

BERR | Department for Business
Enterprise & Regulatory Reform

**SECRETARY OF STATE REPORT
ON DISABILITY EQUALITY**

1 December 2008

BERR SECRETARY OF STATE REPORT ON DISABILITY EQUALITY 2008

**Foreword by Peter Mandelson, Secretary of State for Business,
Enterprise and Regulatory Reform**

I am delighted to be able to present my report on the progress on disability equality in my policy sector. I passionately believe that government departments and public authorities cannot tackle the important issues that affect society alone and we can only succeed if we work together.

The great challenge of ensuring business success in an increasingly competitive world affects us all and is increasingly important in sustaining the UK's economic performance, nationally and in the regions, to create the jobs, wealth and ideas which support a healthy economy and social wellbeing. And issues such as awareness and enforcement of employment rights and the UK framework for competition & consumer empowerment can be especially important to disabled people.

I am determined that disabled people should have the same opportunities as non-disabled people to make a contribution to the business and economic agenda and to have the same opportunities for enterprise activity across the regions.

This report illustrates some of the good progress we have made towards disability equality in my policy sectors where we have already helped to improve the lives of disabled people. It also shows actions that need to be addressed if we are to make further progress and achieve the ultimate aim of disability equality by 2025.

This department is committed to eliminating unlawful discrimination and to promoting equality of opportunity for disabled people. By working together, government departments and public authorities can make a real difference to people's lives.

A handwritten signature in black ink that reads "Peter Mandelson". The signature is written in a cursive, flowing style.

The Rt. Hon Peter Mandelson

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INTRODUCTION

BERR - the Department for Business - was created on 28 June 2007 as a result of machinery of government changes with a new statement of purpose: to help ensure business success in an increasingly competitive world. Our role is to boost productivity and keep the UK competitive and an attractive place to do business, especially in challenging economic times, as well as to help companies succeed overseas and to bring foreign investment to the UK.

We focus on raising and sustaining the UK's economic performance, nationally and in the regions, to create the jobs, wealth and ideas which support a healthy economy and social wellbeing.

We work on this directly, or through those who have an interdependent interest in a successful business environment. These include consumers, employees, investors, small & medium-sized enterprises, large corporates and representative bodies.

We're also the 'voice for business in Government'. We listen carefully to what these different groups have to say and weigh up the evidence behind their various views.

We then represent the arguments for business success effectively around the rest of Whitehall and Brussels. We work with other government departments and at Cabinet to influence Government and European policy in a way which puts the UK's economic interests first. The Department works in three principal areas:

1. We promote the creation and growth of business and an economy which supports enterprise, wealth creation and innovation.
2. We work hard to achieve regulation which is simple and proportionate to the outcome it's trying to achieve.
3. We safeguard employee and consumer interests and work for a single European market, supporting trade and encouraging overseas investment.

We also make sure the Government acts as an 'intelligent shareholder' via the Shareholder Executive. With one exception, the relevant sponsor department is responsible for formulating policy relating to Government-owned businesses. The Shareholder Executive is responsible for the Government's shareholder interests in those businesses, working within the policy parameters set for them. However, the Shareholder Executive is responsible for developing Post Office network policy. More information on this is provided in Chapter Three.

BERR is responsible for two Executive Agencies. These are:

Companies House (www.companieshouse.gov.uk), who's main functions are to: incorporate and dissolve limited companies; examine and store

company information delivered under the Companies Act and related legislation, and make this information available to the public

The Insolvency Service (www.insolvency.gov.uk) works to ensure that financial failure is dealt with fairly and effectively, thereby encouraging enterprise and deterring fraud and misconduct.

BERR also has joint responsibility with the Foreign Office for **UK Trade and Investment (www.uktradeinvest.gov.uk)**, which supports companies in the UK doing business internationally and overseas enterprises seeking to set up or expand in the UK. It does this by helping companies realise their international business potential through knowledge transfer and ongoing partnership and support.

Disability Equality Duty

The Disability Equality Duty (DED) came into force in December 2006. The DED requires public bodies to carry out their functions with due regard to the need to eliminate unlawful discrimination and promote equality of opportunity for disabled people. It means that public bodies must consider the needs of all sectors of the society they serve, and how they make sure they are delivering services, and carrying out functions, in a way that promotes greater equality for disabled people.

BERR's Disability Equality Scheme

The assessment of our performance in our Disability Equality Scheme¹ shows that a number of issues that BERR deals with are of real relevance to disabled people. When drafting our Scheme we had an idea of the effect a programme or policy may have on disabled people in a number of areas, and in other areas, we were less sure of potential impact, and needed to do more work to identify areas of importance to disabled staff, entrepreneurs, consumers and employees.

These areas informed the starting point of this report and helped us to identify the BERR policy sectors in the context of BERR's PSA targets & DSO's (which can be seen below) of relevance to the Disability Equality Duty.

For each policy we consider the following questions when making an assessment of relevance of that policy to the Disability Equality Duty:

- Will the activity help the Department meet the duty to eliminate unlawful discrimination, and to promote equality of opportunity and good relations between disabled people and other people?

¹ <http://www.berr.gov.uk/aboutus/corporate/performance/how-we-work/equality-schemes/page35704.html>

- Is there any evidence or reason to believe that the activity is affecting/could affect disabled people differently?
- Is there any evidence of external/internal stakeholder concern that the activity could have/is having an adverse impact on some people

We work hard to raise awareness of our obligations to make progress on equality within BERR and our internal communications strategy included the BERR Equality Week in Sept 2008, poster campaigns, articles in our internal interface magazine, bite size training workshops, and presentations for example to our Better Regulation champions network. BERR has a toolkit for equality duties on our intranet which is designed to help BERR staff to ensure due regard to Equality in their policy making through the use of Equality Impact Assessment. Both the Duty and the toolkit have been widely publicised within the Department and continue to be publicised.

Secretary of State Report

Regulations also place a specific duty on key Secretaries of State, to publish a report that:

- a. gives an overview of progress made by the public authorities operating in the relevant policy sector towards equality of opportunity between disabled people and other people; and
- b. sets out the proposals for the co-ordination of action by public authorities operating in that sector so as to bring about further progress towards equality of opportunity between disabled people and other people.

The first report must be published by 1 December 2006, and subsequent reports must be published at three yearly intervals.

The purpose of these reports is to prompt strategic leadership on disability equality across key elements of the broad public sector. They involve consideration of the progress of a broad range of public authorities, including other government departments where responsibilities are shared, identification of gaps in provision or particular trends or barriers and opportunities for public authorities to work more effectively in partnership to deliver effective services.

Report by the Secretary of State for the Department for Business

This report is produced by Peter Mandelson, the Secretary of State for the Department for Business. It examines the policy sectors covered in the two Public Service Agreements on which the Department for Business leads: to raise the productivity of the UK economy; to deliver the conditions for

business success in the UK; and to improve the economic performance of all English regions and reduce the gap in economic growth rates between regions.

The report shows that good progress has been made in a number of areas, particularly in the policy sector of awareness and enforcement of employment rights and labour market flexibility and the UK framework for competition & consumer empowerment. However, there is more to do and each chapter outlines what steps public authorities in the various policy sectors will take to make further progress towards disability equality. Non Departmental Public Bodies sponsored by BERR deemed to have a relevance to the Duty have been included in this report.

Data available on disability has been used to inform the findings of this report, together with case studies, research information and reports, and the involvement of disability groups including Equality 2025, an advisory body which gives disabled people a direct voice into the Government and BERR's own Disability Advisory Group.

Cross-Government Communications

The Office for Disability Issues leads a cross-government group with membership from all central government departments. The group aims to support the Government's strategy for disability equality by improving the quality and consistency of communications with and about disabled people.

Most recently, the group has focused on the Images of Disability initiative, which provides a package of training and support for government communicators at all levels. This helps them to develop the skills and knowledge they need to plan, design and deliver more accessible communications, as well as meet the requirements of disability legislation.

The group has also worked to increase the profile of Equality 2025, an advisory non-departmental public body designed to enable the views of disabled people to inform and influence policy making and to contribute to the development of policies and services.

Procurement

As part of the Equality Bill proposals, the Government announced it would be exploring ways that public procurement can be used within the EU rules, to further equality outcomes, including examining a range of both legislative and non-legislative options.

The Office of Government Commerce has convened a cross-Government working group consisting of key departments (Government Equalities Office; Her Majesty's Treasury; Department for Business, Enterprise and Regulatory Reform; Department of Communities and Local Government; and Department

for Work and Pensions) to take forward this exploration work. The group's remit is to firstly identify and examine a range of options for using public procurement to further equality outcomes in way that achieves value for money in our spending of taxpayers' money, whilst taking account of the need to minimise the burdens placed on both the public and private sectors. Once agreed, proposals will inform work being undertaken around the new Equality Duty and the Equality Bill proposals as a whole.

To support the group, the Office of Government Commerce held a stakeholder consultation workshop with representatives from both the private and public sectors, and from key interest groups. The cross-Government working group will draw on the views, experiences and expertise of the stakeholders in taking forward its work.

UN Convention on the Rights of Disabled People

Publication of this report comes at a time when the Government has further demonstrated its commitment to improve the lives of disabled people through its intention to ratify the UN Convention on the Rights of Disabled People. This Convention aims to secure for the estimated 650 million disabled people across the world the same human rights as non-disabled people have - and on an equal basis with them.

Through the Convention, both internationally and in the UK, disabled people have a clear statement that they enjoy the same fundamental human rights as every one else and ensuring this is an essential part of our commitment to creating a positive human rights culture in the UK both at a general level, and in particular for disabled people.

