Ensuring Fairness in Work

for People with Disabilities















Foreword



Lord ShinkwinHouse of Lords

Next year will mark the 30th anniversary of the introduction of the UK's Disability Discrimination Act.

As the youngest member of the National Disability Council, set up to advise the then Government on its implementation. I well remember the sense of elation as we heralded a new dawn. And yes, there have undoubtedly been improvements, but the extent of the exclusion, which I still experience as a severely disabled person 29 years later, is staggering. It's implicitly acceptable, completely normal and absolutely everywhere. Indeed, the enduring discrimination we face across the piece - in housing, transport, access to goods and services and, crucially, employment.

Urgency. It's the magic word that's missing from so much of the disability policy debate, mainly because it's normally non-disabled people who are making the decisions. So, naturally, it's about policy that's done to and for, rather than by those most affected; disabled people.

Quite apart from the implicit discrimination of disabled people only ever being viewed as burdens –

as opposed to disabled people perhaps finding their exclusion as a bit of a burden - I wonder if policy-makers have ever calculated the true scale of the false economy engendered by exclusion. In terms of an insight into the exponentially catastrophic costs involved, I suspect worklessness and the economic inactivity crisis is a good indicator. It is quite literally threatening to break the bank and render the welfare state unsustainable. Which is why starting now on introducing measures to reduce the disability employment gap - through the introduction of mandatory disability employment and pay gap reporting to foster transparency and facilitate competition for talent; to incentivise and reward companies that champion equality of opportunity in practice; and to attract and retain the best talent - is so important to ensuring today's discussion isn't simply a repeat of ones I was part of 30 years ago. Even if businesses were to focus their initial attention on the almost 20% of graduates who are disabled, that would still be progress.

I was recently introduced to the work of the Better Hiring Institute, whose mission is to make UK hiring faster, fairer, and safer: the fastest globally, the fairest in the world, and the safest it can be.

Making UK hiring fairer is essential to ensuring we maximise opportunity for everyone, help reduce worklessness and tackle economic inactivity. Reducing barriers for people with disabilities is a critical part of making UK hiring the fairest in the world. I don't want to be having this discussion in another 30 years' time, but for that not to happen, we need to modernise employment by asking ourselves: where do we want to be in 5, 10, 20 years' time - the time it typically takes for someone to be sitting, on merit, around the Boardroom table - and how are we aging to get there.

I would argue we need to do on disability what business success dictates we do for everything else: be ambitious, strategic and methodical in setting goals and measuring progress. All professional organisations, especially business, depend on transparent, consistent and effective data management to survive and to thrive. So they already do this as a matter of course. What I am saying is that if we're serious about realising fairness and equality of opportunity at work and closing the disability employment gap, we need to apply the same, sound business principles to disability as well.













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Keith Rosser

Chair of the Better Hiring Institute & Director of Reed Screening

There are too many people in the UK who want to find work but are prevented doing so because the hiring process presents too many barriers for people with disabilities. Reed Screening and the Better Hiring Institute worked alongside the UK Home Office to deliver digital hiring during and after the pandemic.

This initiative enabled companies up and down the UK to hire and employ people digitally, remotely, and flexibly. Ministers have said that this change would lead to 25m people by 2030 getting a job remotely. This should have been a step change in the recruitment of people with disabilities. The freedom to work anywhere, anytime should have enabled more people to find work. Data suggests this simply is not the case.

More hybrid working, more "Disability Confident" employers, and more innovation in general in this space should have helped many of the 50% of people with disabilities who wanted to get into good work, get into good work.

Estimates tell us that almost 1 in 4 people in the UK declare a disability, that people with disabilities are almost twice as likely to be unemployed, and three times as likely to be economically inactive. But a focus on hiring, a focus on DE&I, and a focus on Disability Confident simply has not led to the basic improvements we need to see to embed fairness into the fields of hiring and employment.

Amidst a worklessness crisis. it is incomprehensible that talent is wasted in this way. In fact, it is not just about worklessness, it is a contravention of basic human rights that structural barriers persist which mean people with disabilities continue to struggle when looking for work and when in work.













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Introductions



Worklessness and economic inactivity are at record levels, and productivity continues to be a challenge for business, yet everywhere we have barriers in place facing those who want to work. Nowhere is this more true than with people with disabilities who continue to face significant barriers almost 30 years after the Disability Discrimination Act came into force.

