the Web is in its universality. Access by everyone regardless of disability is an essential aspect.'[960] Yet, despite this statement, and the regulations outlined above, vast swathes of the web are inaccessible to disabled people. Disabled people face significant barriers accessing webpages, and according to a survey by disability organisation *Purple,* 73 per cent of disabled people experiencing barriers on more than a quarter of websites they visit.[961]

Given the increasing costs of disabled people's exclusion from the digital economy, there is both a moral and business case for expanding the legislation recently introduced in the public sector in the *Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018* to all private sector businesses.

There are also grounds for the introduction of more stringent legal provision. One example of where this has happened is in Ontario, Canada. In 2005, the legislature in the province of Ontario passed the Accessibility for Ontarians with Disabilities Act (AODA). As part of this act, Ontario business owners with more than 50 employees, whether private or non-profit, and organisations in the public sector (of any size), must create or refresh website

954   Ibid
955   GDS, 2020, Accessibility regulations campaign for education update: making online public services accessible
956   GDS, 2018 (last updated 26 Feb 2021), Guidance: understanding accessibility requirements for public sector bodies
957   Government Digital Service, September 2018, Consultation outcome: Government response
958   House of Lords, 2020, Written Question UIN HL9070 (Public sector: internet)
959   Government Digital Service, September 2018, Consultation outcome: Government response
960   [Accessed via: www.w3.org/standards/webdesign/accessibility]
961   We are Purple [Accessed via: https://wearepurple.org.uk/the-purple-pound-infographic/]

content to meet WCAG 2.0 guidelines by 1 January 2021.[962] Fines can be up to $50,000 per day for individuals and $100,000 per day for organisations, from the first day on which the violation occurs.[963, 964]

Three reviews have been undertaken on the impact of the AODA, focusing largely on web accessibility. These reviews highlighted a number of problems with the implementation of the Act, including: [965]

- a lack of clear and detailed guidance on what constitutes web accessibility;

- the lack of a method or model for assessing a website's baseline accessibility (which made it difficult to assess and enforce compliance);

- the lack of technical expertise from developers in creating accessible websites and the absence of enforceable quality standards to confirm developers had the necessary skills; and,

- the exclusion of intranets from the regulations, meaning anything lying behind a password remains outside the scope of the legislation.

Many of these problems stemmed from a lack of guidance, without which employers were unaware of what constituted accessibility, developers had no clear template to work towards, and compliance was rendered defunct because there were no clear measurable accessibility standards. The development of clear guidance on what constitutes web accessibility therefore appears paramount in ensuring regulations such as those introduced in Ontario have the desired effect.

Recommendation 24a: The web accessibility regulations introduced in the *Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018* should be extended to private organisations. The Government should also extend these regulations to schools and nurseries that are currently partially exempt (as per Recommendation 12a).

Recommendation 24b: The Equality and Human Rights Commission's (EHRC) enforcement role should also be extended to ensure compliance with the regulations in the private sector. Sufficient resources should be made available to the EHRC so they can perform this role.

Recommendation 24c: To support the enforcement of the regulations a portal should be created for people to report inaccessible websites directly to the EHRC.

Recommendation 24d: The government should provide advice and guidance on how the web accessibility standards required by the regulations can be implemented. This can be achieved by creating a portal which highlights examples of best practice from the sector. This portal could also serve as a platform on which employers can be connected to web developers.

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962   Ontario Government, 'How to make websites accessible'
963   Second Legislative Review of the Accessibility for Ontarians with Disabilities Act 2005, pg 75
964   Government of Canada, Accessibility Standards Canada
965   Second Legislative Review of the Accessibility for Ontarians with Disabilities Act 2005, pg 30

chapter 6

Transport

Summary of recommendations

1. Promotion of passenger rights and enforcement

Recommendation 25a: The Government should ensure that all modes of transport have a free-to-use ombudsman with the power to create binding decisions (especially in relation to Equality Act cases) and the power to provide compensation to customers.

Recommendation 25b: Once recommendation 25a has been implemented, the Government should create a single portal for redress which allows for a complaint to be made across multiple modes of transport and integrates the response from the various ombudsmen.

Recommendation 25c: The Government should run a campaign to raise awareness of the new portal for redress. The Government should work with the relevant stakeholders to identify the best ways to increase awareness.

Recommendation 25d: The Department for Transport should require that all local authorities have a Blue Badge misuse policy in place by the end of 2021.

Recommendation 25e: Functions that are integral to the assistance of disabled people on the rail system and which are currently controlled by the Rail Delivery Group must have proper oversight and accountability. The body responsible for these functions should be accountable to the Office of Rail and Road.

Recommendation 25f: The Government should re-package the *It's Everyone's Journey* campaign to focus on promoting an understanding of the rights of disabled people to all passengers.

2. Inclusive physical infrastructure

Recommendation 26a: The Government should immediately commit to a deadline for publishing its planned update to the Inclusive Mobility guidance.

Recommendation 26b: The current TSI/RVAR standards should be reviewed and updated as soon as possible to incorporate areas of rail transport where there is an identified unmet need. This should be designed in consultation with Disabled People's Organisations (DPOs) and other stakeholder groups.

Recommendation 26c: The measurement that defines 'level access' in relation to the platform-to-train interface should be lowered so that the horizontal and vertical distances must target a maximum of 20mm.

Recommendation 26d: The Department for Transport should adopt a policy to improve the platform-to-train interfaces, in line with the definition of level access in recommendation 26c, so that independent journeys can be made by all passengers by 2030. The Department should consult on a plan to deliver this.

Recommendation 26e: The Government should commit to upgrading buses to have two spaces for wheelchair users, prioritising the busiest lines first.

Recommendation 26f: Licensing authorities which have not already done so should establish lists of wheelchair accessible vehicles (WAVs) in compliance with Section 167 of the Equality Act 2010, to ensure that passengers receive the protections which this provides. The wording of the law should be amended so that all local authorities 'must' maintain these lists.

Recommendation 26g: Where the local authority identifies an unmet need for wheelchair accessible vehicles, they should use their existing powers to mandate that a proportion of the taxi and private hire vehicle fleets are made wheelchair accessible.

Recommendation 26h: The Government should commission research into other features of accessible vehicles which cater for a greater range of disabled people, and commit to a date for their introduction. This project should be conducted in consultation with Disabled People's Organisations and other stakeholder groups.

3. Better staff training (frontline and managerial)

Recommendation 27a: The Government should investigate the reasons for the discrepancies in the approval of Blue Badges between applicants with non-visible disabilities and physical disabilities, with the aim to create a level playing field for all applicants.

Recommendation 27b: The Government should enact the Task and Finish Group's recommendation to ensure all licensing authorities use their existing powers to require that the taxi and PHV drivers they license undergo disability equality and awareness training.

Recommendation 27c: Motability should explore how they can build on the collective buying power of disabled people which they utilise so effectively in their existing operational model. An example could be expanding the existing scheme to offer disabled people private hire vehicles as part of their service.

4. Improved information

Recommendation 28a: The Government should amend the regulations for the Open Data Portal to include live information on the available accessibility features and vacant wheelchair spaces on buses. This information could then be used to create an app which can inform disabled passengers and bus drivers of the status of wheelchair spaces available on the bus.

Recommendation 28b: Following the implementation of reforms to the way rail staff are trained, and better protocols to support passenger assistance, the Government should launch a cross-departmental national publicity campaign to highlight the existence of Passenger Assist, to coincide with the launch of the App.

Introduction

Accessible transport is a key pillar of independent living. It connects people to all areas of life, including employment opportunities, leisure activities, family and friends. According to research published by the Department for Transport in 2017, 25 per cent of trips made by disabled people under the age of 50 were for the purpose of shopping, 15 per cent for commuting and 13 per cent for personal business trips.[966, 967] However, a litany of barriers prevents disabled people from using our transport system, and as such, from participating fully in the economy and society. Indeed, research by Scope has shown more than a quarter (26 per cent) of disabled people do not travel at all because of problems on public transport.[968]

Background to the Inclusive Transport Strategy 2018

The Government has an existing strategy to improve transport for disabled people. Published in 2018, the Inclusive Transport Strategy (ITS) sought to create a transport system in which disabled people could travel with ease, confidence and without extra cost.[969] The vision of the strategy was also that by 2030 there would be 'equal access for disabled people using the transport system, with assistance if physical infrastructure remains a barrier.'[970]

The Commission believes this is a good start. However, there are opportunities to go further. First, the Commission believes the Government can be more ambitious in its Strategy. Instead of seeking to achieve 'equal access' but with barriers relating to the physical infrastructure still in place, there should be an ambition to remove *all* barriers. Second, the Government needs to do more on the implementation of the Strategy. According to a 2019 survey of 1,027 disabled people, their families and friends, conducted by Euan's Guide (a disabled access charity) when asked about access to various places, responses were most divided on transport hubs, with a third of people rating them as good and a third rating as poor.[971] Progress has often been too slow, and overly cautious.

The ITS is structured according to five main priorities inclusivity across all modes of transport. These priorities are outlined in Table 5.

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966 Department for Transport, 2017, Disabled people's travel behaviour and attitudes to travel, pg 13
967 The most recent datasets relating to reasons for travel still use 'mobility status' as their main metric rather than disability. In 2018, the National Transport Survey created its first questions using the GSS harmonised disability question, but this has yet to be used across all the survey's questions (for instance, reason for travel). Further analysis on standardising the definition of disability used in Government-affiliated organisations can be found in Chapter Two (Section 11) of this report.
968 Scope, 2019, Travel fair, Figure one
969 DfT, 2018, The Inclusive Transport Strategy: achieving equal access for disabled people
970 Ibid
971 Euan's Guide, 2019, The Access Survey [Accessed via: www.euansguide.com/media/11104384/the-access-survey-2019-final.pdf]

Table 5: The priorities of the Inclusive Transport Strategy

Priority	Aim
Promotion of passenger rights and enforcement	To raise awareness of the obligations on transport operators and the processes for raising complaints, and work with regulators to hold operators to account.
Inclusive physical infrastructure	To ensure vehicles, stations and streetscapes are designed, built and operated so they are easy to use.
Better staff training (frontline and managerial)	To help staff understand the needs of disabled people and provide better assistance.
Improved information	To ensure information is provided in formats that all passengers can access and understand, both before and during a journey.
Future of inclusive transport	To ensure technological advances and new business models provide opportunities for all and are designed from the outset with disabled people in mind.