The principles on which the Convention is based underpin the UK approach to disability equality, and the Disability Equality Duty is an important part of the process through which we will know that are achieving success.

EXECUTIVE SUMMARY

The aim of this Secretary of State's report on disability is to give an overview of the progress made towards disability equality by BERR in its relevant policy sectors and to set out proposals for further action by BERR to ensure further progress in the future.

This report is different from the Disability Equality Scheme and relevant annual progress publications. It looks outside the department and focuses on achieving improved equality for disabled people across a broad policy sector. It involves consideration of the progress of other government departments who are also involved in elements of our policy sectors, as well as a range of other public bodies which play key roles. Senior leadership ensures a strategic view across our policy sectors is taken and opportunities are identified for public authorities to work more effectively in partnership.

BERR recognises that the publication of its Disability Equality Scheme was the start of the implementation process for the Disability Equality Duty and with this in mind, we have reviewed progress made on the action points in the Scheme as part of our annual Departmental report, which is published on our website, and can be made available in alternative formats upon request.

The report illustrates that whilst good progress towards disability equality has been made in a number of the Secretary of State's policy sectors, action needs to be taken to ensure further progress.

In drafting this report the types of questions asked of each policy area included:

- Which disabled people could this policy affect?
- How has the regulation/work/action helped improve the lives of disabled people?
- Have we delivered better services for disabled people?
- To what extent can we say that particular measures:
 - benefit disabled people as well as non disabled?
 - benefit disabled people disproportionately because they are over represented, for example in vulnerable² or low paid categories?
 - are targeted to benefit disabled people specifically?
- Do we have data to show progress made for disabled people in this policy area? Can disability data be disaggregated from normal data?
- Is this data collection adequate or do we need to collate better detail in future? Are some disabilities represented more than others?
- How have we consulted/involved disabled people especially if the policy is expected to impact on the lives of disabled people? How could this have been improved to get the perspectives of disabled people?
- What proposals for further action can we conclude?

² Throughout this report disabled people are on occasions considered among a wider category of people who may be classed as vulnerable.

- Are there further barriers for disabled people that we should be considering?
- Do we represent the voice for disabled businesses? Do we have the disabled business perspective?

To note that responsibility for the chapter on Reliable and Efficient Use of Clean, Safe and Competitively Priced Energy has been transferred to Ed Milliband, Secretary of State for the new Department for Energy & Climate Change as a result of the machinery of government changes on 3 October and therefore feature in the Annex to this report.

Awareness & Enforcement of Employment Rights & Labour Market Flexibility

Progress towards disability equality

Progress towards disability equality has been demonstrated in the Employment Bill, where the existing Acas employment advice helpline will be expanded and the ability to offer more early (pre-claim) conciliation services are designed to offer more help at any stage of a dispute, to make sure that it is never too late to choose an informal resolution, thereby resulting in less time and expense and since an Employment Tribunal hearings can be particularly stressful for vulnerable groups the provision of more Acas conciliation should be particularly advantageous to disabled people. There are changes in the Employment Bill on the enforcement of the National Minimum Wage; it also introduces a new method of calculating minimum wage arrears so that all arrears owed are paid at the current rate and measures in the Employment Bill will also benefit vulnerable groups by improving the Employment Agency Standards.

The Employment Agency Standards Inspectorate's strengthened powers to investigate and sanction non-compliant agencies means that all vulnerable agency workers, included disabled people, will benefit. The NMW up-rating positively affects a disproportionate number of individuals with work limiting disabilities. BERR's Employment law guidance project is working to improve the content, delivery, awareness, management and accessibility of government guidance on employment particulars, redundancy, maternity leave and pay, working time, employment agencies, national minimum wage and flexible working. Increasing paid leave entitlement means that disabled people who are more likely to work part-time, and as such they could benefit more than other employees. Age discrimination regulations outlawing discrimination on grounds of age in employment and training came into force on 1st October 2006 and may lead to positive outcomes for disabled people, because age is linked to higher rates of disability. The extension of the right to request flexible working to carers of adults took effect in April 2007 and is aimed at helping employees care for disabled relatives by helping them balance their work and caring responsibilities.

All of the above-mentioned policy developments are supported by evidence from the analytical unit within the Employment Relations Directorate. Many sources of research and evaluation are used in to provide the evidence base for good policy making in employment relations, labour market and equality and discrimination at work.

Proposals for further progress

BERR is funding two vulnerable worker pilots designed to identify and test practical ways of improving the advice and support available to vulnerable workers and their employers at local level, and to improve understanding of the issues affecting vulnerable workers. The partial Impact Assessment on the right to request flexible working to parents of older children is currently out to public consultation and this will provide an opportunity to consult with workers with disabilities.

UK Framework for Competition & Consumer Empowerment

Progress towards disability equality

Under the Unfair Commercial Practices Directive the Office of Fair Trading has published joint OFT/BERR Guidance to accompany the implementing Regulations which provides illustrative guidance on how the additional protections for vulnerable consumers are expected to work in practice.

The former DTI awarded over £1.7m to a disabilities project aimed at providing face-to-face debt advice for those with sight, hearing and mental health problems who are confronting serious over-indebtedness. The aim was to rehabilitate disabled people from the financially excluded community with specific help to allow them to rejoin society in a more productive way.

Under Consumer Credit Agreements Regulations the Money Advice Liaison Group announced the launch of a set of voluntary Mental Health Awareness Guidelines to promote understanding of the difficulties that people with mental health problems face.

On Consumer safety tactile warnings are provided to alert blind or partially sighted people to the dangers of chemicals in household products.

Vulnerable groups, including disabled people may value doorstep selling but may also be particularly at risk from rogue traders and bogus selling practices. With effect from 1 October 2008, the introduction of the new Regulations extends the cooling off period and cancellation rights to include solicited visits

The Hearing Aid Council will be abolished and responsibility for regulating private hearing aid dispensers will become the responsibility of the Health

Professions Council which will improve services for disabled people as they will benefit from simplified and modern regulation and will be protected by broader powers than at present.

Proposals for further progress

The face-to-face debt advice project was initially scheduled to run for two years (2006 – 2008) but due to its success, BERR announced in 2008 that, the Disability project would be extended to run for a further three years (2008 – 2011), and awarded the project a further amount of over £3m.

The European Commission is expected to issue proposals on a revision of the Package Travel Directive in late 2009 and an equality impact assessment will be conducted.

Accessibility to the Point of Single Contact for the Services Directive will be considered as part of the appropriate testing regime for the portal and BERR is urging the European Commission to consider appropriate monitoring mechanisms for usage to include accessibility.

Creation and Growth of Business

Progress towards disability equality

The Digital Television Switchover Help Scheme is available to provide practical support for all households where one person is living on Disability Living Allowance, Attendance Allowance, registered blind or partially sighted or aged 75 or over. The BERR-led Usability Action Plan continues to focus on looking at ways of improving the usability of Digital TV equipment for all consumers.

An equality impact assessment was published which details how disabled entrepreneurs were involved in the consultation on the Business Support Simplification Project to develop a new operating model for business support. The consultation was made fully accessible, with contributions sought from organisations representing disabled stakeholders and equality of opportunity between disabled persons and other persons was promoted during consultation.

A Strong Enterprise Economy across all Regions

Progress towards disability equality

The Enterprise Strategy commits government to promoting enterprise among the disadvantaged groups which are heavily represented in disadvantaged

areas, to help raise enterprise levels in the UK as a whole and maximise the talents of everyone. The Enterprise Directorate's policy work is supported by a strong research, statistical and analytical function in the form of the Annual Small Business Survey. The main purpose is to gauge the needs and concerns of small businesses and identify the barriers that prevent them from fulfilling their potential. The 2006/7 Survey found that seven per cent of SME employers had partners or directors with a long standing disability. Twelve per cent of partnerships and seven per cent of companies had partners or directors with a long standing disability. Two per cent of sole proprietors had a long standing disability.

The review of sub-national economic development and regeneration was a policy review that focused on improving the economic performance of England's regions, cities and localities, as well as tackling persistent pockets of deprivation. By ensuring that this prosperity is shared as widely as possible will allow more disabled people to share in it.

Regional Development Agencies have their own Disability Equality Schemes and have managed the Business Link Service since 1 April 2006. BERR encourages Regional Development Agencies to ensure the service that Business Link provides is compliant with the Duty and user information on disabled people using Business Link is obtained to monitor Business Link's services and is disaggregated by disability. Responsibility for the Business Link network (advisors and national phone line) was devolved to the Regional Development Agencies in April 2005 and they are fully aware of the obligations under the Duty and accept full responsibility for implementing them and Regional Development Agencies take account of the needs of disabled people across the range of services they provide.

UK Trade & Investment and the BERR Agencies – Companies House & Insolvency Service

BERR's Executive Agencies have their own diversity policies that deliver fair treatment for their staff. Companies House and the Insolvency Service are members of the Employers Forum on Disability independently of BERR's participation. They have used the feedback from the Disability Standard Benchmarking survey to inform their own diversity policies and have set up their own diversity groups to work towards ensuring that diversity issues are mainstreamed into policies and initiatives within their organisations.

BERR also has joint responsibility with the Foreign & Commonwealth Office for UK Trade and Investment (UKTI) which is reflected in its funding and human resources. UKTI has the lead role within government for delivering overseas trade development and inward investment services for business. It works closely with the Regional Development Agencies (RDAs) in the English Regions as well as other partners in both the public and private sectors in order to deliver trade & investment services.

