# Anything's Achievable with the Right Support:

Tackling the Disability Employment Gap

March 2025





The Welsh Parliament is the democratically elected body that represents the interests of Wales and its people. Commonly known as the Senedd, it makes laws for Wales, agrees Welsh taxes and holds the Welsh Government to account.

An electronic copy of this document can be found on the Senedd website: www.senedd.wales/SeneddEquality

Copies of this document can also be obtained in accessible formats including Braille, large print, audio or hard copy from:

Equality and Social Justice Committee Welsh Parliament Cardiff Bay CF99 1SN

Tel: **0300 200 6565** 

Email: SeneddEquality@senedd.wales

X: @SeneddEquality

#### © Senedd Commission Copyright 2025

The text of this document may be reproduced free of charge in any format or medium providing that it is reproduced accurately and not used in a misleading or derogatory context. The material must be acknowledged as copyright of the Senedd Commission and the title of the document specified.

Anything's Achievable with the Right Support:

Tackling the Disability Employment Gap

March 2025



# **About the Committee**

The Committee was established on 23 June 2021. Its remit can be found at: www.senedd.wales/SeneddEquality

# Current Committee membership:



Committee Chair: Jenny Rathbone MS Welsh Labour



Mick Antoniw MS Welsh Labour



**Jane Dodds MS**Welsh Liberal Democrats



**Altaf Hussain MS**Welsh Conservatives



**Julie Morgan MS** Welsh Labour



**Sioned Williams MS**Plaid Cymru

The following Member attended as a substitute during this inquiry:



**John Griffiths MS**Welsh Labour

The following Member was also a member of the Committee during this inquiry:



**Joel James MS**Welsh Conservatives

# Report format

This report has been produced in summary and easy read formats as well as the usual hard copy and PDF formats used by Senedd Committees. Other accessible formats such as braille, large print and audio are available on request via the details below:

by post:

Equality and Social Justice Committee
Welsh Parliament
Cardiff Bay
CF99 1SN

telephone: 0300 200 6565

or via email: SeneddEquality@senedd.wales

# **Terminology**

The words we use matter. Our approach to language and terminology has been guided by the social model of disability. When we use the term "disabled" we generally mean the broad definition which includes a range conditions and impairments:

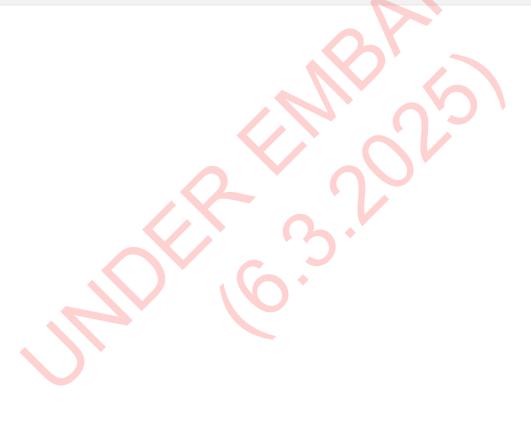
- Sensory (including blindness or visual impairment, deafness or being hard-of-hearing)
- Physical impairment affecting mobility or dexterity
- Learning difficulty or disability
- Mental distress
- Long-term/chronic illnesses
- Neurodivergence

Where we need to distinguish between the experiences of "disabled" or "neurodivergent" people and other groups we use the term "non-disabled" and "neurotypical" to distinguish.

We acknowledge that impairments vary enormously in the impact they have on disabled individuals. The same impairment can impact different people in different ways. Where we can, we will be specific. But generally, it has not been possible for us to consider the implications of different types of impairment individually or in an exhaustive or authoritative way.

# Help and advice

If you are affected by any of the issues in this report, you can find more information including advice and support in this guide, collated by Senedd Research: <a href="https://research.senedd.wales/research-articles/support-for-disabled-people-a-guide-for-constituents/">https://research.senedd.wales/research-articles/support-for-disabled-people-a-guide-for-constituents/</a>



# **Contents**

Cha	air's foreword	9
Red	commendations and Conclusions	10
1.	Introduction	14
	Background	14
	What is the Disability Employment Gap?	
2.	Overall leadership and approach	17
	Social model of disability	17
	Locked Out and the Disability Rights Taskforce (DRT)	19
	Incorporation of the United Nations Convention on the Rights of Disabled People	20
	Coherence of approach	21
	Our view	22
	Embedding the social model	23
	On progress and the coherence of approach	23
<b>3</b> .	Employers and the Disability Employment Gap	26
	The Equality Act 2010	26
	Awareness and compliance	26
	Early adjustments	27
	Flexible working	28
	Attitudes and false assumptions	28
	Engaging employers	29
	Disability Employment Champions	30
	Disability Confident Scheme	31
	View of the Welsh and UK governments on Disability Confident	31

	Our view	32
	On employers and adjustments	32
	On attitudes and assumptions	33
	On Disability Employment Champions	34
	Disability Confident	35
4.	Supporting employment opportunities	37
	A multi-sector approach	37
	Employment support	39
	Access to work	
	Supported employment	
	Potential gaps	41
	Our view	
	On a multi-sector approach	41
	On the Access to Work scheme	42
	On supported employment	42
<b>5</b> .	Transition from education to employment	43
	Advice and support	43
	Support for students with ALN	44
	Apprenticeships and placement opportunities	45
	Eligibility criteria gaps and restrictions	47
	Our view	47
	On advice and support	47
	On support for ALN	48
	On eligibility criteria	48
6.	Data, monitoring and the pay gap	50
	Data and the Disability Disparity Evidence Unit (DDEU)	50

# Anything's Achievable with the Right Support

Tackling the Disability Employment Gap

Annex 3 Terms of reference	59	
Annex 2 List of written evidence	57	
Annex 1 List of oral evidence sessions		
On the disability pay gap	53	
On data and monitoring	52	
Our view	52	
Disability pay gap	51	

JMDER ENROPS

# Chair's foreword

Too many disabled people face unnecessary barriers to employment in Wales today. Over 20 years since the Welsh Government adopted the social model of disability, too many people with impairments face physical, and institutional barriers to the world of work. We want that to change.

Anything's Achievable with the Right Support casts a spotlight on the barriers and inequities faced by disabled people. The title was inspired by the words of one of our witnesses, Gerraint:

"With the right support, anything is achievable." I've always had the motto that is 'A is not for autism, A is for achievement', and if public sector bodies, Welsh Government, and all employers could see this, there would be a massively better society for all to enjoy."

We could not agree more. We thank Gerraint Jones-Griffiths, Engage to Change Ambassador for Learning Disability and Honorary Research Associate at Cardiff University for his inspirational testimony. We are grateful to all who contributed to this inquiry and for the invaluable evidence it was our privilege to receive.

Anything's Achievable has a central premise that those who want, and are able to, should have the dignity of work. We recognise that some impairments mean that not everyone can work, but we want to see concerted action by educators, employers and government to address the underlying causes of the employment gap. Success in this endeavour will see new talent in the workforce, an end to unrealised potential, and improved prospects for our nation in the years ahead. Let's get to work.

#### **Jenny Rathbone MS**

Chair of the Equality and Social Justice Committee

# **Recommendations and Conclusions**

**Recommendation 1.** The Welsh Government should ensure that expectations of disabled people are met by delivering on its stated policy agenda before the end of the Sixth Senedd. Laudable commitments need to be translated into tangible action including:

- Concluding the work of the Disability Rights Taskforce and any remaining work to develop and co-produce policy arising from the 'Locked Out' report at the earliest opportunity and no later than May 2025.
- Publishing the Disability Rights Action Plan which takes account of regional variations in the DEG and is inclusive of targets and a timeline for implementation as soon as possible and by May 2025 at the latest.
- Delivering its Programme for Government commitment by incorporating the UN Convention on the Rights of Disabled People into Welsh law before Dissolution of the Sixth Senedd scheduled for April 2026.

**Recommendation 3.** In order to monitor the effectiveness of the Disability Employment Champions the Welsh Government should set targets for their work and report on these annually. The targets should provide a basis for continuous improvement and use quantifiable metrics including:

the total number of engagements with external stakeholders;

- the total number of engagements that lead to permanent offers of employment;
- the number of engagements that lead to changes in recruitment and retention policies or processes.

We would expect this recommendation to be implemented quickly and no later than by July 2025.......Page 34

**Recommendation 4.** The Welsh Government must seek urgent changes to the Disability Confident Scheme which address the concerns regarding the general effectiveness and levels of trust in the Scheme, particularly at Levels 1 and 2. The Welsh Government should, by the end of April 2025, set out in detail:

- what improvements it would like to see made to the Disability Confident Scheme (including its accreditation arrangements);
- how it intends to secure these changes and a timeline by which we can expect the improvements to be implemented.

Should the Welsh Government fail to secure the necessary changes to the Disability Confident Scheme within existing structures, then it should give full consideration to developing a new, ambitious Welsh kitemark which commands the respect of employers and employees in Wales. The Welsh Government should report back on progress with this recommendation by December 2025...... Page 36

**Recommendation 5.** The Welsh Government should require devolved public sector bodies, where possible, to make a more substantial contribution to the aim of eliminating the Disability Employment Gap. This should include requiring them to:

- review their policies and practices to ensure alignment with the forthcoming Disability Action Plan;
- set a target to become Disability Confident Leaders within a specific timescale;
- include eliminating the disability employment gap as a formal objective in their well-being plans.

Where possible, this recommendation should be implemented within a specified and realistic timescale which we suggest would be by the end of 2025.......... Page 42

commendation 6. The Welsh Government should address gaps and introduce eater flexibility into the eligibility criteria of key support programmes for abled applicants. This includes ensuring disabled people are subject to a ther age limit than others within each cohort in the next iteration of the Jobs bowth Wales scheme. This will ensure that disabled young people are able to cess support at the right time and at an appropriate pace	
<b>Recommendation 7.</b> The Welsh Government should ensure that the Disability Disparity Evidence Unit (DDEU) improves its engagement with the disability rights sector and report on the issues and data gaps it will work on by May 2025.  Page 52	
<b>Conclusion 1.</b> We firmly believe that those who can, and want to work, should be able to obtain the support they need to access and retain good quality jobs.  Page 23	
<b>Conclusion 2.</b> The Welsh Government's list of ministerial portfolios should be updated to explicitly mention disability and disabled people's rights as an individual minister's responsibilityPage 25	
<b>Conclusion 3.</b> We note that widespread misconceptions and negative attitudes persist in the workplace with regards, for example, to the costs associated with reasonable adjustments. These need to be challenged at every opportunity.  Page 34	
<b>Conclusion 4.</b> We conclude that reforms are needed if Disability Confident or a similar scheme is to gain the support and confidence of disabled people. These reforms must prioritise robust accreditation arrangements and deliver meaningful results for disabled employees	
<b>Conclusion 5.</b> The Welsh Government should raise concerns around the operation of the Access to Work scheme with counterparts in the UK Government at ministerial level at the next available opportunity and report back to this Committee on the outcomes of those discussions. We think it is reasonable to expect these conversations will have taken place before the end of April 2025.  Page 42	
<b>Conclusion 6.</b> We agree that future supported employment provision should build on the success of schemes such as the Engage to Change project and that specialist job coaching should be a priority for future provision	

<b>Conclusion 7.</b> The Welsh Government should clarify its expectation that all disabled pupils should be offered the opportunity to learn about work experience and employment options availablePage 48
<b>Conclusion 8.</b> Inflexible funding arrangements are clearly coming into conflict with the needs of disabled children and young people, especially when they require longer than 2 years to complete their studies
<b>Conclusion 9.</b> We agree that serious consideration should be given to introducing mandatory disability pay gap reporting for large employers in Wales and look forward to the UK Government bringing forward concrete proposals in due course. In the meantime the Welsh Government should direct devolved public bodies to proactively publish reports on the disability pay gap in order to raise awareness of the barriers that disabled people face in the world of work.  ———————————————————————————————————

# 1. Introduction

The Equality and Social Justice Committee formally agreed to schedule an inquiry into the Disability Employment Gap in June 2023. But we deferred the launch of our inquiry for a year until we had read the Children, Young People, and Education Committee's report on the education outcomes for disabled children in July of 2024. Our report, Anything's Achievable with the Right Support is the outcome.

