

# **Analysis of Consultation Responses: Scottish Government Consultation on increasing the employment of disabled people in the public sector**

**April 2019**

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## EXECUTIVE SUMMARY

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### *Scope of consultation*

1. This document provides a full, detailed analysis of the consultation responses undertaken by Cambridge Policy Consultants (CPC). The responses include all those submitted on-line and by email over the duration of the consultation which ran from 30 April to 15 August 2018. In addition, six workshops were held across Scotland and were attended by a 218 third sector and public sector organisations and individuals.
2. The total number of Citizenspace responses was 110. Key characteristics of these respondents were:
  - Forty five percent of responses (49) were from the public sector of which just over half (27 were from Local Government and a further 14 were from other public bodies including a range of national (Scottish) and some national (UK) organisations, regeneration agencies, and non-ministerial public bodies.
  - Well over a quarter (29 percent) of respondents were from the Third Sector, with a predominance of disability-related organisations, where this is specified.
  - Just under one in five (19 percent) responses were from individuals. It is clear that some of these were individuals who work in a range of public bodies but who wanted to submit their own views. It was not clear how many of these individuals were themselves disabled.
  - Other organisations were under-represented at 7 percent of responses and comprised professional membership organisations, trade unions and Higher education institutions.

### *Question 1: Support to increase self-reporting of disabilities*

3. Consultees were asked how public sector bodies could better support self-reporting (self-declaration) of disabilities for members of their workforce, to improve response rates and the quality of data collected. Responses broadly covered the following three areas:
  - a) Seventy percent of consultees identified one or more practical measures to directly increase response rates:
    - There was a strong sense that individuals need to know that there is a positive value and purpose in sharing the information and how the data will be used. This was identified by 42 percent of respondents.
    - Twenty nine percent of respondents felt that greater effort needed to be undertaken to ensure data security/anonymity to overcome a fear of discrimination and uncertainty over the use to which such data would be put.
    - Almost a quarter felt there was need for improved terminology and to move away from legalistic language.
    - A fifth of respondents wanted greater clarity on what constitutes a disability. Organisations reported that many people do not consider themselves as disabled despite meeting the Equality Act 2010 criteria<sup>1</sup>.

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<sup>1</sup> <https://www.gov.uk/definition-of-disability-under-equality-act-2010>

- b) Just under half of consultees suggested that attitudes and culture within organisations first needed to change in order to make people more confident in declaring a disability with both public sector and third sector organisations highlighting this as an important factor. Training for both managers and staff were identified as key ways of changing attitudes and culture, supported by more sharing of good practice examples.
- c) Just under one in ten consultees suggested case studies should be used more widely to show the benefits and positive impact of self-reporting a disability for both the individual and their colleagues.

*Question 2: What should be the timescale for implementing these measures?*

- 4. Three fifths of consultees provided a timescale for implementation. Of these respondents, 40 percent felt that measures should be implemented immediately (up to 1 year), and a further 12 percent suggesting within 2 years. Less than 10 percent felt that a timetable of 2 years or more for introduction would be appropriate. Those not providing a timetable frequently suggested a phased approach to introduction, with the phasing at the discretion of the individual organisation. Others suggested introducing timescale measures in line with the timescales they are familiar with for the Public Sector Equality Duty (PSED) reporting – one year to make improvements with the aim in year 2 of having the data ready to report.

*Question 3: Support to implement measures*

- 5. Consultees were asked to identify the types of support necessary to implement these measures and from where this might be accessed. Just under a third (30 percent) of respondents recommended the sharing of good practice so all organisations can learn and implement more effective measures more quickly. Twenty-seven percent highlighted the importance of providing clarity over the purpose of collecting the data and the benefits from self-disclosure. Eighteen percent mentioned improvements to in-work support for disabled employees to help overcome barriers. Fourteen percent highlighted the important of involving disabled people's organisations (DPOs) in implementation. Eleven percent mentioned support and training to ensure that the data is secure. A further eleven percent suggested the provision of disability awareness training.

*Question 4: Views on setting targets*

- 6. Just under half of *all* consultees and 55 percent of those who provided a response to this question felt that setting targets would improve the disability employment rate in the public sector. Third sector organisations were significantly more likely than public sector organisations to think that targets would help with 77 percent in agreement compared to just 38 percent of public sector organisations.
- 7. Over a third of respondents to this question did not think that targets would help – many of these felt that targets would be ineffective and may introduce perverse incentives and/or wanted more detail on how targets would be applied (e.g. would they be applied uniformly across different occupations and/or management tiers etc).

*Question 5: Ranking of target options*

- 8. Consultees who responded positively to question 4 on the use of targets were asked to rank the target options. Amongst the 51 respondents who responded to question 5, the greatest number of first preferences were for option D (39 percent of first preferences provided) followed by option C

(25 percent of first preferences). Options A and B were the first preference of just under a fifth of respondents, although their popularity varied considerably across groups:

- Option D, for the Scottish Government to set a target for its own core Civil Service workforce, while working with other public bodies to encourage them to set their own voluntary targets, was particularly popular with public sector organisations and received most first preferences of individuals. It was the option with fewest first preferences from the third sector who generally considered it was too weak and did not cover sufficient public sector employment.
- Option C, to require Scottish public sector bodies to set targets for their organisation considering their starting point in terms of the level of disabled people in their workforce, their size and differing core functions, was the most popular choice with the third sector and respondents appreciated the ability to take into consideration local factors. This was the only option given first preferences by 'other' organisations.
- Option B, for the Scottish Government to set one overall incremental public sector employment target that would be reviewed and revised in fixed stages, received fewest first preferences from the Public sector respondents who were concerned that it did not consider differences across the public sector. However, it was the second highest among the Third sector. This option was broad-based and offered a form of incremental approach to update and improve its application.
- Option A, for the Scottish Government to set one national public sector target (in a similar way to the setting of the overall ambition to more than halve the disability employment gap), with a timescale to meet this, scored the same number of first preference votes as option B and was the second favourite choice among Individuals. Comments highlighted the difficulty in setting one target for the public sector as a whole.

#### *Question 6: Timescale for achieving targets*

9. Most people who provided a timescale, felt it would take some time to achieve their preferred target. Combining those who suggested five or more years with those who felt it would be secured 'in the long-term', this group represented just under a third (30 percent) of those who responded. A number of respondents in this group pointed to the 2025 deadline in the "End the Gap" report<sup>2</sup> for reducing the disability employment gap.

#### *Question 7: Reasons for not setting targets*

10. Those who did not think that setting targets for the public sector would bring about a significant change provided further explanation for their view. Almost half considered that targets would not work because they had already been tried and had not been effective, more than a third highlighted the need to address attitudes and change culture first and improve the level of disclosure. Some felt that a wider campaign to raise awareness and reduce mental health stigma across public sector employers. There were also concerns that targets could result in perverse behaviours, for example appointments due to status rather than skills could risk undermining disabled people's status at work.

<sup>2</sup>Disability Agenda Scotland (2017) Disability Employment End the Gap. Online at [https://www.disabilityagenda.scot/images/das\\_documents/end\\_the\\_gap.pdf](https://www.disabilityagenda.scot/images/das_documents/end_the_gap.pdf)

*Question 8a: Other measures to employ more disabled people*

11. The consultation also sought respondents' views on other actions which could increase the number of disabled people working in public bodies. Making the recruitment procedures more inclusive was suggested by two fifths of respondents. Just under a third suggested improving the job application process for people with learning disabilities, for example through Project SEARCH, and a further 28 percent suggested close working with supported employment providers. Just over a quarter suggested more funding for Local Authority Employability teams. A quarter felt that Disability Confident Employer status should be more widely used and publicised. Other measures related to encouraging greater awareness of hidden disabilities in the workplace; reviewing job advertising and where adverts are placed; introducing interview and/or recruitment targets e.g. guaranteed interview scheme; changing organisational culture and staff exchange with the third sector.

*Question 8b: Other measures to retain more disabled people*

12. Just over half of respondents highlighted the need to increase training around disabilities. Forty-eight percent suggested the need for more advice and support about reasonable adjustments. A quarter of respondents felt that the flexibility of working could be improved. Seventeen percent of respondents highlighted the need for improvements to benefits support for those with a disability and in work. Other suggestions comprised supporting redeployment when an existing role is no longer feasible (13 percent), reviewing sickness policies (11 percent), working with supported employment providers (9 percent) and reducing bullying and harassment (2 percent).

*Question 9: Views on monitoring and reporting*

13. Consultees were asked what monitoring and reporting actions will help support the increase in disability employment in the public sector. Just over a fifth of respondents felt that monitoring needed to link with existing requirements including the Public Sector Equality Duty. Seventeen percent highlighted the need to publish the results to ensure public accountability. A further seventeen percent felt the focus should be on monitoring actions to remove barriers rather than on targets. Eleven percent suggested the need to introduce consistent reporting to allow benchmarking. Ten percent suggested the need to introduce disability specific targets or other disaggregation, for example by gender or grade. Other suggestions comprised: sharing best practice (10 percent); to first focus on changing culture and attitudes in the workplace (9 percent); to focus on introducing targets (7 percent); to provide recognition of good work already taking place (4 percent) and to ensure targets are complied with e.g. through audit procedures (4 percent).

*Potential options for action*

14. A significant majority of consultees felt that more needed to be done to ensure disabled people feel comfortable in disclosing their impairment to employers. For a significant minority, this is an important pre-cursor to the introduction of any target for the employment of disabled people, so that targets can be based on more realistic evidence. Potential actions include:
- Practical measures to increase response rates including: providing employees/potential employees with more information about the benefits of sharing this data; ensuring that measures are in place to provide data security and anonymity; at the national level providing greater clarity and

consistency on what constitutes a disability; and linked to this providing guidance over appropriate terminology and language. The expectation is that such supporting measures would ensure better disclosure rates and allow for a more accurate measurement of the true level of employment of disabled people in the public sector. This would then allow for more representative targets to be set.

- Support to help the public sector to address attitudes and change culture to disability employment. This included training for employees and managers to raise awareness of working with people who have disabilities in inclusive workplaces, and to encourage a supportive culture.
- The provision of good practice examples and the sharing of good practice from across the public sector.

15. Respondents also highlighted a range of alternative (non-target based) options to increase the employment and retention of disabled people. These included:

- Delivering a campaign, supported by the Disability Confident Scheme, to re-assure candidates that a fair and transparent recruitment process will be undertaken.
- For the Scottish Government to support local government to deliver increased employability support to people with disabilities, for example through greater support for Local Authority Employability teams.
- To improve the job application process for those with learning disabilities for example through more widespread use of Project SEARCH.
- To improve the retention of disabled people in the workforce through the adoption of more flexible working practices; by ensuring that disabled people have the correct financial support to supplement incomes and through the provision of more advice and support about reasonable adjustments.