BERR as a Place to Work

At September 2008 239 individuals within BERR had notified the Department of a disability or long term health condition, representing some 7% of the total workforce (note that these statistics were prepared prior to the machinery of government changes on 3 October 2008 and the creation of the Department for Energy and Climate Change). The most frequently quoted disabilities or health conditions are mobility restrictions or conditions affecting mental health or well-being. BERR HR policies will directly affect our staff with disabilities or long term health conditions and BERR's policies as an employer (including BERR's Diversity Strategy, initiatives to support disabled staff in getting a job and supporting disabled staff in the workplace) also affect people who are cared for by our staff outside the workplace, for example disabled family members. BERR monitors itself on recruitment, development and retention figures, which are disaggregated by disability, annually in its Diversity Report.

Other areas where BERR has demonstrated progress towards disability equality in the context of a place to work include BERR's Disability Advisory Group, our policy on Impact Assessment and consultations, in our Conference Centre and Future Focus services, in how we work with our suppliers and procurement, in access provision to our information and services, through out Ministerial Correspondence Unit, in our Public Appointments and in supporting the work of our Executive Agencies and Non-Departmental Public Bodies.

CHAPTER ONE: AWARENESS & ENFORCEMENT OF EMPLOYMENT RIGHTS & LABOUR MARKET FLEXIBILITY

Guided by the principles of flexibility and partnership, the Employment Relations (ER) Directorate in the Department for Business, Enterprise and Regulatory Reform (BERR) aims to improve the quality of working life for individuals, and create the conditions for business success, supporting better regulation and working to promote best practice.

This supports BERR's Department Strategic Object 3 to deliver free and fair markets, with greater competition, for businesses, consumers and employees which focuses, among other things, on labour market flexibility and awareness and enforcement of employment rights.

Furthermore this contributes to the wider Government PSA 6³ target of delivering the conditions for business success, as part of the Comprehensive Spending Review for the period 2008-2011. Specifically for ER this is to improve productivity through work to maintain or enhance labour market flexibility, and to promote diversity, fair treatment and work-life balance.

Achievements that have been made in promoting equality of opportunity for disabled people in this sector are included in the following narrative. This covers both policy initiatives that have been taken by ER and associated research and evaluation to provide the evidence base for developing and monitoring the policy effects.

Activities on getting people into work are covered in the Department for Work & Pensions Secretary of State report. Delivery partners in this policy area include Acas, the Department for Constitutional Affairs, Office for National Statistics, Low Pay Commission and Tribunals Service.

Progress towards disability equality

1. The Employment Bill

The Employment Bill Equality Impact Assessment⁴ covers the Dispute Resolution Review, National Minimum Wage and Employment Agency Standards enforcement. The Government's role in setting a framework for the resolution of employment disputes seeks to achieve several key objectives: effective and efficient enforcement; access to justice; higher productivity and cost effectiveness. In accordance with Ministerial commitments, the 2004 Dispute Resolution Regulations are being reviewed to establish their effectiveness in facilitating the resolution of workplace disputes. It has been decided to extend the remit of the review to cover the whole process from the initial trigger event through to a possible employment tribunal hearing.

³ http://www.hm-treasury.gov.uk/d/pbr_csr07_psa6.pdf

⁴ BERR Employment Bill Impact Assessments (February 2008): <http://www.berr.gov.uk/files/file44363.pdf>

The Employment Bill EQIA states that the proposed changes to the dispute resolution system should apply equally to all groups. In considering the development of policy relating to the Rules of Procedure governing access to, and proceedings in, employment tribunals, efforts were made to engage both informally and formally with a range of key interest groups including the former Disability Rights Commission (DRC). During the evidence gathering phase, the DRC and Trade Unions Congress (TUC) contributed significantly in areas relating to disabled access and making procedures accessible for those potentially vulnerable to discrimination during disputes.

The forthcoming changes to the Dispute Resolution Regulations, including additional funding to expand the existing Advisory, Conciliation and Arbitration Service (Acas) employment advice helpline, and the ability to offer more early (pre-claim) conciliation services, are designed to offer more help at any stage of a dispute, to make sure that it is never too late to choose an informal resolution, thereby resulting in less time and expense.

The last Survey of Employment Tribunal Applications (SETA) 2003 showed that people with disabilities are not disproportionately represented in employment tribunal cases and the most recent data from the Tribunals Service indicate that of the 176,434 employment tribunals cases disposed in 2006 - 2007, 4,345 were accounted for by disability discrimination. In these cases a relatively high proportion were resolved through Acas conciliation (46%), which suggests that this form of resolution is effective and that the wider availability of pre-claim conciliation from April 2009 should benefit all the parties involved.

As a result of the Employment Bill and changes to the dispute resolution regulations, the Acas pre-claim conciliation service will be more widely available from April 2009, enabling Acas to conciliate disputes which look set to become a claim to the tribunals.

Proposal for further action – Acas conciliation

Since an Employment Tribunal hearing can be particularly stressful for vulnerable groups the provision of more Acas conciliation should be particularly advantageous to disabled people. The DRC's provisions for mediation in disability discrimination claims via Mediation UK will be carefully assessed. The uptake of Government provided facilities will be carefully monitored to establish profiles and we will work with the Equality & Human Rights Commission (EHRC) in developing helpline-based access points. This will be matched with the monitoring processes that the Department for Constitutional Affairs carry out to establish details of employment tribunal access. We will expect ongoing liaison with the EHRC and TUC to assess the success of policies implemented.

There are changes in the Employment Bill on the enforcement of the National Minimum Wage. First the Bill strengthens the enforcement of employment law through the introduction of new penalties for employers who have not paid the minimum wage and additional powers for both national minimum wage enforcers and employment agency inspectors to enable them to deal more effectively with serious cases of non-compliance.

It also introduces a new method of calculating minimum wage arrears so that all arrears owed are paid at the current rate. This helps compensate for the potential loss of purchasing power since the underpayment took place. The new enforcement regime will help to ensure that individuals are properly compensated if their rights are infringed and will provide a greater deterrent to non-compliance. These measures should particularly benefit vulnerable workers who are more likely to be at risk of being underpaid the minimum wage.

The measures in the Employment Bill will also benefit vulnerable groups by improving the Employment Agency Standards Inspectorate's powers to investigate non-compliant agencies and by strengthening the particular sanctions against them. All vulnerable agency workers, including disabled people, should therefore benefit.

2. Agency Workers

Agency work offers a stepping stone into the workplace for those who find it hard to obtain permanent jobs. Some of the reasons that vulnerable and disabled people find it difficult to obtain work are due to preconceptions on the part of employers as to the capabilities of particular groups. The measures in the Employment Bill will benefit vulnerable groups by improving the Employment Agency Standards Inspectorate's powers to investigate non-compliant agencies and by strengthening the particular sanctions against them. All vulnerable agency workers, including disabled people, should therefore benefit.

In May 2008 the Confederation of British Industry (CBI) and TUC reached an agreement, with the Government support, on how fairer treatment for agency workers in the UK should be promoted while not removing important flexibility that agency work can offer both employers and workers. The Government hopes this declaration can help pave the way to final agreement in the European Union (EU) on the draft Agency Workers Directive. One of the key provisions is that there should be equal treatment of agency workers after 12 weeks in a given job in relation to basic working and employment conditions. The Government hopes that final EU agreement will be obtained in time for the necessary UK implementing legislation to be introduced in the next Parliamentary session.

3. Up-rating of National Minimum Wage

The National Minimum Wage (NMW) sets a wage floor below which pay cannot fall. It was introduced in April 1999 and has been increased in a number of steps, most recently in October 2008. The increase in the NMW is targeted at all those paid at or below the NMW rather than any specific group.

Every year the Government specifically asks the Low Pay Commission (LPC) to monitor, evaluate and review the NMW and its impact on different groups of workers, including people with work-limiting disabilities. The LPC publish their findings in an annual report.

The LPC uses figures from the Labour Force Survey (LFS), a quarterly survey of 60,000 households, to identify data relating to those with work-limiting disabilities. According to the LFS 5.3 million people, or up to 16% of the working age population, had work-limiting disabilities in the year to the third quarter of 2007.

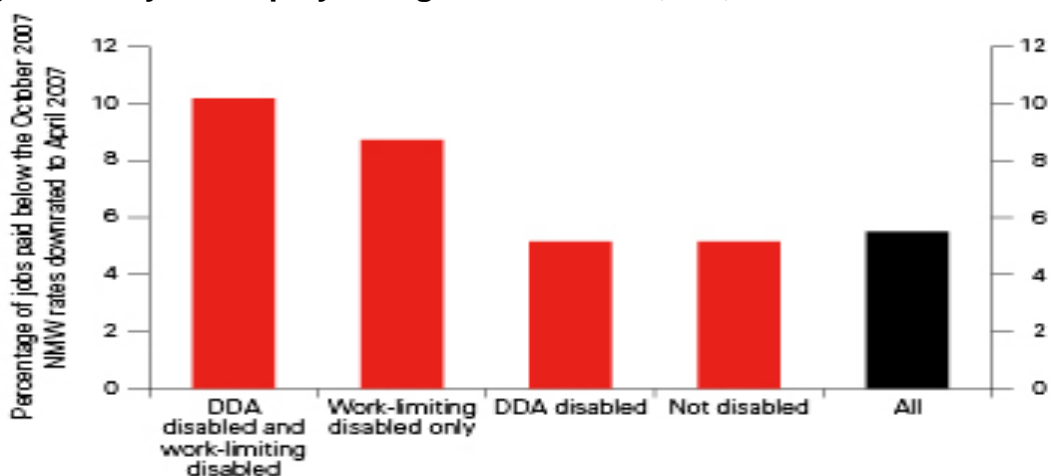
To shape the report, every year the LPC enter extensive formal and informal consultation with the interested parties such as worker and employer unions. In order to inform their most recent report, published in March 2008⁵, the LPC visited different parts of the UK to talk to individuals and businesses directly affected by the NMW, and spent two days listening to the oral evidence from stakeholders. In addition to these formal exercises the LPC was also involved in many informal meetings and visits involving businesses and other interested groups.

