

**Health is everyone’s business consultation: proposals to reduce ill-health related job loss**

**Section A: An overview of Leonard Cheshire’s position**

**About Leonard Cheshire**

Leonard Cheshire is one of the UK’s leading charities supporting disabled people. At Leonard Cheshire we support individuals to live, learn and work as independently as they choose, whatever their ability and to play our part in creating a fair and inclusive society. Led by people with experience of disability, we are at the heart of local life — opening doors to opportunity, choice and support in communities around the globe.

Leonard Cheshire is one of the UK’s largest voluntary sector providers of services for disabled people. We work in local communities to provide people with opportunity, choice and support. We have accommodation services – including supported living and registered care homes; and social, education and leisure programmes – including day support, community outreach and respite support.

We have only responded to questions that are directly relevant or / and have an impact on our work. This response draws on our experiences as providers of skills training to disabled people through our employment programmes which aim to address the challenges disabled people face in finding and sustaining employment.

These include:

* **Can Do**

Can Do is a skills development programme for individuals aged 10 - 35 with a disability or long-term health condition to build their confidence through bespoke projects which also give back to their community.

* **Discover IT and Go Digital**

Across the UK we support people to use technology to gain more control over their lives, including in employment, closely matching equipment and software to the needs and wishes of individuals. Since 2010, we have supported over 13,000 people in this way and in 2018, 1,329 people were supported through our digital inclusion projects.

* **Change Futures**

We offer tailored one-to-one support and specialist advice to disabled people seeking and taking up new employment. Our programmes match and prepare people for appropriate and suitable employment and provides in-work support to help participants to settle into their new roles.

* **Change Now**

Change Now provides young disabled people aged 11 – 25 who are in mainstream and specialist education settings with access to a 1, 2 or 10 day work experience placement.

* **Change 100**

Change 100 brings together the UK’s top employers – including Barclays, the BBC, Skanska, Lloyds and Taylor Wimpey - and talented disabled students and graduates to offer three months of paid work experience.

Our response is also supported by research conducted with disabled people and employers, including:

* Leonard Cheshire’s research findings from a survey of working aged disabled adults and line managers.[[1]](#footnote-1) ComRes interviewed online 1,647 disabled adults in the UK, aged between 18 and 65, from 29 June to 26 July 2018. Data was weighted by age, gender and region to be nationally representative of disabled adults of working age in the UK.[[2]](#footnote-2)
* As part of Leonard Cheshire’s research, ComRes also interviewed 503 UK line managers responsible for or involved in the recruitment process, from 29 June - 19 July 2018. Data were nationally representative by UK region, sector type (public private and non-sector), and by the number of employees in the organisation.[[3]](#footnote-3)
* In-depth, qualitative interviews with 9 disabled people with lived experience of falling out of the workplace due to their health condition or disability in Leonard Cheshire’s *Reimagining the workplace report: disability and inclusive employment*.[[4]](#footnote-4)
* In-depth, qualitative interviews with 4 disabled people and an online survey with 30 responses in September 2019 on the government’s consultation proposals.[[5]](#footnote-5)
* Focus group discussions were held in September 2019, with 11 Leonard Cheshire employment support advisers, employment programme designer and employment programme manager. Through our employment programmes we offer targeted and tailored support to both disabled people seeking employment and small and medium employers on what they need to do to make their workplaces inclusive of disabled people.

We have only responded to questions that are directly relevant or/and have an impact on our work.