Source: DfT[972]

By prioritising the key problems that cut across different modes of transport, the Strategy provides a holistic overview of the problems affecting the accessibility of transport and distinguishes it from its predecessor, the Accessibility Action Plan, which focused on proposals for each mode of transport.[973] The new approach taken by the ITS mirrors reality: most disabled people rely on several modes of transport to get them to their jobs, to their family and friends, or to participate in society. A joined-up, pan-transport approach will better meet disabled people's transport needs. In the analysis below, the Commission offers recommendations to further the Government's progress in addressing these key priorities.

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972 DfT, 2018, The Inclusive Transport Strategy: achieving equal access for disabled people, pg 16
973 Ibid, pg 20

Promotion of passenger rights and enforcement

Without clear lines of accountability for redress, and an easy and accessible complaints process, poor service (where it exists) may continue unabated, while at the same time customers may be deterred from using public transport through repeated negative interactions with the operator and poor customer service.[974] The Inclusive Transport Strategy in 2018 reported that many disabled people were not aware of their right to assistance or what avenues they could pursue to enforce those rights. In addition, even when disabled passengers are aware of their rights and how to enforce them, the 'consistency of enforcement procedures across the different modes of transport' has been identified as an area for improvement.

There are three strands to improving this situation. First, it is essential that the Government takes a proactive approach to regulation and enforcement. This happens in some areas of transport already. For instance, the Government introduced changes to future rail franchises so that Train Operating Companies (TOCs) (which manage most of the UK's passenger trains) are required to have at least one person responsible for accessibility at both the board and operational levels. As part of the service license agreement (regulated by the Office of Rail and Road, ORR), TOCs must produce an Accessible Travel Policy (or ATP) to outline how the operator 'will protect the interests of disabled' passengers.[975] This ensures that rail operators are held to account for their service quality and provision of adjustments.

The second part of the solution is to take a preventative approach to ensure problems do not arise in the first instance. This chapter's sections on improvements to physical infrastructure (Section 2) and staff training (Section 3) outline improvements to the transport system which will reduce avoidable incidents that require complaint or redress.

Finally, raising disabled people's awareness of their rights and whom to complain is an important route to challenging inaccessible or exclusive policies. For instance, in a landmark Supreme Court decision in 2017, brought by Doug Paulley, a disability rights activist, the court ruled that bus operators are subject to Section 20 of the Equality Act 2010 regarding reasonable adjustments. This meant the abolition of the 'first come, first served' policy, and bus drivers must do more than simply ask other passengers to vacate the space when it is required by a wheelchair user.[976] This decision led to the Government creating an expert stakeholder group in 2017 to advise the Minister on how to amend the

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974 According to Scope, out of the disabled people who had experienced problems using public transport, nearly a third (26 per cent) chose not to travel at all. Scope, September 2019, Travel fair report, pg 10

975 RDG, 2015, On Track for 2020? The Future of Accessible Rail Travel, pg 59

976 BBC, 2017, Wheelchair v buggy: disabled man wins Supreme Court case [Accessed via: www.bbc.co.uk/news/uk-38663322]

legislation and guidance[977] and influence passenger behaviour. Several recommendations from this group including empowering bus drivers to remove passengers who unreasonably refuse to vacate the wheelchair space, and a best practice guide for disability awareness training,[978] were incorporated into the ITS.

This section outlines the required improvements to the current system of enforcement, and how the key stakeholders involved in the transport system can help to raise passenger awareness of their rights and enforcement mechanisms.

1.1 There is a patchwork of systems to provide redress to disabled people across different modes of transport

There are several barriers which prevent disabled people from accessing adequate redress when transport-related problems arise. For instance, many disabled people are unaware of their rights under the Equality Act 2010, and of the obligations on operators to provide accessible services and assistance. A Scope survey in 2019 showed that almost a fifth (18 per cent) of disabled people do not submit a complaint every time they encounter a problem on public transport because they do not always know to whom to complain.[979] This means that some disabled people accept poor service without challenging it. In these instances, poor practice can persist.

However, many disabled people are aware of their rights on public transport and how to complain but are deterred from exercising them because they distrust the redress process. According to the Scope survey above, of the disabled people who did not submit a complaint every time they encountered a problem, more than a third (37 per cent) said they believed nothing would happen as a result, and one in five said nothing did happen as a result of a lodged complaint.[980] The Commission has three concerns around access to justice in relation to transport.

First, it can be difficult to get transport-related cases resolved because consumers must often go through the courts when seeking redress. For instance, in relation to taxis and private hire vehicles, the local (licensing) authority is responsible for taking enforcement action against the transport company for breaches of the Equality Act.[981] However, this does not include providing redress or compensation to the passenger.[982, 983] Disabled people can complain to the Local Government and Social Care Ombudsman if they are not satisfied with the local authority's decision, but the ombudsman can only take into account the decision process and not the outcome.[984] If there is an unsatisfactory outcome, the disabled person is left to challenge the company in court, which can be expensive and time-consuming.

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977 Department for Transport, 2018, The Inclusive Transport Strategy: Achieving Equal Access for Disabled People, pg 36
978 House of Commons Library, 2018, Written Question: statement UIN HCWS523 by Ms Nusrat Ghani
979 Scope, September 2019, Travel Fair report, pg 21
980 Ibid, pg 20
981 Gov.UK, 21 February 2017, Statutory Guidance: Access for wheelchair users to taxis and private hire vehicles, pg 13
982 Hastings Borough Council, n.d., I want to make a complaint about a driver or taxi company [Accessed via: ww.hastings.gov.uk/licensing/enforcement/driver/]
983 Somerset West and Taunton, n.d., Complain about a licensed driver, operator or owner
     [Accessed via: www.somersetwestandtaunton.gov.uk/licensing/taxi-and-private-hire-licensing/complain-about-a-taxi/]
984 Local Government & Social Care Ombudsman, September 2019, Taxi and private hire vehicle licensing

Second, it is a confusing process to pursue a complaint regarding public transport. There are separate routes for redress for each mode of transport. As we have seen above in relation to taxis and PHVs, the local authority is responsible for tackling poor practice, and failing this, complainants must go to the courts. But there are a range of other redress schemes across the other modes of transport. In rail there is an ombudsman scheme which to all TOCs must sign up as a condition of their licensing agreement.[985] In the aviation sector, the processes for redress sit within a confusing landscape of Alternative Dispute Resolution (ADR) schemes, none of which have the power of an ombudsman scheme. Furthermore, not all airlines include themselves in the ADR schemes. This can mean millions of passengers have no effective alternative to the courts. For instance, in 2019 Ryanair withdrew from the Aviation ADR scheme,[986] leaving many without a direct route for redress and £2.6 million in unpaid compensation.

The multitude of different compensation schemes also makes it more difficult for disabled people to complain when they have experienced multiple problems across different modes of transport within the same journey. Disabled people often need to use multiple modes of transport to complete a single journey. For example, according to ORR research in 2018/19, disabled rail passengers often required the assistance of a taxi as part of their Passenger Assist request.[987, 988] Individuals with multiple complaints across different modes of transport must therefore lodge multiple complaints with each transport provider. If that fails, they will then need to research where the responsibility for each complaint process sits.

Finally, some ADR schemes charge for their services, which can mean that access to justice is dependent on the willingness and ability of the individual to pay – much as it is in the courts. In Chapter Five (Section 1), we outline a proposal to remove the cost of taking discrimination cases to court by extending Qualified One-Way Cost Shifting (QOCS) to these cases which means that the claimant is not responsible for paying costs if the defendant wins. Even so, taking cases to court can be time-consuming and emotionally draining. But the alternative is often non-binding decisions on transport providers by local authorities, or inadequate (or no) redress to the individual. As Keith Richards, Chair of the Disabled Persons Transport Advisory Committee (DPTAC) commented in evidence to the CSJ Disability Commission,

> We should try to avoid the situation we currently have in other sectors, such as civil aviation where the ADR provision for consumers is fragmented and unclear and not always free, or in bus and taxi/PHV where the processes are advisory and non-binding.

To resolve the concerns that the service would not provide adequate redress, the Commission argues that the Government should introduce easy-to-access and free ADR schemes for each mode of transport. To do this, it is critical that the Government uses the Ombudsman model[989] which means that the service is free to use, quick and simple,

985 ORR, 26 February 2019, The Rail Ombudsman – ORR proposals to modify licence conditions to require membership of an Alternative Dispute Resolution scheme, pg 2
986 Which?, 2019, Hundreds of Ryanair complaints rejected
987 Train and station operators must provide 'alternative accessible transport' (AAT) to passengers, usually in the form of an accessible taxi, when a station or train service is inaccessible to enable them to continue their journey – see: Office of Rail and road, September 2019, Experiences of Passenger Assist, Research report 2018–19, pg 36
988 Ibid, pg 34
989 Ombudsman Association, n.d., The role of an ombudsman

and binding on the transport organisations involved. Decisions can include an award of compensation, an apology, a requirement that the provider changes their policies, practices or procedures, or a combination of all of these.

To resolve the concern that the current redress system is difficult to navigate and to improve the confusing landscape of different schemes, the ombudsmen must provide a seamless service even if individuals are complaining about multiple modes of transport within one journey. This can be achieved via the provision of a portal that hosts the ADR scheme for each mode of transport. Individuals would be able to fill out a single form which could then be submitted to each of the relevant ombudsmen.

Recommendation 25a: The Government should ensure that all modes of transport have a free-to-use ombudsman with the power to create binding decisions (especially in relation to Equality Act cases) and the power to provide compensation to customers.