Increases in the NMW affect all low paid workers equally. However, the NMW up-rating positively affects a disproportionate number of individuals with work limiting disabilities.

As illustrated in the figure below an increasing proportion of workers with work limiting disabilities continue to benefit from increases in the minimum wage. The October 2007 up-rating covered 8.7 per cent of the employees with work limiting disabilities, compared to 5.2 per cent of workers without such disabilities. This proportion increases to 10.2 per cent if we consider workers having a work limiting disability and workers having disability as defined in the Disability Discrimination Act (DDA).

⁵ National Minimum Wage, Low pay Commission report 2008

Estimated coverage of 2007 up-ratings of the National Minimum Wage by Disability for employees aged 16 and over, UK, 2007



Source: ONS estimates based on LFS microdata, not seasonally adjusted, UK, Q2 2007.

Note: Covered employees defined as adults (aged 22 and over) earning less than £5.40, youths (aged 18–21) earning less than £4.50 and 16–17 year olds earning less than £3.32 in April 2007.

In terms of pay gaps the LPC believe that since the introduction of the National Minimum Wage, the pay gap between the hourly earnings of employees with a work-limiting disability and those of other workers seems to have narrowed at the lower end of the distribution.

Employment rates of those with work-limiting disabilities has historically been much lower compared to other groups⁶, but has been increasing over the last ten years. The LPC 2008 NMW report⁷ finds that the employment rate of those with work limiting disabilities was 40.3% in 2007 quarter 3 compared to 37.8 per cent in Autumn 1998, while the employment rate for other employees increased by 0.3 percentage points over the same period.

Unemployment for those with disabilities also declined at a much faster rate than for other employees between 1998 and 2004. However, since 2004 unemployment has been increasing slightly more rapidly for those with work-limiting disabilities compared to other groups. In 2007 quarter 3, the unemployment rate of those with work limiting disabilities was 12 per cent compared to 9.8 per cent in 2005 quarter 2.

4. Advisory, Conciliation and Arbitration Service (Acas)

Acas have recently focused on enhancing their helpline service, and it is expecting to launch the improved system in April 2009. The new helpline will provide a better service to employees and employers; for example through extended opening hours, increased capacity, improved referral services and easier access to advice in other languages. We believe this will enhance the

⁶ The inactivity rate of people with work-limiting disabilities is 54.2 per cent compared to 15 per cent among those without such disabilities.

⁷ National Minimum Wage, Low pay Commission report 2008

information and advice available to the most vulnerable groups on their employment rights. Acas is also considering how it can enhance the protection afforded to vulnerable workers by improving the accessibility of the enforcement helplines and the links between them so that multi-issue complaints about employers can be handled effectively.

5. Vulnerable worker pilots

BERR is funding two vulnerable worker pilots designed to identify and test practical ways of improving the advice and support available to vulnerable workers and their employers at local level, and to improve understanding of the issues affecting vulnerable workers.

The definition of who is vulnerable takes into account peoples' circumstances at work and their ability to take action where the employer treats them unfairly. Some low-paying sectors tend to have a higher rate of issues at work than others and the pilots aim to test ways to ensure that vulnerable workers get their employment rights and help employers overcome difficulties in complying with the law. The TUC is running a pilot partnership in London focused on the cleaning and building services sector, mostly cleaners, and some security staff. Marketing Birmingham is running the second pilot focused on workers and employers in the hospitality sector in Birmingham.

The pilots are offering help to workers in the target group to enforce their rights not to be discriminated against, including on the grounds of disability. The pilots will aim to help business see the benefits of complying with the law and treating workers fairly and this would include taking a positive attitude to employing people with disabilities. The Report is now available on the BERR website.

6. Employment Law Guidance project

A common concern among employers is that employment law is too complicated. BERR is working to improve the content, delivery, awareness and management of government guidance on employment particulars, redundancy, maternity leave and pay, working time, employment agencies, national minimum wage and flexible working. In part, we are doing this by providing employers with free access to a suite of online tools and proformas on the BusinessLink.gov website that can significantly cut the time and expense that they incur in complying with some of their key employment law obligations. But we are also working hard to promote wider messages on easy ways to eliminate costly duplication and over-compliance.

The Programme's direct marketing campaign promotes key messages around the admin burdens targets, to help businesses reduce the time and money they spend on complying with legislation, reduce their paperwork and avoid unnecessary duplication. These include:

- Developing written statements of particulars/terms and conditions
- Maintaining national minimum wage records
- Managing working time records
- Responding to flexible working requests
- Dealing with parental leave
- Managing redundancy pay

We envisage that the marketing campaign will help to achieve the change in behaviours we require to meet our admin burden targets and will also help to increase the level of awareness and the subsequent use of the employment guidance on the businesslink.gov website. In January some 400,000 direct marketing e-mails and letters were sent to small businesses. Our July campaign focused on our key messages and a direct marketing postcard and emails were sent to small businesses. In addition a stakeholder pack was issued to some 300 trade associations including the Association of Disabled Professionals and The Blind Business Association Charitable Trust.

The Directgov website meets AA Accessibility standards (World Wide Web Consortium (W3C) Web Content Accessibility Guidelines (WCAG) 1.0 Level AA) and all content and interactive guides are accessible; the Business Link web site is working towards AA. Both websites provide advice to users on how to adjust their settings to adapt the web browsers to best suit their needs. This piece of work was completed in 2005 when Directgov/employees went live. The employment franchise includes a theme on Discrimination at work, and an article on disability which gives practical advice to employees, links to other useful pages and sites, and signposts users to further help such as EHRC.

Employment status & rights is a separate work stream from the above. Developed from a 'Success at Work' commitment, it is a new tool is being developed on Direct.gov.uk and will meet AA accessibility.

7. Increasing paid leave entitlement

This work was a manifesto commitment to increase the statutory minimum holiday entitlement to reflect the current number of bank and public holidays. The first increase took effect on 1 October 2007 (from 20 to 24 days) and the second and final phase takes effect on 1 April 2009 (from 24 to 28 days). The final Regulatory Impact Assessment⁸ published in June 2007 contained an Equality Impact Assessment which stated that all elements of the proposals contained were intended to affect workers equally, regardless of disability, and the lowest paid would be likely to benefit most. Results from the DTI Paid Annual Leave Survey 2006 indicated that the extension of the holiday entitlement would particularly benefit women, part-time employees and those aged less than 25 years. The survey was not able to provide reliable estimates of the likely impacts by disability, but disabled people are more

⁸ Increasing the holiday entitlement - final Regulatory Impact Assessment (June 2007): <http://www.berr.gov.uk/files/file39873.pdf>

likely to work part-time, and as such they could benefit more than other employees from the increase in holiday entitlement.

8. Age discrimination regulations

Age discrimination regulations outlawing discrimination on grounds of age in employment and training came into force on 1st October 2006. The assumption was that the regulations may lead to positive outcomes for disabled people, because age is linked to higher rates of disability. The regulations will also help where people experience multiple discrimination, and is aimed at ensuring all individuals are treated fairly, and on the basis of competence to do the job, rather than other factors. The effectiveness of the legislation will be monitored as it develops.

9. Extension of the right to request flexible working to carers of adults

This legislative change took effect in April 2007 and is aimed at giving carers more choice about how they balance their work and caring responsibilities in ways that meet the needs of business. The former DTI consulted with a wide range of representative bodies on this issue, and will look to monitor the effectiveness of the legislation once in place. An equality impact assessment was done as part of the impact assessment for carers⁹ which concluded that there will be a positive impact on carers of adults by helping them to achieve a better balance between work and caring responsibilities. Monitoring should be picked up through the next Work-Life Balance Survey which is provisionally due to take place in 2011/2012.

Proposal for further progress - Right to request flexible working to employees with parental responsibility of older children

Following the introduction of the right to request flexible working for parents of children under 6 and of disabled children in 2003 and the extension of the policy to cover carers of adults in 2007, the Government is looking to extend the scope of the law to employees with parental responsibility of children aged 16 and under. Although flexible working arrangements exist for many parents of older children, a significant proportion would still benefit from legislation enabling them to request flexible working and having their employer consider such requests seriously. An initial equality impact assessment suggests there would not be any disproportionate effects by disability. However this will be supplemented by a full analysis for the final impact assessment. The partial Impact Assessment is currently out to public consultation and this will provide an opportunity to consult workers with disabilities.

