

**Why are engagement levels so low among staff with
disabilities working within the Civil Service?**

A Report to the Civil Service Task Group on Disability

March 2011

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1. Executive Summary

The People Survey (2009) found that Civil Servants with disabilities were three times more likely than others to report that they had encountered some form of bullying, harassment or discrimination. To understand what lay behind this alarming statistic, and to consider possible actions to address them, the Cabinet Secretary established the Civil Service Disability Task Group. It was recognised that a number of Departments and Administrations were taking action locally, and so the Task Group was to focus on issues which were common to the Civil Service as a whole.

In addition to considering evidence and best practice from other sectors, the group commissioned a primary research study –“Why are engagement levels so low among staff with disabilities?” This considered the drivers behind the exceptionally low engagement rates and high experience of bullying and harassment. The Group concluded that the best way to understand these results was to undertake qualitative research, exploring the testimony of those with disabilities. The project made contact with over 800 people, collated their testimony and ran over 30 focus groups across the UK. This is the first time that anyone has sought to listen to the views of so many colleagues with disabilities. Collectively, the evidence gathered provides a disturbing picture of the day-to-day experience of colleagues with disabilities. It demonstrates a worrying gap between the Civil Service’s policies and aspirations and the practical realities for staff, especially those in more junior grades. There is some reason for encouragement: participants also gave example of good practice. But these were the exceptions to the rule.

This work is, of course, has the limitations of all qualitative research. It makes no claims to being statistically representative. But taken with the results of the 2009 Survey – results which are echoed in the 2010 Survey – the evidence gathered by this project constitute a clear, powerful call for action.

Five themes recur in the evidence:

- Failures in policy implementation
- Reasonable Adjustments
- Lack of understanding and disability awareness
- Insufficient access to expert advice on disability
- Inconsistent acknowledgement of the value of staff with disabilities.

The study concluded that there are serious systemic problems in the way in which staff with disabilities are treated which is leading to low engagement levels and high rates of bullying and harassment. They need urgent attention. Not only would this improve the daily experience (and effectiveness) of staff but it would

reduce departments' exposure to unfavourable tribunal outcomes. The average cost for an employment tribunal is £100k with the average award being £27k. By contrast the average cost for provision of a Reasonable Adjustment (most frequently cited by respondents as a key factor in their engagement) is £300.

There are three recommendations from this work – two for the corporate leadership of the civil service and one for individual Permanent Secretaries and their leadership teams. These are summarised below. Collectively, they represent an opportunity to tackle the discrimination which so many of our colleagues encounter every day.

1. Take the steps necessary to improve the Civil Service approach to reasonable adjustments – ensuring that civil servants consistently and universally receive an equivalent entitlement to the DWP Access to Work scheme.

From the evidence collected in this project it is clear that the changes in delivery of Access to Work for Civil Servants has not produced the expected benefits. Significant numbers of civil servants report consistent and repeated failures in the provision of Reasonable Adjustments which impact on their sense of inclusion and engagement. In particular staff reported budget constraints preventing the provision of adjustments. There were good reasons to move away from the Access to Work Scheme but an equivalent entitlement has not been secured and staff are prevented from delivering through a failure to provide funding which is trivial when set alongside the loss in their productivity. This needs urgent attention.

2. The quality of line management provided to disabled civil servants is at best inconsistent and too often poor. Permanent Secretaries should find a way to ensure line managers of staff with disabilities have access to consistent advice and expertise.

As business models have changed over recent years and HR has reduced in size, line managers have been rightly expected to take a stronger management role. But some are ill equipped to do so and poor management – particularly in relation to reasonable adjustments – is impacting on engagement levels. There is a plethora of web-based guidance but no consistent source of advice to help managers make the right judgements.

There are a number of different ways in which a minimum standard of advice and guidance could be provided. Under other circumstances we might recommend setting up a small central support team for the Civil Service to act as a source of expertise and consistent advice for managers and staff. This is clearly not practicable at present. Other approaches could include a more collaborative approach between departments or a contracted-out shared service. Permanent Secretaries should invite the new Reference Group on Disability to map out a way forward.

3. **Throughout our study we uncovered many examples of good practice. Permanent Secretaries should be encouraged to share the best practice developed by their own departments/administrations while borrowing good examples from elsewhere. Topics for consideration include:**

- Improving occupational health provision to address the systemic failings noted in this report
- Positive Action Schemes for Staff with disabilities and the benefits they bring to the business
- Specialist training and disability awareness training for all line management staff
- Mentoring by Senior Civil Servants of junior disabled staff
- Specific training for staff and, especially, line managers to raising awareness of mental health issues.