- 1. It summarises the wealth of evidence received from individuals with lived experience, charities, policy-makers, campaigners, academics, frontline staff and others. It sets out our views, conclusions and recommendations to the Welsh Government to improve the route of disabled people into employment.
- **2.** We gathered evidence via a written consultation, focus groups and one-to-one interviews with disabled people and oral evidence sessions in person and on Zoom. Details of all evidence gathered is available in the Annexes.
- **3.** The key questions we considered also known as the terms of reference are available in **Annex 3**. Full details for the inquiry are also available online on the inquiry homepage.
- **4.** Our sincere thanks goes to all those who contributed to our work.

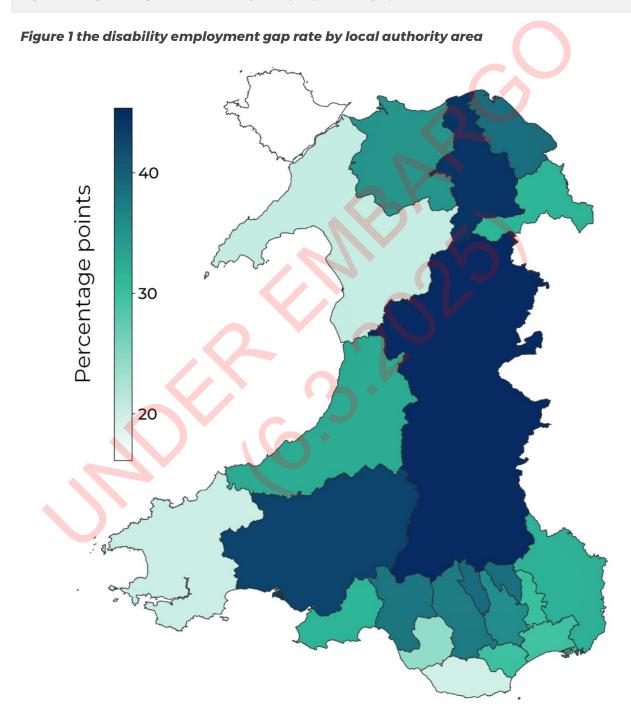
## **Background**

What is the Disability Employment Gap?

The Disability Employment Gap (DEG) is the percentage point difference of employment rates between disabled and non-disabled people.

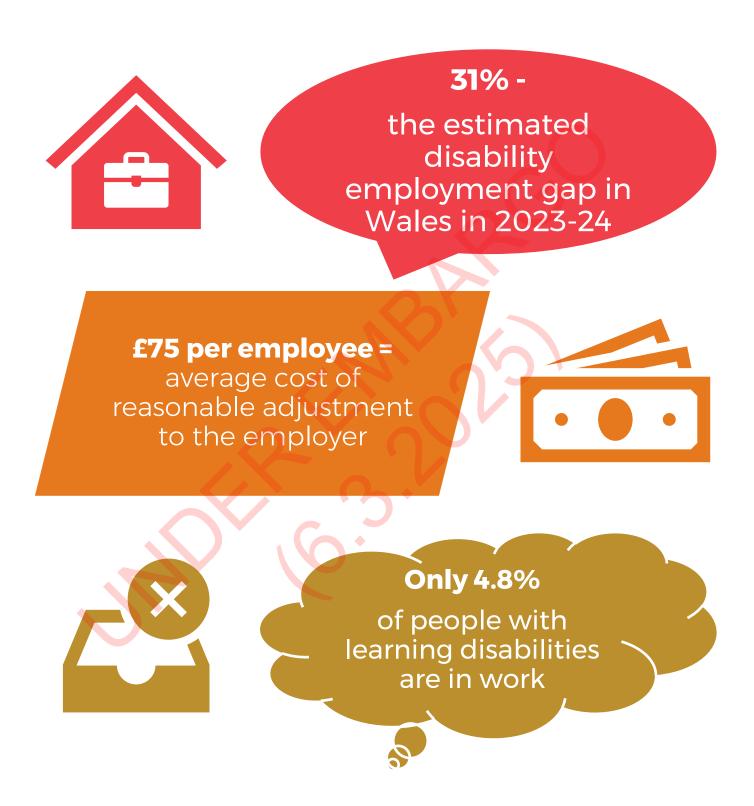
<sup>&</sup>lt;sup>1</sup> Children, Young People and Education Committee, <u>Do disabled children and young people have equal access to education and childcare?</u>, July 2024

Between 2015-16 and 2023-24, the DEG in Wales has declined from 35.4 percentage points to 30.9 percentage points.<sup>2</sup> However, it is consistently higher in Wales than elsewhere in the UK. Within Wales there are considerable variations between local authority areas. Figure 1 provides a breakdown of the estimated DEG rate in each local authority in Wales. Figure 2 provides headline facts and figures regarding the disability employment gap in Wales.



<sup>&</sup>lt;sup>2</sup> Well-being of Wales report, 2024

Figure 2 headline facts and figures regarding the disability employment gap in Wales<sup>3</sup>



<sup>&</sup>lt;sup>3</sup> Sources taken from <u>Labour Market Statistics (Annual Population Survey)</u>: <u>July 2023 to June 2024</u>; <u>Well-being of Wales report</u>, 2024; DE01 Engage to Change; DE22 Royal National Institute for Deaf People

# 2. Overall leadership and approach

Despite the Government's clear stated commitment to breaking down barriers in the day-to-day lives of disabled people, translating this into tangible progress remains too slow.

### Social model of disability

- **5.** The Welsh Government's overarching approach is defined by its commitment to the social model of disability, not a medical model.<sup>4</sup> The social model is about removing the physical, organisational and attitudinal barriers that obstruct the inclusion and participation of disabled people in society and day-to-day living. Figure 2 compares features of both models in more detail.
- 6. The lack of progress in fully embedding the social model of disability in Wales was raised by the Wales TUC, North Wales Together Learning Disability Transformation Programme (North Wales LDTP), Professor Brian Garrod of Swansea University and Dr Marcus Hansen of Liverpool John Moores University, the Motor Neurone Disease Association (MND Association), and Public Health Wales.<sup>5</sup>
- 7. North Wales LDTP described the social model's application to recruitment and employment practices as "largely non-existent".6
- **8.** Individuals with lived experience who took part in our focus groups highlighted numerous barriers that persist in society ranging from negative attitudes towards disabled people generally to the physical challenges posed by the built environment.<sup>7</sup>

<sup>&</sup>lt;sup>4</sup> Welsh Government, Press Release, "We are committed to embedding the Social Model of Disability." Minister vows on International Day of Disabled People, 3 December 2022

<sup>&</sup>lt;sup>5</sup> Equality and Social Justice Committee, <u>paragraph 14</u>, 11 Nov 2024; <u>DE25 - North Wales Together</u> Learning Disability Transformation Programme: DE17 - Professor Brian Garrod, Dr. Marcus Hansen; DE26 - Motor Neurone Disease (MND) Association; DE20 - Public Health Wales

<sup>&</sup>lt;sup>6</sup> DE25 - North Wales Together Learning Disability Transformation Programme:

<sup>&</sup>lt;sup>7</sup> Equality and Social Justice Committee, engagement findings, 25 November 2022

Figure 3 Comparison features of the social model versus the medical model of disability8



**9.** Others suggested the social model was being embraced more effectively, the Wales Centre for Public Policy (WCPP) noted its adoption by the Welsh Government in 2002; the Welsh Local Government Association (WLGA) stated that it "underpins Welsh local government's approach to employment and recruitment practices".9

<sup>8</sup> Source: Disability Wales, the Social Model of Disability

<sup>&</sup>lt;sup>9</sup> DE18 - Wales Centre for Public Policy (WCPP); DE30 - Welsh Local Government Association (WLGA)

**10.** The Welsh Government acknowledged that the medical model remains influential.<sup>10</sup> The Cabinet Secretary for Social Justice, Trefnydd, and Chief Whip, Jane Hutt MS (the Cabinet Secretary) said the social model "should drive all policy making" but acknowledged "we have to do more in driving that understanding and cultural shift and, indeed, cross-Government adoption".<sup>11</sup>

#### **Locked Out and the Disability Rights Taskforce (DRT)**

- 11. In 2021, following publication of the 'Locked out' report highlighting the disproportionate impact of the COVID-19 pandemic on disabled people the Welsh Government established the Disability Rights Taskforce (DRT).<sup>12</sup>
- **12.** Co-chaired by the Cabinet Secretary and Professor Debbie Foster, the DRT established ten thematic working groups including on income and employment with the aim of informing the planned Disability Rights Action Plan.<sup>13</sup>
- **13.** Stakeholders including Disability Wales, Wales TUC, Motor Neurone Disease Association (MND Association), and the Equality and Human Rights Commission Cymru (EHRC Cymru) expressed concern about delays and the urgency of progress with publication and implementation of the DRT's work.<sup>14</sup>
- **14.** Professor Foster stated "that things have drifted" and cited shifts in ministerial portfolios and redirection of resources to support refugees fleeing the war in Ukraine as potential contributory factors.<sup>15</sup>
- **15.** Commenting on his interactions with government, disability rights campaigner Dan Biddle said:

"The biggest issue that I've had, to be brutally honest, is, as I've met with various Members of the Senedd and I've met with various Members of central Government, that it's always, to be blunt, a photo opportunity. [...] I've had it with a Member of the Welsh Government. We talked for about an hour and a half. The meeting really overran. It concluded with a photo op, and I

<sup>&</sup>lt;sup>10</sup> Written evidence, Welsh Government, 25 Nov 2024

<sup>&</sup>lt;sup>11</sup> Equality and Social Justice Committee, paragraphs 9 and 10, 25 Nov 2024

<sup>&</sup>lt;sup>12</sup> Welsh Government's Disability Equality Forum, <u>Locked out: Liberating disabled peoples lives and rights in Wales beyond COVID-19</u>, 2021

<sup>&</sup>lt;sup>13</sup> Written evidence, Welsh Government, 25 Nov 2024

<sup>&</sup>lt;sup>14</sup> DE26 - Motor Neurone Disease (MND) Association; DE07 - Equality and Human Rights Commission;

<sup>&</sup>lt;sup>15</sup> Equality and Social Justice Committee, paragraphs 48 to 50, 30 September 2024

never heard from them again. [...] And I think the frustrating thing for me is [...] if you look at the last five years, the disability employment rate has moved by about 1 per cent in five years. So, there's obviously an issue there somewhere, and what we keep perpetuating as solutions are not working. Disabled people are still finding it really difficult to find employment."