**Overview**

7.7 million people of working age in the UK are disabled or have a long-term health condition, 19 per cent of the working age population.[[6]](#footnote-6) Just half of disabled people are employed at 52.6 per cent, compared to 8 in 10 non-disabled people (81.5 per cent).[[7]](#footnote-7)

83 per cent of disabled people acquire their disability while they are in work and approximately 300,000 people fall out of work due to health conditions every year.[[8]](#footnote-8) Given that 40 per cent of the working age population are predicted to have a long-term condition by 2030, it is clear that this is a critical moment to address what “good work” means for a large section of the population.[[9]](#footnote-9)

The majority of disabled people over State Pension age report that they acquired their impairment after the age of 50.[[10]](#footnote-10) A change in a disabled person’s condition or the early stages of acquiring a disability is likely to put their future career and financial security at risk. There are knock-on effects faced by employers who will experience a loss of valuable skills and knowledge in the workplace and subsequent recruitment costs.

For many who acquire a disability during their working life, the development of an impairment or the onset of symptoms of a health condition will bring about a crisis point in the workplace, bringing their future into doubt. The acquiring or development of a condition or disability in the workplace can bring about a high level of job insecurity due to a lack of understanding among employers*.* Gaps in awareness of the employer’s legal responsibilities as well as the rights and entitlements of disabled employees are central factors.

Leonard Cheshire’s research found that:

* Over seven in ten (73 per cent) disabled adults in the UK said they have stopped working due to their health condition or disability.
* Of these, 26 per cent said they have stopped working due to their health condition or disability.[[11]](#footnote-11)

**Towards an Inclusive Economy**

The UK employment rate for the general population is 76.1 per cent – the highest since records began. There has been some welcome growth in disabled people in employment yet the disability employment gap - currently at 28.9 per cent - has remained stubbornly consistent over the past ten years.[[12]](#footnote-12) The government has committed to achieving employment for one million more disabled people by 2027. However, as this amounts to a mere 100,000 per year, it is a positive step that the government in March 2019 acknowledged that a more ambitious approach to making progress on closing the disability employment gap is needed.[[13]](#footnote-13) In order to achieve this, the government should commit to evaluating its disability employment support programmes – eg. Access to Work and Disability Confident - according to the job outcomes they secure for disabled people. As the National Audit Office identified, this requires a full implementation strategy for helping more disabled people into work.[[14]](#footnote-14) This is needed to understand how government programmes are performing in securing increased employment for disabled people and to ensure that these programmes are accountable to that aim.

Disabled people should be able to expect the same opportunities to access “good work” and career progression as non-disabled people. The disability pay gap is on average 15 per cent - equating to £1.50 per hour - illustrating the additional obstacles that disabled people face in accessing good quality work and the implications on their financial security.[[15]](#footnote-15)

Making workplaces inclusive would bring significant benefits to UK productivity and wider economic outcomes:

* Raising levels of economic participation of disabled people could reduce the annual £100 million cost of people being out of work.[[16]](#footnote-16)
* A five per cent rise in the employment rate amongst disabled adults below pension age would mean that, by 2030, the Exchequer would gain £6 billion and a GDP increase of £23 billion. A 10 per cent increase would result in a £12 billion gain to the Exchequer and a GDP increase of £45 billion.[[17]](#footnote-17)

A bold approach from the government with targeted investment would provide the government with the opportunity to drive transformational change both in the wider economy as well as in the lives of disabled people.

* The Government’s Industrial Strategy and the Ageing Challenge also provides an opportunity to boost economic productivity.
* Bringing the skills levels of disabled people up to the average of the wider population would add £13 billion to the UK economy.[[18]](#footnote-18)
* The National Infrastructure Development Plan, due to be renewed in 2021, will provide the opportunity for access improvements to infrastructure with significant implications on job outcomes for disabled people.

**Assistive Technology and the Industrial Strategy**

A stronger and more resilient workforce will help build a modern economy fit for current - and future - challenges. Technological solutions should be harnessed for the benefit of disabled people more widely and the Government’s Industrial Strategy and the Ageing Challenge should include provisions that encourage technological innovations that address the needs of disabled people. Accessible and affordable Assistive Technology will enable disabled people to participate in the labour market and support them to carry out their job.

The Industrial Strategy should incorporate and prioritise Assistive Technology so that it is more accessible in inclusive workplaces that reflect the needs of a modern society.