Next Steps

If the analysis in this report is accepted, the new Reference Group on Disability should be asked to draw up an outline implementation plan. This should provide an agenda for collective action by Departments and Administrations – not for the Reference Group. The agenda has to be owned by the Civil Service if it is to be addressed successfully.

Charles McKay
Project lead
February 2011

REPORT

1. Introduction

The People Survey (2009) found that disabled Civil Servants were three times more likely than others to report encountering some form of bullying, harassment or discrimination. And their overall level of engagement was significantly lower than that of Civil Servants as a whole. To understand what lies behind these alarming statistics, and to consider possible actions to address them, the Cabinet Secretary established the Civil Service Disability Task Group.

In addition to considering evidence and best practice from other sectors the group commissioned a primary research study – “Why are engagement levels so low among disabled staff?”

1. The 2009 People Survey

The survey, the first co-ordinated cross-Departmental research into staff attitudes, asked:

- Are you or do you consider yourself disabled?
- As a result of this disability do you feel that you have ever been bullied, harassed or discriminated against in the work place ?

97% of respondents answered the first of these questions and 7% (ie 25,000) declared themselves disabled. Further analysis of the results shows:

- Overall engagement rates for staff with disabilities stood at just 42%, significantly below the level for respondents as a whole, and behind the rates for many other diversity strands (eg rates for women and BME respondents were nearer to 60%).
- **Staff declaring a disability reported that they were less engaged** than those who said they had no disability or those who declined to answer the question.
- **If an individual reported as being disabled then they were three times more likely to report encountering some form of bullying, harassment or discrimination** within the work place than respondents as a whole.

In the light of these results Andrew McDonald, the CEO of the Independent Parliamentary Standards Authority (IPSA) was asked to set up the Civil Service Disability Task Group (DTG) with a mandate to better understand the issues behind the these results. The DTG is a group of senior disabled stakeholders from within and outside the Civil Service. The DTG's initial task was to consider how Permanent Secretaries collectively should be best supported on cross-Civil Service disability issues. This has led to the creation of the Permanent Secretaries' Reference Group on Disability, to be launched in the summer of 2011. The DTG's second task was to commission qualitative research to better understand the results of the 2009 Survey as they related to staff with disabilities. It opted for a qualitative approach

because this was more likely to lay bare the attitudes and experiences which lay behind the survey results.

2. Approach

The research focussed on identifying the drivers of disengagement and on formulating a limited number of recommendations to address those findings. The emphasis throughout has been on issues which are common to a number of Departments or administrations. This was in recognition of the individual initiatives taken in some parts of the Civil Service to tackle issues arising from the 2009 Survey.

To deliver the project goals, it was vital to give respondents the confidence to give more in-depth feedback. A confidential email inbox that allowed staff to disclose their individual stories was established, along with a website open to all staff welcoming their stories and comments about working with a disability.

An extensive programme of focus groups, interviews and regional workshops was mounted and these have provided the evidence to underpin our recommendations. This is the first time that qualitative research on this scale has been undertaken on the views of colleagues with disabilities.

3. Findings

The email inbox received 820 responses, setting out individual stories of experience within the Civil Service. Over 5,000 pieces of correspondence were generated from these initial responses.

Taken with the evidence from the 30 focus groups run across the UK, this constitutes an unprecedented body of evidence of the attitudes of colleagues with disabilities. The messages which emerge are not, of course, statistically representative - but collectively they represent a clear, and disturbing, account of the daily working experience of many of our colleagues with disabilities.

There was a nervousness expressed by some in sharing their stories for fear of the possible consequences for them. One colleague mentioned a fear of losing his job if someone “rocked the boat in times of redundancy”. The project’s strong, and continuing, commitment to confidentiality provided reassurance to many to set aside such concerns.