#### **16.** Dan Biddle concluded that:

"there's this kind of inherent fear about stepping away from what's already been done. It's just the same thing being done over and over again, and nothing's really changing." 16

- 17. Professor Foster, Rhianydd Williams of the Wales TUC and others contrasted the relatively slow progress being made by the DRT with other, equality-related workstreams such as the Anti-racist Wales and LGBTQ+ action plans.<sup>17</sup>
- **18.** Martyn Jones of EHRC Cymru expressed concerns that "disability does not have the same status, perhaps, as other protected characteristics," and "we don't see the same focus or drive in the space of disability". <sup>18</sup>
- **19.** Dee Montague-Coast called for publication of the DRT's final outputs "as soon as possible" and highlighted the risk that much of the work would be lost:

"we need to really prioritise and put our foot down a little bit in terms of getting those recommendations published and actually accepted and embedded, then, so they can't be undone later down the line."

# Incorporation of the United Nations Convention on the Rights of Disabled People

**20.** The Welsh Government's Programme for Government includes a commitment to incorporate the UN Convention on the Rights of Disabled People (UNCRDP) into law.<sup>20</sup>

<sup>&</sup>lt;sup>16</sup> Equality and Social Justice Committee, paragraph 33, 21 Oct 2024

<sup>&</sup>lt;sup>17</sup> Equality and Social Justice Committee, paragraph 57, 11 Nov 2024;

<sup>&</sup>lt;sup>18</sup> Equality and Social Justice Committee, paragraph 101, 7 Oct 2024

<sup>&</sup>lt;sup>19</sup> Equality and Social Justice Committee, paragraph 173, 11 Nov 2024

<sup>&</sup>lt;sup>20</sup> Welsh Government, Programme for Government Update

- **21.** Professor Debbie Foster drew attention to the fact that "disabled people in Wales have campaigned very, very hard over a number of years to get recognition that this piece of law needs to be incorporated into Welsh law".<sup>21</sup>
- **22.** EHRC Cymru said incorporating the UNCRDP could help to raise the profile of the Disability Rights Action Plan and provide a status for disabled people's rights that would "make people sit up and listen and respond a little more effectively".<sup>22</sup>
- **23.** Rhian Davies told us that the lack of progress with incorporation was eroding the confidence of Disability Wales members that the Welsh Government would fulfil its commitment before the end of the Sixth Senedd:

"there's a sense of, 'When are things going to change? When is my life as a disabled person going to get better?"<sup>23</sup>

24. And Ruth Coombs (EHRC Cymru) echoed this feeling:

"the fact that there have been delays is having an impact on disabled people and disabled people's organisations, who feel that "they're kind of forgotten and left behind".<sup>24</sup>

**25.** The Cabinet Secretary for Social Justice told us that while there was a commitment to incorporate the UNCRDP in principle, the work had been more complicated than first anticipated. She highlighted the need to take legal advice into account in light of legal challenges experienced by the Scottish Government with regards to human rights. The Cabinet Secretary said that an update would be provided in Spring 2025.<sup>25</sup>

# Coherence of approach

**26.** On top of concerns about delays, several stakeholders including supported employment charity Agoriad, Learning Disability Wales, and North Wales LDTP emphasised the need for a more coherent and joined-up approach from the Welsh Government.<sup>26</sup>

<sup>&</sup>lt;sup>21</sup> Equality and Social Justice Committee, paragraph 54, 30 Sep 2024

<sup>&</sup>lt;sup>22</sup>Equality and Social Justice Committee, paragraph 115, 7 Oct 2024

<sup>&</sup>lt;sup>23</sup> Equality and Social Justice Committee, paragraph 29, 14 Oct 2024

<sup>&</sup>lt;sup>24</sup> Equality and Social Justice Committee, paragraph 130, 7 Oct 2024

<sup>&</sup>lt;sup>25</sup> Equality and Social Justice Committee, <u>paragraphs 41 - 43.</u> 25 Nov 2024

<sup>&</sup>lt;sup>26</sup> DE25 - North Wales Together Learning Disability Transformation Programme; Equality and Social Justice Committee, paragraph 293, 21 Oct 2024; paragraph 160, 14 Oct 2024;

- **27.** Several witnesses expressed concerns that work was progressing in silos including the disability rights campaigners Dan Biddle, and Angharad Dean, and the heads of ELITE, and Agoriad Cyf, Andrea Wayman, and Arthur Beechey none of whom had been involved in the work of the DRT.<sup>27</sup>
- **28.** The WLGA said the Welsh Government needed to consider "the degree of congruence" with other equality plans and that "these agendas are somewhat siloed, with little evidentiary overlaps in their actions or governance".<sup>28</sup>
- **29.** Both Rhian Davies and Miranda Evans said the large number of DRT working groups and the existence of a separate disabled people's employment group for "operational issues" added to the confusion.<sup>29</sup> Nerys Bourne told us Careers Wales were involved only in the latter of these groups and conceded there was minimal evidence of crossover or collaboration between the two.<sup>30</sup>
- **30.** In response the Cabinet Secretary told us that the DRT has involved all areas of government and that its work was on par with the Anti-racist Wales Action Plan. Jane Hutt MS added:

"We now need to get this adopted by Welsh Government across all ministerial areas. I've been having bilaterals over the last few weeks with all Cabinet Secretaries and Ministers about their commitment to the disability rights taskforce and what has come through it."31

**31.** The Cabinet Secretary acknowledged frustration at the pace of delivery but said "you can't rush coproduction" and that "you have to get cross-Government engagement".<sup>32</sup>

#### **Our view**

Our inquiry has at its heart a simple, central premise, that those who want, and are able to work, should have the dignity of work. We think as many people as possible should have the chance to enjoy the benefits that work can bring in terms of financial reward, community engagement and self-esteem. We also

<sup>&</sup>lt;sup>27</sup> Equality and Social Justice Committee, paragraphs 29, 293 and 295, 21 Oct 2024

<sup>&</sup>lt;sup>28</sup> DE30 WLGA

<sup>&</sup>lt;sup>29</sup> Equality and Social Justice Committee, paragraphs 5 to 10, 14 Oct 2024

<sup>&</sup>lt;sup>30</sup> Equality and Social Justice Committee, <u>paragraphs 194 – 208</u>, 21 October 2024

<sup>&</sup>lt;sup>31</sup> Equality and Social Justice Committee, <u>paragraph 18</u>, 25 Nov 2024

<sup>&</sup>lt;sup>32</sup> Equality and Social Justice Committee, paragraph 19, 25 Nov 2024

recognise, however, that there are some who, due to the nature or severity of their impairment, cannot work and may never be able to. We **emphatically reject** any notion of conditionality with regards to support and any suggestion of compelling those individuals into work.

**Conclusion 1.** We firmly believe that those who can, and want to work, should be able to obtain the support they need to access and retain good quality jobs.

#### **Embedding the social model**

Before turning to the specifics of disability employment gap specifically, we considered the Welsh Government's overall approach. We do not doubt the sincerity of the Government's commitment to addressing the many barriers that disabled people face in daily life. From adopting a social model of disability through to commissioning the landmark 'Locked Out' report - it has regularly broken new ground as an advocate of equality and the rights of disabled people.

We firmly support the overall ambition and the commitment to the Social Model. However, we cannot escape the fact that life is still too difficult for many disabled people in Wales today. Almost a quarter of a century since it was adopted there is still much more to be done to ensure the Social Model shapes policymaking and is embedded in society.

#### On progress and the coherence of approach

In its response to the Locked Out report, we commend the fact that the Welsh Government has ensured that co-production is embedded in the work for the Disability Rights Taskforce. However, we share concerns regarding other aspects of the Welsh Government's response. The large number of DRT working groups, confusion regarding roles and overlaps in responsibilities and a general sense of siloed working suggests that there are issues with the overall approach. We question whether the approach has risked being overly bureaucratic, process-driven, and cumbersome.

Progress has been too slow and there is an urgent need to start delivering change and translate the DRT's work into tangible action. With the 2026 Senedd election looming on the horizon, this is becoming even more urgent. It is vital that the Welsh Government fulfils its pledges before the end of this Senedd term. This includes publishing the Disability Rights Action Plan as soon as possible and

fulfilling its Programme for Government commitment to incorporate the UN Convention on the Rights of Disabled People into Welsh law before Dissolution. With regards to the UNCDRP, we are conscious of the Welsh Government's arguments that delays are the result of legal uncertainty. However, we are mindful of the commitments made to the sector and to disabled people. It is vital that the Welsh Government keeps its promises to avoid the risk of adding to the sense of disappointment felt by many in the community.

**Recommendation 1.** The Welsh Government should ensure that expectations of disabled people are met by delivering on its stated policy agenda before the end of the Sixth Senedd. Laudable commitments need to be translated into tangible action including:

- Concluding the work of the Disability Rights Taskforce and any remaining work to develop and co-produce policy arising from the 'Locked Out' report at the earliest opportunity and no later than May 2025.
- Publishing the Disability Rights Action Plan which takes account of regional variations in the DEG and is inclusive of targets and a timeline for implementation as soon as possible and by May 2025 at the latest.
- Delivering its Programme for Government commitment by incorporating the UN Convention on the Rights of Disabled People into Welsh law before Dissolution of the Sixth Senedd scheduled for April 2026.

If the Welsh Government were to reject any of the steps in this recommendation it should indicate in its response what alternative action, inclusive of timescales, it intends to take in mitigation and in pursuance of the stated aim.

We note that disabled people's rights are not mentioned anywhere explicitly in the list of ministerial responsibilities allocated to the Cabinet Secretary for Social Justice or any other portfolio.<sup>33</sup> We find this omission odd. Although the issues in this report require coordinated, cross-governmental action, a single minister

<sup>&</sup>lt;sup>33</sup> Ministerial responsibilities can be found on <u>Cabinet Secretaries and Ministers | GOV.WALES</u> [accessed 12 February 2025]; please note that Learning Disability is mentioned as a responsibility of the Minister for Mental Health and Well-being

should have disability and disabled people's rights explicitly listed under their ministerial portfolio responsibilities.

**Conclusion 2.** The Welsh Government's list of ministerial portfolios should be updated to explicitly mention disability and disabled people's rights as an individual minister's responsibility.



# 3. Employers and the Disability Employment Gap

Employers have a fundamental role in the jobs market. However, false assumptions and negative attitudes persist and are hampering efforts to close the gap.