Recommendation 25b: Once recommendation 25a has been implemented, the Government should create a single portal for redress which allows for a complaint to be made across multiple modes of transport and integrates the response from the various ombudsmen.

Recommendation 25c: The Government should run a campaign to raise awareness of the new portal for redress. The Government should work with the relevant stakeholders to identify the best ways to increase awareness.

1.2 Blue Badge fraud denies accessible parking to those who need it but is rarely tackled

Blue Badge fraud is an issue that was not included in the Inclusive Transport Strategy. Indeed, the Blue Badge scheme was only mentioned in the Strategy in relation to expanding the eligibility for the scheme to individuals with 'non-visible disabilities.' However, Blue Badge fraud – individuals who use a Badge that has expired, is not genuine, that belongs to someone else, or has been altered for someone else's purpose[990] – is, according to some analysts, a growing problem. Research commissioned by the Department for Transport in 2008 found that abuse of the scheme is seen as a 'widespread and substantial problem' among the general public.[991] Research by the Inclusive Mobility and Transport Advisory Committee (Imtac) suggests that between four and six per cent of Blue Badges issued are subject to fraud or misuse, although these figures are based on partial data from local authorities.[992] The increase in users projected by the expansion of eligibility only heightens this concern. In addition, Blue Badge Fraud Investigators (BBFI) data suggests that the theft of Blue Badges is on the rise. Of a sample of badges seized between April and November 2019 (from 12 local authorities) 7 per cent were stolen. This figure had risen to 17 per cent in the same period in 2020.[993]

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990   London councils, n.d., Tackling Blue Badge Fraud – a good practice guide
991   DfT, October 2008, Blue Badge Scheme Research with the Wider Public: Final report, pg 5
992   Imtac, May 2011, Enforcement of Blue Badge fraud and misuse, pg 5
993   BBFI, in evidence to the CSJ Disability Commission. In 2019 the sample size was 486, compared to 478 in 2020.

Blue Badge fraud is likely to have a negative impact on the ability for disabled people to live independently. As the BBFI stated in their evidence to the Commission:

> any space occupied by a vehicle illegitimately using a blue badge is a space unavailable to a person with a genuine need for it. In areas where pressure on parking is high this has a detrimental impact on disabled people's ability to access services and places of education and employment and adds stress to journeys.

The Government acknowledged concerns that the 2018 reforms may lead to 'abuse and greater pressure on local authority enforcement operations'[994] but reiterated that Blue Badge misuse has been a criminal offence since the Road Traffic Regulation Act 1984, and that The Disabled Persons Parking Badges Act 2013 gave local authority representatives the power to seize badges. Despite this power to enforce the Blue Badge Scheme, only 33 local authorities prosecuted ten or more people in England throughout 2018-19, with a total of 1,432 prosecutions across all local authorities.[995] According to an estimate by the BBFI, only an estimated 1 in 319 blue badge abusers were prosecuted in 2019.[996] This enforcement is not helped by a third (51 out of 152) of local authorities not having a policy on prosecuting Blue Badge fraud.[997] Of the local authorities without a current policy, 65 per cent are planning on implementing one in the future.[998]

> **Recommendation 25d:** The Department for Transport should require that all local authorities have a Blue Badge misuse policy in place by the end of 2021.

1.3 The ORR have taken steps to improve the booking and delivery of Passenger Assist but a lack of oversight and accountability across the rail system prevents progress

As outlined above, there have been improvements to how the ORR has been able to provide redress to rail passengers. It is too soon to understand whether these reforms have had the desired effect in terms of improving the service provided to disabled people. However, there are some parts of the train system where these reforms will have little impact and the ORR has little oversight. Where the fault of inaccessibility is attributed to these parts of the system, the regulator is unable to act.

For instance, the Rail Delivery Group (RDG), a membership body of the Train Operating Companies (TOCs) has control over several important parts of the train system which supports disabled people. However, as they are not accountable to any regulatory body, when problems arise, fixing them can be difficult.

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994   DfT, 29 July 2018, Policy Paper: Blue Badge Consultation: summary of responses and government response
995   BBFI, in evidence to the CSJ Disability Commission.
996   BBFI, in evidence to the CSJ Disability Commission. Estimate based on the National Fraud Initiative Figure of 20% misuse and 2019 DfT usage and prosecution figures of 2.29 million blue badges and 1,432 prosecutions.
997   DfT, 2019, Blue Badge scheme statistics: data tables (DIS) [Accessed via: www.gov.uk/government/statistical-data-sets/blue-badge-scheme-statistics-data-tables-dis#table-dis0101]
998   Ibid

First, the Passenger Assist app is controlled by RDG. This app was developed by Transreport and is being trialled by RDG.[999] When it is launched, the app will enable customers to book, change, and cancel assistance quickly, thereby significantly reducing the time needed to arrange train travel in advance. It will also provide staff with live information and GPS location and customers will be able to liaise with staff on the platform.[1000] All TOCs will have to participate in the app.[1001] However, while the app was hailed as a new and reliable way to provide assistance,[1002] its launch has been delayed due to 'intellectual property issues.'[1003] There is no understanding of when the app will launch, and no regulatory body to hold RDG to account.

Second, RDG proposed in 2015 to initiate a 'long-term mystery shopping survey of unbooked assistance' provision across Great Britain to assess the quality of assistance provided by its members. This would have enabled the ORR to monitor the quality of this service. But there are no mechanisms to enforce RDG compliance, and in spring of 2016, RDG reneged on its pledge.[1004]

Third, RDG commissioned a report (again in 2015) into the future of accessible rail travel, but this report (*On Track for 2020?*) was not published until July 2017. Even after the late publication of this report, it was noted by the ORR in its consultation on improving assisted travel in November 2017 that it was 'not clear […] how RDG plan to take forward the recommendations they have put forward.'[1005]

Finally, research by ORR shows that nine in ten bookings made by disabled people who require assistance are made on the basis of station accessibility information held online through the National Rail Enquiries (NRE) website, or through the 'Knowledgebase' that underpins it.[1006] This information must be accurate and up-to-date because both customers through the National Rail Enquiries website, and customer service staff, use data from this platform. However, an ORR report in 2018 found there has been 'significant frustration' from train operators that the NRE website contains 'too much inaccurate and inconsistent information about stations,'[1007] including whether the station is step-free or not and inconsistency in the use and wording of 'assisted travel' and 'staff help available' on the Stations Made Easy webpages, which are also underpinned by Knowledgebase. The ORR have put in place guidance for the TOCs to improve inconsistencies and provide better data[1008] but it has no oversight of RDG who run KnowledgeBase.

Recommendation 25e: Functions that are integral to the assistance of disabled people on the rail system and which are currently controlled by the Rail Delivery Group must have proper oversight and accountability. The body responsible for these functions should be accountable to the Office of Rail and Road.

999 Jacqueline Starr (for RTM), Jan 2019, Introducing the new Passenger Assist App [Accessed via: www.railtechnologymagazine.com/Comment/introducing-the-new-passenger-assist-app]
1000 Transreport, n.d., Democratising Transport [Accessed via: https://transreport.co.uk]
1001 Office of Rail and Road, November 2017, Research into passenger experiences of Passenger Assist
1002 Transreport, n.d., Democratising Transport [Accessed via: https://transreport.co.uk]
1003 Transport Network (David Crawford), 15 May 2019, For rail operators are trialling an early version of a new Passenger Assist smartphone app prior to national roll-out in 2020.
1004 ORR, July 2017, 'measuring up' Annual rail consumer report, pg 29
1005 ORR, November 2017, Improving assisted travel: a consultation, pg 33
1006 ORR, November 2018, Improving Assisted travel – a consultation on changes to guidance for train and station operators on Disabled People's Protection Policy (DPPP)
1007 Ibid, pg 36
1008 Ibid

1.4 The recent public communication campaign focused on empathy rather than raising awareness of rights and enforcement mechanisms

Many things can go wrong on a journey: drivers refusing to stop, disabled people being charged more for their ride, and the vehicle being inaccessible. No matter what type of problem that arises, it is important that disabled people know that they can lodge a complaint and understand which authority is responsible for redress.

For instance, one of the most persistent problems is discrimination on public transport. According to polling conducted by Scope in 2019, 'one in four disabled people say that in the last year they have been prevented from using public transport by other people's attitudes.'[1009] On top of this, a recent Savanta Comres survey showed that almost one in ten (9 per cent) disabled people surveyed experienced discrimination from fellow passengers on buses, and 6 per cent on trains.[1010] A United Response survey of Londoners showed that almost a quarter of people surveyed stated they would not feel comfortable sharing a train or bus with someone who has a learning disability.[1011] United Response, in evidence to the CSJ Disability Commission, also stated that according to recent unpublished research conducted by the charity 'one in four people with learning disabilities felt they have been victimised on public transport.'

To tackle negative attitudes, the Government published an inclusive transport campaign called *It's Everyone's Journey* which ran for a short period before the lockdown at the start of the pandemic. This campaign focused on behaviours that can support passengers while travelling on trains and buses including the role everyone must play to ensure public transport is accessible for disabled people (for instance, giving up priority seats and leaving the wheelchair space on buses free for disabled people). There are two concerns with this campaign.

First, the campaign focuses on encouraging empathy among fellow passengers, but does little to raise awareness of disabled people's rights or enforcement mechanisms[1012] despite evidence to show that many disabled people are unaware of the possibility to complain about problems when they arise. For instance, in relation to discrimination, according to Scope research in 2019, 33 per cent of disabled people who experienced negative attitudes from the public were unsure if it were possible to complain.[1013] Equally worrying, 25 per cent of disabled people who experienced negative attitudes from staff were unsure if it were possible to complain. Figure 26 below shows that disabled people who experience other problems on public transport were equally unsure if it were possible to complain.