⁹ <http://www.berr.gov.uk/files/file38874.pdf> pages 284-5 and 289-291)

Research and evaluation

The Employment Market Analysis and Research (EMAR) team in ER ensures that where appropriate, all Impact Assessments include an Equality Impact Assessment (EQIA), which considers gender, race and disability equality within the Social Impacts component of the cost benefit analysis. EMAR uses many sources of research and evaluation in making their analyses to provide the evidence base for good policy making in employment relations, labour market and equality and discrimination at work. This is done through:

- Conducting periodic socio-economic benchmark surveys
- Commissioning external research projects and reports
- Conducting in-house research and analysis
- Assessing the regulatory impact of new employment laws and programmes
- Monitoring and evaluating of the impact of government policies

Surveys and evaluation carried out by EMAR that relate most specifically to forming the evidence base when giving due regard to disability equality include the following:

- BERR's Fair Treatment at Work survey
This monitors the extent of employee discrimination, unfair treatment, bullying and sexual harassment on the basis of disability or long-term illness. The first survey was conducted in 2005 (by the former DTI), and the results from this will help inform the second survey, to be conducted in 2008, and published in 2009.
- Workplace Employment Relations Survey (WERS)
Workplace Employment Relations Survey is a survey series mapping the state of employment relations in workplaces across Great Britain. Data is collected from managers, employee representatives and employees at the same workplace. Surveys have been conducted in 1980, 1984, 1990, 1998 and 2004. Previous surveys have been co-sponsored by DTI, Acas, the Economic and Social Research Council (ESRC) and the Policy Studies Institute (PSI). Some findings on disability were published in the sourcebook¹⁰ (which provides an in-depth exploration of the findings from WERS 2004) in July 2006 and chapter 9 contained some pages with findings on the provision of equal opportunities policies covering disability, as well as implementation and monitoring of such policies.

An evidence paper by one of our scholarship recipients entitled 'Disability, Health and Access to Training' is a secondary analysis of WERS 2004 and is expected to be published by the end of the year. It

¹⁰ The sourcebook of detailed findings "*Inside the Workplace: Findings from the 2004 Workplace Employment Relations Survey*" (ISBN 0-415-37813-3) by Barbara Kersley, Carmen Alpin, John Forth, Alex Bryson, Helen Bewley, Gill Dix and Sarah Oxenbridge.

is focusing on the issue of access to training and intensity of training experienced by disabled employees. The author found evidence that being disabled may affect selection for training. She believes this supports the theory that employers select out employees for training on the basis of who is less likely to be a risk for investment purposes (e.g. not likely to leave the job). The author further found evidence that once selected for training the intensity of training that disabled employee's benefit from appears not to differ from that received by their non-disabled co-workers - they are just less likely to be selected in the first place.

- A module of questions in the British Social Attitudes Survey aimed to gain public perceptions of prejudice in the workplace in 2006. This included perceptions of perceived prejudice in the workplace against certain minority groups, including those with a long term illness or disability; attitudes towards equal opportunity measures for this group (have they gone too far or not far enough) and attitudes towards having a boss who was disabled or suffering from a long term illness. Many of the findings from this module of questions were published by the National Centre for Social Research (Nat Cen) in their Annual Report earlier this year. A more detailed report is under preparation.

In addition to the above, the Labour Force Survey (LFS) provides the most robust ongoing measure of labour market developments.

The LFS is a quarterly sample survey of households living at private addresses in Great Britain. Its purpose is to provide information on the UK labour market that can then be used to develop, manage, evaluate and report on labour market policies. The questionnaire design, sample selection, and interviewing are carried out by the Office for National Statistics (ONS). The strengths of the LFS are that you can analyse employment characteristics such as age, sectors, occupations, regions, hours worked, ethnicity and disability. The LFS provides time series data which allows trends to be monitored.

The LFS includes a detailed section on disability and health problems. Therefore it is possible to assess the extent to which policies have an impact on workers with disabilities. As with most surveys however, there are caveats regarding quality, and these are not unique to questions on disability. However, the LFS is the most comprehensive survey we have on all aspects of the labour market.

CHAPTER TWO: UK FRAMEWORK FOR COMPETITION & CONSUMER EMPOWERMENT

The Department for Business, Enterprise and Regulatory Reform (BERR) deals with consumer policy issues to ensure that UK consumers are treated fairly, know their rights, and can use them effectively, and that consumer law is fair to both consumers and business.

This work supports BERR's Department Strategic Object 3 to deliver free and fair markets, with greater competition, for businesses, consumers and employees, specifically in labour market flexibility and awareness and enforcement of employment rights. The related PSAs are:

- PSA 1 (Raise the productivity of the UK economy)
- PSA 6 (Deliver the conditions for business success in the UK)

The Government is committed to a robust and effective consumer and competition regime - one which is fair to consumers as well as business. We take very seriously our responsibility to help the most vulnerable consumers in the market. Indeed, the UK has set itself the target of raising our consumer regime to be at the level of the best in the world.

Delivery partners in this policy area include Citizens Advice Bureau, Hearing Aid Council, Health and Safety Executive and Office of Fair Trading.

Progress towards disability equality

1. Unfair Commercial Practices Directive (UCPD)

The UCPD introduces a general duty on traders in all sectors not to treat consumers unfairly. The fairness of a practice will generally be judged from the perspective of the "average consumer" (who is the normal benchmark for assessing the likely effect of the practice). However, the Directive contains a provision to provide greater protection for consumers who in the context of this Directive are legally defined as "vulnerable", including consumers who are particularly vulnerable to the practice or underlying product because of their learning disability or physical impairment¹¹.

The Office of Fair Trading has published joint OFT/BERR Guidance to accompany the implementing Regulations¹². This provides illustrative guidance on how the additional protections for vulnerable consumers are expected to work in practice. Where a practice would only affect a clearly identifiable group of vulnerable consumers in a way that the trader could reasonably be expected to foresee, it is the likely effect of the practice on the average member of the group of vulnerable consumers that becomes the

¹¹ The Consumer Protection from the Unfair Trading Regulations 2008, implementing the Directive in the UK came into force on 26 May 2008.

¹² http://www.offt.gov.uk/advice_and_resources/small_businesses/competing/protection

benchmark for determining whether the conduct is unfair. The test is objective, it is not necessary that the trader actually foresees the likely effect on vulnerable consumers, only that he could reasonably have been expected to do so.

2. Face-to-face (F2F) debt advice project & over-indebtedness

As part of the first Financial Inclusion Fund (FIF) announced in the 2004 Pre Budget Report, £45 million was allocated to increasing the provision of free face-to-face debt advice in England and Wales up until April 2008. This is delivered by 16 partnerships around England and Wales for BERR.

The former DTI awarded over £1.7m to a disabilities project aimed at providing face-to-face debt advice for those with visual or hearing impairments and learning disabilities who are confronting serious over-indebtedness. The aim is to rehabilitate disabled people from the financially excluded community with specific help to allow them to rejoin society in a more productive way.

Proposal for further progress – face-to-face debt advice project

The project was initially scheduled to run for two years (2006 – 2008). However due to its success, BERR announced in 2008 that the Disability project would be extended to run for a further three years (2008 – 2011), and awarded the project a further amount of over £3m.

BERR will be monitoring the impact of the project and the numbers helped by it on a quarterly basis. The project as a whole will also have a final evaluation. Going forward, in 2008 - 2011, the FIF2 Project will continue to target clients from the 4 groups, working with a variety of agencies, local as well as national, to ensure that resources are directed to where they are most needed and most effective.

Citizens Advice have been leading on this project, and are working in partnership with a number of disability organisations - Contact a Family, Mencap, the Royal National Institute of the Blind (RNIB), and the Royal National Institute of the Deaf (RNID). The project has 17 advisors working in 10 Citizens Advice Bureaux (CABx) and the 4 Partner agencies listed above. The CABx are located in urban areas identified by the Partners as being in greatest need of debt advice services for their clients. At the end of June 2008, the project had provided debt advice to over 2,000 financially excluded clients from the target groups. On site visiting by BERR has confirmed that targeting is going well.

As well as the disabilities project, there are other projects targeted at other specific groups but all 16 of the F2F projects and their participants have access to a British Sign Language Service. This means that clients with

hearing impairments are able to receive debt advice from any of the 500 F2F debt advisors throughout projects in England and Wales.

3. Consumer credit

There are requirements in the Consumer Credit Agreements Regulations with regard to the presentation of key information that a consumer needs to know when considering entering into an agreement. These include legibility and prominence requirements in order to make key information easier to read.

The Money Advice Liaison Group (MALG) recently announced the launch of a set of Mental Health Awareness Guidelines, produced in association with the British Bankers' Association. These voluntary guidelines are designed to promote understanding of the difficulties that people with learning disabilities face and to encourage creditors and advisers to adopt proportionate and sensitive approaches towards such consumers. Lenders will be aware of, and should be adhering to this guidance for the mutual benefit of customers and creditors.

The 2006 Consumer Credit Act contains provisions that give The Office of Fair Trading new powers to consider the fitness of licence holders, and take action against lenders who lend irresponsibly, including to those who might have a health issue or learning disability.

4. Consumer safety

Tactile warnings are provided to alert people with visual impairments to the dangers of chemicals in household products such as cleaning materials. Regulation 11 of the Chemicals (Hazard Information and Packaging for Supply) Regulations 2002 (CHIP) requires that dangerous substances (or mixtures of dangerous substances) placed on the market for sale to the general public should bear a tactile warning on their packaging. "Dangerous substances/mixtures" in this context are limited to toxic, very toxic, corrosive, harmful, extremely flammable or highly flammable ones. Although the Health & Safety Executive (HSE) administer the CHIP Regulations as a whole, BERR has policy responsibility for Regulation 11.

5. Doorstep selling

There are a number of advantages to doorstep selling for consumers, particularly for solicited visits, and there are some high value products that cannot easily be acquired any other way. However, consumers can find that they have made an inappropriate choice (sometimes as a result of pressure selling) or that the prices they have paid were too high or that the product they have bought is not suitable for the intended purpose. Subsequently they can find themselves inadvertently locked into a contract with no option to cancel.

