

North Tyneside Council

Report to Cabinet

Date: 20 February 2023

Title: Disability Employment Charter

Portfolio(s): Human Resources Equality, Diversity & Inclusion	Cabinet Member(s): Cllr Martin Rankin Cllr Hannah Johnson
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Report from Service

Area: Human Resources

Responsible Officer: Jon Ritchie, Director of Resources (Tel: 0191 643 6476)

Wards affected: All

PART 1

1.1 Executive Summary:

- 1.1.1 The Disability Employment Charter (“the Charter”) was launched in October 2021. The purpose of the Charter is to petition the Government to introduce change to level up opportunities for disabled people seeking and in employment. Organisations which sign the Charter are showing support for the introduction of these measures for change.
- 1.1.2 The Charter outlines nine areas for the UK Government to consider which will improve disabled people’s employment outcomes. The actions are set out to provide the Government with a road map for change as it develops the next phases of its National Disability Strategy.
- 1.1.3 Objectives of the Charter are to increase employment opportunities and job satisfaction for disabled people, reduce disability pay gaps, benefit the taxpayer and support the UK’s post-pandemic recovery by providing employers with the widest possible talent pool to address skills shortages.
- 1.1.4 The measures set out in the Charter align with many of our organisational equality objectives and measures we are already taking as an Authority to support disabled colleagues and if adopted by the Government would further support the Authority to become a more inclusive employer.
- 1.1.5 To date there is no confirmation about if or when Government will consider the Charter from a national perspective.

1.2 Recommendation(s):

It is recommended that Cabinet:

- (1) Agrees that the Authority becomes a signatory organisation to the Disability Employment Charter; and
- (2) Authorises the Director of Resources to take all necessary steps to implement recommendation (1) above.

1.3 Forward Plan:

Twenty eight days notice of this report has been given and it first appeared on the Forward Plan that was published on 19 January 2023.

1.4 Council Plan and Policy Framework

1.4.1 This report relates to the following priorities in the 2021/25 Our North Tyneside Plan:

A thriving North Tyneside

- We will invest in adult education and to support apprenticeships to make sure people have the right skills for the job
- We will review how the council purchases and contracts for goods and services to maximise value for money, social value and environmental sustainability

A caring North Tyneside

- We will work to reduce inequality, eliminate discrimination and ensure the social rights of the people of North Tyneside are key to council decision making
- We will invest in adult education and to support apprenticeships to make sure people have the right skills for the job

1.4.2 The Authority has a set of corporate equality objectives that guide the Authority's work on equality, diversity and inclusion, three of which align with the aims of the Charter:

1.4.3 Equality Objective 2 is to "Create a more inclusive colleague experience within the Authority". Actions under this objective include the introduction of a Disability Policy, a review the Authority's Attendance Management Procedure to ensure a wider focus on health and wellbeing, and a commitment to make the Authority's workforce more representative of the borough's population through a Workforce Development Plan, delivery of an Equality and Diversity Calendar of events and activities and the delivery of an 'Embedding Equality Programme' to make equality and diversity "everyone's business", including the introduction of staff networks with one for staff with disabilities.

1.4.4 Equality Objective 4: "Improve the collection and use of workforce and external equality data". The actions under this objective are to ensure a corporate approach to the collection, publication and use of employee, customer, and resident equality data and to develop, monitor and report equality and diversity performance measures.

1.4.5 Equality Objective 5: "Ensure the Authority's buildings, services and communications are accessible", which includes the implementation of an action plan based on Access Able's findings.

1.4.6 These actions under these objectives align with the aims of the Disability Employment Charter to support the objective of being a more inclusive employer.

1.5 Information:

Background

- 1.5.1 The Disability Employment Charter was founded by Disability Rights UK, Disability@Work, the University of Warwick, the DFN Charitable Foundation, Leonard Cheshire, Scope, Shaw Trust Foundation, and UNISON.
- 1.5.2 129 organisations within the public, private and voluntary sectors have become signatories to the Charter. Public sector organisations who have signed up to the Charter include Adur & Worthing Councils, Kent Fire & Rescue Service, Lancashire & South Cumbria NHS Trust and Lancashire Teaching Hospitals.
- 1.5.3 The Charter consists of nine areas that will create a framework of good practice that the Authority can support. It can be used as a tool to assist the Authority in its aim to be an inclusive workplace which integrates equality, diversity and inclusivity into its people policies and practices.
- 1.5.4 Set out below are the areas included in the Charter and the work the Authority is undertaking which already meets the measures outlined in the Charter.