**32.** Nearly all the evidence received mentioned the key role of employers in bridging the employment gap. Professor Victoria Wass said that that there was too much emphasis in the past on incentivising disabled people into work and that there was a need to look at both sides of the labour market: "if employers aren't employing, you're very limited in what you can do" adding "we need to refocus policy attention on what's happening with the employers".<sup>34</sup>

#### **The Equality Act 2010**

**33.** The Equality Act 2010 requires employers to make "reasonable adjustments" to ensure disabled people are not unfairly disadvantaged in the workplace.<sup>35</sup>

#### Awareness and compliance

- **34.** Many stakeholders highlighted concerns around employers' awareness of and compliance with reasonable adjustment requirements. They include RNIB Cymru, Professor Debbie Foster; Professor Kim Hoque and Professor Nick Bacon; the Personal Finance Research Centre at Bristol University (PFRC); and the Inclusive Remote and Hybrid Working Study (IRHWS).<sup>36</sup>
- **35.** Both PFRC and RNIB Cymru provided data which demonstrated the scale of the issue:
  - Over a quarter (26%) of disabled people said that employers had failed to make reasonable adjustments for them;

<sup>&</sup>lt;sup>34</sup> Equality and Social Justice Committee, paragraphs 116 - 119, 30 Sep 2024

<sup>35</sup> HM Government, Reasonable adjustments for disabled workers,

<sup>&</sup>lt;sup>36</sup> DE24 - RNIB Cymru: DE29 - Professor Kim Hoque, Professor Nick Bacon: DE28 - Professor Debbie Fos47ter; DE03 - University of Bristol: DE06 - Inclusive Remote and Hybrid Working Study:

- 23% of employers were unwilling to make adaptations for people with visual impairments;
- only 38% of employers agreed that they knew where to find information and support on making adaptations.<sup>37</sup>
- **36.** Ethnic Minorites and Youth Support Team Wales (EYST) said many ethnic minorities workers are concentrated in sectors where reasonable adjustments may not be feasible, for example social care or taxi driving.<sup>38</sup>
- **37.** Learning Disability Wales, the Wales TUC and others were positive about the potential for reasonable adjustment passports to avoid job applicants having to repeat endless assessments.
- **38.** EHRC Cymru highlighted employers' lack of awareness and confidence to take additional steps to support disabled people into applying for work (defined under the 2010 Act as positive action). Ruth Coombs said:

"you can in your recruitment campaigns actively encourage people who are under-represented to apply. But if you look at disabled people, you can actually say the roles are only open to disabled people. You can go that bit further for people who are disabled. The problem is that employers don't tend to know that, and there is a worry, a legitimate worry and concern, about straying across from positive action to positive discrimination, which is unlawful."<sup>39</sup>

**39.** WCPP highlighted the BBC's positive action employment programme as a successful example of this good practice.<sup>40</sup>

#### Early adjustments

**40.** RNIB Cymru, IRHWS, the National Autistic Society Cymru (NAS Cymru) emphasised the need to offer reasonable adjustments early and from the recruitment stage.<sup>41</sup>

\_

<sup>&</sup>lt;sup>37</sup> Figures provided by PFRC and RNIB Cymru in their written submissions, please refer to these for full details including sources and methodology: <u>DE03 - University of Bristol</u>, <u>DE24 - RNIB Cymru</u>
<sup>38</sup> <u>DE08 - Ethnic Minorites and Youth Support Team Wales</u> (EYST Wales)

<sup>&</sup>lt;sup>39</sup> Equality and Social Justice Committee, paragraph 119, 7 Oct 2024

<sup>&</sup>lt;sup>40</sup> DE18 Wales Centre for Public Policy

<sup>&</sup>lt;sup>41</sup> DE24 - RNIB Cymru: DE06 - Inclusive Remote and Hybrid Working Study: DE09 National Autistic Society Cymru

- **41.** Professors Kim Hoque and Nick Bacon analysed over 5,000 job adverts and found that very few in Wales mentioned the provision of information in alternative formats and that "while employer efforts to offer these formats [...] are limited across all the UK, they are particularly limited in Wales".<sup>42</sup>
- **42.** Fewer than 5% of adverts in Wales offered reasonable adjustments at interview, and the proportion offering guaranteed interviews to disabled people was extremely low (ranging from 0.7% to 3.4% depending on the website).

#### Flexible working

- **43.** Pembrokeshire Coast National Park Authority, Remote4All, IRHWS and contributors to the focus groups referred to the benefits of hybrid and remote working. However, FTWW and EYST highlighted a lack of opportunities for this with many roles requiring attendance at a physical office space several times a week.<sup>43</sup>
- **44.** Both the Welsh Government and EHRC Cymru have published guidance on supporting disabled people working remotely.<sup>44</sup>

#### **Attitudes and false assumptions**

- **45.** Evidence from participants in our focus groups, from campaigner Dan Biddle, Fair Treatment for the Women of Wales (FTWW), Remote4All, EYST, the Institution for Civil Engineers (ICE) and others suggested that the attitude of employers towards reasonable adjustments has an impact on whether a disabled person feels able to disclose their disability. Nearly all noted the need for a change in mindset and for employers to improve knowledge and confidence in offering adjustments proactively.
- **46.** Isabel Linton highlighted the stigma faced by women and people with non-visible impairments in particular:

"gynaecological issues are often still considered quite taboo. People are ashamed to talk about them or they are told things

<sup>43</sup> DE05 Pembrokeshire Coast National Park Authority; DE06 - Inclusive Remote and Hybrid Working Study:

<sup>42</sup> DE29 - Professor Kim Hoque, Professor Nick Bacon

<sup>&</sup>lt;sup>44</sup> Welsh Government, <u>Supporting disabled employees</u>, 9 July 2024; EHRC <u>Supporting disabled workers with hybrid working: guidance for employers</u>, 5 September 2024

<sup>&</sup>lt;sup>45</sup> DE04 - Remote4All Research Project; DE05 Pembrokeshire Coast National Park; DE10 Institution of Civil Engineers Wales Cymru (ICE Wales Cymru); DE16 - Fair Treatment for the Women of Wales (FTWW)

like pelvic pain is just a part of life that everyone has to deal with —Hormone mediated symptoms, like hot flushes and brain fog, are treated like a joke. So, there have been a lot of misconceptions and stereotypes around what disability looks like. And that means that those with non-visible health issues fear that they won't be believed or they don't have the confidence to ask for reasonable adjustments."46

- **47.** North Wales LDTP, the Downs Syndrome Association, EHRC Cymru, Public Health Wales and others highlighted a widespread misconceptions that reasonable adjustments place significant costs on employers and the need to challenge this assumption.<sup>47</sup>
- **48.** Disability Employment Champion Terry Mills highlighted:

"There are all sorts of myths out there that are still around, unfortunately, with a lot of employers, like, 'Disabled people will take more time off sick'; it's actually the reverse to that. 'They'll be less productive'; that's shown to be untrue. There are all sorts of myths that still prevail, so it's a matter of changing the hearts and minds, it's a culture change, which will take a long time, but we need to get on with that culture change."48

**49.** According to data gathered by the **Business Disability Forum** and Bright HR the average cost of a reasonable adjustment per individual in the UK is £75 pounds.<sup>49</sup>

## **Engaging employers**

**50.** More engagement and information for employers was called for by FSB Cymru, Dan Biddle, Professor Foster, RNID and EHRC Cymru.<sup>50</sup> Ruth Coombs highlighted the quality of existing guidance:

"We would like to see the UK Government and the Welsh Government signposting to our guidance. We've got good guidance on the Equality Act and the Human Rights Act. We've

<sup>&</sup>lt;sup>46</sup> Equality and Social Justice Committee, <u>paragraph 121</u>, 11 Nov 2024

<sup>&</sup>lt;sup>47</sup> DE15 Downs Syndrome Association; DE20 - Public Health Wales

<sup>&</sup>lt;sup>48</sup> Equality and Social Justice Committee, paragraph 125, 21 Oct 2024

<sup>&</sup>lt;sup>49</sup> See **Business Disability Forum**, Reasonable Adjustments for SMEs

<sup>&</sup>lt;sup>50</sup> Equality and Social Justice Committee, <u>paragraph 35,</u> 21 Oct 2024, DE22 Royal National Institute for Deaf People

got guidance for employers. There's a wealth of information that we have, but I don't think that public bodies always signpost to that."51

**51.** The Minister for Social Partnership highlighted the importance of "knowing your rights" and referred to both a practical guide for employers and to online resources from Business Wales on workers' rights and employers' legal obligations that the Welsh Government were promoting.<sup>52</sup>

#### **Disability Employment Champions**

- **52.** The Welsh Government employs five Disability Employment Champions (DPECs) whose five strategic objectives include "engaging with employers, employer representatives and trade unions to promote the recruitment and retention of disabled people" and raise awareness of the Social Model.<sup>53</sup>
- **53.** Engage to Change, Disability Wales, and FSB Cymru all supported the work of these Champions but noted that it was too early to assess their effectiveness and that their capacity was limited.<sup>54</sup>
- **54.** Angela Kenvyn (Learning Disability Wales) and the National Centre for Mental Health at Cardiff University called for the appointment of a DPEC with lived experience of learning disability.<sup>55</sup>
- **55.** RNIB Cymru called for more transparency regarding their work including details of what the tangible result of their employment is for disabled people.<sup>56</sup>
- **56.** On measuring the effectiveness of the DPEC's work, Terry Mills told us that no targets are set for DPECs as many of the levers such as employment law, equality law and welfare benefits are not devolved to the Welsh Government.<sup>57</sup>

<sup>&</sup>lt;sup>51</sup> Equality and Social Justice Committee, 7 Oct 2024, paragraph 146

<sup>&</sup>lt;sup>52</sup> Equality and Social Justice Committee, 25 Nov 2024, paragraphs 51 and 52

<sup>&</sup>lt;sup>53</sup> Written evidence, Welsh Government, 25 Nov 2024

<sup>&</sup>lt;sup>54</sup> DE01 Engage to Change; Equality and Social Justice Committee, <u>paragraph 60</u>, 14 Oct 2024; <u>paragraph 31</u>, 7 Oct 2024

Equality and Social Justice Committee, <u>paragraph 271</u>, 14 Oct 2024; DE01 Engage to Change
 <u>DE24 RNIB Cymru</u>

<sup>&</sup>lt;sup>57</sup> Equality and Social Justice Committee, paragraphs 236-237, 21 Oct 2024

**57.** The Minister for Social Partnership told us that the five objectives form the basis of regular performance reviews of their work. He said that the evidence gathered by the Committee demonstrated the value of their work.<sup>58</sup>

#### **Disability Confident Scheme**

- **58.** The Disability Confident Scheme encourages employers to recruit and retain disabled people. However, the first two of three levels of accreditation only involve a declaration of intent by the employer. Only the 'Disability Confident Leader (Level 3)' requires external certification.
- **59.** Concerns around the effectiveness of the Disability Confident Scheme were expressed by Disability Wales, Professor Foster, FSB Cymru and ELITE Supported Employment.<sup>59</sup> Contributors to our focus groups were exclusively negative.<sup>60</sup>
- **60.** Ruth Nortey's research found that disabled people mistrusted the scheme due to its association with the Department for Work and Pensions (DWP) and its lack of robustness.<sup>61</sup>
- 61. Arthur Beechey of Agoriad, Andrea Wayman of ELITE, Engage to Change Ambassador Gerraint Griffiths-Jones, Terry Mills and others shared these concerns about the lack of rigour at lower levels of the scheme. They noted that self-assessment is all that is required at levels 1 and 2, with more rigorous external assessment only required at level 3.62 The lower levels of accreditation were compared by Dan Biddle to "marking your own homework".63
- **62.** The idea of a separate Wales-specific scheme or kitemark was supported by Dan Biddle, Ruth Nortey, Disability Wales, the RNID and others.<sup>64</sup>

#### View of the Welsh and UK governments on Disability Confident

**63.** We wrote to the DWP to outline concerns regarding the Disability Confident scheme and received a detailed response from Sir Stephen Timms MP, Minister of

<sup>&</sup>lt;sup>58</sup> Equality and Social Justice Committee, <u>paragraph 59</u>, 25 November 2024

<sup>&</sup>lt;sup>59</sup> Equality and Social Justice Committee, paragraph 57, 14 Oct 2024

<sup>&</sup>lt;sup>60</sup> Equality and Social Justice Committee, engagement findings, 25 November 2022

<sup>&</sup>lt;sup>61</sup> Equality and Social Justice Committee, Additional evidence from Ruth Nortey, item 4.4

<sup>&</sup>lt;sup>62</sup> Equality and Social Justice Committee, <u>paragraphs 283, 285, 214</u>, 21 Oct 2024, <u>paragraph 151, 14</u>

<sup>&</sup>lt;sup>63</sup> Equality and Social Justice Committee, paragraph 37, 21 Oct 2024

<sup>&</sup>lt;sup>64</sup> Additional evidence from Ruth Nortey, item 4.4; Equality and Social Justice Committee, paragraph 96, 21 Oct 2024; DE22 - Royal National Institute for Deaf People

Tackling the Disability Employment Gap

State for Social Security and Disability. The Minister of State said the Disability Confident Scheme was "an important asset which can encourage employers to create disability-inclusive workplaces" as part of the DWP target of reaching an 80% employment rate (against the current 74%). He acknowledged, however, "there are opportunities to make [the scheme] more robust" and that "officials will work with employers and disabled people to realise its full potential". 66

**64.** The Minister for Social Partnership similarly acknowledged issues with the scheme, however, he was not currently minded to create a Wales-only kitemark. He argued that the considerable time and resource needed to set one up would be better spent improving the effectiveness and reach of the current scheme.<sup>67</sup>

#### **Our view**

#### On employers and adjustments

Despite progress over the years including enhanced legal rights and a general shift to more flexible ways of working, disabled people still face multiple barriers that help to explain differences in the employment rates of disabled and non-disabled people. Employers hold the key to addressing many of these barriers.