1009 Scope, 2018, Independent. Confident. Connected. Achieving equality for disabled people, pg 20
1010 Savanta Comres, 2018, Leonard Cheshire Disability: survey of disabled people, transport section
1011 United Response, 10 May 2019, Londoners least comfortable when sharing spaces with people who have learning disabilities or autism, new survey finds.
1012 HM Government, n.d., Championing equal access on public transport [Accessed via https://everyonesjourney.campaign.gov.uk]
1013 Scope, 2019, Travel fair, pg 45 NB: Survey conducted by Opininium. The base for this analysis was 168 disabled people who experienced problems travelling

Figure 26: Proportion of disabled people who were unsure if it were possible to complain, by type of problem experienced (%), UK, 2019
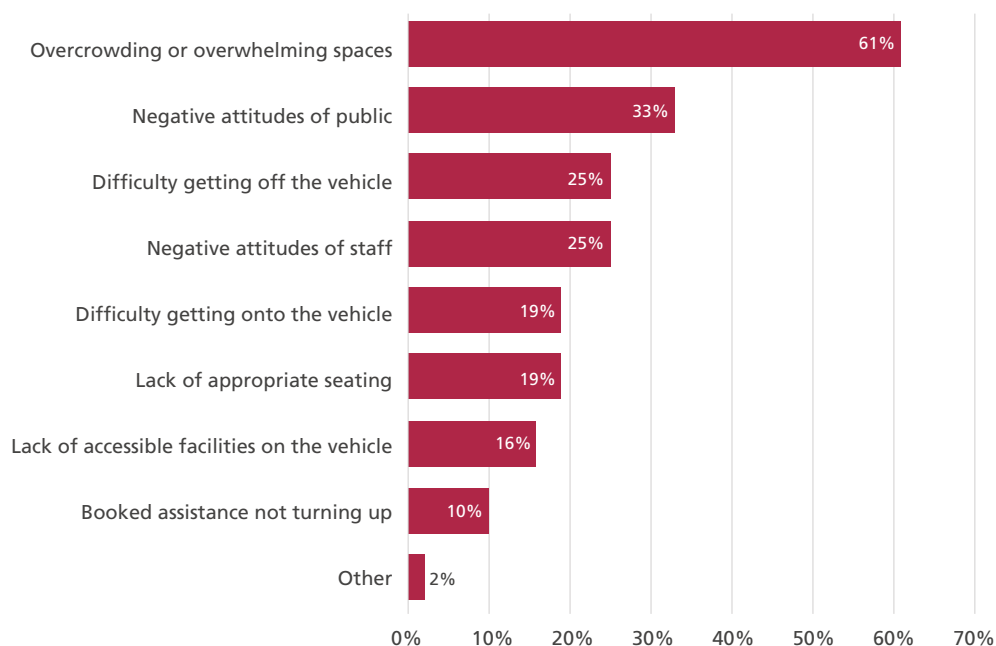
Source: Scope[1014]

Second, the focus on empathy is not in-keeping with the imperative to raise 'awareness' and 'enforce' passenger rights expressed in the Inclusive Transport Strategy.[1015] Re-aligning the campaign to focus on these pillars of the Strategy will help the Government achieve accessible transport by 2030. There are provisional plans for this campaign to restart once lockdown restrictions have been lifted, and for it to continue into 2022.

Recommendation 25f: The Government should re-package the *It's Everyone's Journey* campaign to focus on promoting an understanding of the rights of disabled people to all passengers.

1014 Ibid
1015 DfT, 2020, Policy Paper: The Inclusive Transport Strategy – summary of progress (updated 3 November 2020)

Inclusive physical infrastructure

Delivering inclusive infrastructure is a primary building block to an accessible transport system and was designated a 'major priority' for the Department for Transport in its Inclusive Transport Strategy.[1016] Accessible physical infrastructure can support individuals to commute, shop, and live independently, and reduces the risks of injury.[1017] But not all travel issues can be resolved by more accessible infrastructure, and some groups of disabled people will still require assistance from staff.

Upgrading and improving the accessibility of legacy infrastructure can be expensive. This should not deter policymakers, especially considering the potential benefits from embedding accessibility, such as increased use of public transport by a range of people with accessibility needs. Having said that, it is more cost effective to design accessibility into infrastructure from the start than to adapt it later. For instance, Network Rail's Inclusive Design Strategy 2015-19 highlighted research showing that including inclusive design at the design stage is 100 times cheaper than incorporating it at completion.[1018]

There have been some improvements to the infrastructure of our transport system in recent years. For instance:

- In 2019/20, 99 per cent of buses used by local operators in England had been issued with an accessibility certificate to be compliant with the *Public Service Vehicle Accessibility Regulations*.[1019, 1020]

- By the end of 2021, all rail vehicles are set to be compliant with the PRM TSI (Persons of Reduced Mobility Technical Specification for Interoperability) and RVAR (the Rail Vehicle Accessibility Regulations 2010) accessibility compliance standards.[1021] The Disabled Persons Transport Advisory Committee (DPTAC), in evidence to the CSJ Disability Commission, noted that 'there has been worthwhile progress in improving the accessibility of the rail network in recent years.'

However, while there have been improvements in the physical infrastructure of our transport system, the Commission believes the UK is heading towards a version of accessibility that is not inclusive at all. The Commission outlines its main concerns below.

1016 DfT, 2018, The Inclusive Transport Strategy: achieving equal access for disabled people, pg 48
1017 Government Office for Science, January 2019, A time of unprecedented change in the transport system
1018 Network Rail, n.d., Spaces and Places for Everyone: Network Rail Inclusive Design Strategy 2015–19, pg 14
1019 DfT, 2020, National Statistics – Annual bus statistics: year ending March 2020
1020 PSVAR 2000 outlined standards to ensure buses were accessible to disabled people which includes the need to have sufficient room for a wheelchair space, a lift fitted or ramp stowed in a convenient place, and a low first step height at both the entrance and exit doors. These regulations were supposed to be complied with by 1 January 2017. For more information see: Department for Transport, 24 June 2005, Guidance for manufacturers and operators
1021 DPTAC, in evidence to the CSJ Disability Commission. NB: DPTAC stress that some minor issues will remain under the 'targeted compliance' approach. All rolling stock introduced between 1999 and 2009 were subject to RVAR 2010 standards, while all stock introduced after 2009 were subject to PRM TSI standards. For more information see: www.orr.gov.uk/guidance-compliance/rail/health-safety/passenger-safety/rail-vehicle-accessibility

2.1 The accessibility guidance for different areas of the transport system needs to be updated

2.1.1 Guidance for the pedestrian environment and transport-related infrastructure

The Inclusive Transport Strategy set a target that by 2030 the transport system would be accessible (albeit with assistance required where barriers remain). To do this, the Government must ensure that the definitions of accessibility keep up with technological innovation and new understandings of best practice, otherwise we will achieve a version of accessibility that is suboptimal for disabled people.

For instance, the Government's Inclusive Mobility guidance was introduced as a 'best practice' guide for organisations on how to embed inclusivity into facilities and services in the pedestrian environment and in transport related infrastructure (for instance bus stations and stops, airports and rail stations).[1022] However, the guidance has not been updated since 2005, and still refers to the Disability Discrimination Act rather than the Equality Act which superseded it. A report by TRL Ltd (a transport consultancy company) evaluating the usage and relevance of this document in 2018 found that it was used by practitioners yet required updating due to outdated statistics and references to other outdated documents and legislation.[1023] The following examples illustrate how these guidance documents have become outdated:

- The research informing average walking distances for disabled and non-disabled people in the Inclusive Mobility Guidance is over 30 years old[1024] which, if used, could cause disruption to a disabled person's commute or injury.

- According to Inclusive Mobility Guidance, 'conventionally seated wheelchair users do not occupy more than 1250mm' or 1500mm for occupied wheelchairs.[1025] This is now out of date. A research report for the Department of Transport in January 2020 showed that the length of an unoccupied Class 3 wheeled mobility device (generally bigger, can be used on the road, and cannot be dismantled) that would cover 95 per cent of those who use this wheelchair is 1606mm, with the mean (1334mm) and median (1320mm) both being above the 95th percentile length for occupied manual wheelchairs (1200mm to 1250mm).

- The Inclusive Mobility guidance focuses disproportionately on challenges associated with physical mobility. The scope of the guidance needs to be expanded to include advice on mental health, neurodivergence, non-visible disabilities, age-related issues and larger mobility aids.[1026]

In response to the TRL Ltd research, the Government stated that it planned 'to carry out a project to deliver updated guidance documents.'[1027] However, at the time of writing, there has been no update from the Government on when this will happen.

> **Recommendation 26a:** The Government should immediately commit to a deadline for publishing its planned update to the Inclusive Mobility guidance.

1022 DfT, 2005, Inclusive mobility guidance (web version)
1023 TRL, 2018, Client Project Report CPR2559: Updating Guidance on the Accessible Public Realm WP004 Final report
1024 DfT, 2005, Inclusive mobility guidance (web version)
1025 Ibid, pg 6
1026 TRL, 2018, Client Project Report CPR2559: Updating Guidance on the Accessible Public Realm WP004 Final report
1027 DfT, Guidance – Accessible public realm: updating guidance and further research

2.1.2 The standards for accessible train infrastructure needs to be updated to be inclusive for all

The standards for accessible rail vehicles were originally mandated in the Rail Vehicle Access Regulations (RVAR) in 1999. These requirements were subsequently included within, and reinforced by, the 2014 European interoperability standard for Persons with Reduced Mobility (PRM TSI) which has a wider scope and includes both vehicles and infrastructure. By 2019, all stock had to be upgraded to include this standard which included upgrading toilets and introducing wheelchair spaces.