Vulnerable groups, such as those restricted to their homes (which could include disabled people) who may value the doorstep sales option - may be particularly at risk from rogue traders and bogus selling practices. No consumer should be put at a disadvantage when purchasing goods or services in their own home. The current Regulations¹³ provide rights to consumers who enter into agreements to buy goods or services in their homes or places of work, when the traders' visit was unsolicited (where the visit does not take place at the express request of the consumer, for example where a sales person makes a cold call, including visits following an unsolicited telephone call). Those rights provide for a cooling off period of seven days, during which time the contract may be cancelled by the consumer, and a requirement that the trader provides the consumer a written cancellation notice.

With effect from 1 October 2008, the introduction of the new Regulations¹⁴ will extend the cooling off period and cancellation rights to include solicited visits (where the consumer asks a trader to visit them in their home or away from business premises).

All consumers will have the 'safety net of a cooling-off period'. Consumers who at present avoid doorstep selling due to being uncomfortable with the situation may now participate in this market as they may be given greater confidence because of their ability to cancel purchases.

Furthermore, the Consumer Protection from Unfair Trading Regulations 2008 (CPRs) that came into force in May 2008 this year introduced a general prohibition on traders not to treat consumers unfairly, including aggressive commercial practices such as high pressure-selling techniques. The Regulations provide additional protections for vulnerable groups, including those with learning or physical disabilities.

Disability equality issues will continue to be considered in the context of doorstep selling as part of any future consultation and engagement with stakeholders.

6. Hearing Aid Council

The Hearing Aid Council (HAC) is a non-departmental government body, responsible for setting standards of professional training, and performance and conduct for individuals and companies involved in the assessment of hearing impairments and the subsequent sale of hearing aids in the private sector.

Following the Hampton Review of Regulators, it was recommended and agreed that the Hearing Aid Council should be abolished and responsibility for regulating private hearing aid dispensers should become the responsibility of

¹³ The 'Cancellation of Contracts Concluded Away From Business Premises Regulations 1987

¹⁴ 'Cancellation of Contracts Made in a Consumer's Home or Place of Work etc Regulations 2008'

the Health Professions Council. This transfer of responsibilities (which is due to take place either late 2009 or early 2010) has the support of consumer groups. A Disability Equality Impact Assessment was produced for the Department of Health and incorporated into their Impact Assessment for the Health and Social Care Bill.

The HAC represents disabled people with severe hearing impairments who engage with private hearing aid dispensers and employers. It sets the standards of education needed to join the register; the on-going training dispensers must keep up once registered; the standards registrants must uphold; and investigates any alleged breaches of those standards.

Three of the HAC Members have profound hearing impairments and, in line with its equal opportunities policy, the Council actively employs people with hearing impairments. Staff receive training in how to respond to the needs of disabled people, and the Council works closely with consumer groups representing people with hearing impairments.

The HAC makes every attempt to respond to the needs of its customers, which has resulted in several changes to the way it operates. The website has been re-designed to make it more consumer-friendly; there has been a 50% reduction in the length of time taken to resolve complaints despite a 75% increase in complaints handled; a new foundation degree has been launched, and the minimum level of education required to join the register has been changed, which will benefit hearing aid users for years to come. It is now easier for people with hearing impairments and vulnerable people to complain about their dispensers, and investigations and disciplinary proceedings have been tailored around their needs. In addition the services of palantypists and sign language translators are frequently employed to enable people with hearing impairments to engage with Council business.

Looking forward, the transfer of regulatory responsibility to the Health Professions Council (HPC) in 2009 will improve services for disabled people as they will benefit from simplified and modern regulation and will be protected by broader powers than at present. The HAC operates under 40 year old legislation, whereas the HPC, having only been in existence for about nine years, has more up to date, relevant regulatory powers. It is far more powerful, currently regulating 13 professions, with 180,000 members, and with plans for other organisations to join over the next couple of years. The HAC meanwhile has only 1650 members. Moreover the Health Professions Council has significantly more resources than the Hearing Aid Council, which will allow it to make greater investment in excellent support services to enable disabled people to actively participate in every aspect of its work.

7. Effective Problem solving in Europe (SOLVIT)

Effective Problem solving in Europe (SOLVIT) is a UK service providing advice on specific problems that individual citizens or businesses experience in exercising their EU internal market rights. Queries for SOLVIT are accepted

in whatever way the individual or business finds easiest, and staff respond accordingly. The former DTI (now BERR) carries out low-key monitoring by asking enquirers how they were alerted to the scheme in order to ensure that we target awareness raising effectively.

Proposal for further progress – Package travel

Since the adoption of the current Directive in 1990, the travel industry has evolved considerably. The development of the internet, the entry of low cost carriers, the growth within the cruise industry and the increasing trend of consumers putting together their own holiday components from different organisers, instead of opting for packages pre-arranged by an organiser or a retailer, are some of the factors to be considered in the review of the Directive.

The European Commission published a working document in July 2007 setting out the main regulatory problems in the area of package travel and seeking views from stakeholders on issues related to the Directive and is expected to issue proposals on a revision of the Package Travel Directive in late 2009. It is not clear that the package travel regime places disabled people at any particular disadvantage in comparison to non-disabled people. When the proposals are published BERR will approach groups such as the Equality & Human Rights Commission and Tourism for All with a view to seeking advice on the impact on disabled people.

Proposal for further progress - Proposed Point of Single Contact for the Services Directive

The EU Services Directives is part of the Lisbon Economic Reform Agenda, agreed by European Leaders in 2000, in response to a specific request from the European Council to make the Internal Market work for services as well as goods, people and capital.

The proposal for a Point of Single Contact is driven by a desire to make it easier to research expansion into other parts of the EU. This is a European Commission initiative to provide a website portal through which information for service providers and users is delivered and authorisations, for example licenses, can be applied for.

The issue of accessibility to the portal will be considered as part of the appropriate testing regime for the portal. BERR, on behalf of the UK is urging the European Commission to consider appropriate monitoring mechanisms for usage to include accessibility to the many different Points of Single Contacts across the member states.

CHAPTER THREE: CREATION AND GROWTH OF BUSINESS

The Department for Business, Enterprise and Regulatory Reform (BERR) is here to help ensure business success in an increasingly competitive world. Our role is to boost productivity and keep the UK competitive and an attractive place to do business, especially in challenging economic times, as well as to help companies succeed overseas and to bring foreign investment to the UK. We are the 'voice for business in Government' and we listen carefully to what these different groups have to say and weigh up the evidence behind their various views.

Business Relations helps drive up productivity in key business sectors and has a remit to promote high standards of corporate responsibility, sustainability and recycling, and undertakes product safety work to the benefit the community as a whole, including disabled people.

Disabled people could potentially be disadvantaged by inadequate or inaccessible product recycling facilities, with unsafe products or poor corporate responsibility. Business Relations therefore works to maximise the positive impact of these areas.

In the UK bioscience industry we are committed to improving regulatory support for the development, approval and use of innovative medicines. We also inform stakeholders such as patient groups of the benefits that bioscience can bring to every day life, whether through the development of innovative new medicines which includes healthcare and diagnostics.

The Business Environment Unit is responsible for identifying barriers to business success and working with business and policy makers across Government to develop effective means to overcome them. The Unit's purpose is to ensure that the business voice is fully reflected at the heart of policy development and to bring the business perspective to the full range of issues that are of concern to business - from the UK skills base and planning regulation, to taxation, migration, innovation and transport infrastructure.

This work supports BERR's Departmental Strategic Objective 1 to promote the creation and growth of business and a strong enterprise economy across all regions, specifically on stakeholder perceptions of BERR's understanding of, influence over and performance in improving the business and enterprise environment and in the delivery of publicly-funded business support simplification.

The Shareholder Executive's work directly relates into BERR's Department Strategic Object 6 to ensure that government acts as an effective and intelligent shareholder, and provide a source of excellent corporate finance expertise within Government. The related PSAs are:

- PSA 1 (Raise the productivity of the UK economy)
- PSA 6 (Deliver the conditions for business success in the UK)

- PSA 7 (Improve the economic performance of all English regions and reduce the gap in economic growth rates between regions)

With one exception, the relevant sponsor department is responsible for formulating policy relating to Government-owned businesses. The Shareholder Executive is responsible for the Government's shareholder interests in those businesses, working within the policy parameters set for them. However, the Shareholder Executive is responsible for developing Post Office network policy, an area of some interest to many disabled people who use services provided by Post Office Limited.

Delivery partners in this policy area include Business Link, Department for Culture, Media and Sport, Department for Innovation, Universities and Skills, Post Office Limited and Postcomm.

Progress towards disability equality

1. Digital Television Switchover

A quarterly "Switchover Tracker" report is used to inform communication strategies and the data collected is disaggregated to show take up by disabled people. Digital switchover will give near universal access to high-quality, free-to-view, digital TV. Currently, around 27% of the population cannot receive all the available digital terrestrial TV services free through their aerial. The switchover will make access fairer. The tracker is published each quarter, reporting on understanding, awareness and take-up of digital TV switchover, including among those people who are eligible for assistance from the Help Scheme, and separately, those who describe themselves as disabled. The tracker informs communications strategies.

The Help Scheme is available to provide practical support for all households where one person is living on Disability Living Allowance, Attendance Allowance, registered blind or partially sighted or aged 75 or over. The Department of Culture, Media and Sport developed the scheme in consultation with BERR and stakeholders from representative groups. One element of the scheme is the specification for equipment supplied as part of the standard offer, which requires access to audio description services to meet the needs of those registered blind or partially sighted, and is of benefit to others with visual impairments. Audio description was not possible with analogue TV and is one of the advantages of digital television for those with sight impairment. The equipment must also be provided with an easy-to-use remote control.