Our new world of hybrid working and digital hiring simply hasn't resulted in barriers being removed for people with disabilities, and this clearly needs to change. People with disabilities face so many challenges: housing, education, transport, location and accessibility, all of which contribute to whether there is fair employment opportunity.

Broad societal change is needed to ensure fairness for people with disabilities, but employers and policymakers have a responsibility to play their part to create fairer hiring.

The Better Hiring Institute have an important mission: to make UK hiring faster, fairer, and safer. Moreover, to make UK hiring the fairest in the world. It's a noble aim, but to achieve it we must bring about change to the way hiring is done across the UK, reducing barriers and improving opportunity for all. It is particularly critical for people with disabilities who continue to face significant barriers, which contribute to almost half of working aged disabled people being out of work, and disabled people being nearly three times as likely to be unemployed.

Getting people with disabilities into work is good for the economy, good for business, and good for society. We all have a responsibility to make hiring fairer, to create fair opportunity for all, and therefore I am pleased to support this work and the overall ambition to transform the way the UK hires.













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Nearly thirty years on from the Disability Discrimination Act 1995 and the employment landscape unfortunately remains bleak for many people with a disability.

Close to a quarter of the UK's working age population is considered disabled, but only 54% of those people are in employment compared to 82% of non-disabled people. Disabled people are nearly three times as likely to be unemployed as non-disabled people. Furthermore, the people with a disability who are employed, face a 17.2% pay gap to their non-disabled counterparts, Deirdre Costigan MP highlighted at the Modernising Employment APPG event on 'Ensuring Fairness for People with Disabilities'.

The Disability Discrimination Act 1995 marked a pivotal moment in UK policy whereby disabled people, for the first time, received protections against various forms of discrimination.

There have been various initiatives over these 30 years which have improved, somewhat, the opportunities for disabled people to fairly obtain and participate in good employment. This includes the UK government's Disability Confident scheme, which has over 19,500 employers engaged over three levels of commitment; and the UK's move to allow a fully remote onboarding process, which should enable those with disabilities who find it difficult to leave their home and travel, to still be able to obtain a job remotely.

A08: Labour market status of disabled people - Office for National Statistics, October-December 2024



TUC - disability pay gap reaches staggering level of £4,300 a year | TUC

















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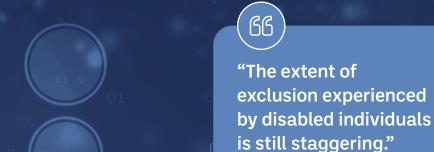
Disability Discrimination Act 1995

Despite this, as Lord Shinkwin stated frankly at the event, "the extent of exclusion experienced by disabled individuals is still staggering".

Furthermore, employers were also called out for not doing enough, with Emily Hyland of TUI stating "the silence is deafening. The fear from employers is causing silence, and that silence is very, very loud".

Lord Holmes highlighted that "employment is the total package" for disabled people. Even if hiring and employment was truly fair and inclusive, disabled people still face barriers with aspects surrounding it, such as getting to work (transport etc.), obtaining education and the cost of being disabled.

It is clear there remains significant barriers to disabled people in finding work which are compounded with other societal barriers which will be explored in more depth in this guidance, along with recommendations for further action.



Lord Shinkwin















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Barriers to employment for disabled people

Hearing from the presenters at the APPG event, we have been able to identify a number of the barriers faced by disabled people in obtaining fairness at work.

The barriers below can generally be applied; however, it is important to recognise that disabilities and their impact on the person can vary greatly and therefore these nuances to the person's situation should be considered.

Remote working and remote onboarding offers an opportunity for employers to provide an environment that could support disabled people.

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Barrier - Travelling to and from an office or job site

Context - Jobs in the way that they have previously been structured – such as a traditional in-office or on-site job - are often not suitable as an environment for many disabled people. This is because of a number of factors, including a lack of accessible transportation to get there, as well as an inaccessible office environment.

The move to remote working and remote onboarding offers an opportunity for employers to provide an environment that could support disabled people, where this is a barrier.

Barrier - Working hours being long or inflexible

Context - A requirement to work full-time hours, or a rigid schedule, may impede disabled people from being able to sustain a job. The impact of a disability on the person may vary from day-to-day (a 'dynamic disability') or mean that they need to take frequent breaks to manage their condition.

Where possible, this should not be a barrier; if a role is primarily concerned with producing outputs, it could be that a flexible working structure enables a person with disabilities to utilise their skills and produce these outputs on a schedule that supports their disability.