16. One option may be that Scottish Government adopts a staged approach including in the first instance introducing a range of measures to improve disclosure and reporting. Alongside this, the Scottish Government may want to consider setting targets for its own workforce, as well as exploring how this could be applied to the wider public sector in due course, using the learning gained from its own implementation and adaption to inform how targets could best be applied.

# 1. INTRODUCTION

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## 1.1. Context

1.1.1. In December 2016, the Scottish Government published *A Fairer Scotland for Disabled People*<sup>3</sup>. As a key part of the delivery plan a commitment was made to:

- Reduce barriers to employment for disabled people;
- Seek to reduce by at least half the employment rate gap between disabled people and the rest of the working age population.

1.1.2. *A Fairer Scotland for Disabled People* sets out a number of key actions that establishes the overarching ambitions of Scottish Government actions on disability issues including to consult on setting targets to redress the disability employment gap in the public sector (action no 29).

## 1.2. Overview of consultation analysis

1.2.1. This document provides a full, detailed analysis of the consultation responses undertaken by Cambridge Policy Consultants (CPC). The responses include all those submitted on-line and by email over the duration of the consultation which ran from 30 April to 15 August 2018. In addition, six workshops were held across Scotland where consultee discussed the potential options. All of the online responses have been included in the quantitative analysis presented in the tables in the subsequent sections. Both the online and workshop responses were used in the qualitative analysis presented throughout this report.

### *Number of consultation responses*

1.2.2. The total number of Citizenspace responses was 110. This included eight responses which were either in draft via Citizenspace or submitted by email. These were included in the dataset for coding by Scottish Government or the consultant team. Some of the email responses were fuller than those received directly via Citizenspace and these wider issues were considered in the analysis.

1.2.3. The majority of respondents answered all points. However, a small number did not respond to all of the questions. In other cases, some respondents

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<sup>3</sup> The Scottish Government (2016) *A Fairer Scotland for Disabled People: delivery plan*. Online at <https://www.gov.scot/publications/fairer-scotland-disabled-people-delivery-plan-2021-united-nations-convention/>

provided a ranking of the target options while other set out just their preferred option.

### *Profile of Citizenspace consultation responses*

1.2.4. Table 1.1 sets out the profile of the respondents who represented the following:

- Forty-five percent of responses (49) were from the public sector of which just over half (27 were from Local Government and a further 14 were from other public bodies including a range of national (Scottish) and some national (UK) organisations, regeneration agencies, and non-ministerial public bodies;
- Well over a quarter (29 percent) of respondents were from the Third Sector, with a predominance of disability-related organisations, where this is specified;
- Just under one in five (19 percent) responses were from individuals. It is clear that some of these were individuals who work in a range of public bodies but who wanted to submit their own views. It was not clear how many of these individuals were themselves disabled;
- Other organisations were under-represented at 7 percent of responses and comprised professional membership organisations, trade unions and Higher education institutions.

**Table 1.1: Type of Respondent**

	Frequency	Percent
<b>Public sector</b>	<b>49</b>	<b>44.5</b>
Local Government	27	24.5
Other Public Body	14	12.7
NHS	6	5.5
FE College	2	1.8
<b>Third sector</b>	<b>32</b>	<b>29.1</b>
Third Sector	31	28.2
Service Provider	1	0.9
<b>Individual</b>	<b>21</b>	<b>19.1</b>
<b>Other organisation</b>	<b>8</b>	<b>7.3</b>
Professional Membership Organisation	3	2.7
Trade Union	3	2.7
Higher Education organisation	2	1.8
<b>Total</b>	<b>110</b>	<b>100</b>

Source: Citizenspace and email responses to SG Consultation by 4 September 2018

1.2.5. To provide a more coherent analysis of respondents we have grouped responses. This involves combining Local Government, other public bodies, NHS responses and FE Colleges. The service provider is included in with other Third Sector organisations. There is no change to the individual group. Other organisations included Professional Membership Organisations, Trade

Unions and HE organisations<sup>4</sup>. In analysing each of the key consultation responses we have highlighted any observed differences in the nature of the responses across these groups should they exist.

- 1.2.6. The vast majority of respondents were happy to have their responses published (83 percent). However, just under half of these did not want to have their name published with over half the individual responses did not wish to be named (55 percent).

#### *Profile of workshop responses*

- 1.2.7. In addition, Scottish Government organised six consultation events across Scotland in June/July 2018. The purpose of the events was to provide stakeholders with the opportunity to come together to discuss the issues covered by the consultation document, ahead of submitting a formal response:

- Glasgow, attended by approximately 57 including third sector organisations, local authorities and disabled individuals;
- Dundee, attended by approximately 51 comprising of third sector organisations, NHS and Local Authorities;
- Inverness, attended by a mix of approximately 29 third sector organisations, NHS bodies and Local Authorities;
- Aberdeen, attended by approximately 26 third sector, Local Authority and NHS organisations;
- Edinburgh, attended by approximately 37 and including a mix of third sector organisations, Local Authorities and disabled individuals;
- Dumfries, attended by a mix approximately of 18 third sector organisations, local authorities and disabled individuals.

- 1.2.8. The write-ups from the consultation events were checked against the collected views from the consultation responses, and these were consistent in broad terms. Where views differed from the consultation responses they were detailed in the relevant section.

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<sup>4</sup> The Higher Education institutions are not defined as public sector bodies in Scotland.

## 2. ANALYSIS OF CONSULTATION RESPONSES

### 2.1. Public Sector Bodies in Scotland and data

*Question 1: In your view, or the view of your organisation, how could public sector bodies better support self-reporting (self-declaration) of disabilities for members of their workforce, to improve response rates and the quality of data collected?*

2.1.1. The responses to Question 1 were coded to take into account multiple responses. On average respondents made just over 2.5 suggestions. Responses broadly covered three main areas (Table 2.1):

- practical measures to directly increase response rates;
- measures to indirectly increase response rates through addressing attitudes and culture, and;
- the provision and sharing of good practice.

**Table 2.1: Coded Responses to Question 1**

	Count		Public sector	Third sector	Individual	Other Orgs
<b>Practical measures to directly increase response rates</b>	<b>74</b>	<b>70%</b>	<b>76%</b>	<b>63%</b>	<b>57%</b>	<b>63%</b>
a) More information on how data will be used	44	42%	49%	31%	29%	50%
b) Ensure anonymity/data security	31	29%	35%	13%	33%	38%
c) Clarity on what constitutes a disability	21	20%	24%	22%	0%	25%
d) Improved terminology and language	24	23%	20%	28%	10%	38%
<b>Addressing attitudes and changing culture</b>	<b>51</b>	<b>48%</b>	<b>51%</b>	<b>53%</b>	<b>33%</b>	<b>25%</b>
a) Train managers	23	22%	22%	28%	14%	0%
b) Train staff	27	25%	27%	28%	24%	0%
<b>Provide examples &amp; share good practice</b>	<b>10</b>	<b>9%</b>	<b>10%</b>	<b>13%</b>	<b>5%</b>	<b>0%</b>
Missing	4	-	1	0	1	2
<b>Total</b>	<b>110</b>	<b>-</b>	<b>49</b>	<b>32</b>	<b>21</b>	<b>8</b>

Source: Citizenspace and email responses to SG Consultation by 4 September 2018

#### *Practical measures to directly increase response rates*

2.1.2. Seventy percent of respondents identified one or more practical measures to directly increase response rates. **Providing more information on how the data will be used was identified by 44 percent of respondents.** There was a strong sense that disabled individuals need to know that there is a positive value and purpose in sharing the information. In some cases, there was direct evidence of concerns from disabled people about how the data would be used:

*'I am speaking from personal experience as a disabled person and as someone who was once reluctant to declare my*

*disability on any job application form. I initially did not wish to declare my disability on any form as I thought it would go against my application. I was aware that many employers have not met a disabled person and therefore may have many negative assumptions about what a disabled person can achieve. I was fearful that their preconceptions may have gone against my application. However, my best friend works in HR in the oil and gas industry and assured me that my fears were unjustified. My friend explained how HR treat this information and what it is used for and indeed assured me if I ticked the guaranteed interview box it was a positive step. As a result, I now regularly declare my disability with any application as I now know that HR would actually prevent any negative judgement on my application based on my disability. It also allows the HR department, organisation, public sector and government monitor the employment of the disabled in Scotland for further improvement. I would suggest that all HR departments openly declare how they use the declarations and information about disability and disabled applicants on their websites. So, applicants are assured that declaring a disability will not impede their application or employment, indeed it is to help the applicant and all of us' [Individual, Citizenspace response]*

- 2.1.3. **Twenty-nine percent of respondents felt that greater effort needed to be undertaken to ensure data security/anonymity** and there was a strong sense that many disabled people were put off from self-reporting because of a fear of discrimination and uncertainty over the use to which such data would be put.

*'Public sector bodies should make every effort to reassure staff that the collection of data will be held in the strictest confidence and in a way that means that they cannot personally be identified. If any information collected may lead the staff member to believe that they could be identified then these questions should be made optional or not asked at all (for example questions on service/department, location and occupation). It may reassure staff if an independent third party is made responsible for the data collection and an example of the format that the information will be returned to their employer is provided'. [Third sector, Citizenspace response]*

- 2.1.4. **The need for improved terminology and language was identified by 24 percent of respondents.** In a number of cases this was linked to inconsistencies in reporting:

*'The HR systems research (in relation to Scottish colleges), also showed that the disability fields had some of the greatest variation in questions asked and terminology used across equality monitoring forms. Of the seven monitoring forms returned to us, we identified four distinct ways of phrasing the*

*disability question. Survey respondents indicated that the disability fields were one of the most often returned incomplete. Only two monitoring forms included fully-phrased questions, detailed information on why equality data is collected with assurance that it would be treated confidentially, and provided explanations of definitions for various protected characteristics, as well as sign-posting staff to relevant equality policies in each section. There is a need for standardised questions, explaining disability in a user-friendly way. As people with different impairments will have different support needs and require different reasonable adjustments, the disability question should be disaggregated by impairment, again with an explanation of definitions. Guidance should be given to public sector bodies on how to frame the question to reassure the staff member that the information is confidential unless they indicate otherwise' [Public sector, Citizenspace survey]*

- 2.1.5. **Just over a fifth of respondents wanted greater clarity on what constitutes a disability.** Organisations reported that many people do not consider themselves as disabled even though they would be included in the definition as adopted by the Scottish Government. Respondents also noted a significant under reporting of 'unseen' impairments particularly with regard to mental health and learning disabilities. One organisation suggested a move away from the use of the term "disabled" and suggested either the use of either "long term conditions" or "long term impairments" as a replacement and considered that when collecting data public bodies should frame the question in such a way that respondents have a clear understanding about the conditions or impairments that are included in the wider definition as set out in the Equality Act 2010<sup>5</sup> and which the Scottish Government uses.
- 2.1.6. This view was echoed in the workshops where concerns were raised that: a) some people who have conditions that satisfy the definition of disability don't identify themselves as such; b) the issue of self-definition – even with a legal definition, it is very subjective as to whether people self-identify as disabled; and c) the fluidity of a condition, with some people moving in and out of a particular definition.