Over 15 years since becoming law, we were alarmed to hear that awareness of and compliance with key provisions of the Equality Act 2010 was lower than we should expect. Shockingly, a survey on behalf of PFRC and RNIB Cymru suggested that over a quarter of disabled people – 26 % in total – had employers who had failed to make reasonable adjustments for them.<sup>68</sup> The propensity of employers to make reasonable adjustments are key to reducing the DEG. Reasonable adjustments need to be offered proactively from the get go, including at recruitment stage. It was disappointing therefore that less than 5% of job adverts offer reasonable adjustments at interview.<sup>69</sup>

Much more needs to be done to raise awareness of rights and responsibilities under the Equality Act. High-quality guidance issued by the Equality and Human Rights Commission on **Supporting disabled workers with hybrid working** 

-

<sup>&</sup>lt;sup>65</sup> Correspondence from the Chair to the Department for Work and Pensions regarding the Disability Employment Gap - 15 October 2024, item 3.1

<sup>&</sup>lt;sup>66</sup> Correspondence to the Chair from the Department for Work and Pensions regarding the Disability Employment Gap - 4 December 2024, item 3.1

<sup>&</sup>lt;sup>67</sup> Equality and Social Justice Committee, paragraph 63, 25 Nov 2024

<sup>&</sup>lt;sup>68</sup> Figures provided by PFRC and RNIB Cymru in their written submissions, please refer to these for full details including sources and methodology: <u>DE03 - University of Bristol</u>, <u>DE24 - RNIB Cymru</u>
<sup>69</sup> <u>DE29 - Professor Kim Hoque</u>, <u>Professor Nick Bacon</u>

already exists and needs to be promoted.<sup>70</sup> The Welsh Government via Business Wales also has several sources and good practice toolkits on how to support disabled people in employment.<sup>71</sup>

We conclude that the failures of compliance we have identified is not due to a lack of guidance, but a lack of awareness and signposting. It is vital that the Welsh Government redouble its efforts to promote guidance with employers including more effectively signposting existing resources whenever employers interact with business support and other public services. To achieve this, the Government should consider comprehensively reviewing current arrangements within Business Wales to ensure that their activities align with the Welsh Government's goal of eliminating the disability employment gap. This should include reviewing current guidance and customer journey pathways to identify opportunities for raising awareness; and setting stretching targets on the number of interactions which resulted in a positive outcome vis-à-vis the disability employment gap for Business Wales Advisers.

**Recommendation 2.** The Welsh Government should undertake a comprehensive review of current arrangements within Business Wales to ensure that their activities align with the overall goal of eliminating the disability employment gap by 2035. This includes reviewing current sources of guidance; how current guidance is promoted, and customer journey pathways to maximise the number of opportunities for raising awareness when employers interact with business support services. The review should be undertaken at pace and completed by July 2025.

#### On attitudes and assumptions

One of the misconceptions heard repeatedly is that it is difficult and costly to employ disabled people. Not only is there no evidence to justify this position, there is clearly a need to challenge such attitudes and assumptions at every opportunity. We note the average cost to the employer of a reasonable adjustment is as little as £75 per individual.

<sup>&</sup>lt;sup>70</sup> Supporting disabled workers with hybrid working: Guidance for employers, September 2024

<sup>7</sup> Supporting disabled employees | Business Wales; Good Practice Guide - Supporting Disabled Entrepreneurs in Wales

**Conclusion 3.** We note that widespread misconceptions and negative attitudes persist in the workplace with regards, for example, to the costs associated with reasonable adjustments. These need to be challenged at every opportunity.

#### **On Disability Employment Champions**

We were grateful for the opportunity to hear directly from one of the five Welsh Government appointed Disability Employment Champions and welcome their appointment. We note that some have called for the appointment of a Champion with lived experience of a learning disability, and hope that this can be considered at the next available opportunity.

Others called for more transparency regarding their work and its impact. When we suggested using targets and metrics to measure performance we were told that these were unlikely to be introduced as a majority of levers such as benefits and employment law are reserved to Westminster. We do not agree that this necessarily precludes more rigorous monitoring of the impact of the DPECs. Without a framework of tangible, quantifiable metrics it will be impossible to evaluate what impact the investment is having on the ground. The Welsh Government should therefore establish a framework of targets to monitor the effectiveness of the DPECs.

**Recommendation 3.** In order to monitor the effectiveness of the Disability Employment Champions the Welsh Government should set targets for their work and report on these annually. The targets should provide a basis for continuous improvement and use quantifiable metrics including:

- the total number of engagements with external stakeholders;
- the total number of engagements that lead to permanent offers of employment;
- the number of engagements that lead to changes in recruitment and retention policies or processes.

We would expect this recommendation to be implemented quickly and no later than by July 2025.

#### **Disability Confident**

Despite performing a vital role promoting awareness and good practice among employers the evidence suggests there are two big issues hindering the Disability Confident Scheme. The first is an image problem, caused by its close association with the Department of Work and Pensions. The DWP's controversial role and track record in administering the welfare system has been damaging to its reputation amongst disabled people. It remains to be seen whether this perception is irreparable or not with ongoing implications in terms of the effectiveness of the scheme.

The second is the lack of rigour at Levels 1 and 2 which mean that many regard accreditation arrangements as a tick box exercise. We note that there is more rigorous external accountability and challenge at Level 3, however, few organisations have attained this higher status.

**Conclusion 4.** We conclude that reforms are needed if Disability Confident or a similar scheme is to gain the support and confidence of disabled people. These reforms must prioritise robust accreditation arrangements and deliver meaningful results for disabled employees.

We heard differing views on how problems with the Disability Confident Scheme should be addressed. Some suggested the creation of a separate scheme in the form of a Welsh kitemark. However, concerns regarding duplication, levels of resources required and the risk that a separate scheme would create confusion for employers were also expressed. Although creating a bespoke solution for Wales would enable the Welsh Government to ensure that it meets our needs, we are mindful of the significant amount of resources that would be needed to create, develop and monitor a scheme from scratch. In an era of scarce public resources, it is vital that we exhaust reform of the existing scheme before considering any new scheme.

**Recommendation 4.** The Welsh Government must seek urgent changes to the Disability Confident Scheme which address the concerns regarding the general effectiveness and levels of trust in the Scheme, particularly at Levels 1 and 2. The Welsh Government should, by the end of April 2025, set out in detail:

what improvements it would like to see made to the Disability
 Confident Scheme (including its accreditation arrangements);

 how it intends to secure these changes and a timeline by which we can expect the improvements to be implemented.

Should the Welsh Government fail to secure the necessary changes to the Disability Confident Scheme within existing structures, then it should give full consideration to developing a new, ambitious Welsh kitemark which commands the respect of employers and employees in Wales. The Welsh Government should report back on progress with this recommendation by December 2025.

# 4. Supporting employment opportunities

"Within the disabled community, capability isn't the issue. It's the lack of opportunity that's the biggest issue".

- Dan Biddle

## A multi-sector approach

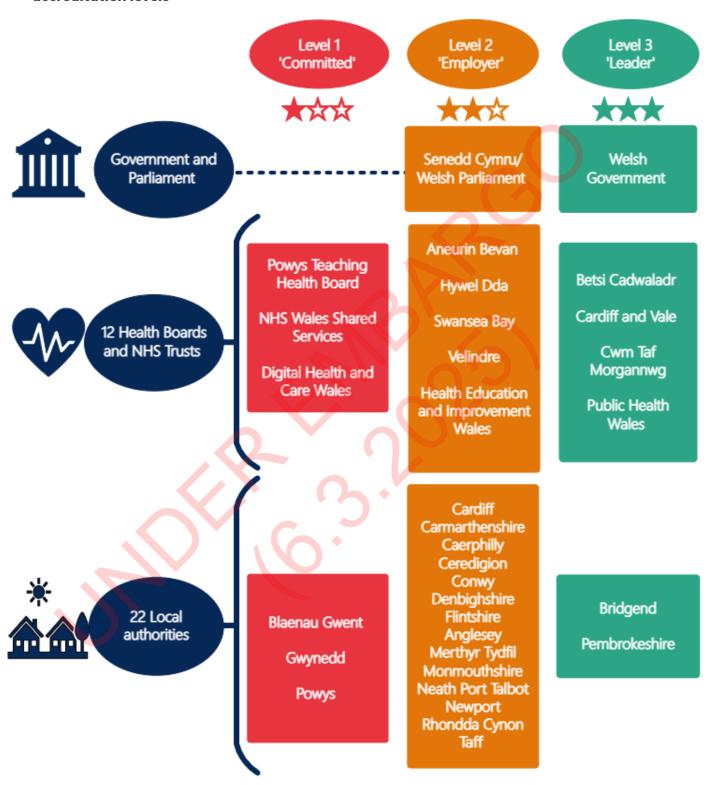
- **65.** Several stakeholders argued that the public sector should do more to provide opportunities for disabled people and lead by example. They included Disability Wales, Learning Disability Wales, Andrea Wayman, and Agoriad's Arthur Beechy who estimated that "fewer than 1 per cent" of the thousands of individuals his charity had supported into work in north Wales, were in the public sector.<sup>72</sup>
- **66.** Many witnesses including Victoria Wass, Professor Foster, Dan Biddle and FTWW called for public sector bodies to use their public procurement spending as leverage to advance social responsibility goals such as eliminating the disability employment gap.<sup>73</sup>
- **67.** Some noted the relatively small proportion of public sector organisations attaining the highest Level 3 Leader status under the Disability Confident scheme. For example, only two of the 22 local authorities (Pembrokeshire and Bridgend) and only four of the 12 NHS health boards and trusts have achieved this status.<sup>74</sup>
- **68.** See Figure 4 for more information about the Disability Confident status of a sample of public sector bodies.