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Barrier - Lack of disability education for managers or colleagues

Context - The anecdotal experience of disabled people highlighted that often their poor experience in obtaining or sustaining a job was at the behest of the manager who had a limited understanding of their responsibilities, or their fellow colleagues who had limited awareness as to the challenges faced by their colleague with a disability.

Examples include managers not following due process in obtaining reasonable adjustments for their team member, or colleagues bullying or ostracizing the team member.

The Modernising Employment APPG has already identified fundamental challenges in the training of managers within organisations (see Future of Management for our Future of Work guidance) and their responsibilities in this area are very much linked to this.

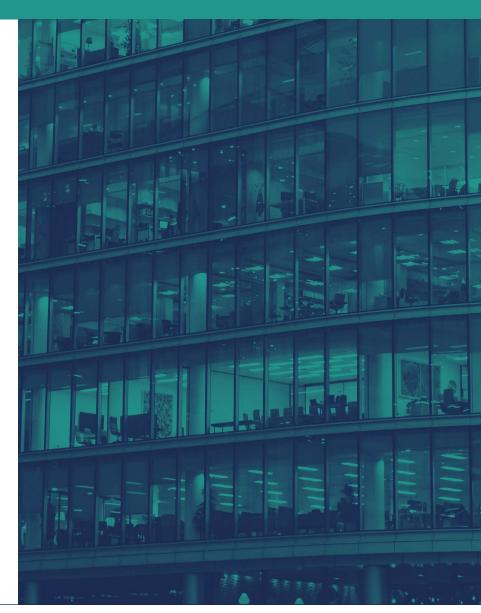
Barrier - The cost of being disabled

Context - The cost of living with a disability is significant, which can put a strain on finances in the household before a person has even obtained a job. This could lead to disabled people being disadvantaged in the process of applying for and obtaining a job. For example, being able to afford the technology to allow them to submit applications, or the cost of travelling for an interview.

For more information on the cost of being disabled you can see Scope UK's report on the 'Disability Price Tag'.

<u>Disability Price Tag 2024 |</u> Disability charity Scope UK



















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Barrier - Lack of accountability or priority by employers

Context - The APPG recognised that initiatives to support inclusivity in the workplace for various under-represented groups, including disabled people, are often considered separate to company strategy and are a 'Corporate Social Responsibility' decision instead.

Emily Hyland of TUI stated that "Diversity, Equality and Inclusion (DE&I) is not a 'nice to have'" and Charles Clement of BT Group recognised that this work "requires senior sponsorship to give it gravitas".

Barrier - Myths around employing disabled people

Context - Currently, as Laura Davis of the British Association for Supported Employment (BASE) highlighted, there are still a number of myths around hiring disabled people that are believed by employers, which need to be debunked.

These include that making reasonable adjustments to support disabled people to be able to work is expensive, and that disabled people take more time off from work. These are often not true, and if employers take the right steps, then these limitations can be eradicated. You can see examples of steps later in this guidance.

Barrier - Obtaining education

Context - The barriers to employment for disabled people can often start early in life, in their ability to obtain education as fairly and easily as those without disabilities. Many of the barriers refenced above also apply across the education sector – for example being able to travel to and from a school, the cost of being in education etc. are very real barriers to education for disabled people too.













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Barrier - Pay gap

Context - As mentioned in the introduction, there is a reported 17.2% pay gap for disabled people in employment compared to their able counterparts.

In addition, it is currently not required of employers to recognise and report on the pay gap of their employees with disabilities, and therefore the situation may be even worse, just that the data is not available to fully understand it.

Barrier - Lack of clarity in job advertisements

Context - Dan White of Disability Rights UK highlighted that often "the job search for disabled people is demoralising". This is because many of the jobs available will come with some of the other barriers listed (inflexibility etc.) which may limit (often unnecessarily) the pool of jobs available.

Additionally, where the jobs are suitable, or the employer is 'disability-friendly' this is often difficult to identify in the way that majority of job advertisements are currently structured.

Barrier - Immigration policy

Context - Should a legal migrant become disabled before they achieve full residency in the UK and be no longer able to work to the same contract terms or achieve the minimum required salary, their visa is often revoked and they are given 60 days to find a new job meeting the same criterion as before.

This is typically with no support or consideration for the fact that their health has changed and may be limiting their capacity to work to such a structured set of requirements.

