*Addressing attitudes and changing culture*

- 2.1.7. **Just under half of consultees suggested that attitudes and culture within organisations first needs to change in order to make people**

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<sup>5</sup> You're disabled under the Equality Act 2010 if you have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on your ability to do normal daily activities.

**more confident in declaring a disability** with both public sector and third sector organisations highlighting this as an important factor:

*'The fear factor for staff can only be removed if the organisations themselves promote a wellbeing mentality of genuinely valuing and caring for their employees. If local authorities are given a statistical gathering task then the risk remains that no ethos change will develop. A campaign of encouraging disclosure by Scottish Government should focus on the wellbeing perspective and how to care for your workforce. A wellbeing team could operate within local authorities or cover areas such as Forth Valley or other neighbouring Councils to ensure all levels of management fully understand the importance of health and wellbeing, incorporating it into 1-1 meetings with staff and showing willingness to support staff with difficulties on an on-going basis. Utilising free health checks from projects like NHS Forth Valley's Keep Well to look at general health and wellbeing advice. The improved disclosure of health conditions and disabilities would become evidence of these interventions successes and provide a platform to encourage sustainable employment. Using examples of best practice to encourage other employees to participate and ensure a stronger buy in would follow as a knock-on impact. Part of removing the fear factor should address why the information is needed and what it will be used for. What is developed needs to be consistently applied across all local authorities' [Public sector, Citizenspace survey]*

2.1.8. The importance of focussing first on changing workforce culture before targeting reporting or disclosure of disability came over particularly strongly in a number of the workshops where concerns were expressed over disabled people being viewed as liabilities by their employers or discriminated against at interview stage.

2.1.9. **Disability awareness training for both managers and staff were identified as key ways of changing attitudes and culture:**

*'Specific training for Line Managers to increase awareness and understanding to better support workplace adjustments and inclusion'. [Public sector, Citizenspace survey]*

*'We feel that leaders and managers are key to creating working environments where diversity and inclusion are valued and supported. Developing an organisational culture where leaders and managers talk about themselves and create an environment where people can talk openly and value difference is important in supporting colleagues to have no fear of discrimination from self-disclosure. It is also important that they prioritise resources (staff and financial) for this purpose' [Public sector, Citizenspace response]*

*Provide examples and share good practice*

- 2.1.10. Just under one in ten consultees suggested **case studies should be used more widely** to show the benefits and positive impact of self-reporting a disability for both the individual and their colleagues. There were no specific mechanisms for sharing practice suggested in these responses. Some workshop respondents identified practical issues with preparing case studies including difficulties finding staff willing to put themselves forward. The importance of ensuring that staff see the positive action taken after disclosure takes place was mentioned as key. One workshop attendee suggested case studies could be based around the NHS traineeship for disabled graduates programme<sup>6</sup>.

## 2.2. Timescale for implementation

### *Question 2: What should be the timescale for implementing these measures?*

- 2.2.1. Three fifths of respondents were able to provide a timescale for implementation. In this group, two fifths felt that measures should be implemented immediately (up to 1 year), and a further 12 percent suggesting within 2 years. Less than 10 percent felt that a timetable of 2 years or more for introduction would be appropriate (Table 2.2).

**Table 2.2: Timescale for implementing these measures**

	Count		Public sector	Third sector	Individual	Other orgs
Timetable specified	52	60%	47%	71%	81%	67%
Immediately & within 1 year	34	40%	26%	46%	63%	67%
1-2 years	10	12%	14%	13%	6%	0%
2-5 years	5	6%	5%	4%	13%	0%
5+ years	9	10%	2%	8%	0%	0%
Other	34	40%	53%	29%	19%	33%
Phased or varied	15	17%	26%	13%	6%	0%
In line with existing reporting	10	12%	16%	8%	6%	0%
Long term	6	7%	7%	8%	0%	33%
None	3	3%	5%	0%	6%	0%
Total known	86	100%	43	24	16	3
Don't know	3	-	1	0	2	0
Missing	22	-	5	8	3	5

Source: Citizenspace and email responses to SG Consultation by 4 September 2018

- 2.2.2. The remaining two fifths of respondents did not provide a specific timescale. Seventeen percent suggested a phased approach to introduction, these

<sup>6</sup> <https://news.gov.scot/news/nhs-traineeships-for-disabled-graduates>

respondents often said that the phasing should be at the discretion of the individual organisation:

*'These measures should be introduced in phased approach, ensuring that staff feel comfortable and are fully aware of the reasons why the personal information is being requested and the ways in which the information will be used' [Public sector, Citizenspace response]*

2.2.3. Twelve percent of respondents suggested introducing timescale measures in line with the timescales they are familiar with for the Public Sector Equality Duty (PSED) reporting – one year to make improvements with the aim in year 2 of having the data ready to report.

2.2.4. A further seven percent did not specify a timetable, other than to suggest it needed to be long term. In the majority of cases, we believe these respondents had misinterpreted the question to be the time period it would take for the measures to be fully embedded in the organisation rather than the timescale to the start of the process:

*'(name of organisation) believes that the time scale for embedding the changes in approach recommended above would be long term. This will help to deliver the cultural change within public bodies that will ensure the latter increase the employment of people with support needs within these bodies, and across the public sector as a whole'. [Public sector, Citizenspace response]*

2.2.5. Three organisations did not consider any timescales should be set. One of these reported that this was because the organisation did not believe any targets should be set.

2.2.6. Sample sizes by type of organisation are relatively small and some care is required in considering the responses on timescale. However, key differences are:

- Individuals and the third sector prefer more immediate implementation than public sector organisations.
- The Public sector were more likely to say the timescale should be at the discretion of the public body and phased or varied according to context.
- Long term implementation of measures was suggested by Public sector and Third Sector organisations – the former group wanted time to implement measures while the latter required that measures are kept in place over the long-term.

- 2.2.7. Workshop consultees highlighted the importance of getting a robust baseline in the short term even if the implementation timescale is considerably longer.

### 2.3. Support for implementation

*Question 3: What support, if any, and from where, would public sector bodies need to implement measures, such as improving data collection?*

- 2.3.1. Respondents were asked to identify the types of support necessary to implement these measures and from where this might be accessed. On average respondents provided 1.3 coded responses (Table 2.3).

**Table 2.3: What support would public bodies require to implement measures?**

	Frequency	Percent
Publication of toolkit / Share good practice	33	30%
Clarity over purpose and benefit of collecting this data	30	27%
Resources and guidance on how to collect robust data including standardisation	25	23%
In-work support for disabled employees to overcome barriers	20	18%
Advice and support from DPOs on implementation	15	14%
Resources and guidance on how to securely store data	12	11%
Provision of disability awareness training	12	11%
Make organisational compliance mandatory	1	1%
Ensure that other targets are not in conflict	1	1%
<b>Total</b>	<b>110</b>	<b>100%</b>

Source: Citizenspace and email responses to SG Consultation by 4 September 2018

- 2.3.2. Just under a third (30 percent) of respondents recommended the **sharing of good practice** so all organisations can learn and implement more effective measures more quickly. This was often suggested to be produced in collaboration with disability organisations:

*'The gap in data collection is merely one manifestation of the underlying culture that discourages people.... from disclosing their impairment. Public sector bodies should therefore be supported to change this culture. This could be through national guidelines on how to best encourage an inclusive work environment, rewarding and showcasing best practice and strengthened collaboration with disability organisations and charities. Support from these organisations that are working closely with all disabled people could provide the public sector bodies with data against which they can assess their own progress and identify where further action is needed'*  
[Third sector, Citizenspace survey]

- 2.3.3. Twenty-seven percent highlighted the importance of **providing clarity over the purpose of collecting the data** and the benefits from self-disclosure:

*'Support from disability organisations with perhaps joint message campaigns on the value of self-declaration; the support available and ways in which the support through reasonable adjustments have meant things like; people staying in work (skills not being lost). Learning from mental health campaigns and their programmes of 'healthy working lives'. [Public sector, Citizenspace survey]*

- 2.3.4. Twenty-three percent highlighted the need for **resources and guidance on how to collect robust data** including standardisation:

*'Public sector bodies will need support to take forward improvements in data gathering and processing, for example: Standardised disability questions for data collection; creating clear explanations on why the data is collected and how it will be used; on how to create effective systems to gather data, confidentiality, increasing declaration rates; on how to analyse, interrogate and use data to consider and implement change'. [Public sector, Citizenspace survey]*

- 2.3.5. Eighteen percent mentioned **improvements to in-work support for disabled employees to help overcome barriers**:

*'First of all, stop seeing disabled people as numbers and start seeing us as people. Talk to us as employees and disability organisations to understand why it is that people are not sharing their disabilities/conditions/health status with employers. Look at the different barriers we face and commit to work collaboratively with us to address the barriers. Once this happens, it is more likely disabled people, first of all might understand they have a disability and secondly that they are still equally valued people in the organisation. People that the organisation are determined to support and retain or who positively seek to recruit recognising the value of having a diverse workforce'. [Individual, Citizenspace survey]*

- 2.3.6. This point came over particularly strongly in the workshop discussions with respondents highlighting the importance of Access to Work and the support it can offer.

- 2.3.7. Fourteen percent highlighted the importance of **involving disabled people's organisations (DPOs) in implementation**:

*'Public sector bodies may need support to introduce new reporting requirements. It is suggested that they be encouraged to work with third sector bodies and organisations to achieve this particularly where it is felt that using an independent organisation would assist improve self disclosure. Funding streams for projects to be established should be made available through vehicles such as Third Sector Interfaces (employability forums), The health and*

*social care alliance and the Voluntary Action Fund' [Third sector, Citizenspace survey]*

- 2.3.8. Eleven percent mentioned support and training to ensure that the data is secure:

*'I think it needs to be made clear of the positives of such data collection, what it is being used for and where it is being stored. Particularly with a lot of focus currently on data protection changes and data breaches from large companies which could make people even more wary of self-reporting'. [Public sector, Citizenspace survey]*

- 2.3.9. A further eleven percent suggested the provision of disability awareness training.