<sup>&</sup>lt;sup>72</sup> Equality and Social Justice Committee, paragraphs 263 and 310, 21 Oct 2024

<sup>&</sup>lt;sup>73</sup> Equality and Social Justice Committee, <u>paragraph 82</u>, 30 September 2024; <u>paragraph 111-113</u>, 30 September 2024

<sup>&</sup>lt;sup>74</sup> Equality and Social Justice Committee, <u>paragraphs 35 and 245</u>, 21 Oct 2024; for information on public sector membership of Disability Confident please visit <u>this database on the gov.uk website</u>

Figure 4 snapshot of public sector bodies and their respective Disability Confident accreditation levels<sup>75</sup>



<sup>&</sup>lt;sup>75</sup> Information taken from following <u>database on gov.uk website</u>, accessed 25 January 2025 with the exception of information for Powys Teaching Health Board, Health Education and

- **69.** Some positive examples of public sector intervention were highlighted including work by Cardiff Council with Cardiff and Vale University Health Board to provide work experience placements for young adults with learning disabilities. As part of the scheme, participants are offered quality placement opportunities in a broad range of roles and disciplines and a high proportion of participants have ended up in permanent employment as a result.<sup>76</sup>
- **70.** The important role of the third sector and social enterprises was noted by many including focus groups contributors who said specialist organisations were vital for support and signposting.<sup>77</sup>
- 71. However, both FTWW and RNID Cymru highlighted challenges due to loss of funding (particularly since leaving the EU) and emphasised the need for multi-year funding. FTWW wanted to see a commitment to multi-year funding and the RNID referred to funding issues which had become more prominent since the loss of EU funding, in particular, the European Social Fund (ESF).<sup>78</sup>

## **Employment support**

- 72. There were different views regarding the effectiveness of employment support with several noting differences in approach between the Wales and UK levels.<sup>79</sup> Some suggested these differences were more acute since exit from the European Union.
- 73. The RNID called for better integration between employment support programmes and other public services like the NHS, local authorities and Jobcentre+.80

#### **Access to work**

**74.** The UK Government's Access to Work scheme supports people with a physical or mental health condition or disability to get or to stay in work. Despite being seen as one of the key vehicles for supporting disabled people with employment, several, predominantly operational, concerns were raised by FTWW,

Improvement Wales and Swansea Bay University Health Board where information was taken directly from their respective websites.

Fequality and Social Justice Committee, paper to note 3.9 Correspondence from Cardiff County
 Council regarding the Committee's inquiry into the Disability Employment Cap, 13 January 2025
 DE19 Social Firms Wales

<sup>&</sup>lt;sup>78</sup> DE22 Royal National Institute for Deaf People

<sup>79</sup> DE22 Royal National Institute for Deaf People

<sup>80</sup> DE22 Royal National Institute for Deaf People

RNIB, IRHWS, our focus group participants, and others. All suggested that the scheme was not operating as it should.<sup>81</sup>

- **75.** The main issues highlighted were lengthy delays in accessing the scheme; poor awareness among employers and disabled people; and the level of grant cap (£69,260 in 2024-25).82 Commenting on the delays, Dan Biddle and Isabel Linton suggested that some were waiting up to 20 weeks from being offered a job to starting in work.83
- **76.** During our evidence session with the Welsh Government, we received confirmation that concerns in relation to the scheme had not yet been raised at ministerial level but had been discussed by officials.<sup>84</sup>

## **Supported employment**

- 77. Several supported employment models were highlighted during the inquiry with many noting their potential benefits. One notable example was the Engage to Change pilot programme which provided tailored employment support to disabled people via a specialist job coach. Social Firms Wales, Mencap Cymru, and Professor Debbie Foster all highlighted the pilot as a successful example which in their view demonstrated the effectiveness of specialist job coaching.<sup>35</sup>
- **78.** Social Firms Wales, Mencap Cymru and the NAS echoed the calls by Learning Disability Wales for a National Job Coaching Strategy for Wales.<sup>86</sup>
- **79.** Other examples of good practice were the North Wales Supported Employment Programme highlighted by the NWTLDTP and Pembrokeshire Supported Employment Programme highlighted by Ruth Nortey.87
- **80.** The Minister for Social Partnership told us that he had visited the Engage to Change project and would consider tailored support for disabled people as part of a broader project of work to map out all Welsh Government support and bring them under a single operating model.<sup>88</sup>

<sup>&</sup>lt;sup>81</sup> DE16 FTWW; DE24 RNIB Cymru; DE06 IRHWS; Summary of focus groups

<sup>82</sup> DE06 - Inclusive Remote and Hybrid Working Study: DE09 EYST; DE22 RNID

<sup>&</sup>lt;sup>83</sup> Equality and Social Justice Committee, <u>paragraphs 23 and 24</u>, 21 Oct 2024; <u>paragraph 186</u>, 11 Nov 2024

<sup>&</sup>lt;sup>84</sup> Equality and Social Justice Committee, paragraphs 94 and 95, 25 Nov 2024

<sup>85</sup> DE19 Social Firms Wales, DE23 Mencap Cymru, DE28 Professor Debbie Foster

<sup>86</sup> DE19 Social Firms Wales, DE23 Mencap Cymru, DE09 National Autistic Society Cymru

<sup>87</sup> DE25 North Wales Together Learning Disability Transformation Programme

<sup>88</sup> Equality and Social Justice Committee, paragraph 97, 25 Nov 2024

#### **Potential gaps**

**81.** The Royal College of Speech and Language Therapists (RCSLT Cymru) outlined the need "to rethink employment support" to encompass health professionals including speech and language therapists. They highlighted research involving long-term unemployed men in the south Wales valleys which found that 88% had speech, language and communication needs and that professionals working with them lacked knowledge of how to support them.<sup>89</sup>

#### **Our view**

### On a multi-sector approach

Although there are undoubtedly pockets of best practice, one of the clearest messages to emerge from our inquiry was that the public sector as a whole needs to do more to close the employment gap. The fairly modest number of public sector bodies attaining Disability Confident Leader status is proof of this. Whereas the public sector should be blazing a trail, we fear that the emphasis the Government has placed on the importance of this agenda is not sufficiently heard and understood.

We think that the Welsh Government needs to send a clear signal to public bodies and work with them to find ways that they can make a more substantial contribution to closing the DEG.

**Recommendation 5.** The Welsh Government should require devolved public sector bodies, where possible, to make a more substantial contribution to the aim of eliminating the Disability Employment Gap. This should include requiring them to:

- review their policies and practices to ensure alignment with the forthcoming Disability Action Plan;
- set a target to become Disability Confident Leaders within a specific timescale;
- include eliminating the disability employment gap as a formal objective in their well-being plans.

<sup>89</sup> DE21 Royal College of Speech and Language Therapists

#### **Anything's Achievable with the Right Support**

Tackling the Disability Employment Gap

Where possible, this recommendation should be implemented within a specified and realistic timescale which we suggest would be by the end of 2025.

#### On the Access to Work scheme

On top of the shortcomings of the Disability Confident scheme, it was particularly disappointing to hear additional concerns regarding delays of several months to obtain support from the DWP's Access to Work scheme. If Ministers want to successfully increase the number of disabled people in employment then they must tackle this underperformance. While primarily a matter for the UK Government, we think there is scope for the Welsh Government to do more to press for improvements and to seek assurances on when we can expect progress to be made.

**Conclusion 5.** The Welsh Government should raise concerns around the operation of the Access to Work scheme with counterparts in the UK Government at ministerial level at the next available opportunity and report back to this Committee on the outcomes of those discussions. We think it is reasonable to expect these conversations will have taken place before the end of April 2025.

### On supported employment

Supported employment schemes can make a big difference and we were pleased to learn about some successful examples. We note that the Welsh Government intends to consider plans for a single operating model of supported employment. We think that such reforms must build on the learning from the Engage to Change project and seek to expand provision of specialist job coaching.

**Conclusion 6.** We agree that future supported employment provision should build on the success of schemes such as the Engage to Change project and that specialist job coaching should be a priority for future provision.

# 5. Transition from education to employment

The transition from education to the world of work is often a delicate time for several reasons. The provision of quality advice and support is crucial.

## **Advice and support**

- **82.** FSB Cymru, Learning Disability Wales, and others emphasised the importance of ensuring quality advice and support is available to disabled people during the transition from education to employment. However, concerns were raised by the NCMH, DSA, EYST Wales and others that disabled students miss out on opportunities due to a lack of advice or are pigeon-holed into a narrow range of subjects and sectors that can more easily accommodate reasonable adjustments.
- **83.** Some evidence suggested a lack of ambition and low expectations on the part of those responsible for providing advice to disabled students. Gerraint Jones-Griffiths, told us that when he has asked disabled young people: 'What would you like to do when you're older?' the response has been "every time, they always say, 'I don't know. We've never been asked,' and that's even now".92
- **84.** Careers Wales told us in response that they had been "scratching their heads" at this comment and confirmed that young people with additional learning needs are prioritised and that they would have interactions with the majority of students with additional needs.<sup>93</sup>
- **85.** However, Arthur Beechy later shared another example of disabled students' needs being ignored:

"I always remember a horror story, whereby the children in a school, which will remain nameless, all had placements to go

<sup>&</sup>lt;sup>90</sup> Equality and Social Justice Committee, <u>paragraphs 58 - 60</u>, 7 October 2024; <u>paragraphs 134 - 135</u>, 14 October 2024

<sup>&</sup>lt;sup>91</sup> Equality and Social Justice Committee, 7 October, <u>paragraphs 58 -60</u>, Written evidence, <u>DE15 - Down's Syndrome Association</u>; <u>DE08 - Ethnic Minorites and Youth Support Team Wales (EYST Wales)</u>

<sup>92</sup> Equality and Social Justice Committee, 14 October, paragraph 242

<sup>93</sup> Equality and Social Justice Committee, 21 Oct 2024, paragraph 190

out, bar a young disabled girl, because it was too much trouble to get her one, and she's the only one left in school of her year, and everybody else is out. There's something wrong there."94

**86.** In an exchange of correspondence, the Cabinet Secretary for Education and the Minister for Further and Higher Education set out the role of Careers Wales in supporting work experience placements in years 10 and 11 and stated that "every effort is made to ensure that young people have equitable access to work placement opportunities". The Cabinet Secretary went on to describe the Tailored Work Experience programme which saw 600 people given placements of whom 55 were recorded as having a disability<sup>95</sup>.