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Reviewing the success of Disability Confident

The UK government's Disability Confident scheme, launched in 2016, is a free-to-join scheme to encourage employers to improve their processes to be more inclusive for disabled people and demonstrate their commitment to doing so.

It has three levels of varying intensity, starting with a simple commitment and moving up to a full external assessment of the employer's activities. The Disability Confident has, positively, had significant engagement from employers, with over 19,500 employers engaged at the varying levels, with 67% of employers on the scheme stating that it has had a positive impact on their organisation.

However, according to Professor Kim Hoque of Kings College London, it has been established that the percentage of people with a disability employed at 'Disability Confident' registered organisations is no different to the percentage employed at organisations that have not engaged with the scheme. Part of the reason for this could be how easy it is for employers to engage at the first level of the scheme without needing to evidence any changes or improvement but be able to mark themselves as a Disability Confident employer. This also makes it more difficult for disabled people to identify employers who are truly disability friendly.

The Better Hiring Institute has reviewed the Disability Confident scheme along with partners such as The Work Foundation and identified some key areas where improvements should be made.

These include:

- Providing more detail and examples to support employers in their journey to becoming Disability Confident.
- Along with significant reforms the Disability Confident scheme, it is important to hold employers more accountable such as through the assessment criteria recognising disability employment outcomes.
- Review other UK government and industry-based hiring initiatives with similar aims, such as the Defence Employer Recognition Scheme, to take key learning points.

As part of the actions from this guidance, the Better Hiring Institute will formalise its recommendations for the Disability Confident scheme and work with partners to progress the necessary changes.













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What is the UK government's role in this?



The UK government plays a vital role in improving hiring and employment standards for everyone including disabled people.

The UK government already has initiatives in place to support disabled people into work however it is noted that these require significant improvement in order to be truly effective. Initiatives such as the 'Access to Work' grant have been called out as difficult to navigate with a long backlog, which will be costing disabled people their jobs if they need this support before they can start work.

It would also benefit the UK government's aim to 'Get Britain Working' if UK government were to prioritise reforms in this area. If some of the barriers identified earlier were removed or minimised then this would help increase the percentage of working age disabled people who are in work, thereby closing the disability employment gap.

Sir Charlie Mayfield has been commissioned by UK government to undertake an independent review of the role of employers in creating healthy and inclusive workplaces. The BHI believes this review should consider the recommendations from this paper, including the government adopting the Disability Employment Charter and reforming Disability Confident.

The UK government has committed, via its <u>Get Britain Working whitepaper</u>, to tackle the challenge of ill health-related economic inactivity, and the Better Hiring Institute believes that the barriers and solutions in this guidance should be considered as part of this work.

<u>Disability Confident Scheme:</u> <u>findings from a survey of participating</u> <u>employers - GOV.UK</u>



<u>Top Disability Confident members</u>
'do no better on jobs than non-members'
- Disability News Service

















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The Disability Employment Charter ('DEC') outlines nine recommendations for UK government to consider for improving the employment landscape for disabled people, including reforms to the Disability Confident scheme.

The DEC along with supporters have been calling on government to make these changes which should drive real improvements for disabled people.

One of the recommendations is around mandatory pay gap reporting, which was announced in the King's speech in 2024, and is expected to be included in the draft Equality (Race and Disability) Bill.

A number of organisations including the Centre for Social Justice Disability Commission, the Institute of Directors and Disability@Work have also called for the inclusion of disability employment reporting as well as pay gap reporting in the draft Equality (Race and Disability) Bill, which would help focus employers' attention on increasing the number of disabled people they employ as a percentage of the workforce.

Furthermore, the British Association for Supported Employment (BASE) represents organisations that engage with and deliver the Supported Employment model within their organisation.

Supported Employment is a model that has been successful in supporting disabled people to secure and retain paid employment for decades.

Employers can find out more about BASE and the Supported Employment model on their website.















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What should employers be doing?

The Better Hiring Institute recognises the calls for reform of the Disability Confident scheme and are in full support of this. Reforms are critical to ensure the scheme is really driving change for disabled people.

Nonetheless, in place of any other practical scheme, it is still a structured pathway in the UK for employers to follow to improve their organisations for disabled people.

If employers can commit and make a strong effort to undertake the activities in the scheme, they will go a long way in inciting positive change, while further reforms to the scheme take place.