*'There is much support needed in the public sector regarding ensuring disabled people are recruited and adequately supported to remain in work, this includes.... awareness raising of conditions and disabilities across organisations and staff teams - to ensure that there is a focus on the 'popular' ones and people experiencing difficulties are appropriately supported' [Individual, Citizenspace survey]*

## **2.4. Views on setting targets**

*Question 4: In your view, or the view of your organisation, would setting targets improve the disability employment rate in the public sector?*

- 2.4.1. **Just under half of all respondents and 55 percent of those who provided a response to this question felt that setting targets would improve the disability employment rate in the public sector.** Amongst public sector respondents' levels of agreement with this question were much lower with thirty-eight percent in agreement compared to over three quarters of third sector organisations.
- 2.4.2. Over a third of respondents did not think that targets would help and a further eleven percent did not know. Many of these in disagreement felt that targets would be ineffective and may introduce perverse incentives and/or wanted more detail on how targets would be applied (e.g. would they be applied uniformly across different occupations and/or management tiers etc).

**Table 2.4: Would setting targets improve the disability employment rate in the public sector?**

	Frequency	Percent	Public sector	Third sector	Individual	Other Orgs
Yes	54	55%	38%	77%	50%	100%
No	33	34%	51%	13%	33%	0%
Don't know	11	11%	11%	10%	17%	0%
Total responses	98	100%	45	31	18	4
Not Answered	12		4	1	3	4
Total	110		49	32	21	8

Source: Citizenspace and email responses to SG Consultation by 4 September 2018. Answered by 98 of 110 online survey respondents.

**2.4.3. Just over three-quarters of third sector organisations (77 percent of respondents) felt that setting targets would help improve the disability employment rate:**

*'Until we see societal change which brings an end to discrimination against people who have disabilities in recruitment and in the workplace, targets are a useful tool (alongside others) to reduce the disability employment gap. While we recognise the challenges there can be with setting targets, we feel that setting out a target sends a clear message that this is a policy objective which the Scottish Government takes seriously and is determined to make progress with. It also sets out the expectation that a certain proportion of staff in public sector employers should be people who have disabilities, and so there is a requirement to explain any instances where this has not been achieved' [Third sector, Citizenspace survey]*

**2.4.4. A significant minority of third sector organisations did feel, however, that the focus should be on achieving cultural change rather than target setting:**

*'There was a mixed response from our members as to whether setting targets would help to improve the disability employment rate in the public sector. Slightly more than half of respondents believed setting targets would be a good idea. Some of our members who agreed with introducing targets also highlighted the importance of monitoring the results, and the impact on organisational culture. "Yes, but it needs to be monitored and make sure those not meeting the target are not left to fall through the net of bureaucracy." "It makes people think about the numbers, and hitting targets can be helpful, but it might not help the vital cultural change." "Absolutely, but it is important that disabled people have the skills required to do the work being applied for.' [Third sector representative body, Citizenspace survey]*

- 2.4.5. **Just over half public sector organisations did not agree that setting targets would improve the disability employment rate in the public sector.** Reasons are explored in question 7 below, however, addressing cultural issues was generally seen as the priority:

*'We do not believe setting targets is the right way forward as this could potentially become a tick box exercise for organisations rather than bringing about the necessary culture change needed to support disabled individuals in gaining employment and remaining in employment. Rather than setting fixed targets relating to an increase in headcount we believe there should be more emphasis on what improvements can be made within the organisation to help us to attract a diverse pool of candidates, further include disabled colleagues in workplace activities and public life, and creating a culture of support for disabled colleagues as soon as they enter the workplace. Our hope is that these actions would bring about a culture change within public sector organisations rather than solely being a tick box exercise which may assist increased numbers of disabled individuals in gaining employment but might not be as beneficial in assisting disabled individuals already in employment to remain and progress their careers' [Public sector, Citizenspace survey]*

- 2.4.6. **Half the individuals responding to this question felt that targets would improve the disability employment rate in the public sector.** A third did not feel that this would be the case, with almost a fifth saying they did not know.

- 2.4.7. Those who participated in the workshops expressed a range of views and groups tended to be split on whether targets would improve the disability employment rate. A number of workshop respondents expressed concern that targets could lead to perverse incentives, for example hiring disabled people into low quality jobs to improve the statistics.

## **2.5. Ranking of target options**

### *Question 5: Ranking of target options*

- 2.5.1. All those respondents who answered 'Yes' to Question 4 were invited to provide rankings according to their preference for each of the Target Options set out below. These were scored on a scale of 1 to 4 where 1 is the least preferred and 4 is most preferred option (so a higher average score means a greater preference for that option).

- **Option A** - The Scottish Government to set one national public sector target (in a similar way to the setting of the overall ambition to more than halve the disability employment gap), with a timescale to meet this.
- **Option B** - Similar to Option A, the Scottish Government to set one overall incremental public sector employment target that would be reviewed and revised in fixed stages.
- **Option C** - To require Scottish public sector bodies to set targets for their organisation considering their starting point in terms of the level of disabled people in their workforce, their size and differing core functions.
- **Option D** - For the Scottish Government to set a target for its own core Civil Service workforce, while working with other public bodies to encourage them to set their own voluntary targets.

2.5.2. There were a number of issues with the nature of the answers provided to this question:

- Firstly, not all respondents had provided responses and of the 58 that did, 35 provided a rank order for all four options;
- Secondly, some respondents ranked their most preferred option with a “1” rather than the “4” used by most respondents;
- Thirdly, the presumption was that those who had said ‘yes, targets would improve disabled employment rates in the public sector’ at Q4 would then answer Q5 and provide a ranking of their preferred options. In fact, some of those who responded ‘No’ or ‘Don’t know’ or did not provide a response to Q4 did provide a response to Q5. All these have been included where their first preference can be clearly determined.

2.5.3. Where possible these responses were re-coded to match the reasoning some respondents provided. In seven responses there was evidence that the ranking had been completed in this way but there was insufficient detail in the text to be confident that this was the case, so these were removed from the analysis. This left 51 responses with a clear first preference. We considered a number of alternative approaches to summarising consultees’ preferences. One option would be to average the preference scores but as this meant fewer responses would be included in the analysis, it was felt that a simple count of the first preferences would provide the most straightforward assessment and include most responses.

2.5.4. Table 2.5 provides a summary of rankings by option for the three main respondent groups. Across all respondents the greatest number of first preferences were for option D (39 percent of first preferences provided) followed by option C (25 percent of first preferences). Options A and B were given just under a fifth of first preference each, although their popularity varied considerably across groups.

**Table 2.5: Stated first preferences for target options**

	Frequency	Percent	Public sector	Third sector	Individual	Other Orgs
A	9	18%	11%	16%	40%	0%
B	9	18%	5%	37%	10%	0%
C	13	25%	16%	42%	0%	100%
D	20	39%	68%	5%	60%	0%
<b>Total responses</b>	51	100%	<b>100%</b>	<b>100%</b>	<b>100%</b>	100%
No response to Q5	52		26	11	9	6
Ranking unclear	7		4	2	1	
Total	110		35	14	11	8

Source: Citizenspace and email responses to SG Consultation by 4 September 2018. All those who provided a clear first preference.

### *Views on the options*

- 2.5.5. Option D was particularly popular with public sector organisations and received most first preferences of individuals responding to the online consultation. It was the option with fewest first preferences from the third sector who generally considered it was too weak and did not cover sufficient public sector employment. Amongst workshop attendees it was less popular than option C with many respondents concerned that it would be unlikely to impact to the same extent at a national level. Nonetheless workshop attendees did feel that it would be a positive move for the Scottish Government to lead by example.

**Table 2.6: Summary of views on Option D<sup>7</sup>**

Option D - For the Scottish Government to set a target for its own core Civil Service workforce, while working with other public bodies to encourage them to set their own voluntary targets

Option D is the only realistic/viable option - The Scottish Government to set a target for its own core Civil Service workforce, while working with other public bodies to encourage them to set their own voluntary targets (Public sector)

Of all the proposed options, this would likely be the most proportionate approach. Public authorities could benefit from the lessons learned by the Scottish Government in meeting targets and any good practice developed as a consequence (Public sector)

D will engage Scottish Government with the same issues as public bodies, demonstrate leadership and promote the sharing of practice (Third sector)

Option D: The Scottish Government should have an ambitious target but for other bodies voluntary targets may be set to something easily achievable or at least would create that perception. We cannot think of a reason why one target across all organisations cannot reasonably be achieved. (Third sector)

<sup>7</sup> The colours in this table represent the degree of support for each option. Positive opinions are coded green, neutral views are coded orange and negative views coded grey.

Difficulty with fixed target is that it does not consider the percentage of disabled local population. Concern that race to meet target would result in poor options and low paid employment. Option D would allow consideration of the above and the development of strategies for quality careers and planning of any necessary adjustments to ensure candidates had a quality experience of work (Public sector)

We have selected option D as the best option. However, we consider the conditions of option C could be included. For example, the Scottish Government supporting public sector organisations to set their own targets allows too much freedom to set targets that are easily achievable and not challenging enough. (Public sector)

Option D would limit any positive impacts of the target-setting and enable other public bodies to opt out (Third sector)

I don't think this would have much of an impact. The balance is definitely making a measurable and meaningful difference in a reasonable timescale both for the organisation for employees and potential employees. (Individual)

The approach set out in Option D is not stretching enough to deliver on the Government's stated aim of increasing the number and proportion of disabled people employed by the public sector, nor in closing the disability employment gap. (Public sector)

Option D is too weak a measure. (Third sector)

2.5.6. Option C received the second highest number of first preferences for those responding to the online consultation. This was the only option given first preferences by Other organisations. Option C was the most popular choice with the third sector and for workshop consultees who felt it would enable differences across organisations and their respective starting points to be acknowledged.