The Help Scheme sends an options pack to all those eligible in the each region around six months before switchover in that region and is available on request in different formats. Digital UK's full range of communications is also available in different formats. The Digital UK outreach programme provides communications and training on switchover to charities, community groups

and volunteers to enable them to give extra help on the ground to potentially vulnerable people including people with disabilities. Similar work to the outreach programme was done in the Whitehaven area to support switchover there in autumn 2007, with Age Concern doing the co-ordination on the ground. Digital UK also developed targeted communications to support people who were disabled but not eligible for help under the scheme.

The BERR-led Usability Action Plan continues to focus on looking at ways of improving the usability of Digital TV equipment for all consumers.

2. Business Support Simplification Programme

Business Support Simplification Programme (BSSP) is a cross-Government programme which involves central government departments, Regional Development Agencies, Government Offices and Local Government working together to develop a new operating model for business support. The aim of this operating model is to ensure that publicly funded support is easy for business to access, has a real impact on economic or public policy goals and represents value for taxpayers' money. The programme was established to meet the challenge (set in the March 2006 Budget) to reduce the number of business support schemes from an estimated 3000 to 100 or fewer by 2010.

Part of the work involved in developing the programme has been extensive consultations on our proposed framework for simplified publicly-funded business support. When undertaking the full public consultation in 2007, we ensured that we took account of our obligations under the three public sector duties. Over 300 organisations and individuals responded to the consultation and hundreds more contributed comments through national and regional events.

The following disabled stakeholder groups were involved during the 2007 consultation:

- Business Ability Ltd (an organisation which promotes the values and benefits of enterprise to disabled people and which we consulted in order to test our proposals with people with disabilities running businesses);
- Association of Disabled Professionals (an organisation engaged with making services available to disabled groups);
- Social Firms UK and Business Ability (Both groups engage with organisations that work with disabled entrepreneurs and were asked to encourage them to alert other groups representing business owners and self-employed people with disabilities to BSSP public consultation and respond.

The Business Ability Ltd and a number of social enterprises responded to the consultation. Business Ability Ltd advised that there should be a Word version of the consultation document on our website, to improve accessibility for the blind which was acted on promptly.

An equality impact assessment¹⁵ has been published which details how disabled entrepreneurs were involved in the consultation on Business Support Simplification Project – the consultation was made fully accessible, with contributions sought from organisations representing disabled stakeholders. The equality of opportunity between disabled persons and other persons was promoted during consultation.

Delivery access to the products will be through Business Link, who is the first port of call to the public. Business link compliance with accessibility guidelines is as stated on their website that they are committed to providing a website that is accessible to the widest possible audience, including people with visual, hearing, cognitive or motor impairments. Business link is also endeavouring to conform to World Wide Web Consortium (W3C) Web Content Accessibility Guidelines.

The future development of the Portfolio new Products will also go through rigorous testing as undergone by the existing products and these would be subject to Disability Equality Duty.

3. Workforce skills

Working with Department for Innovation and Skills (DIUS), BERR has sought to ensure that businesses have access to the right skills at the right time to enable them to improve their competitiveness and to ensure that individuals are able to get the skills they need to be economically productive. This clearly has implications both for disabled businesses and for disabled people who are seeking to improve their economic position.

An example is that BERR drafted best practice guidance for workplace dialogue about training. This was carried out with DIUS, the Confederation for British Industry (CBI) and Trade Union Congress (TUC). The publication titled "It's Time to Talk Training - How to develop a dialogue on training and skills at the workplace" launched on 21 July 2008 to encourage all parties to engage in effective two-way dialogue on training and skills with employers.

4. Post Office

The needs of vulnerable users of Post Offices, including disabled people, are at the forefront of developments in network policy. The May 2007 decision by the Secretary of State relating to the Post Office network¹⁶ introduced certain measures to meet those needs. These are aimed at seeking to ensure that no particular group of people should be significantly more adversely affected by closures or other changes in service provision than any other, and include:

¹⁵ BSSP impact assessment (December 2007): <http://www.berr.gov.uk/files/file42813.pdf>

¹⁶ The full decision is set out in "The Post Office Network: Government response to public consultation" (May 2007): <http://www.berr.gov.uk/files/file39479.pdf>. This decision has recently been challenged on the grounds that it does not comply with the Department's disability equality duties. The Department disagrees strongly with the claims being made against it. At the time of the writing of this report, the Court has yet to publish its judgement.

- The Secretary of State agreed to provide £1.7 billion of funding to maintain the Post Office network above a purely commercial size;
- In implementing a restructuring of the Post Office network involving a maximum of 2500 closures, Post Office Limited is obliged to ensure that the restructured network meets certain access criteria which ensure a national network with reasonable levels of service provision for all. This is of particular importance to disabled people as it may affect the distances to be travelled to the nearest Post Office; and
- In taking decisions on changes in the network, Post Office Limited is obliged to take into account certain factors such as local demographics and access to alternative services.

Further work is also planned in relation to Post Office network policy. The Secretary of State has recently asked Postcomm (the regulator of the postal services sector) to undertake analysis of the social and economic value of Post Offices including with specific regard to disabled people. This will assist in assessing the impact that any future network developments may have on disabled users.

CHAPTER FOUR: A STRONG ENTERPRISE ECONOMY ACROSS ALL REGIONS

The Department for Business, Enterprise and Regulatory Reform (BERR) has lead responsibility for small business and enterprise policy as well as for regional economic policy.

The Enterprise Directorate within BERR works across Whitehall, the Regional Development Agencies and key delivery partners to ensure that Government – national, regional and local – understands and responds to the needs of entrepreneurs and small businesses. BERR's Enterprise Directorate retains specialist expertise in policies to both strengthen the enterprise environment for small businesses and to enable more people and communities to pursue entrepreneurial opportunities.

BERR's Regions Directorate is responsible for producing stronger regional economies better able to face the challenges of globalisation. It is responsible for the Government's PSA target on regional economic performance – make sustainable improvements in the economic performance of all English regions and reduce the persistent gaps in growth rates between the regions – as well as sponsoring the Regional Development Agencies in England.

BERR's approach to regional policy is designed to build the capability of regions, putting greater emphasis on growth within all regions and strengthening the building blocks for economic success and boosting regional capacity for enterprise.

This work supports BERR's Department Strategic Objective 1 to promote the creation and growth of business and a strong enterprise economy across all regions.

Delivery partners in this policy area include Business Link, Department for Communities and Local Government, Local Better Regulation Office and Regional Development Agencies.

Progress towards disability equality

1. Enterprise Directorate

The Enterprise Strategy was published alongside the Budget on 12 March 2008. It sets out the Government's vision that everyone, irrespective of where they live, their gender, ethnic origins or any other differences, can be part of and enjoy the benefits of a dynamic and growing economy. It commits government to promoting enterprise in more deprived areas, and among the disadvantaged groups which are heavily represented there, to help raise enterprise levels in the UK as a whole and maximise the talents of everyone. People on unemployment or incapacity benefits are heavily concentrated in

some of the most deprived areas of the country. Almost a quarter (23 per cent) of the 2.7 million incapacity benefit claimants live in fewer than ten per cent of the wards in Britain.

Specific measures in the Strategy include giving £1m funding to the Prince's Trust to raise awareness of the benefits of enterprise amongst some of our most disadvantaged young people. As part of this work the Trust is compiling case studies of successful mentoring relationships and is recording mentoring sessions of experienced business leaders and young entrepreneurs to inspire and encourage young people to engage in business.

Enterprise Directorate is making links with key stakeholders such as Leonard Cheshire Disability to ensure that the specific needs of disabled people who are considering setting up in business are reflected in Government's enterprise policy.

Road-shows have been held in a number of regions (South West, West Midlands, North West, Yorkshire and London) to help ethnic minority, women and disabled business owners to bid for Games related contracts and more generally help them to acquire the tools to win other public sector contracts.

The Enterprise Directorate's policy work is supported by a strong research, statistical and analytical function. BERR commissions the Annual Small Business Survey, a telephone survey of several thousand small and medium-sized businesses in the UK, which has been carried out on an annual basis since 2003. The main purpose of the survey is to gauge the needs and concerns of small businesses and identify the barriers that prevent them from fulfilling their potential. The 2006/7 Survey found that seven per cent of SME employers had partners or directors with a long standing disability. Twelve per cent of partnerships and seven per cent of companies had partners or directors with a long standing disability. Two per cent of sole proprietors had a long standing disability.

Research by the University of Swansea shows that, at least for men, self-employment may provide an important means by which many of those with work-limiting disabilities can overcome their disadvantage in the labour market.

2. Review of sub-national economic development and regeneration

The review of sub-national economic development and regeneration was a policy review that fed into CSR07. It focused on improving the economic performance of England's regions, cities and localities, as well as tackling persistent pockets of deprivation, by ensuring that:

- sub-national economic development and regeneration policy is managed at the right spatial level;
- there is clarity of roles between those bodies who intervene in economic development and regeneration policy sub-nationally; and

- places are able to reach their full potential.

The review concentrated on creating the right framework to enable central and local government, and other partners to work together to help maximise prosperity in all parts of England. Its changes are largely to sub-national governance structures, incentives and flexibilities and will be of most interest to those agencies and authorities whose ways of working are directly affected by its changes rather than by individuals. However, its changes aim to ensure that no area of the country should be excluded from rising prosperity. Ensuring that this prosperity is shared as widely as possible will allow more disabled people to share in it.

BERR is jointly responsible with the Department for Communities and Local Government for delivery of the review's recommendations.