### **Support for students with ALN**

- 87. Vivienne Buckley noted the additional difficulties faced by students with learning disabilities during the transition into further education. The Principal of Bridgend College explained that changes under the **Additional Learning Needs**Act (which gives responsibility for transition planning to schools and local authorities) had led to a postcode lottery where the process of transition can be "vastly different depending on where it is that you live". The issue of two-year funding was also a concern particularly in cases of severe learning difficulties where a student may need longer than two-years to successfully complete a course. 96
- **88.** Learning Disability Wales highlighted similar concerns arguing that there was a need for schools to work closely with families to explore different pathways to employment especially for people with learning difficulties.<sup>97</sup>
- **89.** Dan Biddle emphasised the need to embrace different forms of learning and everyone's unique strengths:

"You're trying to, particularly with something like ADHD and autism, put a square peg in a round hole: you're trying to force somebody to conform to what is deemed 'normal'. [...] 'Normal' means different things to different people. My version of normal, as an amputee and a wheelchair user, is totally different to everybody else's version [...] Who's right and who's wrong? Am I

<sup>&</sup>lt;sup>94</sup> Equality and Social Justice Committee, paragraph 329, 21 Oct 2024

<sup>&</sup>lt;sup>95</sup> Equality and Social Justice Committee, paragraph 219, 7 Oct 2024

<sup>&</sup>lt;sup>96</sup> Equality and Social Justice Committee, <u>paragraphs 218 -219</u>, 7 Oct 2024

<sup>&</sup>lt;sup>97</sup> Equality and Social Justice Committee, paragraphs 164 – 165, 14 Oct 2024

less normal than you? Or are you more normal than me? We don't have a structure of 'normal' because everybody is individual, and that individuality comes out more so when we start looking at learning disabilities and neurodiversity. We should be embracing these differences, not trying to shackle them."98

**90.** The Cabinet Secretary for Education told us that Careers Wales had reviewed and re-aligned its approach in light of the Additional Learning Needs Act and stated that:

"For young people identified as having ALN, Careers Wales offer to attend Individual Development Plan (IDP) reviews and have identified those who are leaving to enter the labour market as a priority group. In those reviews Careers Wales may contribute to the transition element of the IDP, advocate on behalf of a young person and make parents aware of opportunities." 99

## **Apprenticeships and placement opportunities**

- **91.** EHRC Cymru, Public Health Wales, EYST and the Down's Syndrome Association all identified difficulties for disabled people in accessing apprenticeships.<sup>100</sup> The main difficulties highlighted were employer reluctance and a lack of suitable placement opportunities.
- **92.** Mencap Cymru highlighted the need to accept lower levels of attainment in Maths and English (than is normally required to do an apprenticeship) if an apprentice has a learning difficulty or disability.<sup>101</sup>
- **93.** Medr told us that in addition to their Strategic Equality Plan, they had commissioned research "to collate good practice across Wales, the UK and the world on improving diversity within apprenticeships". The outcome of this research will inform the future Apprenticeship Programme, due to commence in 2027.<sup>102</sup>

<sup>98</sup> Equality and Social Justice Committee, paragraph 78, 21 Oct 2024

<sup>&</sup>lt;sup>99</sup> Paper to note 2.4, <u>Correspondence from the Cabinet Secretary for Education regarding the Disability Employment Gap and the education system</u>

<sup>&</sup>lt;sup>100</sup> DE07 EHRC Cymru; DE20 Public Health Wales; DE15 Down's Syndrome Association

<sup>&</sup>lt;sup>101</sup> Department for Education, <u>English and maths flexibilities for apprentices with learning difficulties and disabilities</u>, 21 August 2024

<sup>&</sup>lt;sup>102</sup> Paper to note 2.1, Correspondence from Medr regarding the Disability Employment Gap

- **94.** Disability Wales, ELITE, Lisa Mytton of National Training Federation Wales, and contributors to our focus groups highlighted the value of volunteering opportunities in terms of developing confidence and skills.<sup>103</sup>
- **95.** Elisa Vigna told us that the Engage to Change scheme had found that previous work experience, when underpinned by specialist job coaching, increased the likelihood of gaining paid employment long term.<sup>104</sup>
- **96.** Several witnesses, cautioned that volunteering opportunities, especially unpaid placements, were not a replacement for paid work. They included Learning Disability Wales's Angela Kenvyn, the campaigner Dan Biddle, and Engage to Change ambassador Gerraint Jones-Griffiths:

"my main concern is people volunteering long term in jobs that other people are getting paid to do [...] it's sometimes seen as good enough that a person with a learning disability has a volunteering placement, when the truth is that, if they are able to volunteer, they are also able to do paid work."<sup>105</sup>

- **97.** With regards to apprenticeships, the Minister for Social Partnership noted the Welsh Government's total investment of £143 million a year in 2024-25 and highlighted an increase in the number of apprenticeship programmes started by learners who identified as having a disability or learning difficulty. In the 2022-23 academic year 11.6% identified as having a disability compared with 5.8% in 2016-17.
- **98.** The Welsh Government's policy with regards to work experience placements is to focus on paid work rather than voluntary opportunities.<sup>107</sup> The Cabinet Secretary for Education told us that the Welsh Government was "working to increase diversity in apprenticeships and promote social mobility" and highlighted the Supported Shared Apprenticeships programme which provides additional support for disabled apprentices.<sup>108</sup>

<sup>&</sup>lt;sup>103</sup> Equality and Social Justice Committee, <u>paragraph 84</u>, 14 Oct 2024, <u>paragraph 331</u>, 21 Oct 2024; <u>paragraph 250</u>, 7 Oct 2024; and Summary of stakeholder evidence

<sup>&</sup>lt;sup>104</sup> Equality and Social Justice Committee, paragraph 177 - 180, 14 Oct 2024

<sup>&</sup>lt;sup>105</sup> Equality and Social Justice Committee, <u>paragraphs 244, 249</u> 14 Oct 2024 and <u>paragraph 80</u>, 21 Oct 2024

<sup>&</sup>lt;sup>106</sup> Equality and Social Justice Committee, paragraph 117, 25 Nov 2024

<sup>&</sup>lt;sup>107</sup> Written evidence, Welsh Government, 25 Nov 2024

<sup>&</sup>lt;sup>108</sup> Correspondence with the Cabinet Secretary for Education regarding the disability employment gap, 28 January 2025

### Eligibility criteria gaps and restrictions

**99.** Some witnesses including Learning Disability Wales, Engage to Change, ELITE's Andrea Wayman, Dan Biddle, and Rhianydd Williams of TUC Cymru highlighted a lack of flexibility with regards to eligibility criteria. They noted age restrictions for schemes such as Jobs Growth Wales+ and apprenticeships as barriers to progress.<sup>109</sup>

#### **100.** Dan Biddle explained:

"Statistics show that if you're disabled and not in employment by 26, the likelihood is you're not going to be in employment. When we look at apprenticeships, you can do an apprenticeship up to the age of about 50, I think it is, but we cap those who are the furthest away from the labour market by saying, 'If you're 25 or over, you can't do it.' [...] I don't see the logic, or how we're going to improve the system if we're capping it at that age."

- **101.** It was suggested that age restrictions should either be raised or removed entirely for disabled people.<sup>111</sup>
- **102.** Responding to concerns about age and other eligibility restrictions the Minister for Social Partnership acknowledged the need for flexibility. However, he told us that while open to future changes, there were no plans to extend the age range in the current iteration of the Jobs Growth Wales programme.

#### **Our view**

### On advice and support

We were extremely disappointed to hear that disabled children and young people are potentially missing out on work placements and other opportunities due to a lack of advice and support with placements. While disappointing, these discrepancies are perhaps unsurprising given the findings of the Children, Young

<sup>&</sup>lt;sup>109</sup> Equality and Social Justice Committee, <u>paragraph 162 – 163</u>, 14 Oct 2024; <u>paragraphs 351 and 26</u>, 21 Oct 2024; <u>paragraph 78</u>, 11 Nov 2024

<sup>&</sup>lt;sup>110</sup> Equality and Social Justice Committee, paragraph 26, 21 Oct 2024

<sup>&</sup>lt;sup>111</sup> DE01 Engage to Change

<sup>&</sup>lt;sup>112</sup> Equality and Social Justice Committee, paragraph 108, 25 Nov 2024

<sup>113</sup> Equality and Social Justice Committee, paragraph 92, 25 Nov 2024

#### **Anything's Achievable with the Right Support**

Tackling the Disability Employment Gap

People and Education Committee's report into these matters.<sup>114</sup> The Welsh Government should make clear its expectation that all disabled pupils should be offered the opportunity to learn about the employment options available to them.

**Conclusion 7.** The Welsh Government should clarify its expectation that all disabled pupils should be offered the opportunity to learn about work experience and employment options available.

### On support for ALN

We are concerned by reports that changes brought in by the ALN Act could be contributing to a postcode lottery in the support available to young people as they transition into further, higher education or employment. Furthermore we note that a lack of flexibility in funding arrangements means that children and young people with severe learning difficulties cannot access funding in instances where the individual requires longer than two years to complete a course.

**Conclusion 8.** Inflexible funding arrangements are clearly coming into conflict with the needs of disabled children and young people, especially when they require longer than 2 years to complete their studies.

#### On eligibility criteria

In a similar vein we heard of the importance of ensuring additional flexibility for disabled people trying to access government support and who need to meet strict eligibility criteria. Jobs Growth Wales was a prime example, with many noting that the cut off of 19 years was too young for many disabled young people who were more likely to stay on in education until at least 19 years. Consideration needs to be given to addressing this issue in the next iteration and we note that the Minister for Social Partnership is open to this.

**Recommendation 6.** The Welsh Government should address gaps and introduce greater flexibility into the eligibility criteria of key support programmes for disabled applicants. This includes ensuring disabled people are subject to a higher age limit than others within each cohort in the next iteration of the Jobs

<sup>&</sup>lt;sup>114</sup> Children, Young People and Education Committee, <u>Do disabled children and young people</u> have equal access to education and childcare?, July 2024

Growth Wales scheme. This will ensure that disabled young people are able to access support at the right time and at an appropriate pace.



# 6. Data, monitoring and the pay gap

Better use of data is key to the development of future policies but questions remain as to how the Welsh Government will achieve this?

## Data and the Disability Disparity Evidence Unit (DDEU)

**103.** The lack of disaggregated disability data broken down by impairment or condition was raised by RNIB Cymru, NWLDTP, Association of Graduate Careers Advisory Services (AGCAS), and the MND Association.<sup>115</sup>

**104.** Disability Wales, the WCPP, and MND Association said that there is a lack of available evidence particularly with regards to "what works". 116

**105.** The need for more consistency and accuracy of data and more regular reporting by public bodies and employers on disability among the workforce was emphasised by Professor Melanie Jones and Victoria Wass.<sup>117</sup> This would enable comparison across time and between organisations and the government has a key role in ensuring this according to Professor Jones.<sup>118</sup>

**106.** In terms of the Equality, Race, and Disability Evidence Units, the MND Association said that that "their role remains unclear" and called for clarity regarding their purpose and outputs.

**107.** Several witnesses with considerable expertise and experience in the field told us that there had been no engagement between them and the DDEU including Professor Melanie Jones, and Professor Victoria Wass, Andrea Wayman and Arthur Beechey.<sup>119</sup>

<sup>&</sup>lt;sup>115</sup> DE24 RNIB Cymru; DE12 Association of Graduate Careers Advisory Services (AGCAS); DE25 NWLDTP

<sup>&</sup>lt;sup>116</sup> Equality and Social Justice Committee, <u>paragraph 46</u>, 14 Oct 2024; <u>DE26 MND Association</u>

<sup>117</sup> DE02 Professor Melanie Jones, Professor Victoria Wass

<sup>&</sup>lt;sup>118</sup> Equality and Social Justice Committee, <u>paragraph 147</u>, 30 September 2024

<sup>&</sup>lt;sup>119</sup> Equality and Social Justice Committee, <u>paragraphs 167 – 169</u>, 30 Sep 2024; <u>paragraphs 352 to 355</u>, 21 Oct 2024

- **108.** In their strategic priorities for 2022-26 the Units set out that they will explore the experiences of disabled and neurodivergent people in Wales to understand barriers to employment and reasons for different employment outcomes.<sup>120</sup>
- **109.** The Units confirmed in an update provided in May 2024 that they had:
  - worked with the DRT to co-produce evidence that will test and strengthen the feasibility of some of the DRT priorities, and
  - commissioned research to develop and test questions that can be used to collect data to identify people with health conditions who experience societal barriers which disable them.<sup>121</sup>
- **110.** The Units are also undertaking an equalities data audit to examine what equality data is currently collected, to identify gaps and recommend improvements. This work was scheduled for completion in Autumn 2024.
- 111. The Cabinet Secretary told us that the Units were doing "extensive" work to support delivery of the DRT's recommendations and has also provided guidance to analysts on the language of the social model of disability in research, statistical reports and documents.<sup>122</sup>