**Leonard Cheshire’s key recommendations:**

1. **The right to request work(place) modifications should be extended to those with long-term health conditions**

Leonard Cheshire welcomes the government’s recognition that significant action is needed to drive transformational change in order to enable disabled people and people with long-term conditions to remain in work. Extending the right to request work(place) modifications for people with long-term conditions would be an important step in providing much needed support and making workplaces inclusive for disabled people. The opportunity to access new support provisions could make a real difference in enabling people with a health condition to remain in work. However, it is important that the government takes action to address potential obstacles to accessing the proposed new right such as employers’ attitudes and waiting periods before accessing the new support provisions as with the right to request flexible working.

1. **Eligibility for flexible working should be extended to those with long-term conditions**

Flexible working is currently not a day one right, the employer is only required to provide a response within three months and can still refuse the employee’s request. Leonard Cheshire has been calling for the right to request flexible ways of working to be introduced during the induction period so that a disabled person’s ability to stay in work is not put at risk.

1. **Improved support and guidance for employers**

Leonard Cheshire welcomes the government’s consideration of what support, guidance and information resource is needed for employers to support disabled employees – or employees with a long-term condition - to remain in work. Leonard Cheshire has called for Disability Confident to act as an “umbrella” or “one-stop-shop” scheme, bringing together all of the key government support offers for employers. An adviceline for employers would provide ongoing, tailored support on a case-by-case basis.

1. **Changes to Statutory Sick Pay**

Access to Statutory Sick Pay should be extended to break the link between disability and financial insecurity. It is important that employers are held accountable to new obligations to secure meaningful change. 4.3 million disabled people are currently living in poverty, accounting for 31 per cent of all people living in poverty.[[19]](#footnote-19) Three quarters of households using food banks contain someone with a health condition and / or disability, with one third of households containing someone with a mental health issue.[[20]](#footnote-20)

1. **Mandatory reporting should be extended to all equality groups**

In order to achieve the “transformational change” that the consultation sets out to address for disabled people in employment, large employers should be required to undertake mandatory reporting of how many disabled people are in their staff – as well as the disability pay gap – so that workplaces are fully inclusive and fair.

**Responses to consultation questions**

**Chapter 1: What needs to change**

**Question 1. Do you agree that, in addition to government support, there is a role for employers to support employees with health conditions, who are not already covered by disability legislation, to support them to stay in work?**

* strongly agree [Leonard Cheshire selection]
* agree
* neither agree nor disagree
* disagree
* strongly disagree

Leonard Cheshire welcomes the government’s proposal to extending access to workplace support to those with a long-term condition. Given the scale of the developing demographic challenge and its workforce implications, it is a positive step that the government is proposing to widen access to support for employees with long-term conditions to remain in their jobs. Developing employers’ attitudes and behaviours is central to changing workplace culture. Leadership from the government is needed to support employers as well as ensuring that they are complying with new obligations. Raising awareness of the impact on productivity and skills retention of making workplaces inclusive is an important part of achieving attitudinal and behavioural change among employers.

Leonard Cheshire’s research has shown that there are gaps in accessing support as the system currently stands. Disabled people that we speak to have been reluctant to raise extra support needs or workplace adaptations to avoid being considered less capable. Disabled people also reported experiencing lengthy processes in the approval of their Access to Work applications, opening up the possibility that the jobs they have secured are put at risk.

**Question 2. Why do you think employers might not provide support to employees with health conditions not already covered by disability legislation to help them stay in work? (Open Question)**

Leonard Cheshire works in partnership with large, small and medium sized employers through its programmes and services to support them to make their workplaces inclusive of disabled people. Many employers recognise the benefits of adapting their workplace for both staff and productivity outcomes. There are signs that support provisions including flexible ways of working are becoming increasingly normalised in certain sectors. However, a large proportion of the population is being excluded from provisions that would support their participation in the labour market with often severe and long-lasting detrimental effects on their financial security and ability to live independently. In order to build a workforce that is fit for the future, the government must provide leadership in changing workplace culture so that, regardless of a disability or health condition, everyone has the ability to thrive in work.