A number of recurring issues were soon apparent from the individual interviews and e-mail. These included:

- Bullying and discrimination
- Hidden (not apparent or visible) disability awareness
- Difficulties with recruitment and performance management
- Poor management and training
- Unsatisfactory provision of reasonable adjustments
- Inadequate support and facilities
- Handling of sick absence

- Approach to oral and written warnings

4. Focus Groups

As the focus groups progressed it was possible to group these issues into five themes:

i) **Policy is fine – the problem is the implementation**

- A strong message emerged concerning **inconsistencies from HR and Departmental policies** with regard to disability. Every Focus Group reported that too much was now expected of the line manager. He/she had to 'get it right' without access to appropriate support. But some cited cases where line managers actively undermined sensible policies.
- **Office of Disability Issues did not seem to be visible** for the Civil Service; it appeared to be an outward-facing organisation dealing with disability in society and not within the Civil Service.
- There is **no uniformity across the Civil Service on disability leave**. Some Departments allow it; others do not. Even in Departments where a clear policy is in place it is often interpreted differently, leading to some staff being afforded time off for hospital appointments and others having to take annual or sick leave to go to medical and disability-related appointments. Where there is disability leave allowance there is often pressure from managers upon the staff member to reduce it.
- Tension within target-driven organisations where there is **no flexibility in delivery models or role requirements to accommodate the needs of staff with disabilities**.

ii) **Reasonable Adjustments**

“Reasonable adjustments are not always expensive in relation to the role of the individual but why are staff members made to wait for such long periods of time for the correct reasonable adjustments in order to complete their day to day jobs.”
Project participant

- **Loss of Access to Work for Civil Servants working in government departments was a major concern** and was raised at every focus group. Although an assessment could be applied for from Job Centre Plus, people reported that a **second class service** was now being delivered to Civil Servants compared to people working in the private sector or the broader public sector.
- The majority of participants reported **poor experiences in the delivery of reasonable adjustments**. Respondents also reported insufficient advice on reasonable adjustments
- Participants spoke of having a real **fight to get any adjustments in place** even when the cost is small and impact high. An example of a person being on 18 months gardening leave waiting to have a £15 - £30 mouse approved, tested and placed onto their computer

- There was evidence of staff constantly having to **re-justify and re-prove their disability**, of being asked very personal questions that had no relevance to the issue in hand. If the colleague was not willing to answer, he/she was treated as a problem or an attention- seeker
- **Some were unhappy about having to be interviewed by a colleague** prior to being allowed to apply to have a reasonable adjustment put into place
- Colleagues spoke of a disjunction between arrangements for reasonable adjustments and **occupational health assessments**

iii) Lack of disability awareness

- **Mental health issues are commonly not recognised** and are still regarded as a taboo
- Similarly, **non-visible disabilities are often dismissed** or are treated as being minor and needing no reasonable adjustments
- Disabilities have been and continue to be **aggravated by behaviour in the workplace**. Participants recounted stories of developing mental health issues as a result of treatment in the workplace
- **It was argued that there was a lack of disability confidence** in the Civil Service. Participants wanted to be able to see and discuss disability without fear of reprisal by peer group and managers

iv) Insufficient access to expert advice

- Colleagues perceived that there were **no sources of expertise** in many Departments with regard to disability A common remark was that “ I need an **independent person to fight my corner**”. **Many** Departments require staff to go to their line manager **with issues and to find solutions, when** the line manager him/herself is a blocker, unable to assist or lacks the experience to assist their member of staff with a disabled member of staff
- Staff reported that **occupational health services are not expert in mental health and hidden disabilities**. Often Inappropriate reports have arisen from consultations with the wrong expert. There was testimony of increasing incidence of people having 10 to 20 minute telephone interviews where their input was restricted to Yes or No answers.
- It was reported that **Occupational Health Reports are no longer giving advice on what is appropriate** for disability leave or what is a reasonable adjustment for changes to sickness trigger points. Instead, the Occupational Health expert is leaving it to the line manager to decide on an appropriate reasonable adjustment when they have no expertise in making that decision
- **Use of telephone services for welfare issues and outsourcing to third party** came across as a major issue for those with non-visible disabilities in particular mental health and learning disabilities. Examples were given of Occupational Health interviews and assessments only available on the telephone with no flexibility even for deaf or hard-of-hearing employees who have to use another person to speak on their behalf for the interview
- With the mainstreaming of HR functions, the residual HR team often has no specialist disability expertise. The burden on the line manager was

unsustainable. One colleague gave the example of a manager phoning three different members of an HR team for help on a disability issue and getting three different and conflicting pieces of advice

v) Disability not celebrated and staff not valued for their strengths

“I was surprise to read that the level of negativity amongst disabled staff was so high. As a disabled member of staff who has worked for the Department for over eight years, I have had a mostly positive experience.”