Employment and pay gap reporting

- 1.5.5 The Charter states that the Government should require all employers with 250+ employees to publish data annually on the number of disabled people they employ as a proportion of their workforce, their disability pay gap; and the percentage of disabled employees within each pay quartile.
- 1.5.6 A key priority for the Authority in 2023/24 will be to improve the declaration rates against all protected characteristics. This will enable more valid reporting on the data with the plan to publish a Disability Pay Gap Report which will comply with these requirements.

Supporting disabled people into employment

- 1.5.7 The Charter states that the Government should increase disabled people's access to employment programmes and apprenticeships; increase the scale, quality and awareness of supported employment programmes and supported internships; and increase the provision of tailored careers advice to disabled people.
- 1.5.8 Human Resources is working with the Employment and Skills Team, increasing access to employment opportunities and apprenticeships through work experience opportunities being made available for those on supported employment programmes as well as care leavers. This entails work experience applications being considered as a priority along with guaranteed interviews for those applying for apprenticeships from identified groups who meet the essential criteria.

Reform of Access to Work (AtW)

- 1.5.9 The Charter states that the Government should remove the AtW support cap; ensure application/renewal processes are efficient, personalised, and flexible; entitle disabled job

-seekers to 'in principle' indicative awards; facilitate passporting of awards between organisations and from Disabled Student's Allowance to AtW; and increase awareness of AtW support.

1.5.10 Below are recent pieces of work that have been undertaken in respect of Access to Work and other support measures for colleagues with disabilities:

- The Access to Work Scheme has been promoted to managers recently, with new guidance, as part of a drive to raise awareness of what support is available to colleagues with disabilities.
- A Workforce Support Profile was also introduced last year following consultation with colleagues with disabilities which outlines what support is needed and agreed to with the individual's manager. This can also be used by the individual to outline their needs if a new manager is appointed; a job changes or they move to another job role or team within the Authority; and
- Guidance on what reasonable adjustments can be put in place to support colleagues who have existing disabilities or become disabled during their employment.

1.5.11 The Authority has plans to introduce a Disability Policy to ensure colleagues with disabilities know where and how to get support.

Reform of Disability Confident

1.5.12 The Charter states that the Government should require all employers at Disability Confident Levels 2 and 3 to meet minimum thresholds regarding the percentage of disabled people in their workforce; and remove accreditation from employers that do not move up within 3 years from Level 1 to Levels 2 or 3.

1.5.13 The Authority submitted and were successful in retaining Disability Confident Employer status in January 2021 at Level 2. This accreditation lasts for 3 years and during this time it is the Authority's ambition to achieve Level 3 status.

Leveraging Government procurement

1.5.14 The Charter states that the Government should ensure award decisions for all public sector contracts take into account the percentage of disabled people in the workforce of tendering organisations; require Government contractors to work towards a minimum threshold regarding the percentage of disabled people in their workforce; and take failure to achieve this threshold into account in future contract award decisions.

1.5.15 In March 2021 the Authority agreed a Responsible Procurement Charter 2021-2025. The Procurement Charter ensures that the Authority incorporates legal, ethical, environmental, and social considerations into its spending decisions whilst maximising value for residents of North Tyneside.

1.5.16 It is underpinned by a set of values and principles expected from suppliers. In relation to Equality, Diversity and Inclusion the Charter states:

North Tyneside Council celebrates the value that different backgrounds, experiences and perspectives can bring to our communities and businesses. In all activities we recognise the importance of ensuring no-one is treated in a way that excludes or discriminates, this includes identifying any practices that may disadvantage any specific group of residents and doing everything we can to prevent them.

1.5.17 Starting in January 2023 the Authority will be contacting all contractors to collate data on all protected characteristics to identify which sectors the Authority needs to work with to improve inclusivity.

Workplace Adjustments

1.5.18 The Charter states that the Government should require employers to notify employees on decisions regarding reasonable adjustment requests within two weeks; make the option to work flexibly from day one the legal default for all jobs; introduce stronger rights to paid disability leave for assessment, rehabilitation and training; and fund an increase Statutory Sick Pay to the European average.

1.5.19 The Authority's policy already allows colleagues the right to request flexible working from day one. Other requirements will be considered as part of the Authority's Wellbeing Programme.

Working with disabled people and their representatives

1.5.20 The Charter states that the Government should require employers to consult and negotiate with disabled people and their representatives on disability equality matters; and provide trade union equality representatives and disability champions with statutory rights to time off to perform their role.