Despite some progress in employers’ attitudes in recent years, an understanding gap persists among employers when hiring staff. Employers told us that a disability would have an impact in their recruitment processes.

Leonard Cheshire’s research shows:

* 24 per cent of employers say they would be less likely to employ someone with a disability.[[21]](#footnote-21)
* Of those who report being less likely to employ a disabled person, 60 per cent say they would be concerned they would struggle to do the job.
* 66 per cent of employers say the costs of workplace adjustments are a barrier to employing a disabled person, up from 60 per cent who said this was a barrier in 2017.

Disabled people told us, from their experience, that there is a lack of awareness among employers about what certain conditions mean on a practical level and what support is needed or feasible.

“I’ve always wanted to get back to work as soon as possible. I’ve been denied the chance to do that by not having a footstool. I shouldn’t suffer the indignity of having a meeting with my foot in a cast on an upturned bin.”

Vinny, former civil service employee, Liverpool

“First of all, a greater awareness of the social model of disability is needed among employers. For example, when I was returning to work after my operation my medical issues had been addressed. However, the issues I then faced were things like getting in and out of the building at work. And when we talk about access we tend to talk about disabled people as the one exception. But that’s not true, there’s a benefit to making workplaces accessible for everyone.”

Vinny

This lack of understanding from employers can impact on wider workplace culture among colleagues. It is essential that leadership in an organisation resolves this issue where it arises. However, disability awareness training can establish an understanding of the issue for all staff.

“Nobody has ever tried to openly discriminate but discrimination doesn’t usually come overtly or in an obvious stereotype. It’s more likely that it’s based on a lack of understanding. I don’t expect people to know about my specific medical condition but I do want them to understand that I’m just trying to go about my daily life.”

Vinny

**Chapter 2: A clear legal framework for employers**

**Question 3. Do you agree that a new ‘right to request work(place) modifications’ on health grounds could be an effective way to help employees to receive adjustments to help them stay in work?**

* yes [Leonard Cheshire selection]
* no
* don’t know (with reasons)

A new right to request workplace modifications on health grounds would be an effective approach to help employees receive adjustments so that they stay in work. Given the often fluctuating nature of health conditions these provisions acknowledge that such workplace changes may be short-term, unanticipated or urgent.

It is important that there is clarity for the employer and employee about what these new rights entail and how they differ from the legal responsibility under the Equality Act 2010 on employers to provide reasonable adjustments to support people with a disability in the workplace so that they are not disadvantaged. Eligibility for Access to Work scheme should also be made clear to the employer and the employee and responsibilities under it. For the new right to be effective, action from the government is needed so that there is a clearer understanding of what is meant by reasonable adjustments and work(place) modifications and their differences.

Employees often need support to be able to assert their rights and workplace entitlements and this should be recognised with established rights as well as the new provisions proposed in this consultation. Negotiating access to required support can be a fraught process for disabled employees or people with a long-term condition, particularly in cases where the employer is hostile or unreceptive.

**Access to Work**

Access to Work is Department for Work and Pension’s greatest secret; many disabled people find Access to Work support packages to be highly valuable yet too few disabled people are accessing it. Leonard Cheshire research found that:

* Only 23 per cent of disabled adults in the UK who are currently or previously working say they have received Access to Work support.
* The majority of disabled people faced substantial delays in securing support where it was approved.
* 69 per cent reported waiting more than three months for their application to be approved.

As a priority, DWP should address the delays that disabled people report in receiving the Access to Work support that they are entitled to as their jobs or job offers may be jeopardised.