Other actions that employers should be taking include:

- Undertaking an assessment of where disabled people may face barriers in gaining or undertaking employment with their organisation and attempting to address these.
- Ensuring their job adverts are inclusive and encourage anyone (who is qualified) to apply. regardless of background or disability. This means including information on the job adverts such as salary, and whether it is part-or full-time, as well as location.
- Making reasonable adjustments for those with disabilities at both interview stage and once employed.
- Reviewing your recruitment and onboarding processes to identify opportunities to offer a fully digital process, if needed by someone.

- Considering where in your organisation you could offer 'person-centred' jobs. Where flexible working arrangements and remote working could be permitted.
- Ensuring your management personnel are equipped to support interviewees and employees with a disability.

The Better Hiring Institute recognises that often employers want to improve but may not know how to do so.

It is the aim of the BHI to support employers with best practice as to how to make such improvements.















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It was noted that often employers are unsure as to what constitutes a 'reasonable adjustment' in the workplace.

Whilst this guidance does not constitute legal advice, the BHI has identified some examples of low-cost, high-impact actions employers could take to support disabled people in recruitment and employment.

It is important that employers recognise that disabilities are individual, and every person who requests a reasonable adjustment should have their circumstances considered on a case-by-case basis, as needs will vary by person.

Example 1 In-person interview		
	Challenge	Solution
	An interviewee has a disability which means that travelling to a work site to interview is challenging for them.	Offer a virtual interview process. Considerations: If the role is likely to require frequent travel to a work site, it may be that other adjustments need to be made further down the line also - see example 2. Or alternately, if a person with a disability has secured a role, they may be able to put in place arrangements which mean that travelling into work is not a challenge, but committing to an interview in person may have significantly disadvantaged them as they were not able to make those arrangements as a one-off. This is an example of why it is imperative to discuss with the individual
		what their needs are.
Example 2 Flexible working		
	Challenge	Solution
	An employee with a disability may require frequent breaks – note this could be a new employee, or a previous employee who has recently become disabled / their condition has worsened.	Offer flexible working arrangements. These could include the ability to work from home (either when needed, or on an agreed schedule) or flexibility to their hours – starting earlier, or finishing later etc.
Example 3 Office equipment		
	Challenge	Solution
	An employee has a disability that affects their spine. They would benefit from a specialised chair that supports their back appropriately – this could be both in the office or at home, depending on their working arrangements.	Provide a specialised chair (ensuring that it meets the individual's specific needs).













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Employer Recommendations Best practice, where possible, is that employers should commit to and progress through the UK government's Disability Confident initiative.

If employers are unable to commit to Disability Confident, at a minimum they should be:

- Undertaking an assessment of where disabled people may face barriers in gaining or undertaking employment with their organisation and attempting to address these.
- Ensuring their job adverts are inclusive and encourage anyone (who is qualified) to apply. regardless of background or disability.
- Making reasonable adjustments for those with disabilities at both interview stage and once employed.
- Reviewing their recruitment and onboarding processes to identify opportunities to offer a fully digital process.
- Ensuring their management personnel are equipped to support interviewees and employees with a disability - see The Future of Management for our Future of Work guidance.

- Employers should consider expanding their pay gap reporting to include the pay gap for disabled people, regardless of whether the Equality (Race and Disabilities) Bill is passed into law. For full transparency employers should also report on disability employment within their organisation.
- Employers who want to be leaders of change in this area should consider joining the BHI's Fairer Expert Panel by contacting secretariat@betterhiringinstitute.co.uk.
- Employers should review the Supported Employment model and consider whether it would be appropriate as a practical model for their organisation.
- Employers should consider their use of language in policies for example 'to disclose a disability' has negative connotations, as if it is a bad thing.













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BHI & UK Government Recommendations

The BHI recommends that the UK government undertake a reform of the Disability Confident scheme, including in the following areas:

- Providing more detail and examples to support employers in their journey to becoming Disability Confident.
- Along with significant reforms to Disability Confident scheme, it is important to hold employers more accountable such as through the assessment criteria recognising disability employment outcomes.
- Review other UK government and industrybased hiring initiatives with similar aims, such as the Defence Employer Recognition Scheme, to take key learning points.
- The BHI will produce a full review of the Disability Confident scheme to support UK government in how it should reform the scheme.