While there has been some progress, there is still some way to go to meet these standards. Currently, 78 per cent of all passenger rail vehicles in Great Britain (a total of over 12,300 vehicles) have been built, or fully refurbished, to modern access standards, up from 42 per cent in 2008.[1028] Despite these improvements, a 2017 survey conducted by Savanta Comres showed that in the previous 12 months one in twelve (8 per cent) disabled passengers on trains had 'difficulties finding an accessible toilet onboard the train'.[1029]

There are also some issues not covered by the PRM TSI/RVAR standards. DPTAC, in its submission to the CSJ Disability Commission, highlighted several concerns:

- 15 per cent of trains have no toilet at all;[1030]
- Fewer than 20 per cent of first-class rail units have spaces for wheelchair users;[1031]
- Only 13 per cent of trains offer reservable seating or wheelchair spaces.[1032]

Although the third concern is not compliant with the PRM TSI, the first two are not requirements, which indicates that the PRM TSI and RVAR should be reviewed in order to generate a suite of UK standards that address the needs of disabled travellers.

This review should also include the use of 'level access' which needs to be updated. For instance, 'level access' across the platform-to-train interface is defined as a maximum of 75 mm horizontally, and 50 mm vertically.[1033] However, this does not meet the need for 'independent access' because this distance will mean that assistance for boarding and alighting may still be required for a range of disabled people, including wheelchair users, mobility aid users or visually impaired people. Evidence from around the world also highlights the need to reduce these measurements. Research in Barcelona[1034] and by HS2[1035] have shown that greater independence for a greater number of disabled passengers can be achieved if the horizontal and vertical stepping distances are lowered towards a gap of 20 mm. New Zealand's guidance for its rail network states that both the horizontal and vertical distances should be no greater than 50 mm.[1036] Achieving inclusive transport for independent travel depends on updating the standards to ensure they are fit-for-purpose for the modern age.

1028 DfT, 2020, Guidance – Rail vehicles built or refurbished to modern accessibility standards
1029 Savanta Comres, 2018, Leonard Cheshire Disability: Survey of disabled adults transport section
1030 RDG, 2015, On Track for 2020? The Future of Accessible Rail Travel, pg 37
1031 Ibid, Appendix B2 Table 7
1032 Ibid, Appendix B2, Table 8
1033 Ibid, pg 27
1034 Barcelona Universally Accessible Masterplan 2010
1035 HS2, 15 March 2019, HS2 rolling stock: train technical specification
1036 C. O'Fallon, October 2010, Accessibility to public transport: a best practice guide

> **Recommendation 26b:** The current TSI/RVAR standards should be reviewed and updated as soon as possible to incorporate areas of rail transport where there is an identified unmet need. This should be designed in consultation with Disabled People's Organisations (DPOs) and other stakeholder groups.
>
> **Recommendation 26c:** The measurement that defines 'level access' in relation to the platform-to-train interface should be lowered so that the horizontal and vertical distances must target a maximum of 20 mm.

2.1.3 While there has been significant investment to make the road-to-platform accessible, less has been achieved on the platform-to-train interface (PTI)

According to the latest DfT data 75 per cent of journeys are now through step-free stations, compared to 50 per cent in 2005.[1037] The upgrades to the station were mainly achieved through significant Government investment via Access for All, launched as part of the *Railways for All* strategy in 2006, with the aim to create an 'obstacle free, accessible route from the station entrance to the platform.'[1038] Between 2006 and 2018, this funding helped to upgrade over 200 stations with accessible routes (including step free access) to the station platforms.[1039] The Inclusive Transport Strategy extended the fund by £300 million in 2018 to upgrade a further 73 stations throughout the project lifecycle.[1040] 114 stations will receive an accessible route into the station and between each platform between 2019 and 2024.

However, less progress has been achieved on the platform-to-train interface (PTI). The Rail Delivery Group's (RDG) *On Track for 2020?* report estimated that 33 per cent of the stations surveyed had a stepping distance between the platform and the train of over 250mm. This presents a significant obstacle to many people (for instance, disabled, elderly, people with pushchairs, people with luggage). Indeed, anything 'less' than 250mm could still include distances all the way up to 249mm, and some significantly greater gaps (around 400 mm) were observed. Equally worrying, this finding was based on a small survey of 40 stations, compared to nearly 2,567 stations served by mainline rail services as at 31 March 2020. According to the same RDG report, only 30 platforms across the entire network have 'step-free' access at the platform-train interface (PTI) compliant with the 'level access' limit of 75 mm horizontally and 50 mm vertically.[1041]

The approach in the UK contrasts to examples from around the world, where legacy rail systems are improving their approach to level PTI. In September 2020, the Belgian national railway company (SNCB) released its updated Accessibility Policy aimed at enabling all passengers in Belgium to be able to use their trains completely autonomously, comfortably and safely.[1042] This includes modifying all platforms to have a height of 76cm and placing

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1037 Absolute Mobility, 2020, Government Funding announced to improve travel for disabled people
1038 DfT & Network Rail, April 2013, Collection: Access for All: funding to improve accessibility at rail stations
1039 DfT, 2018, The Inclusive Transport Strategy: achieving equal access for disabled people
1040 Network Rail, n.d., Access for All – improving accessibility at railway stations nationwide
1041 RDG, 2015, On Track for 2020? The Future of Accessible Rail Travel, pg 27
1042 [Accessed via: www.mech.kuleuven.be/en/other-events/railway-research-seminar-2016/presentation/7-koen-kerckaert]

an order for trains with opening doors at the same height.[1043] Some similar initiatives are underway in the UK. For example, the re-opening of St. James Station in Liverpool will provide step-free access from the train to platform.[1044]

The Commission believes the UK as a whole can, and should, do more around improving the platform to train interface, or risk falling behind other nations in providing independent access for disabled people (and others who may require assistance). As Derek Hirst, Director of Opinari Ltd and former consultant on the HS2 project stated in evidence to the CSJ Disability Commission:

> Transport systems around the world have considered the issue of a non-level platform to train interface (PTI) and found it to be no longer tolerable: all newly-built rail systems and new line extensions to existing networks are planned with, or have already delivered, a step-free access solution from the street to the train. Legacy systems remain behind this trend, stuck in an inaccessibility stalemate bounded by the existing infrastructure, mixed fleets of rolling stock (including freight), the costs involved and – fundamentally – no driver for providing independent accessibility, as there are no standards for this as a holistic, joined-up requirement. The UK needs to act or it will fall behind.

Recommendation 26d: The Department for Transport should adopt a policy to improve the platform-to-train interface, in line with the definition of level access in recommendation 26c, so that independent journeys can be made by all passengers by 2030. The Department should consult on a plan to deliver this.

2.1.4 The design standards for buses are not future-proof

The accessibility of buses is outlined in the *Public Service Vehicle Accessibility Regulations 2000* (PSVAR). In January 2020, two decades after the publication of the standards, the DfT announced that it was planning to review the PSVAR which (among other things) will consider the extent to which existing requirements on the provision of priority seating and wheelchair spaces are sufficient to meet current and future demand.[1045] It will also look at the reference size of wheelchairs, which no longer relates to the size of modern wheelchairs.[1046]

As the population increases, one of the most pressing issues is the lack of available wheelchair spaces within buses. Providing better real-time information on the available wheelchair spaces of incoming buses is an important step to achieving parity of customer experience (see Section 4 of this chapter). But even with improved real-time data, on the busiest lines there is usually only one space for wheelchair passengers on buses. In contrast to the UK, buses in the US are already required to accommodate a minimum of two wheelchairs.[1047] According to Section 38.23(a) of the Department of Transportation

1043 Bombardier, 2020, Bombardier-Alstom consortium to provide 204 multifunctional M7-type coaches to SNCB
1044 [Accessed via: https://mag.railtechnologymagazine.com/publication/?i=687448&p=48]
1045 UK Parliament, 2020, Written Question UIN 3289 (Offshore industry: employment), tabled on 14 January 2020
1046 Ibid
1047 Wheelchair Travel, 2020, Local bus app will let you know if wheelchair space is available [Accessed via:
       https://wheelchairtravel.org/local-bus-app-shows-wheelchair-space-availability/]

Americans with Disabilities Act Regulations, all vehicles over 22 feet in length must have enough space to secure two wheelchairs, while vehicles that are 22 feet and under must be able to accommodate at least one wheelchair.[1048]

> **Recommendation 26e:** The Government should commit to upgrading buses to have two spaces for wheelchair users, prioritising the busiest lines first.

2.2 Very few private hire vehicles and taxis are wheelchair accessible vehicles (WAV)

According to a Savanta Comres survey published in 2018, 20 per cent of disabled people stated they faced a problem with private hire vehicles or taxis and a quarter of these respondents were unable to access the vehicle because it was not accessible.[1049] Given disabled people take, on average, twice as many trips in taxis and private hire vehicles compared to non-disabled people, it is important that this mode of transport is accessible. Taxis and private hire vehicles are also used as a vital connection to other modes of transport, such as getting to and from the train station, or when train stops are missed (for instance, because of a lack of passenger assistance on the station platform).[1050]

2.2.1

According to the latest data in 2020 only 15 per cent of all licensed vehicles were wheelchair accessible. This figure masks the reality that while 57 per cent of taxis were wheelchair accessible, just 2 per cent of PHVs were,[1051] a fall from 2.2 per cent in 2017.[1052] In addition, the proportion of wheelchair accessible taxis has fallen by one percentage point since 2019. Taxis were more likely to be wheelchair accessible in metropolitan areas compared to rural areas, which has contributed to a significant rural-urban divide in the availability of accessible vehicles. Some authorities are significantly ahead on this measure. For instance, all of the 20,100 taxis in London are wheelchair accessible as required by TfL's 'condition for fitness' taxis licensing policy.[1053] Each local authority has the power to require taxis and PHVs in their area to be 'wheelchair accessible.' However, while 66 per cent of authorities require all or part of the taxi fleet to be wheelchair accessible, only five per cent of authorities require the same for PHVs.[1054]

2.2.1.1

A pre-requisite of ensuring that standards are raised is that data are collected to assess the current situation. Since the autumn of 2018, the Government has required local authorities report on the proportion of taxis and PHVs that are wheelchair accessible.