**Flexible working**

The provision to work flexibly is in high demand across the general population with 87 per cent of employees wanting to work flexibly. Yet only 15.3 per cent of all job adverts offer flexible working options. [[22]](#footnote-22) Although there has been recent progress, with 9.5 per cent of job adverts including flexible working provisions in 2015, this has been a slow pace of change. There are cost implications for employers in retention and recruitment costs with an average of £30,000 to replace an employee.[[23]](#footnote-23) There are wider implications for workplace culture in productivity, motivation and staff wellbeing. 63 per cent of employees are more likely to stay with an employer that offers flexible working.[[24]](#footnote-24)

In addition to the wider public, the provision of workplace support in flexible ways of working can make a significant difference to whether a person with a long-term health condition can continue participating in the workplace:

“Previous employers allowed me to start work later which was a big help given I would often have seizures first thing in the morning or have interrupted sleep – and tiredness is a key trigger for my epilepsy.”

Phil, Kent, working in Public Affairs sector

It is important that flexible ways of working are a provision for all and not simply a specific group of people.

“One employer did this for me but not for other employees which singled me out and caused a degree of resentment. This could have been avoided by having a flexible working policy for all staff. My current employer has a flexible working policy so I’m able to take advantage of it without it being an issue at all.”

Phil

Flexible working is currently not a day one right, the employer is only required to provide a response within three months and can still refuse the employee’s request. Leonard Cheshire has been calling for the right to request flexible ways of working to be introduced during the induction period so that a disabled person’s ability to stay in work is not put at risk. As it is expected that the new right to request work(place) modifications will follow a similar model, it is important that these obstacles to accessing support provisions are not replicated.

**Assistive Technology**

Making Assistive Technology accessible and affordable to everyone should be recognised as a central element in supporting people to stay in work. Increased awareness among employers – and disabled people - of the Assistive Technology support that is available is needed so that more people can access support that enables them to carry out their work duties and progress in their job.

**Question 4. If the government were to implement this new right to request work(place) modifications, who should be eligible?**

* any employee returning to work after a period of long-term sickness absence of 4 or more weeks. [Leonard Cheshire selection]
* any employee with a cumulative total of 4+ weeks sickness absence in a 12-month period.
* any employee returning to work after any period of sickness absence.
* any employee who is able to demonstrate a need for a work(place) modification on health grounds. [Leonard Cheshire selection]
* other (please state).

**Question 6. Do you think that it is reasonable to expect all employers to a) consider requests made under a new ‘right to request’ work(place) modifications and b) to provide a written response setting out their decision to the employee?**

1. Yes [Leonard Cheshire selection] or no, if no – why?
2. Yes [Leonard Cheshire selection] or no, if no – why?

**Question 7. Please identify what you would consider to be legitimate business reasons for an employer to refuse a new right to request for a work(place) modification made on health grounds.**

* the extent of an employer’s financial or other resources
* the extent of physical change required to be made by an employer to their business premises in order to accommodate a request
* the extent to which it would impact on productivity
* **other – please state**

We recognise that an employer may face additional financial or resource challenges to deliver requested work(place) modifications that are made on health grounds. However, the government should consider making available additional financial support so that the employer is able to deliver on requests for support in these cases.

**Question 8. The government thinks there is a case for strengthened statutory guidance that prompts employers to demonstrate that they have taken early, sustained and proportionate action to support employees return to work. Do you agree?**

* yes [Leonard Cheshire selection]
* no
* maybe
* don’t know

Introducing strengthened statutory guidance that prompts employers to demonstrate that they have taken early, sustained and proportionate action is needed to ensure that employers are accountable and engage meaningfully with their obligations. A requirement for early, sustained and proportionate action would provide the opportunity to instil behavioural change among employers. It also would provide the opportunity to evaluate successful outcomes in the action taken by employers. Leonard Cheshire’s employment advisers considered strengthened statutory guidance as a positive move. They stressed, however, the need to develop awareness among employers of the processes involved eg. establishing deadlines and a clear understanding of expectations and duties between employer and employee as well as the need for mandatory structures in enforcing these changes.