2.5.7. Workshop consultees suggested there would be a need for some kind of regulation/guidance in order to ensure target setting was approached consistently. At one workshop the suggestion of working through representative bodies (e.g. COSLA) was made in order to agree a sectoral approach for LA's/large sectoral employers such as NHS (still allowing elements of local control to reflect regional/local differences – for example Highlands/Islands have a smaller pool of potential workforce compared to somewhere like Glasgow. Respondent views are summarised in Table 2.7:

**Table 2.7: Summary of views on Option C**

**Option C** - To require Scottish public sector bodies to set targets for their organisation considering their starting point in terms of the level of disabled people in their workforce, their size and differing core functions

This would be the preferred target option of the four presented in the consultation document. This approach provides scope for consideration of the local context and demography for public sector organisations. In some cases, it will allow public sector organisations the opportunity to set more stretching targets for disabled employment if

they see fit. This approach is also more nuanced, recognising the different functions of public agencies- the differences between the Fire service and Skills Development Scotland for instance. (Public sector)

Option C would be most appropriate/preferred option as it can then take into consideration locality factors such as population, employment rates, accessibility and functions of the organisations. Public sector organisations setting their own targets will improve ownership and achievability (Public sector)

We also see merit in Option C, as we recognise the current variation in employment of disabled people by public sector bodies and the Scottish Government's data analysis which showed some having a disabled workforce as low as 0.1 percent, and in others higher than 11 percent. We understand that public bodies have very different roles, sizes and functions and different starting points for making their contribution to closing the disability employment gap (although we are surprised that the figure of any public sector body is as low as 0.1 percent). We appreciate an argument that bodies with different roles and functions need distinct strategies, and understand that this informs the proposal set out in Option D. However, we believe such an approach can be delivered within Option B and that an overall target for the public sector as a whole is extremely important, so the sector can play its full role in closing the disability employment gap (Third sector)

We favour option (C) - Scottish public sector bodies to set targets for their organisation taking into account their starting point in terms of the level of disabled people in their workforce, their size and differing core functions.) or (D) - Scottish Government to set a target for its own core Civil Service workforce, while working with other public bodies to encourage them to set their own voluntary targets (Third sector)

Option C requires Public Sector Bodies to engage with the issue and to think carefully about the best approach for their organisation, this is more likely to foster meaningful buy-in. It also recognises the different challenges faced by each organisation. (Third sector)

This is likely to get more of a buy in, however, if it is too vague in terms of setting timescales there may be a tendency for slippage of targets with the ability to provide structural justifications. These might not necessarily help disabled employees as much as they were intended to do if there isn't the push for a specific timescale. (Individual)

C will require local ownership and responsibility and allow bodies to contextualise their own continuous improvement from a realistic understanding of their own starting point and momentum (Public sector)

Option C excuses current poor performance regarding employing disabled people and any target should be set consistently regardless of present organisational levels of disabled people in workforces (Third sector)

Option C: This would allow the perception that public sector bodies are not taking the objective seriously even if they were. (Third sector)

- 2.5.8. Option B received fewest first preferences from the Public sector who were concerned that it did not consider differences across the public sector, but was the second highest preference amongst the Third sector respondents. Workshop consultees were concerned that this option lacked the ability to take into account local situations and that pressure to achieve targets may reduce the ability to make meaningful culture change. This option was broad-based and offered a form of incremental approach to update and improve its application. Workshop attendees liked the idea of tracking incremental progress which they felt would encourage the sharing of best

practice/success stories which could be built on over time. Respondent views are summarised in Table 2.8.

**Table 2.8: Summary of views on Option B**

<p><b>Option B - Similar to Option A, the Scottish Government to set one overall incremental public sector employment target that would be reviewed and revised in fixed stages</b></p> <p>B will give the Scottish public sector the headline aspiration target. This should be realistic, reviewed and updated every two years and encourage development of a culture and expectation of continuous improvement (Third sector)</p> <p>Our preference is for Option B - setting one overall incremental public sector employment target that would be reviewed and revised in fixed stages (Third sector)</p> <p>Our preferred option is Option B as this has the advantaged of establishing an overall public employment target while enabling that target to be reviewed and revised periodically. We think having these intervals to reflect on progress is important. We do not think that organisations setting their own targets or having voluntary targets will produce the required change in the disability employment rate (Third sector)</p> <p>Option A would provide a consistent approach to target-setting but Option B could be more feasible as it takes a staged, incremental 'review and fix' approach to attempting to meet such a target (Third sector)</p> <p>Our preference would be option B. We would like to see the figure at the end of the increments to be 20 percent to reflect the fact that one fifth of the working age population in Scotland is "disabled". This would make a bold statement underlying the importance of the objective. It would also stimulate hope amongst those currently unemployed with a long-term condition particularly amongst those with a mental health condition. We understand that organisations may believe this to be challenging and would suggest that year on year reporting emphasises the improvements made towards reaching this target rather than a simple snapshot figure. (Third sector)</p> <p>Of the options above we view option B as the most tolerable. However, we would suggest the target is not around numbers of disabled people in employment, but targets around the accessibility of the recruitment process for jobs and the quality of support disabled people receive in employment. A change in HR processes would enable a change in employment culture. For example:</p> <ul style="list-style-type: none"> <li>- Targets placed on supportive processes</li> <li>- Targets place on accessibility</li> <li>- Targets placed on HR practice, i.e. work trials</li> <li>- Targets around there being different options available for recruitment procedures (Third sector)</li> </ul> <p>Therefore, our rationale for choosing these options is that it is desirable to have a national public sector target, but sensible to have interim targets which allow progress to be measured. However, in making a case for Option B we would be disappointed if any failure to achieve the requisite progress towards an interim target over a fixed period resulted in the overall target being reviewed or reduced. Rather we would see it as necessary to review current activity to ensure the next interim target, and ultimately the original overall target, was achieved (Third sector)</p> <p>Option B still faces the same difficulties as Option A- it is a national target which doesn't reflect either local demographic or operational roles across the public sector. Having an incremental target would allow greater assessment of progress, and the potential of recalibrating targets over time, however it does not address the "one size fits all" problems identified above in response to option A. (Public sector)</p> <p>Option B seems unnecessarily complex (Third sector)</p>
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Option B – No. This doesn't take on board the differences across the public sector (Public sector)

- 2.5.9. Amongst online consultees Option A scored the lowest alongside Option B. This option was also not popular amongst workshop consultees who expressed concerns that it would lead to decisions being made in order to move quickly to achieve the target, without addressing the underlying issues.

**Table 2.9: Summary of views on Option A**

**Option A - The Scottish Government to set one national public sector target (in a similar way to the setting of the overall ambition to more than halve the disability employment gap), with a timescale to meet this**

Option A could also work with each organisation being required to find ways to meet the target. Setting one overall target could encourage a collaborative approach across organisations and reduce the risk of disparity of employment experiences and opportunities in different areas (Third sector)

Our preferred target option is Option A as we feel that the Scottish Government should set one national public sector target with a timescale to meet this. We feel that this needs to be ambitious and something along the lines of: The percentage of staff employed by public sector bodies who are disabled should be equivalent to the percentage of the working age population that identifies as being disabled or having a long-term condition and who are not inactive (Third sector)

Option A - This way, Scottish public sector bodies abide by the Scottish Government which is imperative in ensuring that Deaf [British Sign Language] users are granted work. This also pushes Scottish public sector bodies to set up time scale (Third sector)

Option A: This would perhaps make as equally a bold statement but may risk being seen as being unattainable. It is important to set realistic and achievable targets (Third sector)

We need definite targets will real benefits and significant improvements. Need also to see disabled people as individuals and not one homogenous group. People with more severe disabilities need to be supported as well and not just those that barely qualify but help achieve the targets (Individual)

This is a "one size fits all" approach to target setting and it does not reflect adequately local circumstances, demographics and the different operational roles played by the range of public sector organisations which would be covered by the target. Having a nationally imposed target is not the best way to generate support for an important objective. More importantly, a national public sector target is unlikely to work effectively as it does not recognise the importance of local difference. (Public sector)

Option A – No. This doesn't take on board the differences across the public sector (Public sector)

*Preference by type of organisation*

- 2.5.10. There was considerable variation in preferred options by type of organisation. A majority of individual responses revealed a strong preference for option D.

*'In Option D, I fully believe that public sector organisations should operate with professional guidelines and whilst Scottish Government should set targets for its own workforce, working with other organisations in the Public Sector to set their own targets will show confidence in other organisations' abilities to address their workforce needs and support employment of staff with positive discrimination'. [Individual, Citizenspace survey]*

- 2.5.11. Two-thirds of public sector organisations who expressed a first preference did so for option D:

*'We have selected option D as the best option. However, we consider the conditions of option C could be included. For example, the Scottish Government supporting public sector organisations to set their own targets allows too much freedom to set targets that are easily achievable and not challenging enough. With the Scottish Government championing the approach and working with public sector departments to set targets based on the size of the workforce and the work they do, this will provide the platform to set realistic targets. Some of the targets should be around the cultural change and removing the stigma of being disabled such as delivering training courses; working in partnership with disability groups; raising awareness of the fairness at work initiative and promoting equal opportunities policies. Organisations should provide evidence on how these have been delivered' [Public sector, Citizenspace survey]*

- 2.5.12. Slightly more Third sector organisations gave option C their first preference than option B. Option D was the least preferred:

*'(name of organisation) would not support a piecemeal postcode lottery of employment opportunities within the public sector. Disabled People are present in all communities across Scotland, the majority of disabled people become disabled and this can occur after they have gained qualifications and a career.... A consistent national target is required to provide opportunities for disabled people across different sectors, thematic areas, and geographical locations' [Third sector, Citizenspace survey]*

*'Option C requires Public Sector Bodies to engage with the issue and to think carefully about the best approach for their organisation, this is more likely to foster meaningful buy-in. It also recognises the different challenges faced by each organisation' [Third sector, Citizenspace survey]*

## 2.6. Timescales for achieving targets

*Question 6: What is your view, or the view of your organisation, on how long it would take to achieve the target set out from your preferred option above?*

2.6.1. Most people who responded to Question 6 felt it would take some time to achieve their preferred target. If those who suggested five or more years are combined with those who felt it would be secured ‘in the long-term’, this group amounted to just under a third (30 percent) of those who responded. A number of respondents in this group pointed to the 2025 deadline in the “End the Gap” report:

*“As indicated in our response to question 2, (name of organisation) endorses the call in the “End the Gap” report for a deadline of 2025 to be set for reducing the disability employment gap with targets set. We recognise this is an ambitious timescale, but believe setting a target which is too long term will be less effective in encouraging immediate activity which promotes progress towards the goal, and in driving an urgency around this important work. We also recognise that there are some important policy areas currently outwith the Scottish Government’s control which can impact on increasing employment of disabled people, for example the interaction of disabled employees with the benefits system which can still too often create barriers and disincentives to employment” [Third sector, Citizenspace survey]*

**Table 2.10: How long would it take to achieve your preferred target?**

	Count	Percent
Timetable specified	23	53%
Immediately & within 1 year	3	7%
1-2 years	3	7%
2-3 years	5	12%
3-5 years	3	7%
5+ years	9	21%
Other	20	47%
Unspecified	9	21%
Depends on target, resources or organisation	7	16%
Unspecified – long term	4	9%
Total known	43	100%
Don’t know	2	-
Missing	9	-
Total	54	-

Source: Citizenspace and email responses to SG Consultation by 4 September 2018.