1048 Corada, October 2007, 49 CFR Parts 37 & 38 [Accessed via: www.corada.com/documents/cfr-title-49/38-23-a]
1049 Savanta Comres, 2018, Leonard Cheshire Disability: Survey of disabled adults transport section
1050 Office of Rail and Road, 2019, Experiences of Passenger Assist research report 2018–19, pg 36
1051 DfT, 2020, National Statistics: Taxi and private hire vehicle statistics, England: 2020 data tables, pg 9
1052 House of Commons Library, Oct 2018, Briefing paper: Access to transport for disabled people, Number CBP 601, pg 31
1053 Ibid
1054 DfT, 2019, National Statistics: Taxi and Private Hire Vehicle Statistics, England 2019 report, pg 10

Despite this, Section 167 of the Equality Act 2010 (enacted in 2017) only outlines that licensing authorities 'may' maintain a list of taxis or private hire vehicles that conform to accessibility requirements (which is defined as ensuring that disabled persons can get into and out of vehicles safely and travel in safety and reasonable comfort). Having a list in force also means that taxi and PHV drivers must adhere to Section 165 of the Equality Act 2010, which states that vehicles designated on the list must meet certain duties, including to enable the passenger to travel while remaining in their wheelchair, and not to make additional charges for doing so.

At present, this information is compiled at the discretion of the licensing authority.[1055] Between April 2018 and March 2019 only 72 per cent and 62 per cent of authorities maintained a list of wheelchair accessible taxis and PHVs.[1056] The Task and Finish Group published an independent report which recommended local authorities create lists of wheelchair accessible vehicles in compliance with Section 167 of the Equality Act.[1057] The Commission recommends that this can be achieved by changing Section 167 so that local authorities 'must' maintain this list.

2.2.2 A limited focus on wheelchair accessible fleets prevents inclusivity for all

Another concern is that while local authorities focus on wheelchair accessible fleets, there is currently no vehicle that is suitable for the majority of disabled people's needs. Indeed, while the proportion of wheelchair accessible taxis and private hire vehicles is measured, less is known about the wider accessibility features of vehicles.

By contrast, cities around the world are embracing a wider range of accessibility features for their taxis and PHVs. According to Mayor's Office in New York City all of the approximately 15,000 yellow and green taxis in New York City have Braille and raised lettering to identify the specific taxi. New York City has also introduced 2,800 *taxis of tomorrow* which include an induction loop system to ease communication between drivers and passengers who have hearing loss[1058] (see the case study below). Consequently, there is a need to explore a more expanded vision of inclusive taxi and private hire vehicles that go beyond wheelchair accessibility that incorporates a greater understanding of what an accessible vehicle for all disabled people requires.[1059]

Case study: AccessibleNYC

AccessibleNYC was set up by the Mayor's Office for People with Disabilities (MOPD) to provide an action plan for accessibility in the city, and to provide accountability for progress. AccessibleNYC is a pan-society programme for change, which includes transport. Through collaboration with the Department of Transportation, the Taxi and Limousine Commission (TLC) and other city and state agencies working with the MOPD, the City has been able to integrate accessibility from the design to the delivery stage in its transportation system.

1055 Gov.UK, 2010, Equality Act 2010 [Accessed via: www.legislation.gov.uk/ukpga/2010/15/section/167]
1056 DfT, 2020, Policy Paper: The Inclusive Transport Strategy – summary of progress (updated 3 November 2020)
1057 DfT, 2018, Independent Report: taxi and private hire vehicle licensing: recommendations for a safer and more robust system
1058 AccessibleNYC, 2019, An annual report on the state of people with disabilities living in New York City
1059 DPTAC, 8 August 2020, DPTAC position on taxis and PHVs

For instance, all of the approximately 15,000 yellow and green taxis in New York City have Braille and raised lettering to identify the specific taxi and approximately 2,800 vehicles in New York City as of May 2019 (called 'taxis of tomorrow') include an induction loop system that transmits sound directly to 'cochlear implants' or hearing aids with a T-coil in order to ease communication between drivers and passengers who have hearing loss. TLC is committed to making 50 per cent of yellow taxis wheelchair accessible, and as of May 2019, a portion of taxi licenses have been set aside for wheelchair accessible vehicles.

In January 14 2019, the TLC enacted rules that require each private hire vehicle base to dispatch a minimum percentage of its annual trips to wheelchair accessible vehicles, or to work with an approved 'Accessible Vehicle Dispatcher' to meet 'certain wait times.'

Source: AccessibleNYC[1060]

Recommendation 26f: Licensing authorities which have not already done so should establish lists of wheelchair accessible vehicles (WAVs) in compliance with Section 167 of the Equality Act 2010, to ensure that passengers receive the protections which this provides. The wording of the law should be amended so that all local authorities 'must' maintain these lists.

Recommendation 26g: Where the local authority identifies an unmet need for wheelchair accessible vehicles, they should use their existing powers to mandate that a proportion of the taxi and private hire vehicle fleets are made wheelchair accessible.

Recommendation 26h: The Government should commission research into other features of accessible vehicles which cater for a greater range of disabled people, and commit to a date for their introduction. This project should be conducted in consultation with Disabled People's Organisations and other stakeholder groups.

1060 AccessibleNYC, 2019, An annual report on the state of people with disabilities living in New York City

Better staff training (frontline and managerial)

Improving the accessibility of physical infrastructure, such as providing step-free access from the street to the platform and/or train interface, should not diminish the need for more informed and trained staff and a more inclusive company culture. Some situations can only be dealt with through person-to-person interaction. Training is essential for staff if they are to respond well to these situations when they arise. For instance, individuals with 'non-visible' disabilities may require assistance planning and making their journey. As such, improved physical infrastructure does not displace the need for suitably trained staff.

Where variation in service exists across different localities, including the existence of discrimination, there is often a direct link to a lack of training and guidance to support front-line staff. As the Inclusive Transport Strategy states: 'providing effective training to transport staff is one of the best ways to improve the travelling experience of disabled passengers.'[1061] There have been significant improvements in the quality and enforcement of training in some areas of the transport system. For instance, the Office of Rail and Road's (ORR) review into passenger assistance outlined three improvements which would benefit passengers' experience of travel:[1062]

- A 'deepened and broadened' staff training, especially for non-visible disabilities;
- Better communication between stations; and
- More accessible station facilities which enable passengers to be less dependent on assistance.

On the basis of these findings, the ORR published a revised ATP guidance in July 2019 and a timetable for implementation. First, new training is required for front-line and managerial staff to improve levels of service for individuals with non-visible disabilities.[1063] All existing staff should have received the requisite training by July 2021, with refresher courses every two years. Second, to tackle poor communication between stations, which was seen as a key reason for the failures of the Passenger Assist service, the ORR introduced new procedures tackling the poor communication between staff at different stations. By June 2020 the regulator will require every station to adhere to a standardised handover protocol, have a dedicated assistance number, and have a person responsible for assistance.[1064] Since the ORR review above found that unstaffed stations are responsible for the poorest reliability of passenger assistance, the ORR has required that staff at the departing station must call ahead to the destination station (this requirement did not exist previously). The ORR will also use

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1061 Inclusive Transport Strategy, pg 39
1062 ORR, 2020, Experiences of Passenger Assist research report 2018–19, pg 7
1063 ORR, 2020, Accessible Travel Policy: Guidance for train and station operators (September 2020 edition), pg 44
1064 Ibid, pg 50

the data from Passenger Assist to 'monitor performance'[1065] and have reduced the expected notice period for booking assistance, from 10pm the day before travel (implemented from April 2020) to two hours before travel (by April 2022).[1066] Together, these reforms are likely to remove many passenger assistance problems, thus providing a more equal travelling experience for disabled and non-disabled passengers.

The Government has also developed a 'disability equality awareness training package' that is available free of charge across all modes of transport.[1067] The Government's plan is to provide a 'common standard of staff disability training.' According to the latest progress update from the Department for Transport, this training package was launched in November 2020[1068] and available to local and scheduled bus and coach operators, TOCs, airport operators, ferry and cruise operators, and port operators.

In addition, the Government also launched the Inclusive Transport Leaders scheme in March 2020. This scheme provides three levels of accreditation for the transport operator. The aim of the scheme is to provide a framework to encourage transport operators to make their services more accessible to disabled people, including encouraging the use of the training package outlined above and to become Disability Confident level 1 committed employers.[1069] Despite these improvements (notwithstanding the limitations of what Disability Confident accreditation is likely to achieve – see Chapter Two, Section 9), some areas of the transport system have been left behind. In the analysis below, the Commission considers where existing training is lacking, and where the Government should act to ensure all staff receive appropriate levels and quality of training.

3.1 Variation in the assessment of eligibility for Blue Badge parking indicates a variety of approaches at local level

The Government introduced the Blue Badge Scheme in 2000, which replaced the previous Orange Badge Scheme introduced in 1970.[1070] Until recently, the eligibility criteria for the Blue Badge scheme focused on individuals who have 'a permanent and substantial disability which causes inability to walk or very considerable difficulty in walking.'[1071]

There are two eligibility routes, one assessed and one not assessed. First, disabled people (or their parents/carers) automatically qualify for a Blue Badge without having an assessment if they were above the age of two and if they met one of the criteria, including receiving the higher rate of the mobility component of the Disability Living Allowance (DLA) or a Personal Independence Payment (PIP) because they have been assessed not to be able to walk more than 50 metres. People who do not automatically qualify can apply through the assessed route. The application is then considered and passed or rejected by the local authority.[1072] 57 per cent of individuals who possess a Blue Badge have qualified

1065 ORR 2021, Passenger Assistance [Accessed via: https://dataportal.orr.gov.uk/statistics/passenger-experience/passenger-assistance]

1066 For a summary of the proposals see: ORR, 2020, Annual Rail Consumer Report 2020, pg 28–30

1067 DfT, 3 November 2020, Inclusive Transport Strategy: year 2 update

1068 Ibid

1069 DfT, 2020, Policy Paper: The Inclusive Transport Strategy – summary of progress (updated 3 November 2020)

1070 HANSARD, 1994, Orange Badge Scheme [Accessed via: https://api.parliament.uk/historic-hansard/commons/1994/oct/28/orange-badge-scheme]

1071 DfT, 2018, Policy paper – Blue Badge consultation: summary of responses and government response

1072 For the full eligibility criteria see: DfT, 2019, Guidance: who can get a Blue Badge?

through the assessed criteria.[1073] In 2018 the Government consulted and implemented the policy to widen eligibility for Blue Badges to people with non-visible disabilities.