* “As opposed to principal based or voluntary system, it should be rules-based and mandatory. A regimented system - from day one - is the only way for progress with employers.”[[25]](#footnote-25)
* “Where an employer doesn’t want an employee back in the workplace post-illness, anything that is vague or open to interpretation would be pushed to its very limit.”

**Question 9. If no, please give reasons for your answer.**

N/A

**Question 10. If yes, would principle-based guidance provide employers with sufficient clarity on their obligations, or should guidance set out more specific actions for employers to take?**

* principle-based guidance provide employers with sufficient clarity
* guidance should set out more specific actions for employers to take [Leonard Cheshire selection]
* don’t know
* other – please state

A key obstacle faced by employers in making progress is a lack of understanding of what options exist when an employee seeks additional support to remain in work. Leonard Cheshire’s work with employers involves finding targeted, practical solutions, working in partnership. Outlining specific actions for employers to take is an important element of securing successful outcomes for both the employer and the employee.

**Question 11. The government seeks views from employers, legal professionals and others as to what may be the most effective ways in which an employer could demonstrate that they had taken – or sought to take – early, sustained and proportionate action to help an employee return to work. For example, this could be a note of a conversation, or a formal write-up.**

A formal write-up of the early action taken by the employer is an effective way of considering what support is needed to enable an employee to return to work. Leonard Cheshire’s employment advisers proposed that back-to-work interviews with review dates would be an effective way to monitor progress and fluctuating health circumstances.

“A back to work interview offers the opportunity to consider phased return, Access to Work and how to introduce necessary reasonable adjustments with a subsequent review for a set period of time. Importantly, both parties can prove that there was an agreement.”

**Question 12. As an employer, what support would you need to meet a legal requirement to provide early, sustained and proportionate support to help an employee to stay in work or return to work from a long-term sickness absence?**

* better quality employer information and guidance [Leonard Cheshire selection]
* more easily accessible employer information and guidance [Leonard Cheshire selection]
* easier access to quality OH services
* other – please state

High quality and accessible information and guidance for the employer is crucial in order to meet a new legal requirement to provide early, sustained and proportionate support to help an employee to stay in work or return to work from a long-term sickness absence. Leonard Cheshire’s advisers stressed the importance of accessible and well sign-posted information services.

**Question 15. All respondents: in order for employers to provide effective return to work support, what action is needed by employees? Select all that apply.**

* to have discussions with their employer to identify barriers preventing a return to work and to inform workplace support [Leonard Cheshire selection]
* to agree a plan with their employer to guide the return to work process [Leonard Cheshire selection]
* to engage with OH services
* other – please state

It is an important step that the government has proposed the introduction of statutory obligations on employers to show they have taken early and sustained action to keep employees in work. Leonard Cheshire’s employment advisers agreed that strengthening statutory guidance for employers could help employees return to work. Supporting employers to identify and, where reasonable, to remove barriers preventing a return to work would be an important change to the process. Promoting good line management support was seen as a driving feature behind successful return to work provisions. Leonard Cheshire’s employment advisers agree that the employees’ role should also be recognised in ensuring that meaningful engagement happens with their employer about their needs. However, it is important to acknowledge that asserting rights and entitlements can be a fraught process, particularly where there is a lack of understanding of the issue on the part of the employer and wider staff.

The people with lived experience that Leonard Cheshire surveyed as part of this consultation response also agreed that the return to work process could be improved.

“Developing an agreed workplan is really important. Better record keeping and structured meetings would be a big help so that both the employer and the employee can monitor how you’re getting on and any progress or change regarding your condition. There is a lot of useful information that is not being logged whereas employers should be learning from successes.”

Vinny

Leonard Cheshire’s employment advisers support a move towards statutory obligations for employers and made the following suggestions, from their experience, for useful employer support provisions.