2.6.2. Fourteen percent of respondents felt that their target could be achieved in a relatively short space of time – under two years although a number of these

pointed to the achievement of incremental targets without an overall timetable:

*'Equality and diversity initiatives put in place often take time to have a positive effect and it is likely that putting in place a range of initiatives would have a quicker and more significant effect than a single initiative. Most organisations are more likely to see small incremental improvements over a period of time rather than one large change in their disabled employed figure. Bearing in mind the above and assuming that a reasonably achievable target was set and that there was sufficient resource put in place to drive an action plan to help meet the target, a timescale of 1 to 2 years might be reasonable to seek improvement in an organisation's figure. As mentioned earlier, the target could be reviewed, and a further ambitious target set if and when the first one was achieved' [Public sector, Citizenspace survey]*

- 2.6.3. Some sixteen percent felt that it was difficult to assess how long it would take as it would variously depend on the level of the target set, the nature of the target adopted and the resources available.

*'It would depend on whether it is a percentage improvement target based on current numbers of self-declaration (an organisational self-declaration improvement percentage) or whether it is an organisation improvement target based on disability population data. Question 4 wording suggests the latter and this would be difficult to estimate'. [Public sector, Citizenspace survey]*

## **2.7. Reasons for not setting targets**

*Question 7: If you or your organisation do not think setting targets would bring about a significant change to the disability employment rate in the public sector, please tell us why.*

- 2.7.1. Question 7 was posed to the 33 respondents who did not think that setting targets for the public sector would bring about a significant change. Multiple responses were allowed and on average respondents provided 1.8 reasons.

**Table 2.11: Reasons why setting targets would not deliver significant change to the public sector disability employment rate**

	Frequency	Percent
Targets are already in place/been tried before and have not worked	16	48%
Need to change attitudes/culture first	12	36%
Other methods are better	9	27%
Need to improve self-reporting first	8	24%
Targets can result in adverse behaviours	6	18%
Need to improve the workplace for disabled people first	4	12%
Targets need more detail e.g. by level of role	2	6%
There is insufficient funding / support to introduce targets	1	3%
Conflict with other targets e.g. to reduce absence	1	3%
Targets can result in negative attitudes towards disabled colleagues	1	3%
<b>Total providing a response</b>	<b>33</b>	<b>100%</b>

Source: Citizenspace and email responses to SG Consultation by 4 September 2018.

- 2.7.2. Just under half of respondents to this question (48 percent) considered that targets would not work because they had already been tried and had not been effective. Respondents often provided a number of potential problems with the use of targets and we have coded the primary response in Table 2.11:

*'targets have already been in force across public bodies for some time. They have certainly been enforced in the civil service for the most part. The issue comes when you drill in to this data! While many public bodies do meet their own targets, the disabled staff they employ tend to be restricted to entry level jobs, resulting in few promotion opportunities, and issues with retention. Also, with pressure to meet targets, public bodies tend to use organisations such as Remploy, to source "easy" disabled people to employ, who while meeting the disability target, do not have significant impairments requiring support, thus creating a sort of elitism among disabled people, where those with obvious impairments are not supported and cannot find work. If a target were to be imposed, it needs to take in to account the issues above re promotion, the data needs to look at overall cycles of employment to see how, and where, people progress, in order to meaningfully address the gaps. Drilling down further, if targets are to be used, organisations need to be supported. Access to work budgets are being cut year on year, meaning that often employers cannot fund reasonable adjustments, specialist software etc needed by disabled staff. Moreover, [Access to Work] schemes will often not fund public bodies directly, thus creating a further barrier, all of these need to be addressed, ideally, instead of targets, but at least along-side them'. [Individual, Citizenspace survey]*

2.7.3. Thirty-six percent highlighted the need to address attitudes and change culture first:

*'A change in culture is needed by employers - at a high level and at team management level. With absence management targets and strict triggers in place for disciplinary proceedings this can make it difficult to support people with ill health. I have seen a marked deterioration in the support offered by my employer over the last few years and a constant push on reducing the number of people off ill which does nothing to stop people becoming ill'. [Public sector, Citizenspace survey]*

2.7.4. Just over a quarter (27 percent) suggested other methods would be better. Suggestions included:

- Delivering a campaign, supported by the Disability Confident Scheme, to re-assure candidates that a fair and transparent recruitment process will be undertaken and disabled candidates, and those with other protected characteristics will not be disadvantaged.
- For the Scottish Government to support local government to deliver increased employability support to people with disabilities who require support and / or amended roles to move into and sustain employment.
- Reducing the stigma and providing support for mental health issues. This challenge will not be resolved by setting targets for employment, as people with a mental health illness may be less inclined to declare their hidden disability/condition and therefore would not benefit in any meaningful way from a target. In order to encourage employees with a disability to disclose their status to their employer where currently they choose not to, would require a perceived benefit to that employee from disclosing. Key, national messaging around what the benefits to the employees would be would be helpful. Co-ordinated and well-resourced campaigning to reduce mental health stigma across public sector employers would be a positive step.
- For the Scottish Government to introduce national standards to job application processes and work environment. These should be launched together with disability awareness raising campaigns and information on available support schemes to employers as well as people with disabilities. A central part of this will be to facilitate knowledge exchange among public sector bodies themselves and between stakeholders from across all sectors, in order to highlight, and learn from, best practice.
- Encourage public sector bodies to review and update the criteria for which partners are awarded points during procurement processes. If having a diverse staff, i.e. also including people with disabilities, could give organisations an edge over competitors, this could further incentivise public sector partners to be more inclusive.

2.7.5. Twenty-four percent felt that the level of self-reporting needed to increase before targets were introduced:

*'More needs to be done to encourage people to self-declare. Many people don't perceive they have a disability and*

*therefore don't want to declare especially if it doesn't impact on their employment. The focus should be on changing the culture, encouraging employing people with disabilities to apply for employment in the public sector by highlighting supports available not only at the recruitment stage but also when employed'. [Public sector, Citizenspace survey]*

- 2.7.6. Eighteen percent highlighted how targets can result in perverse behaviours:

*No-one can tell who is going to apply, so a target is pointless. If Disability Confident membership is meaningful and properly applied, targets shouldn't be needed. If employees know there is a target, they will believe that every appointment of a disabled colleague is not due to their skills, but due to their disability to achieve targets. It will undermine their status at work. Targets are a counterproductive step. [Individual, Citizenspace survey]*

- 2.7.7. Twelve percent highlighted the need to first improve the workplace for disabled people:

*'Setting targets will not achieve a positive recruitment process. More should be done celebrating and promoting the successes already in work and making a very welcoming environment to disabled people so they can apply without fear of discrimination (direct or indirect) More people would apply if they thought they stood a chance - many have tried and failed their whole lives'. [Individual, Citizenspace survey]*

## **2.8. Other measures that will help increase disability employment in the public sector**

*Question 8a: What other measures or options do you, or your organisation, think could be put in place to employ more disabled people in the public sector.*

- 2.8.1. In addition to considering whether setting targets is the most appropriate approach, the consultation sought respondents' views on other actions and suggestions which could deliver on the ambition to increase the number of disabled people working in public bodies in Scotland. Their responses are set out in Table 2.12:

**Table 2.12: Other measure that would help employ more disabled people in the public sector**

	Frequency	Percent
Make recruitment procedures more inclusive	44	40%
Improve the job application process for people with learning disabilities	33	30%
Work with supported employment providers	31	28%
More funding e.g. appropriate funding for Local Authority Employability Teams	30	27%
Disability Confident employer status	27	25%
Encourage greater awareness of hidden disabilities in the workplace	25	23%
Review job advertising and where adverts are placed	22	20%
Interview and/or recruitment targets e.g. guaranteed interview scheme	22	20%
Change organisational culture	15	14%
Staff exchange with third sector	3	3%
<b>Total</b>	<b>110</b>	<b>100%</b>

Source: Citizenspace and email responses to SG Consultation by 4 September 2018.

2.8.2. Making the recruitment procedures more inclusive was suggested by forty percent of respondents:

*'Public sector bodies need to understand the full range of POSITIVE ACTION that they could consider to make their recruitment and selection processes more inclusive and to improve their support for disabled employees. Targeted advertising of opportunities through engagement with disabled peoples' organisations and providers of services to disabled people such as disability charities, using social media effectively, could be attempted. Simply stating clearly "We would particularly welcome applications from disabled because..." on recruitment material especially adverts would be a great place to start. The public sector should also look to offer pre-application training; work shadowing and work experience placement opportunities; open days and taster days etc. Organisations should use existing disabled staff or engage with local DPO's or access panels to undertake access audits of their premises and publicise best practice in regard to provision of reasonable adjustments and use of Access to Work. Public sector bodies could review job descriptions and person specifications to eliminate any unnecessary or minor requirements and to ensure that the skills, qualities or experience needed are not being overstated. When recruiting HR and recruitment managers should consider how a job could be done differently if reasonable adjustments were in place'. [Third sector, Citizenspace survey]*

- 2.8.3. Just under a third of respondents pointed to specifically improving the job application process for those with learning disabilities. Project SEARCH was frequently mentioned as an example of good practice in this area:

*'The Scottish Government should consider how to support the public sector to implement programmes designed specifically to support people with disabilities into employment such as Project SEARCH. Project SEARCH is a one-year work preparation/internship programme for young people with learning disabilities and autistic spectrum conditions who face the most significant barriers to getting a paid job and a sustainable career. Of all the programmes to help disabled people get into work, Project SEARCH has the highest success rate. The Scottish Government's Disability Delivery Plan "A Fairer Scotland for Disabled People" is exploring opportunities to promote the model as part of the alignment of learning and skills provision. The model is listed as best practice in the 2010 Ofsted Review, the DWP Sayce Report and the Equalities and Human Rights Commission Review. Since its creation in Cincinnati in 1997 it has launched 24 Project search sites within the UK alone'. [Public sector, Citizenspace survey]*

- 2.8.4. Twenty-eight percent of respondents spoke of increased working with supported employment providers:

*'We feel there is a case for more dedicated internships for people who have disabilities, using supported employment organisations to support people throughout to gain more experience in a large organisation in a meaningful way' [Third sector, Citizenspace survey]*

- 2.8.5. Twenty-seven percent of respondents highlighted the need for more funding, in particular for Local Authority Employability Teams:

*'Appropriate funding for Local Authority Employability Teams, enabling them to provide a full suite of support to disabled candidates to ensure they are ready for employment and have the necessary employability skills' [Public sector, Citizenspace survey]*

- 2.8.6. A quarter of respondents felt that Disability Confident Employer status should be more widely used and publicised:

*'All public sector employers should join [the] Disability Confident scheme and then to work towards achieving Disability Confident Leader status. The Two Ticks scheme was replaced with the Disability Confident scheme which operates 3 levels. We have reached level 2 of the Disability Confident scheme and are working towards Level 3 – Leader status'. [Public sector, Citizenspace survey]*

- 2.8.7. Other suggestions comprised: encouraging greater awareness of hidden disabilities in the workplace (23 percent); reviewing job advertising and where adverts are placed (20 percent); interview and recruitment targets (20 percent); work to change organisational culture (14 percent); and staff exchange with the third sector (3 percent).