## **Disability pay gap**

- **112.** The disability pay gap refers to the average difference between the pay of disabled and non-disabled people within an organisation. The Welsh Government is committed to eliminating the disability pay gap (alongside the ethnicity, and gender pay gaps) by 2050.
- 113. Mandating large employers to report on their disability pay gap was called for by IRHWS, the MND Association and the RNID.<sup>123</sup>
- **114.** Professor Wass and EHRC Cymru said the Welsh Government had the ability to do this without the need for the UK Government's forthcoming Equality (Race and Disability) Bill.<sup>124</sup>

<sup>&</sup>lt;sup>120</sup> Welsh Government, <u>Equality</u>, <u>Race and Disability Evidence Units</u>; <u>priorities 2022-27</u>, September 2022

Welsh Government, <u>Equality</u>, <u>Race</u>, <u>and Disability Evidence Units</u>: <u>progress update</u>, 17 May 2024 Equality and Social Justice Committee, 25 Nov 2024, <u>paragraph 130</u>

<sup>123</sup> DE06 Inclusive Remote and Hybrid Working Study; DE26 MND Association; DE22 RNID

<sup>124</sup> DE02 Professor Melanie Jones, Professor Victoria Wass; DE07 EHRC Cymru

**115.** The Welsh Government told us that the "pay difference between disabled and non-disabled people in Wales was £1.75 (12.2%) in 2023. This means that disabled people in Wales earned, on average, £1.75 less per hour than non-disabled people. This was a 2.5 per cent increase (or £0.43) compared to the previous year". <sup>125</sup>

**116.** The Cabinet Secretary described the Welsh Government's aim as "ambitious" and drew comparison with gender pay gap reporting which she described as "effective" in reducing the gender pay gap. The Minister for Social Partnership agreed stating that the Welsh Government could not meet its pledge alone and needed the support of everyone in society.<sup>126</sup>

#### **Our view**

### On data and monitoring

The Disability Disparity Units have the potential to play a key role in delivery of the forthcoming Disability Action Plan. Unfortunately we heard that awareness and engagement with the disability rights sector could be improved and suggest that the DDEU should explore opportunities to address this. In their engagement the DDEU should ensure that stakeholders:

- understand what the DDEUs long-term strategic objectives are; and
- identify what data gaps the Unit should prioritise in the short to medium term.

We heard several calls for the availability, consistency and granularity of data collected by public bodies to be improved. To us this should be a priority and is vital if the aim is for policymakers to use data to inform policy decisions and advice to Ministers. We note that the Equalities Data Audit sounds similar to this aim, however, we would welcome more detail with regards to this work, including how other public bodies are being engaged on this issue.

**Recommendation 7.** The Welsh Government should ensure that the Disability Disparity Evidence Unit (DDEU) improves its engagement with the disability rights sector and report on the issues and data gaps it will work on by May 2025.

<sup>&</sup>lt;sup>125</sup> Written evidence, Welsh Government, 25 Nov 2024

<sup>&</sup>lt;sup>126</sup> Equality and Social Justice Committee, 25 Nov 2024, paragraphs 120-121

### On the disability pay gap

We welcome the Welsh Government's commitment to eliminating the disability pay gap, however, it is disappointing to see that it has increased slightly according to latest figures.<sup>127</sup>

Several stakeholders called for mandatory reporting on the disability pay gap by employers. Mandatory reporting on the disability pay gap is among the provisions of a Draft Equality (Race and Disability) Bill announced in the UK Government's legislative programme.<sup>128</sup> The draft proposals suggest that reporting on disability pay gaps would be mandatory for large employers, in keeping with arrangements for gender pay gap reporting. While other factors are likely to have played a role in the reduction, it is noteworthy that the mean gender pay gap has decreased by 9% since the introduction of reporting from an average of 13.4% in 2017 to 12.2% in 2023.<sup>129</sup>

**Conclusion 9.** We agree that serious consideration should be given to introducing mandatory disability pay gap reporting for large employers in Wales and look forward to the UK Government bringing forward concrete proposals in due course. In the meantime the Welsh Government should direct devolved public bodies to proactively publish reports on the disability pay gap in order to raise awareness of the barriers that disabled people face in the world of work.

<sup>&</sup>lt;sup>127</sup> Well-being of Wales report, 2024

<sup>128</sup> HM Government, **Office for Equality and Opportunity to break down barriers to opportunity,** 9 October 2024

<sup>&</sup>lt;sup>129</sup> Office for National Statistics, Gender pay gap in the UK, 29 October 2024

# Annex 1 List of oral evidence sessions.

The following witnesses provided oral evidence to the committee on the dates noted below. Transcripts of all oral evidence sessions can be viewed on the Committee's website.

Date	Name and Organisation
30 September 2024	Professor Debbie Foster, Cardiff University
	Professor Melanie Jones, Cardiff University
	Professor Victoria Wass, Cardiff University
	Ruth Nortey, Cardiff University
	<b>Dr Marc Bryan,</b> Sheffield University
7 October 2024	<b>Fflur Elin, Head of External Affairs - Wales,</b> Federation of Small Business
	<b>Ruth Coombs, Head of Wales,</b> Equality and Human Rights Commission
	Martyn Jones, Interim Chair of the Wales Committee, Equality and Human Rights Commission
	Vivienne Buckley, Principal of Bridgend College, Colleges Wales
	<b>Lisa Mytton, Strategic Director,</b> National Training Federation for Wales
14 October 2024	Rhian Davies, Chief Executive, Disability Wales
	Miranda Evans, Business and Partnerships Manager, Disability Wales
	Gerraint Jones-Griffiths - Engage to Change Lead Ambassador, Learning Disability Wales

Angela Kenvyn - Project Manager, Learning Disability Wales  Dr Elisa Vigna - Research Fellow - National Centre for Mental Health Cardiff University  21 October 2024  Daniel Biddle, Advocate of Disabled People's Rights Nerys Bourne, Director of Customer Strategy and Service Development, Careers Wales Emma Benger, Working Wales Project Manager, Careers Wales Terry Mills, Disabled People's Employment Champi Welsh Government	
Dr Elisa Vigna - Research Fellow - National Centre for Mental Health Cardiff University  21 October 2024  Daniel Biddle, Advocate of Disabled People's Rights Nerys Bourne, Director of Customer Strategy and Service Development, Careers Wales Emma Benger, Working Wales Project Manager, Careers Wales Terry Mills, Disabled People's Employment Champi	
Mental Health Cardiff University  21 October 2024  Daniel Biddle, Advocate of Disabled People's Rights Nerys Bourne, Director of Customer Strategy and Service Development, Careers Wales Emma Benger, Working Wales Project Manager, Careers Wales Terry Mills, Disabled People's Employment Champi	
Advocate of Disabled People's Rights  Nerys Bourne, Director of Customer Strategy and Service Development, Careers Wales  Emma Benger, Working Wales Project Manager, Careers Wales  Terry Mills, Disabled People's Employment Champi	on,
Service Development, Careers Wales  Emma Benger, Working Wales Project Manager, Careers Wales  Terry Mills, Disabled People's Employment Champi	on,
Careers Wales  Terry Mills, Disabled People's Employment Champi	on,
	on,
vveisir severimient	
Andrea Wayman, Chief Executive Officer, ELITE Supported Employment	
Arthur Beechey, Chief Executive Officer Agoriad Training and Employment Support	
11 November 2024 Rhianydd Williams, Equality and Policy Officer, Wales TUC	
Angharad Dean	
Dee Montague - Coast,	
Fair Treatment for the Women of Wales	
Isabel Linton	
Fair Treatment for the Women of Wales	
Rosie Cribb, Social Firms Wales	
Richard Wellfoot,	
Merthyr Institute for the Blind	
25 November 2024 Jane Hutt, Cabinet Secretary for Social Justice, Trefnydd & Chief Whip Welsh Government	
Jack Sargeant, Minister for Culture, Skills & Social	
Partnership	
Welsh Government	
Lorna Hall, Deputy Director for Equality and Human	1
<b>Rights,</b> Welsh Government	

Date	Name and Organisation
	<b>Neil Surman, Deputy Director for Skills,</b> Welsh Government
	<b>Stephen Layne, Deputy Director for Fair Work,</b> Welsh Government



# Annex 2 List of written evidence

The following people and organisations provided written evidence to the Committee. All Consultation responses and additional written information can be viewed on the Committee's website.

Reference	Organisation
DE 01	Engage to Change (Learning Disability Wales and the National Centre for Mental Health at Cardiff University)
DE 02	Professor Melanie Jones, Professor Victoria Wass, Cardiff University
DE 03	Bristol University
DE 04	Dr Christine Grant
DE 05	Pembrokeshire Coast National Park Authority
DE 06	Inclusive Remote and Hybrid Working Study
DE 07	Equality and Human Rights Commission
DE 08	Ethnic Minorites and Youth Support Team Wales (EYST Wales)
DE 09	National Autistic Society Cymru
DE 10	Civil Engineers Wales Cymru (ICE Wales Cymru)
DE 11	University of Sheffield
DE 12	Association of Graduate Careers Advisory Services (AGCAS)
DE 13	Dr Jonathan Vincent
DE 14	Professor Daiga Kamerāde, Professor Andrew Clark, Dr Christine Goodall, Christine Parker, Dr Christina Vasilica and John Yuen
DE 15	Down's Syndrome Association
DE 16	Fair Treatment for the Women of Wales (FTWW)
DE 17	Professor Brian Garrod, Dr Marcus Hansen
DE 18	Wales Centre for Public Policy (WCPP)
DE 19	Social Firms Wales

Reference	Organisation
DE 20	Public Health Wales
DE 21	Royal College of Speech and Language Therapists (RCSLT)
DE 22	Royal National Institute for Deaf People (RNID)
DE 23	Mencap Cymru
DE 24	RNIB Cymru
DE 25	North Wales Together Learning Disability Transformation Programme
DE 26	Motor Neurone Disease (MND) Association
DE 27	Social Enterprise Stakeholder Group
DE 28	Professor Debbie Foster
DE 29	Professor Kim Hoque, Professor Nick Bacon
DE 30	Welsh Local Government Association (WLGA)
DE 31	Universal Inclusion, Jacqueline Winstanley, FRSA & CIMR Birkbeck, Yr Athro Helen Lawton Smith
DE 32	Admiral
DE 33	Cardiff Council

## Annex 3 Terms of reference

The terms of reference for the inquiry were to consider:

- What progress has been made to deliver the recommendations set out in the 'Locked Out' report and to reduce and remove barriers faced by disabled people who want to access Wales's labour market. Why progress to reduce the employment and pay disability gap has been so difficult to achieve.
- How the social model of disability is being used to underpin
  employment and recruitment practices, and what barriers continue to
  exist throughout society that impact on access to work (i.e. transport,
  attitudes).
- How effective Welsh Government actions (e.g. the network of Disability Employment Champions and apprenticeships) have been in reducing barriers to employment and reducing the employment gap between disabled and non-disabled people, including the extent to which Welsh Government policies complement/duplicate/ undermine those set by the UK Government.
- Whether disabled people are accessing apprenticeships and if any further support is needed to ensure a schemes are inclusive.
- What further policy measures are needed to support disabled people, young disabled people and employers to increase participation rates and what can be learned from elsewhere.
- What actions would **support those who are currently unable to work** to access voluntary opportunities (which could lead to future work opportunities).