* “Even small things like asking an employee how they really are can make a big difference, particularly for mental health.”
* “Ensuring there is a safe space for employees to take time out - and allowing them to do this if necessary - can make a difference between someone working or just staying home on bad days.”
* “Flexitime and working from home are also important as some people with hidden conditions can find travelling every day stressful and they can be more productive in their home environment.”

**Question 16. All respondents: do you think the current SSP system works to prompt employers to support an employee’s return to work?**

* yes
* no [Leonard Cheshire selection]
* maybe
* don’t know

The current system does not work to effectively encourage employers to support an employee’s return to work. There are gaps in support provision - for the employer as well as the employee. Within the current SSP system, there is the potential for the loss of wage to have a substantial impact on the individual. This raises the risk of financial difficulties and further health complications when people are forced back into work prematurely.

Our employment advisers observed:

* “From my experience, SSP can cause a lot of stress during times of illness, as well as forcing people back to work before they are better. This, in turn, can be detrimental to both the employer and the employee.”
* “Employees should be encouraged to return to work in a way that aids their recovery and will also help employers to retain long-term members of staff who have valuable skills and understanding related to their job.”
* “Most people rush back to work when they are off sick due to the financial costs. Most people returning to work are still unwell and are not working at their full capacity so they’re not the most productive employee as a result. It would be in the employer’s interest to remove the fear factor of taking time off.”

**Question 17. All respondents: what support would make it easier to provide phased returns to work during a period of sickness absence?**

* guidance on how to implement a good phased return to work [Leonard Cheshire selection]
* a legal framework for a phased return to work which includes rules on how it should be agreed and implemented [Leonard Cheshire selection]
* clearer medical or professional information on whether a phased return to work is appropriate [Leonard Cheshire selection]
* other suggestions

All of the above proposals are important elements that would help employers to provide effective phased returns to work. Leonard Cheshire’s employment advisers agreed that a legal framework would provide businesses with clear, set instructions on how effective phased returns processes should operate. One suggestion would be an easily accessible online platform that delivers training on how to introduce the changes in the workplace alongside advice and guidance with addressing the workplace culture and stigma that can develop amongst colleagues.

* “In many cases a phased return to work is appropriate, but employers are sometimes worried about the impact it will have on their business. Without the right support it can be hard to manage a phased return to work with a knock-on effect on the rest of a team.”
* “I have had clients who have gone back to work on a phased return and team members said ‘Well they’re back to work, and they’re being paid but they’re not doing this and they’re not doing that etc.’ It can cause bad feeling amongst the team.”

**Question 18. All respondents: would the removal of rules requiring identification of specific qualifying days help simplify SSP (Statutory Sick Pay) eligibility?**

* yes [Leonard Cheshire selection]
* no
* maybe
* don’t know

Please give reasons for your answer.

Clarity in the system would enable greater understanding of rules regarding eligibility. Leonard Cheshire’s employment advisers agreed that simplifying the rules would have a significant impact on people with long-term conditions, particularly those on lower earnings.

“Losing five days is huge, it’s a quarter of your month’s salary. It also has a huge impact on the family which can mean that people don’t take time off and could lead to longer term illness. It [the removal] would certainly simplify the eligibility because everyone would be eligible from day one.”

Employment adviser

**Question 19. Do you agree that SSP should be extended to include employees earning below the Lower Earnings Limit (LEL)?**

* yes [Leonard Cheshire selection]
* no
* maybe
* don’t know

Please give reasons for your response.

Lower earnings contribute to the hardship and deprivation that disabled people often face. 4.3 million disabled people are currently living in poverty, accounting for 31 per cent of all people living in poverty.[[26]](#footnote-26) Three quarters of households using food banks contain someone with a health condition and / or disability, with one third of households containing someone with a mental health issue.[[27]](#footnote-27)

Extending SSP to include employees earning below the LEL would help provide a safety net for people who are more financially insecure due to their health condition or disability. Extending SSP would help to maintain the link between the individual and the workplace and tackle the growing issue of financial deprivation faced by disabled people and people with conditions.