*Question 8b: What other measures or options do you, or your organisation, think could be put in place to support disabled people to remain in employment in the public sector.*

- 2.8.8. Respondents identified a number of potential measures that in their opinion would help disabled people remain in work (Table 2.13)

**Table 2.13: Other measure that would help more disabled people remain in the public sector**

	Frequency	Percent
Increase training around disabilities	56	51%
Advice and support about reasonable adjustments / OT support	53	48%
Increase flexibility of work e.g. home working	27	25%
Improve benefit support for those with a disability and working limited hours	19	17%
Support redeployment when a role is no longer feasible	14	13%
Review sickness policies	12	11%
Work with supported employment providers	10	9%
Work to reduce bullying and harassment	2	2%
<b>Total</b>	<b>110</b>	<b>100%</b>

Source: Citizenspace and email responses to SG Consultation by 4 September 2018.

- 2.8.9. Just over half of respondents highlighted the need to increase training around disabilities:

*'We would encourage more training for all staff – including at the induction stage – to raise awareness of working with people who have disabilities in inclusive workplaces, and to encourage a supportive culture' [Third sector, Citizenspace survey]*

- 2.8.10. Forty-eight percent suggested the need for more advice and support about reasonable adjustments:

*'To support disabled staff to remain in employment, our members agreed that employers need to be more proactive and engage with their staff to ensure that the appropriate support is put in place. This can be achieved by informing staff members about reasonable adjustments that can be implemented. For example, physical changes to the office premises, supportive equipment (screen reader, hearing loop), flexible working hours, additional training, and*

*communication support. Put the onus on employers to ask what a person needs in order to become or stay employed, and then have a place where the employer can find out about what assistance is available in meeting those needs. [Third sector, Citizenspace survey]*

- 2.8.11. A quarter of respondents felt that the flexibility of working could be improved:

*'Changing the assumption that a job has to be 9-6, 5 days a week or nothing. Break jobs down into smaller sections so that people who are able to do one thing don't have to do all things in order to be employed. Being flexible - what work can this person do? When can they do it? What hours do they need to make available for the person? It's not just about supplying a bit of equipment and forcing them to work exactly how the others do, it's about actually being supportive. Making adjustments so that the disabled person is not placed at a disadvantage isn't "cheating" and they must guard against other employees thinking it is special treatment or soft option of some kind. They need to hear from real disabled people in successful arrangements to show how easy it can be if you don't just stick rigidly to a policy that everyone is "treated the same" so that this is what equality looks like. If people find it difficult to maintain hours due to conditions, then perhaps making sure that job-share opportunities can be included. Ensure that work-from-home opportunities are explored. This would enable people to work in an environment where they can have breaks when needed whilst also working'. [Third sector, Citizenspace survey]*

- 2.8.12. Seventeen percent of respondents highlighted the need for improvements to benefits support for those with a disability and in work:

*'Correct financial support is essential. Many people with disabilities have part-time work and have zero-hours contracts, which is difficult for them to administer and manage. A benefit needs to be created that supplements income fairly and takes into account the varying work hours without penalising people for working too few or too many hours, both of which my son experienced within his first year of work and has caused much stress to both him and myself, through continual benefit changes and form-filling. From February 2018 to mid-July he did not receive any financial support except his DLA - this is not supporting him to remain in employment' [Individual, Citizenspace survey]*

- 2.8.13. Other suggestions comprised supporting redeployment when a role is no longer feasible (13 percent), reviewing sickness policies (11 percent), working with supported employment providers (9 percent) and reducing bullying and harassment (2 percent).

## 2.9. Monitoring and Reporting

*Question 9: Do you, or your organisation, have any views on monitoring and reporting on the actions needed to increase disability employment rates in the public sector?*

- 2.9.1. Respondents were asked what monitoring and reporting actions will help support the increase in disability employment in the public sector (Table 2.14).

**Table 2.14: What monitoring and reporting actions will help support the increase in disability employment in the public sector?**

	Frequency	Percent
Ensure link with existing monitoring requirements e.g. Public Sector Equality Duty	24	22%
Publish the results / public accountability	19	17%
Focus on monitoring actions to remove barriers rather than on targets e.g. barriers to progression and avoiding unintended consequences	19	17%
Ensure consistent reporting to allow benchmarking	12	11%
Use disability specific targets/disaggregate the data e.g. by gender	11	10%
Share best practice	11	10%
Focus on changing culture and attitudes	10	9%
Focus on introducing disability targets	8	7%
Recognition of good work already taking place	4	4%
Need to ensure targets are complied with e.g. through audit procedures	4	4%
	109	100%

Source: Citizenspace and email responses to SG Consultation by 4 September 2018.

- 2.9.2. Just over a fifth of respondents felt that monitoring needed to link with existing requirements including the Public Sector Equality Duty:

*'Existing frameworks should be used to capture this information where appropriate. For example, in keeping with the Public Sector Equality Duty and reporting as detailed in the Specific Duties' [Public sector, Citizenspace survey]*

- 2.9.3. Seventeen percent highlighted the need to publish the results to ensure public accountability:

*'We would welcome the publication of the action plan for each public sector body to achieve the target set and transparent reporting of their employment and retention of people who have disabilities within their workforce. This transparency should not only help to encourage action to achieve the target, but also demonstrates their commitment to the target and willingness to be judged on how far they have achieved it. (Name of organisation) feels it is very important that published data records and reports which specific disability has been*

*declared. This will allow for a deeper analysis of progress in closing the disability employment gap, including whether there are specific challenges for certain types of disability (such as learning disability). This level of detail may come to suggest a case for setting specific targets for different disabilities' [Third sector, Citizenspace survey]*

- 2.9.4. A further seventeen percent felt the focus should be on monitoring actions to remove barriers rather than on targets:

*'We would like to see targets set on changes to employment processes rather than specific targets for the number of disabled people employed in the public sector. We believe it would be important for the Scottish Government to identify measurable outcomes which could be reported on and would indicate whether this move had been successful. We believe there is a role which the third sector could play here in terms of sharing ideas and best practice from third sector organisations which generally have higher disability employment rates [Third sector, Citizenspace survey]*

- 2.9.5. Eleven percent suggested the need to introduce consistent reporting to allow benchmarking:

*'This will need to clear in terms of what is being monitored and what is to be reported on to ensure that the figures are collated in a consistent way. This could be achieved through a government working group for example to work together to promote and assist with the collation of this information' [Public sector, Citizenspace survey]*

- 2.9.6. Ten percent suggested the need to introduce disability specific targets or other disaggregation, for example by gender or grade:

*'The cross-cutting and complex issues relating to the nature of disabled women's and men's access to education, training and labour market participation can only be understood if information provided is disaggregated by gender, otherwise new policies and practices will continue to perpetuate gender inequality and may widen the pay gap' [Third sector, Citizenspace survey]*

*'It is vitally important that disaggregated data is gathered as part of a transparent monitoring and evaluation process as there must be sufficient intersectional data to analyse the disability employment gap for different groups. Indeed, this information should already be gathered under the public sector equality duty and ensuring compliance with the specific duties will be a key determining factor in whether targets are successful in increasing the employment of disabled people in the public sector. Disaggregated data should also be gathered on grade and occupation, and retention so that an assessment can be made about the types of work disabled*

*people are entering and whether sustainable employment outcomes have been achieved' [Third sector, Citizenspace survey]*

- 2.9.7. Other suggestions comprised: sharing best practice (10 percent); to first focus on changing culture and attitudes in the workplace (9 percent); to focus on introducing targets (7 percent); to provide recognition of good work already taking place (4 percent) and to ensure targets are complied with e.g. through audit procedures (4 percent).

### 3. SUMMARY OF CONSULTATION RESPONSES

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#### *Who responded to the consultation?*

3.1. Overall 110 responses were received to the online Citizenspace resource. This included eight responses which were either in draft or submitted by email. These were included in the dataset for coding by Scottish Government or the consultant team. Key characteristics of respondents were:

- Forty-five percent of responses (49) were from the public sector of which just over half (27 were from Local Government and a further 14 were from other public bodies including a range of national (Scottish) and some national (UK) organisations, regeneration agencies, and non-ministerial public bodies;
- Well over a quarter (29 percent) of respondents were from the Third Sector, with a predominance of disability-related organisations, where this is specified;
- Just under one in five (19 percent) responses were from individuals. It is clear that some of these were individuals who work in a range of public bodies but who wanted to submit their own views. It was not clear how many of these individuals were themselves disabled;
- Other organisations were under-represented at 7 percent of responses and comprised professional membership organisations, trade unions and Higher education institutions.

3.2. In addition, Scottish Government organised six consultation events across Scotland in June/July 2018 which were attended by a 218 third sector & public sector organisations and individuals. The events comprised:

- Glasgow, attended by approximately 57 including third sector organisations, local authorities and disabled individuals;
- Dundee, attended by approximately 51 comprising of third sector organisations, NHS and Local Authorities;
- Inverness, attended by a mix of approximately 29 third sector organisations, NHS bodies and Local Authorities;
- Aberdeen, attended by approximately 26 third sector, Local Authority and NHS organisations;
- Edinburgh, attended by approximately 37 and including a mix of third sector organisations, Local Authorities and disabled individuals;
- Dumfries, attended by a mix approximately of 18 third sector organisations, local authorities and disabled individuals.

*Question 1: In your view, or the view of your organisation, how could public sector bodies better support self-reporting (self-declaration) of disabilities for members of their workforce, to improve response rates and the quality of data collected?*

3.3. Seventy percent of respondents identified one or more practical measures to directly increase response rates.

- There was a strong sense that individuals need to know that there is a positive value and purpose in sharing the information. Providing more information on how the data will be used was identified by 42 percent of respondents;
- Twenty nine percent of respondents felt that greater effort needed to be undertaken to ensure data security/anonymity. A significant minority of respondents felt that many disabled people were put off from self-reporting due to a fear of discrimination and uncertainty over the use to which such data would be put;
- Almost a quarter felt there was need for improved terminology and language that, in a number of cases, was linked to inconsistencies in reporting;
- A fifth of respondents wanted greater clarity on what constitutes a disability. Organisations reported that many people do not consider themselves as disabled despite meeting the Equality Act 2010 criteria<sup>8</sup>.