3.1.1 There are significant unexplained variations in blue badge approval rates between and within councils

There have been mounting concerns about how this extension of eligibility has been managed by local authorities. Recent Blue Badge application data of 216 upper-tier local authorities in the UK[1074] highlights two main concerns. First, there are large variations in the success rate of applications from people with non-visible and physical disabilities within many local authority areas. For example, 84 per cent of local authorities in the UK that could provide granular approval rate data (n=109) had higher approval rates of applications from people with a physical disability compared to applications from people with a non-visible disability. The average approval rate for people with non-visible disabilities was 57.1 per cent, compared to 80.5 per cent for people with a physical disability.[1075] Ten councils had an approval rate difference between applicants with non-visible and physical disabilities of greater than 50 percentage points.[1076]

Figure 27: Approval rates for Blue Badge applications in the ten local authorities with the largest differences between applicants with physical and non-visible disabilities, UK, 2019
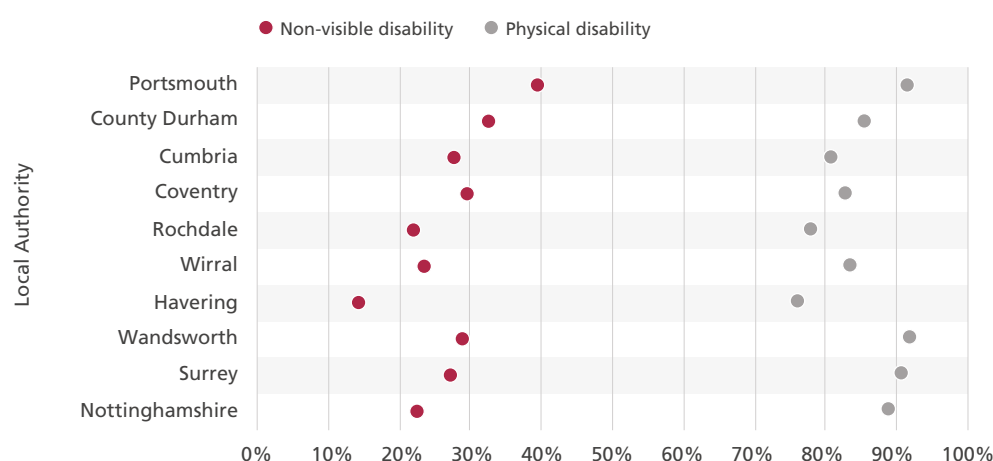
Source: BBC[1077]

Second, there are large differences between local authorities in relation to the success rate for applications to the Blue Badge scheme for people with non-visible disabilities. Across all local authorities in the UK with complete data (n = 109), approval rates ranged from 12.5 per cent to 100 per cent. This disparity exists even across local authorities that sit side-by-side. The approval rate for Blue Badge applications for people with non-visible disabilities in the two neighbouring councils of Sandwell and Wolverhampton varied by

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1073 DfT, 2019, Statistical dataset: Blue Badge scheme statistics: data tables (DIS), Table DIS0101
1074 BBC, 8 January 2021, Blue badge permit 'shocking disparity revealed'
1075 Local Authorities that had not provided data for blue badge approval rates for hidden and physical disabilities were excluded from analysis.
1076 BBC Shared Data Unit, 8 January 2021, Blue Badges
1077 Ibid

49 percentage points in 2019, despite only a 14-percentage point variation in the approval rate for individuals with physical impairments.[1078]

To the Commission's knowledge, there are no explanations for the discrepancies between different local authorities. According to the BBC research, some councils decline applications because they have been submitted incomplete, although many councils were unable to distinguish the varied reasons for refusals in their data. In the absence of explanation, there is a concern that many disabled people are unfairly being denied access to Blue Badges and prevented from being able to participate fully in society.

Figure 28: Approval rates for Blue Badge applications in Sandwell and Wolverhampton local authorities, split by type of disability, 2019
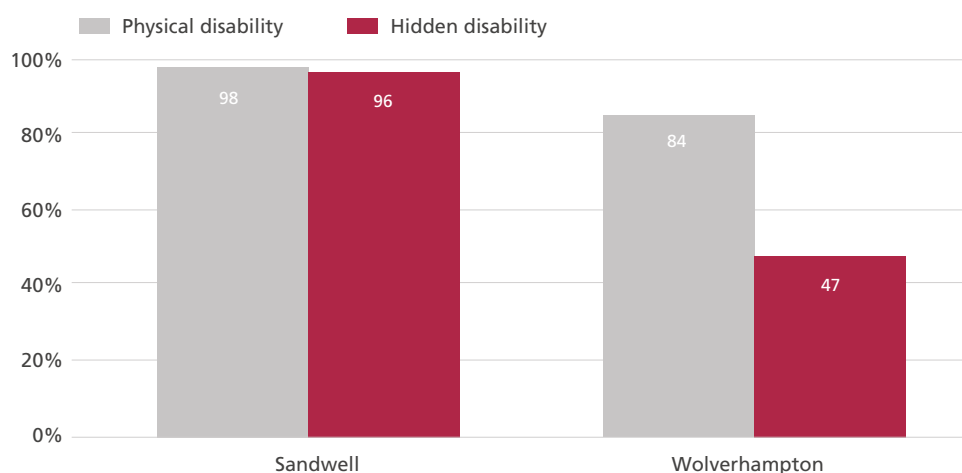
Source: BBC Shared Data Unit[1079]

Recommendation 27a: The Government should investigate the reasons for the discrepancies in the approval of Blue Badges between applicants with non-visible disabilities and physical disabilities, with the aim to create a level playing field for all applicants.

3.2 Training offered to taxis and private hire vehicles is not universal

There is a high rate of discrimination and poor practice in the taxi and private hire vehicle sector. According to a Savanta Comres poll in 2017, one in five disabled people who have used a taxi in the past year have experienced a problem as a result of their disability, including discrimination from the driver (5 per cent) and being charged more because the disabled person is a wheelchair user (4 per cent).[1080] In addition, in a BBC undercover investigation in 2014, five out of twenty taxi firms either refused to take a guide dog

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1078 Ibid
1079 BBC Shared Data Unit, 8 January 2021, Blue Badges
1080 Savanta Comres, 2018, Leonard Cheshire Disability: survey of disabled adults transport section, Table 93/1

or wanted to charge a higher fare.[1081] Qualitative research by Transport for London (TfL) found that a 'common irritation' for disabled passengers was that they were dropped off in inaccessible locations, charged more, not allowed to travel, or denied entry to the taxi.[1082]

In a survey of 421 assistance dog owners conducted by Guide Dogs in 2019, taxis or Private Hire Vehicles were the most likely business to refuse access, with 73 per cent of respondents experiencing a refusal over the 12-month period between April 2018–April 2019.[1083] The most commonly cited reason for refusal was a ban on dogs, while 33 per cent were refused because the driver stated they were allergic despite not holding a valid medical exemption certificate, as legally required by the Equality Act 2010.[1084]

Much of this may be related to the lack of (or poor) training available to drivers. According to the latest DfT data while there has been an increase in the number of authorities requiring disability awareness training for taxi and PHV drivers between 2017 and 2019, only 44 per cent of local authorities require training in relation to taxi companies. Only 41 per cent of local authorities require this training for private hire vehicle companies.[1085] The power to enforce better training is within the remit of the local authority, but low enforcement of training increases the possibility that the service provided for disabled people will be poor.

By enforcing training the problems that many disabled people face in the taxi/PHV sector can be reduced. For instance, small-scale research undertaken in the US suggests that age and disability training (educational video, simulation exercise and panel discussion with disabled passengers) had an important role to play in increasing drivers' knowledge of how to assist older and disabled passengers.[1086] 97 per cent of participants (base = 34) reported that undertaking tasks whilst simulating disabilities, such as hearing loss, impaired sight and mobility issues, was beneficial to their understanding of the experience of disabled passengers and knowledge of how to support them.

In 2018, the Task and Finish Group reported their findings on the PHV and taxi industry to Government. One of their key recommendations was to ensure local authorities make disability and awareness training for companies mandatory as part of national minimum standards, which the Government supported.[1087] Indeed, the Inclusive Transport Strategy in 2018 stated that the Government would do 'everything' in their 'power to ensure that local licensing authorities make full use of their existing powers, including recommending that driver disability equality and awareness training be mandated in licensing policies.' The Transport Minister, in answer to a written question in February 2020, confirmed the Government's commitment to ensuring that taxi and private hire vehicle drivers receive disability awareness training. But rather than commit to ensuring local authorities use their existing powers to mandate the training, the Government proposed a consultation

1081 BBC (Guy Lynn and Ed Davey), 10 November 2014, Firms' disability access 'unlawful'
1082 TfL, November 2016, Disabled Travellers' Experiences of Taxi and Private Hire Services in London
1083 Guide Dogs, 2019, Access Denied: A report into the frequency and impact of access refusals on assistance dog owners in 2019, pg 3
1084 Guide Dogs, Access All Areas Campaign [Accessed via: www.guidedogs.org.uk/how-you-can-help/campaigning/our-current-campaigns/access-all-areas]
1085 Comparison of DfT statistics in Task and Finish Group report in 2018 to 2019 DfT statistics.
1086 Reynolds, L., 2010, Aging and Disability Awareness Training for Drivers of a Metropolitan Taxi Company
1087 DfT, 2019, Government response to the Report of the Task and Finish Group on Taxi and PHV licensing, pg 24

on a revised best practice guidance for local licensing authorities, which will include 'strengthened recommendations on supporting an inclusive service.'[1088, 1089]

> **Recommendation 27b:** The Government should enact the Task and Finish Group's recommendation to ensure all licensing authorities use their existing powers to require that the taxi and PHV drivers they license undergo disability equality and awareness training.