- The BHI commits to signing the Disability Employment Charter and recommends that employers also sign it.
- The BHI recommends that employers sign the Better Hiring Charter with a view to becoming accredited.
- The BHI will ensure the Better Hiring Charter has a clear commitment for employers on supporting individuals with a disability.
- The BHI recommends that UK government consider the unintended impacts of its immigration policy on disabled people.
- The BHI recommends that Sir Charlie
 Mayfield's independent review into business
 support for disabled people and long-term
 sick should consider this paper's insight
 and recommendations.
- The BHI will recommend its Fairer Expert Panel to drive engagement on this work.

















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A08: Labour market status of disabled people -Office for National Statistics, October-December 2024.

TUC - disability pay gap reaches staggering level of £4,300 a year | TUC

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Disability Confident Scheme: findings from a survey of participating employers - GOV.UK

Top Disability Confident members 'do no better on jobs than non-members' – Disability News Service

Access to Work: get support if you have a disability or health condition: What Access to Work is - GOV.UK

Get Britain Working White Paper - GOV.UK

CSJJ8819-Disability-Report-190408.pdf

Progress Through Transparency: The case for mandatory disability employment and pay gap reporting | Institute of Directors

About Supported Employment | British Association for Supported Employment

















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The Better Hiring Institute (BHI)

is a not-for-profit social enterprise driving the development of a modern, agile UK labour market, accelerating economic recovery.

Working closely with all the major UK industries, The BHI is driving standardisation, best practice, and digital innovation to reduce hiring times, enable portability, and improve safeguarding. Cross industry themes include digital standardised referencing, open banking, digital right to work checks, education credentialing, and digital identity.

The BHI is already working with many of the UK's largest, household names making UK hiring the fastest globally.

Reed

Screening

Reed Screening are the leading specialists in pre-employment vetting and are at the forefront of influencing regulation and industry change.

Reed Screening are the only UK, onshore screening company who are open 24/7, they are family owned and give 20% to charity. Their business never sleeps so if you ever need them, they're available.

Their vision is to 'pioneer the future of hiring' by collaborating with government bodies and industry leaders to bring about change.



We are Disabled people working for an inclusive society for all.

Disability Rights UK is the UK's leading Disabled People's Organisation (DPO), meaning we are led by, run by, and working for Disabled people.

We work alongside other DPOs, as well as campaigning policy makers and Government across the UK to influence regional and national change for better rights, benefits, quality of life and economic opportunities for Disabled people.



BASE are the UK's leading voice for supported employment. Enabling disabled, neurodivergent, and disadvantaged people to access good quality careers and flourish.

BASE is a national membership charity that promotes the principles and delivery of high quality Supported Employment services. Our members are committed to improving the employment outcomes for disadvantaged and marginalised people through supported employment.















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BT Group is the UK's leading provider of fixed and mobile telecommunications and related secure digital products, solutions and services. We also provide managed telecommunications, security and network & IT infrastructure services to customers across 180 countries.

BT Group consists of three customer-facing units: Consumer serves individuals and families in the UK; Business covers companies and public services in the UK and internationally; Openreach is an independently governed, wholly owned subsidiary wholesaling fixed access infrastructure services to its customers - over 700 communications providers across the UK.

British Telecommunications plc is a wholly owned subsidiary of BT Group plc and encompasses virtually all businesses and assets of the BT Group. BT Group plc is listed on the London Stock Exchange.

For more information, visit www.bt.com/about



King's Business School is a triple-accredited business school in the heart of London. It was rated as one rated one of the top 10 business schools for research in the UK based on the Research Excellence Framework 2021 and it is consistently ranked in the top ten in UK for Business Studies by Times and Sunday Times Good University Guide, the Complete University Guide and the Times Higher Global University rankings.

Accredited by the AACSB, EQUIS and AMBA, King's Business School became the ninth and newest faculty of King's College London in 2017. It is part of an internationally renowned research-intensive university with a trackrecord of pioneering thinking and the limitless energies of the city's businesses, policymakers, entrepreneurs and change-makers to draw on.

We put our commitment to drive positive change at the heart of our life-changing research and education.



TUI is the world's leading integrated tourism business with opportunities for everyone: Our customers fly across continents, cruise the oceans, experience amazing destinations and stay in their perfect accommodation.

Our colleagues across the globe are makers of happy. Our investors believe in the power of tourism to create a better world. We're here to create unforgettable experiences for our customers and for our colleagues.

This is why we're embracing DEI at TUI to ensure that everyone can come as they are, reflecting our differences and our possibilities. Together, our potential is limitless.