3.4. Just under half of consultees suggested that attitudes and culture within organisations first needs to change in order to make people more confident in declaring a disability with both public sector and third sector organisations highlighting this as an important factor. Training for both managers and staff were identified as key ways of changing attitudes and culture, supported by more sharing of good practice examples.

*Question 2: What should be the timescale for implementing these measures?*

3.5. Just over half the respondents (52 percent) said that measures should be implemented within 2 years with most saying that this should happen immediately (up to 1 year).

3.6. Two fifths of respondents did not provide a specific timescale. Most these suggested a phased approach often at the discretion of the individual organisation or in line with existing (Public Sector Equality Duty) reporting procedures.

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<sup>8</sup> <https://www.gov.uk/definition-of-disability-under-equality-act-2010>

- 3.7. Sample sizes by type of organisation are relatively small and some care is required in considering the responses on timescale. However, key differences are:
- Individuals and the third sector prefer more immediate implementation than public sector organisations;
  - Public sector was much more likely to say the timescale should be at the discretion of the public body or phased in.

*Question 3: What support, if any, and from where, would public sector bodies need to implement measures, such as improving data collection?*

- 3.8. Suggestions for the types of support necessary to aid the implementation of these measures included:

- Promotion of toolkits and good practice so all organisations can learn and implement effective measures more quickly. This was often suggested to be produced in collaboration with disability organisations;
- Improving awareness and the importance of providing clarity over the purpose of collecting the data and the benefits from self-disclosure;
- Increased resources and guidance on how to collect robust data including standardisation and support and training to ensure that data is secure;
- Improvements to in-work support for disabled employees to help overcome barriers;
- The provision of disability awareness training.

*Question 4: In your view, or the view of your organisation, would setting targets improve the disability employment rate in the public sector?*

- 3.9. Just over half of online respondents (55 percent of those who provided a response to this question) felt that setting targets would improve the disability employment rate in the public sector.

- 3.10. Over a third of respondents to this question (34 percent) did not think that targets would help – many of these felt that targets could introduce perverse incentives and/or wanted more detail on how targets would be applied (e.g. would they be applied uniformly across different occupations and/or management tiers) etc.

- 3.11. Responses analysed by organisation type produced quite different views:
- Less than two-fifths (38 percent) of public sector organisations agreed with setting targets and would instead prefer to address cultural issues as the priority;
  - Over three quarters of third sector organisations (77 percent) felt that setting targets would help improve the disability employment rate. A

significant minority of third sector organisations did however feel that the focus should be on achieving cultural change within the organisation rather than target setting.

*Question 5: Ranking of target options*

- 3.12. All those respondents who answered 'Yes' to Question 4 were invited to provide rankings according to their preference for each of the four Target Options A to D. Not all respondents followed the same scoring regime and so this impacts on the number of usable responses.
- 3.13. Across all respondents the greatest number of first preferences were for option D (39 percent of first preferences provided) followed by option C (25 percent of first preferences). Options A and B were given just under a fifth of first preference each, although their popularity varied considerably across groups. Key findings are:
- Option D, for the Scottish Government to set a target for its own core Civil Service workforce, while working with other public bodies to encourage them to set their own voluntary targets, was particularly popular with public sector organisations and received most first preferences of individuals. It was the option with fewest first preferences from the third sector who generally considered it was too weak and did not cover sufficient public sector employment.
  - Option C, to require Scottish public sector bodies to set targets for their organisation considering their starting point in terms of the level of disabled people in their workforce, their size and differing core functions, was the most popular choice with the third sector. Respondents appreciated the ability of Option C to take into consideration factors such as population, employment rates, accessibility and functions of the organisations. This was the only option given first preferences by 'other' organisations.
  - Option B, for the Scottish Government to set one overall incremental public sector employment target that would be reviewed and revised in fixed stages, received fewest first preferences from the Public sector respondents who were concerned that it did not consider differences across the public sector. However, it was the second highest among the Third sector. This option was broad-based and offered a form of incremental approach to update and improve its application.
  - Option A, for the Scottish Government to set one national public sector target (in a similar way to the setting of the overall ambition to more than halve the disability employment gap), with a timescale to meet this, scored the same number of first preference votes as option B and was the second favourite choice among Individuals. Comments highlighted the difficulty in setting one target for the public sector as a whole.
- 3.14. Although consultees were not asked directly, a number did suggest alternatives or modified versions of the options above, these included:

- Making the target not around numbers of disabled people in employment, but around the accessibility of the recruitment process for jobs and the quality of support disabled people receive in employment. A change in HR processes would enable a change in employment culture;
- Setting targets around cultural change and removing the stigma of being disabled such as delivering training courses; working in partnership with disability groups; raising awareness of the fairness at work initiative and promoting equal opportunities policies. Organisations should provide evidence on how these have been delivered;
- Targets should be set for both current staff and new entrants and should include specific targets for retention, promotion and transfer. They said that targets should also take account of pay grades and occupational segregation and that public sector target setting should include a requirement for public bodies to report on the action taken to meet targets, and what has been achieved.
- the Scottish Government should also inform other Scottish employers not in the public sector about the benefits of targets and how to use them and should consider how target setting and reporting could be built into wider procurement and supply requirement.

*Question 6: What is your view, or the view of your organisation, on how long it would take to achieve the target set out from your preferred option above?*

- 3.15. Most respondents felt that their preferred target would be secured ‘in the long-term’ or five or more years, this group amounted to just under a third (30 percent) of those who responded. A number of respondents in this group pointed to the 2025 deadline in the “End the Gap” report.
- 3.16. A smaller group of respondents (14 percent) felt that their target could be achieved in a relatively short space of time – under two years although a number of these pointed to the achievement of incremental targets without an overall timetable.

*Question 7: If you or your organisation do not think setting targets would bring about a significant change to the disability employment rate in the public sector, please tell us why.*

- 3.17. This question was posed only to those who did not think that setting targets for the public sector would bring about a significant change. A number of reasons were provided:
- Just under half of respondents (48 percent) considered that targets would not work because they had already been tried and had not been effective;
  - Thirty-six percent highlighted the need to address attitudes and change culture first;
  - Just over a quarter (27 percent) suggested other methods would be better, including: a campaign to ensure that recruitment procedures are made fair and transparent for disabled people; improved employability

support for disabled people; A campaign to reduce mental health stigma across public sector employers;

- Echoing some of the above, twenty four percent felt that the level of self-reporting needed to increase before targets were introduced;
- Eighteen percent highlighted how targets can result in perverse behaviours.

*Question 8a: What other measures or options do you, or your organisation, think could be put in place to employ more disabled people in the public sector.*

3.18. The consultation also sought respondents' views on other actions and suggestions which could deliver on the ambition to increase the number of disabled people working in public bodies in Scotland;

- Making the recruitment procedures more inclusive was suggested by 40 percent of respondents;
- Just under a third of respondents pointed to specifically improving the job application process for those with learning disabilities. Others identified additional employability support for disabled people including Project SEARCH, supported employment providers and Local Authority Employability Teams;
- A quarter of respondents felt that Disability Confident Employer status should be more widely used and publicised.

*Question 8b: What other measures or options do you, or your organisation, think could be put in place to support disabled people to remain in employment in the public sector.*

3.19. Respondents identified a number of potential measures that in their opinion would help disabled people remain in work:

- Just over half of respondents highlighted the need to increase training around disabilities;
- Forty eight percent suggested the need to more advice and support about reasonable adjustments;
- A quarter of respondents felt that the flexibility of working could be improved;
- Seventeen percent of respondents highlighted the need for improvements to benefits support for those with a disability and in work.

*Question 9: Do you, or your organisation, have any views on monitoring and reporting on the actions needed to increase disability employment rates in the public sector?*

3.20. Respondents were asked what monitoring and reporting actions will help support the increase in disability employment in the public sector:

- Just over a fifth of respondents felt that monitoring needed to link with existing requirements including the Public Sector Equality Duty;

- Seventeen percent highlighted the need to publish the results to ensure public accountability;
- A further seventeen percent felt the focus should be on monitoring actions to remove barriers rather than on targets;
- A minority highlighted the need to introduce consistent reporting to allow benchmarking especially to reflect disability specific targets or other disaggregation, for example by gender or grade.

*Potential options for action*

- 3.21. A significant majority of consultees felt that more needed to be done to ensure disabled people feel comfortable in disclosing their impairment to employers. For a significant minority, this is an important pre-cursor to the introduction of any target for the employment of disabled people, so that targets can be based on more realistic evidence. Potential actions include:
- Practical measures to increase response rates including: providing employees/potential employees with more information about the benefits of sharing this data; ensuring that measures are in place to provide data security and anonymity; at the national level providing greater clarity and consistency on what constitutes a disability; and linked to this providing guidance over appropriate terminology and language. The expectation is that such supporting measures would ensure better disclosure rates and allow for a more accurate measurement of the true level of employment of disabled people in the public sector. This would then allow for more representative targets to be set.
  - Support to help the public sector to address attitudes and change culture to disability employment. This included training for employees and managers to raise awareness of working with people who have disabilities in inclusive workplaces, and to encourage a supportive culture.
  - The provision of good practice examples and the sharing of good practice from across the public sector.
- 3.22. Respondents also highlighted a range of alternative (non-target based) options to increase the employment and retention of disabled people. These included:
- Delivering a campaign, supported by the Disability Confident Scheme, to re-assure candidates that a fair and transparent recruitment process will be undertaken.
  - For the Scottish Government to support local government to deliver increased employability support to people with disabilities, for example through greater support for Local Authority Employability teams.
  - To improve the job application process for those with learning disabilities for example through more widespread use of Project SEARCH.
  - To improve the retention of disabled people in the workforce through the adoption of more flexible working practices; by ensuring that disabled people have the correct financial support to supplement incomes and through the provision of more advice and support about reasonable adjustments.

- 3.23. One option may be that Scottish Government adopts a staged approach including in the first instance introducing a range of measures to improve disclosure and reporting. Alongside this, the Scottish Government may want to consider setting targets for its own workforce, as well as exploring how this could be applied to the wider public sector in due course, using the learning gained from its own implementation and adaptation to inform how targets could best be applied.



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