Project participant

- Some colleagues felt there were no **schemes for unlocking the potential of staff with disabilities** in the Civil Service. In particular, the needs of those in junior grades were overlooked.
- The resourcefulness of staff with disabilities is overlooked. A colleague compared the ingenuity needed to navigate the London Underground in a wheelchair, with the assumption that the same person could not cope with travelling around the country in the course of official duties.
- In summary, the focus groups reported that the Civil Service is not a **disability-confident organisation**

5. The cost of getting it wrong:

In one Focus Group half of attendees had been to an Employment Tribunal because of disability discrimination. Each had secured an outright win and had been awarded damages.

Disability Discrimination Employment Tribunals have given awards up to £388k and the average award is £27k (*Employment Law Clinic and CIPD*). These figures exclude legal costs and loss of time and productivity to the organisation, let alone the subsequent legacy of ill feeling.. Compare this with the average cost of a physical reasonable adjustment: just £300. And swift responses to the needs of staff also yield benefits in employee engagement and productivity.

A number of respondents also reported feeling forced into confrontational process such as the grievance procedure. They would much rather the problem was tackled at source but if it that proved impossible, their preference was for a mediation or welfare route

It was beyond the remit of the project to estimate the total cost of resorting to dispute resolution to tackle issues which might have been resolved at source. But it is worth recording that in focus groups we heard repeated stories of staff feeling obliged to have recourse to tribunals, of pre-decision settlements and of early retirements and redundancy settlements to bring matters to a close.

6. Recommendations

The project team have been asked by the Disability Task Group for just two or three clear recommendations that will drive change for disabled Civil Servants. We understand the need for this focus but in the longer term more will be needed to make realise sustainable improvements in the People Survey. This conclusion is reinforced by the evidence emerging from the 2010 People Survey, which, we understands, confirms the pattern evident in the 2009. There is a deep-seated problem here which will is demanding of concerted action. Clear leadership will be essential if the discriminatory aspects of our culture are to be addressed.

But to make a start, we propose an initial action plan, with three components:

- a) **Take the steps necessary to improve the civil service approach to reasonable adjustments – ensuring that civil servants consistently and universally receive an equivalent entitlement to the DWP Access to Work scheme.**

It is clear from the participants in the focus groups and from respondents' narratives that removing the funding from the Access to Work Scheme has not worked as it was intended. The rationale for the change was that each department should be an exemplar in the provision of reasonable adjustments and it was unnecessary for one government department to be funding others to assist their disabled staff.

But there is strong evidence from the narratives and focus groups which suggests that provision of support has been greatly reduced in most Departments: access to reasonable adjustments now compares poorly to other sectors. Significant numbers of Civil Servants report consistent and repeated failures in the provision of Reasonable Adjustments.

The cost for reasonable adjustments has also been passed onto individual units and teams to be taken from local budgets without the local managers being given acknowledgement that they had additional costs in employing a disabled person. This has lead to a failure, in some areas, to provide reasonable adjustments, the cost of which is relatively trivial. This causes confrontation between manager and staff member increasing the incidents of grievances and legal challenges to Departments. We even found examples of staff being denied the travel and subsistence to attend our workshops – with some even taking annual leave to attend.

The loss of Access to Work has not worked as intended and there needs to be a way of finding to deliver an equivalent service to Civil Servants – perhaps via a central budget in each department.

- b) **The quality of line management provided to disabled civil servants appears to be inconsistent and often poor. Line managers of staff with disabilities need access to consistent advice and expertise.**

Failures of line management recurred repeatedly as a theme.

There are a number of different ways in which a minimum standard of advice and guidance could be provided. In a less-resource constrained world we might recommend setting up a small central support team for the Civil Service to act as a source of expertise and consistent advice for managers and staff. Other approaches could include a more collaborative approach between departments or a contracted-out shared service. Such advice could address the issues that arise from poor communication and the issues that we have uncovered through this project.

c) **Throughout our study as well as finding shortcomings we uncovered examples of good practice. Individually, Permanent Secretaries may wish to share with other departments their successes and to borrow from them examples of good practice. Topics meriting consideration include:**

- Improving occupational health provision to address the systemic failings noted in this report
- Positive Action Schemes for Staff with disabilities
- Specialist training and disability awareness training for all line management staff
- Mentoring by Senior Civil Servants of junior disabled staff
- Specific training to all staff and line managers on raising awareness of mental health issues and mental distress

Action Plan

If the approach recommended in this report is accepted, the Senior Reference Group should be invited to develop an implementation plan. The plan would be for the Civil Service itself to implement – not the Reference Group.