**Chapter 4: Advice and support for employers**

**Question 51. What would you recommend as the best source of such new advice and information?**

* the main government portal (GOV.UK)
* the Health and Safety Executive
* Jobcentre Plus
* other – please state

[no selection from Leonard Cheshire]

Given the obstacles faced by employers in accessing support and guidance, it is clear that current advice and information provisions need to be reviewed. There is an opportunity to learn from international models that effectively offer tailored support to both employers and employees. The Australian government’s *Job Access[[28]](#footnote-28)* brings together a telephone adviceline for disabled people and employers as well as a complaints service. Such an initiative would enable both employers and employees to have confidence in their respective duties and entitlements in the workplace. Disability Confident should act as an “umbrella” or “one-stop-shop” scheme, bringing together all of the key government support offers for employers so that support provision and information is easily accessible.

**Question 54. All respondents: do you agree with the proposal to introduce a requirement for employers to report sickness absence to government?**

* yes [Leonard Cheshire selection]
* no
* maybe
* don’t know

Please give reasons for your answer.

The government’s proposal to introduce a requirement for employers to report sickness absence offers the potential for developing understanding of the issues at play. However, for the new requirement to be effective the information provided must be of consistent high quality across sectors, with high levels of compliance. It would also provide the opportunity to target resources where needed eg. where one type of disability or health condition is more prevalent than others in a particular sector.

**Question 56. Do you think this overall package of measures being explored in this consultation provides the right balance between supporting employees who are managing a health condition or disability, or on sickness absence, and setting appropriate expectations and support for employers?**

* yes [Leonard Cheshire selection]
* no
* maybe
* don’t know

**Please give reasons for your response.**

Leonard Cheshire welcomes the government’s recognition that significant action is needed to drive transformational change so that disabled people and people with long-term conditions are able to remain in work. Developing the duties and obligations on employers to demonstrate that they are putting processes in place to be accountable to these commitments is an important step.

In order to ensure that extending the right to request work(place) modifications for people with long-term conditions is effective in securing better job outcomes, the government must also address the current issues in accessing entitlements to workplace support (ie. reasonable adjustments and Access to work support).

It is also important that potential obstacles are addressed. These include entrenched attitudes held by employers as well as lengthy waiting periods before accessing the new support provisions as with the right to request flexible ways of working. Furthermore, workplace entitlements - such as the right to request flexible working - should be accessible earlier so that a disability or health condition does not jeopardise the employee’s ability to stay in work.

A cultural step-change is needed so that employers are more accountable in their workplace practices and so that employees can expect to be fairly treated despite their disability or health condition. Leonard Cheshire is calling for mandatory reporting to be introduced, requiring large employers to publish how many disabled people are in their workplace and their progress on closing the disability pay gap.

The government’s introduction of a voluntary framework for reporting on disability, mental health and well-being for larger employers in November 2018 was a positive step in acknowledging the need for more transparent data collection to leverage change. Disability reporting must be widely adopted in order to be successful yet, unless it is a mandatory requirement, this is unlikely to happen.

When attempting to address inequalities in the workplace, it is clear that voluntary frameworks have been unsuccessful in achieving behavioural change. Despite 280 employers signing up to the coalition government’s *Think, act, report* campaign on gender equality in the workplace, only five businesses went on to publish their data as a result of the scheme. The introduction of mandatory reporting, however, has resulted in over 10,000 employers reporting their gender pay gap. In order to achieve transformational change for disabled people in employment, large employers should be required to undertake mandatory reporting of how many disabled people are in their staff – as well as the disability pay gap – so that workplaces are fully inclusive and fair.

**Contact**

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28. For more information see <https://www.jobaccess.gov.au/home> [↑](#footnote-ref-28)