1.5.21 The Authority launched four staff networks in 2021 including the Disability & Long-Term Condition Network (including carers) (DisLoC). These staff networks have the support of the Senior Leadership Team and are designed to:

- Create a supportive space to discuss issues and find solutions
- Provide tools and signposting for members
- Provide a social space for groups with a shared characteristic
- Support knowledge sharing
- Provide development opportunities for members
- Inform and educate
- Shape policy and procedure
- Be a critical friend to the council

1.5.22 The Authority also launched its Diversity Allies Programme in 2021 encouraging colleagues to sign up to champion equality, the role includes:

- Answering questions colleagues have on equality issues
- Signpost colleagues to resources for support and education
- Helping create a supportive culture where colleagues feel comfortable discussing issues/uncertainties
- Promote training and events around equality, diversity and inclusion.

1.5.23 Being a Diversity Ally, running a staff network or attending staff network meetings can all be undertaken, where possible, within work time.

Advice and support

1.5.24 The Charter states that the Government should create a 'one stop shop' portal to provide information, advice and guidance to employers on recruiting and retaining disabled people, and to disabled people on their employment rights.

National progress on disability employment

1.5.25 The Charter states that the Government should take into account increasing disability prevalence in calculating the disability employment gap, and use the 'prevalence corrected' employment gap measure in monitoring national progress on disability employment.

1.6 Decision options:

The following decision options are available for consideration by Cabinet:

Option 1

Agree to become a signatory to the Disability Employment Charter

Option 2

Do not agree to become a signatory to the Disability Employment Charter

Option 1 is the recommended option.

1.7 Reasons for recommended option:

Option 1 is recommended for the following reasons:

It supports the Authority's statutory duty under The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 and the reporting requirements imposed by the Regulations. It also helps to meet the Authority's corporate equality objectives that guides the Authority's work on equality, diversity and inclusion and its aim to be an inclusive workspace.

1.8 Appendices:

Appendix: Disability Employment Charter

1.9 Contact officers:

Carol Murphy, Senior HR Business Partner, tel. 07968239266

Louise Robson, Organisation and Workforce Development Manager, tel. (0191) 643 1505

Anne Foreman, Policy and Performance Manager, tel. (0191) 643 2225

1.10 Background information:

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

(1) Disability Employment Charter <https://www.disabilityemploymentCharter.org>

(2) Responsible Procurement Charter
<https://my.northtyneside.gov.uk/category/611/strategy-and-procedures>

(3) The Equality Act 2010
<https://www.legislation.gov.uk/ukpga/2010/15/contents>

(4) The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017
<https://www.legislation.gov.uk/ukdsi/2017/9780111153277/contents>

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

There are no financial implications linked to becoming a signatory to the Charter. If the Government bring in legislation or regulations as part of their Disability Strategy which adopts any measures requested in the Charter there may be finance or resources implications but these are not able to be quantified at this time.

2.2 Legal

The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 requires Public Bodies to consider all individuals when carrying out their day-to-day work in shaping policy, in delivering services and in relation to their own employees and produce annual information that demonstrates consideration of the public sector equality duty under section 149 of the Equality Act 2010 (“the 2010 Act”).

In accordance with section 149 of the 2010 Act, the Authority when exercising its functions, including, the employment of staff, must have due regard to the need to: -

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the 2010 Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

The Disability Employment Charter has been considered by the Corporate Employee Joint Consultative Forum who support the Authority becoming a signatory to the Charter.

The Charter has also been discussed by the DisLoC Staff Network who support the proposal to sign up to the Charter.

2.3.2 External Consultation/Engagement

The organisations of the founding members of the Charter support and represent thousands of working aged disabled people within the UK. Throughout 2021 these organisations met regularly to discuss and agree the actions and recommendations included in the Charter.

The proposals in the Charter are drawn from the experiences of the disabled people supported and represented by the founders and signatories of the Charter, and are also backed by research evidence.

2.4 Human rights

There are no direct human rights issues arising from this report.

2.5 Equalities and diversity

The Disability Employment Charter supports the Authority's duty under the Equality Act 2010 (Specific Duties and Public Authority) Regulations 2017. The Authority, as stated in the report, has a duty to have regard to the matters set out in section 149 of the Equality Act 2010 when exercising its functions.

2.6 Risk management

There are no risk management issues arising from this report.

2.7 Crime and disorder

There are no direct crime and disorder issues arising from this report.

2.8 Environment and sustainability

There are no direct environment and sustainability issues arising from this report.

PART 3 - SIGN OFF

- Chief Executive X
- Director(s) of Service X
- Mayor/Cabinet Member(s) X
- Chief Finance Officer X
- Monitoring Officer X
- Assistant Chief Executive X