3.3 Motability could provide an alternative for disabled customers

More thorough training, and a better roll-out of accessible vehicles in the private hire vehicle market, would be a welcome addition. However, progress is slow and, as outlined above, only 2.2 per cent of private hire vehicles are wheelchair accessible and there are persistent problems with the quality of service provided.

3.3.1

Motability could provide an alternative. Motability is a charity established in 1977 and provides adapted cars for disabled people who are on the higher rate mobility allowance.[1090] In exchange for part or all their mobility allowance, an individual can lease a new affordable car, wheelchair accessible vehicle, scooter or powered wheelchair. All maintenance of the vehicle is covered by Motability. At present, there are over 620,000 people benefitting from Motability-provided products.

The service provided by Motability has been rated extremely positively. In an independent survey in 2020, Motability received a 97 per cent overall customer satisfaction rate.[1091] Independent analysis from 2019 also shows that of the 50 most popular scheme models, customers save on average 40 per cent when compared 'on a like-for-like basis' to the offerings of other major leasing companies.[1092]

As the next stage in their business, Motability could back a PHV product that treats 'mobility as a service.' Under this new scheme, customers could be given the option to exchange part or all of the mobility component of their DLA/PIP award for access to a fleet of cars owned by Motability that could be used as private hire vehicles. In this way, the PHV use would make up a proportion of a mobility 'bundle.' Customers could hold an account with Motability with a pre-agreed proportion of the mobility component placed directly with Motability (as it is now with the leasing of cars) to pay for use of the mobility product. Any excess funds not used by the end of the month would be returned or customers would be given the option to roll over the remaining portion as credit.

1088 UK Parliament, 2020, Written Question UIN HL1406, tabled on 6 February 2020
1089 DfT, 2010, Taxi and private hire vehicle licensing: best practice guidance
1090 The four payments you could receive to be eligible are: the Enhanced Rate of the Mobility Component of Personal Independence Payment; the Higher Rate Mobility Component of Disability Living Allowance; War Pensioners' Mobility Supplement; Armed Forces Independence Payment.
1091 Motability, 2020, Delivering when it matters most: Annual Report and Accounts 2020, pg 14 and 19
1092 Motability, 2019, Annual report and accounts 2018/19, pg 22

This new service could also widen the scope of people who can benefit from the current scheme. For instance, it would offer another avenue to disabled people who would not be able to drive a car by virtue of impairment (for instance, visually impaired customers), and who do not have others who could be named drivers. Because the service would require fewer funds from the customer than leasing a car, the Motability-backed PHV model could also offer its services to individuals in receipt of the lower PIP/DLA payments who are not currently eligible for the Motability scheme.

This extension would also provide valuable competition with the PHV market. While the DLA/PIP award is intended to only cover the additional mobility costs arising from disability, and disabled people may still choose to spend on taxis or PHVs, the current lack of availability of accessible vehicles, and evidence of concerns over the service provided, offers an opportunity for improvement. Motability's brand profile and leverage means that its involvement would help raise standards and lower costs for travellers. Motability as a service will also provide a single route for redress if anything goes wrong, rather than through the local authority responsible for providing the taxi/PHV license, as is the current situation in the wider taxi/PHV market.

> **Recommendation 27c:** Motability should explore how they can build on the collective buying power of disabled people which they utilise so effectively in their existing operational model. An example could be expanding the existing scheme to offer disabled people private hire vehicles as part of their service.

section 4
Improved information

Timely and accessible information both before and during the journey is extremely important in increasing disabled people's confidence to travel on public transport. The Commission believes that the future is in real-time and integrated information services tailored to the individual's needs. Indeed, the Government has, in some areas of transport, already moved towards this.

In summer 2018, the Government consulted on proposals to 'require accessible on-board information provision on local bus services,' although there has yet to be a response from Government on this consultation.[1093] There has also been a £2 million fund announced in 2019/20 to speed up the roll-out of Audio Visual (AV) information across the bus fleets, although details of the funding competition for operators is yet to be published by the Government.[1094] In the rail industry, the Passenger Assist App is due to be launched, which will include the ability to communicate with staff on the station platform. However, the Government needs to apply this ingenuity to the whole transport sector. The Commission highlights how the Government can do this below.

4.1 A lack of access to real-time accessibility information on buses prevents many disabled people from using buses

According to Savanta Comres, the top issue for disabled people on buses relates to problems with available seats or spaces for disabled people. Indeed, when asked what problems are faced by disabled bus users, 23 per cent of all respondents stated they were unable to sit down on the bus as people were occupying the priority seat, and 7 per cent were unable to get on because buggies were parked in the wheelchair space.[1095] Part of the problem can be solved by upgrading buses to ensure that there is enough space for multiple users (Recommendation 26e) and where buggies occupy the wheelchair space, the bus driver should have the power to ensure priority is given to the disabled person. Better training is critical to achieving this.

However, where the space is used by another disabled user, or where it is occupied by obstacles or people that should not be there, timely information to both the driver and the passenger is critical. For the driver, this information can mean they can intervene earlier. For the passenger, access to reliable 'real-time' information is critical to minimise anxiety and improve customer experience[1096] and removing the disparity in customer experience between non-disabled and disabled people.

1093 DfT, 2020, Policy Paper: The Inclusive Transport Strategy – summary of progress (updated 3 November 2020)
1094 Ibid
1095 Savanta Comres, 2017, Leonard Cheshire Disability: survey of disabled adults transport section, Table 91/1
1096 TfL, 2019, Travel in London: understanding our diverse communities 2019

A 2010 qualitative study in Scotland identified a belief that buses cannot be relied on to stick to their timetables as a key barrier which prevented participants from using buses. The study recommended that access to accurate real-time information be made available to ameliorate this concern. Disabled respondents also raised concerns about accessibility, safety and overcrowding on buses.[1097]

Access to real-time information about bus location, estimated arrival times, accessibility features, and the availability of wheelchair spaces may help to tackle problems with bus travel. One innovative example of the use of real-time information in an accessible format is First Bus Aberdeen's mobile app which recently had a feature introduced that allows riders to view wheelchair space availability on inbound buses.[1098] The UK Government has plans to improve real-time information on buses. In 2017, it announced a bus open data portal to centralise 'information on bus services', the data from which can then be used by app developers.[1099] All bus companies must supply information on the timetable, ticket fares, and live location data by 7 January 2023.[1100] The expected result that is expected is that customers are informed in real-time of incoming bus services, delays, and the costs of travel. However, unlike the app trialled by First Bus Aberdeen, there are no requirements for information on the accessibility and vacant wheelchair spaces of inbound buses. The Commission believes this is a missed opportunity.

> **Recommendation 28a:** The Government should amend the regulations for the Open Data Portal to include live information on the available accessibility features and vacant wheelchair spaces on buses. This information could then be used to create an app which can inform disabled passengers and bus drivers of the status of wheelchair spaces available on the bus.

4.2 An awareness of the Passenger Assist service for trains remains low

According to DfT research in 2019, many disabled passengers are unaware of passenger assistance services that are available to them when travelling by rail. This finding was corroborated by an ORR survey[1101] which suggested that 54 per cent of disabled people have never heard of the Passenger Assist online booking service, and 81 per cent of disabled people have never heard of 'turn up and go' (unbooked assistance).[1102] Critically, once individuals who were unaware were made aware of the services available, there were high levels of interest in making use of both Passenger Assist and 'turn up and go.'[1103]

1097 Scottish Government Social Research, 2010, Transport Research series: understanding why some people do not use buses, pg 3
1098 Wheelchair Travel, 2020, Local bus app will let you know if Wheelchair space is available
     [Accessed via: https://wheelchairtravel.org/local-bus-app-shows-wheelchair-space-availability]
1099 DfT, March 2019, Bus Services Act 2017: Bus Open Data consultation response
1100 DfT, 6 February 2020, Guidance: A better deal for bus users
1101 DfT, 2019, Research on experience of disabled rail passengers; ORR, 2017, Research into passenger awareness of assisted travel services (access required)
1102 ORR, 2017, Research into passenger awareness of assisted travel services (access required)
1103 ORR, July 2017, 'Measuring up' Annual rail consumer report, pg 33

The Commission believes that more needs to be done to improve awareness of the 'Passenger Assist' service. However, an awareness campaign should not be conducted until the reforms that the ORR have put in place to improve the 'Passenger Assist' service have been implemented (outlined in Section 1 of this chapter). Without these reforms in place, individuals who are made aware and use the app may experience poor service and be deterred from using it again. In addition, the Rail Delivery Group have yet to launch their Passenger Assist App which will enable customers to book, change, and cancel assistance quickly, thereby significantly reducing the time needed to arrange train travel in advance. [1104]

Any communications campaign to raise awareness of improvements should also be targeted at those who have been deterred from using transport in the past because of poor service and accessibility. At present, all train operators are already required to promote Passenger Assist as a requirement of their ATPs (Accessible Travel Policy)[1105] and the Department committed in 2019 to 'support the RDG Passenger Assistance awareness-raising campaign.'[1106] At the time of writing, the Commission is unsure what this support will comprise. In any case, the Government, rather than the train operating companies, has the power to re-engage disabled people who have been deterred from using inaccessible transport given its scope to reach other areas of society through different its different departments (for instance, reaching people through the Department for Education).

Recommendation 28b: Following the implementation of reforms to the way rail staff are trained, and better protocols to support passenger assistance, the Government should launch a cross-departmental national publicity campaign to highlight the existence of Passenger Assist, to coincide with the launch of the App.

1104 Jacqueline Starr (RTM), February 2019, Introducing the new Passenger Assist App
1105 DfT, 2020, Policy Paper: The Inclusive Transport Strategy – summary of progress
1106 DfT, July 2019, Research on experiences of disabled rail passengers