3. Regional Development Agencies

Regional Development Agencies have their own separate Disability Equality Schemes and have managed the Business Link Service since 1 April 2006.

BERR encourage Regional Development Agencies to ensure the service that Business Link provides is compliant with the Duty. Schemes and products delivered by Regional Development Agencies (who have their own Disability Equality Schemes), must comply with all UK legislation. The former DTI wrote to Regional Development Agencies to outline need for full coverage of Business Link in individual Disability Equality Schemes to ensure compliance with the duty, who accepted responsibility.

User information on disabled people using Business Link is obtained to monitor Business Link's services and disaggregated by disability. Responsibility for the Business Link network (advisors and national phone line) was devolved to the Regional Development Agencies in April 2005. They are fully aware of the obligations under the Duty and accept full responsibility for implementing them. Regional Development Agencies agreed that from 1 April 2007, Business Link would include questions on disability in their customer satisfaction surveys to give an indicative level of usage of Business Link services by companies owned or led by disabled people or disabled individuals thinking of, or in the process of, starting a business.

Regional Development Agencies take account of the needs of disabled people across the range of services they provide. For example, in February 2008 the London Development Agency launched its Enabled 4 Enterprise project, which aims to improve the delivery of business support to disabled people by enhancing the knowledge and awareness of Business Support Advisers on disability issues through the development and delivery of a training programme and toolkit. The project was developed in response to evidence which highlighted the barriers that disabled entrepreneurs faced due to lack of expertise and knowledge of mainstream business support services.

4. Local Better Regulation Office (LBRO)

The Local Better Regulation Office was established in 2007 and is a BERR non departmental public body. Disability access issues were considered as part of the location work when the building was procured.

CHAPTER FIVE: BERR AGENCIES AND JOINT DEPARTMENT - COMPANIES HOUSE, INSOLVENCY SERVICE, UK TRADE & INVESTMENT

The Department for Business, Enterprise and Regulatory Reform's (BERR's) Executive Agencies have their own diversity policies that deliver fair treatment for their staff. Companies House and the Insolvency Service are members of the Employers Forum on Disability independently of BERR's participation. They have used the feedback from the Disability Standard Benchmarking survey to inform their own diversity policies and have set up their own diversity groups to work towards ensuring that diversity issues are mainstreamed into policies and initiatives within their organisations.

The Insolvency Service (www.insolvency.gov.uk) works to ensure that financial failure is dealt with fairly and effectively, encouraging enterprise and deterring fraud and misconduct.

Companies House's (www.companieshouse.gov.uk) main functions are to incorporate and dissolve limited companies; examine and store company information delivered under the Companies Act and related legislation, and make this information available to the public. Their Mission is the foundation of company information exchange in the UK and their Vision is to be a world class information provider; accessible, easy to use and customer focused.

BERR also has joint responsibility with the Foreign Office for UK Trade and Investment (www.uktradeinvest.gov.uk), which supports companies in the UK doing business internationally and overseas enterprises seeking to set up or expand in the UK. It does this by helping companies realise their international business potential through knowledge transfer and ongoing partnership and support.

THE INSOLVENCY SERVICE

The Insolvency Service's Corporate Plan sets out its strategy for delivering its overall Vision and Mission, and the equality strands are mainstreamed within the objectives, targets and milestones as part of the business planning process.

Progress towards disability equality - Service Delivery

The Insolvency Service has a commitment to fair and equal treatment of all its users and seeks to include and value people as individuals. It aims to provide a professional, fair and efficient service, recognising that everyone is different and is committed to ensuring that disabled people have access to all services and opportunities. This commitment is defined in The Service's disability policy, annexed to the Quality Service standard, and sets out what a member

of staff should do where an interviewee cannot complete the questionnaire and/or has difficulty of managing his/her affairs.

The Insolvency Service has held Charter Mark accreditation continuously since 1998 and is a recognised excellent customer service provider. Within the six Charter Mark criteria, based upon the Government's four principles of public services reform, the prime focus is on being fair and accessible to everyone and promoting choice.

In order to benchmark its responsiveness to the diversity agenda, the Service undertook the Diversity Excellence Model exercise (which is an indicator that scores how well the business responds to diversity through a series of impact assessments that are benchmarked against other public sector organisations). Scoring 295 at its first attempt, it is in the top third amidst 21 other public sector organisations. The main outcome from this exercise was the drafting of a Diversity Strategy, which streamlined thinking on diversity and equality and acted as an enabler for the disability agenda.

Making Insolvency services accessible

There are standards of service disabled customers can expect if they have access requirements when visiting the Official receiver. In order to ensure that all bankrupts and directors have access to services, at first contact the Service provider asks for information to establish whether a user has a specific access need and suitable arrangements are made to meet these needs. For examples as ongoing support, we provide British Sign Language (BSL) translation to customers and staff who require it and in some case's we have accommodated further training outside the agency for staff to gain BSL qualifications which has been successful in one regional and one HQ office.

The Service recognises the importance of providing a website and intranet that is accessible to all its user groups, including disabled people and adheres to accessibility guidelines issued through E-Government. Accessibility standards are in place with the intention of making the content accessible to the widest range of visitors, regardless of disability or impairment and provides a variety, (eleven), of its services on-line – the Bankruptcy On-line service being one such service.

It also provides its most popular leaflets in alternative formats including Braille and seven leaflets are also available on The Service's website in MP3 format.

Stakeholder groups

Wherever possible, the Insolvency Service will continue to involve and seek the views of its stakeholder groups at the earliest opportunities, when revising or creating policies or new processes, including taking steps to include individuals with particular access requirements. The Service has been working with the Employers Forum for Disability for two years and through this network of public and private sector business, is continually improving their

knowledge and expertise with policy promotion, staff development and customer support.

The Insolvency Service is committed to continuous improvement and uses surveys to assess and monitor the service it provides to customers in order to identify whether improvements have been successful and whether further change is needed. Feedback from comments cards (both electronic and card) and the complaints procedure is ongoing and collated quarterly. Changes, where possible, are made, especially where disabled individuals have particular requirements.

Applying relevant equality legislation to policy developments by the Insolvency Service

The Insolvency Service formulated an Equality Impact Assessment Framework as part of its policy making process. Initial screening of policies (in July 2006 and which were updated in February 2007) indicated that further evidence was needed and further evidence has since been collected and re-screened. Equality Impact assessment has shown that:

- The introduction of Debt Relief Orders showed a potential positive impact on disabled individuals. This is because such debtors are more likely to meet the financial entry criteria, which imposes limits on the income, asset and debt levels. The Insolvency Service is currently finalising the Debt Relief Order application form, which will include a question on whether the debtor is disabled and if so, what type of impairment. This will enable The Service to monitor its disability equality duty in the future and will mean that a more inclusive and accessible level of service is delivered.
- The introduction of Streamlined Individual Voluntary Agreements showed no differential impact based on disability. The Insolvency Service intends to carry out ad hoc surveys on a case by case basis of IVA debtors to monitor its disability equality duty in the future.
- Consideration to the removal of the requirement to attend court to file a bankruptcy petition from the debtor's petition process showed potential for positive impact on disabled individuals and will benefit those unable to travel to court due to physical impairments.

The Insolvency Service is currently undertaking a project to modernise and consolidate the insolvency secondary legislation. A review of correspondence and meetings with users of the insolvency legislation and examination of the detailed changes proposed within the "Modernisation and Consolidation" project identified the following five key policy changes which might be relevant and have a significant level of impact in terms of equality and diversity:

- New provisions to facilitate electronic delivery of insolvency documents and the use of websites by insolvency practitioners.
- New provisions to assist victims of violence.

- Removal of requirements to provide affidavits.
- Move to discretionary local advertising of insolvency events.
- Free of charge publication of a complete set of the insolvency forms to be prescribed under the new Insolvency Rules and other project statutory instruments.

Initial evidence suggests that there will be no differential impact to disabled people but further evidence is being collected to complete the screening of this project.

Project working

The Insolvency Service is working on several projects in “Enabling the Future”, which include the following benefits to accessibility and to aid all customers and staff:

Technology

- Improve choice and access to services and tools
- Make technology scalable and user friendly

Flexibility

- Improve work life balance through operational flexibility
- Be reactive and proactive to needs of our customers

To date each project either has had or will have an equality impact assessment and all access issues are considered.

The Service has devised robust “Diversity & Accessibility Guidelines” that are used to raise awareness of equality issues in project work. These also ensure that due regard to disability equality is incorporated into its project maintenance systems, for example, software for people needing particular adaptations being tested for compatibility, for which the Diversity Group and Diversity Officer are also consulted as appropriate.

The Insolvency Service as an employer

Property Services Procurement & operations

The service has undertaken disability accessibility audits of all its premises making adjustments as necessary. All offices now have either a fixed or portable hearing loop and a budget is maintained to provide specialist equipment for staff needs identified through work place assessments.

In reviewing operational processes and policies, consideration is given to potential impacts in relation to diversity strands and amendments are made accordingly. Equality Impact Assessments are carried out on any new or

changing procedures where applicable. Advice is provided to staff in the Technical Manual on how to assist disabled people and training is provided.

Training

The Insolvency Service constantly reviews staff training methods to ensure a flexible and accessible framework, which is less reliant on residential courses. Its qualification working group has discussed how to make the training of examiners more effective and efficient, less bureaucratic and accessible to all. A flexible approach that is fit for purpose and achieves its business objectives is the driver. Leading on from the HR 'Enabling the Future' change project, a blended learning approach has been applied to training provision, with a particular focus on learning differences and learning needs.

All staff and managers have mandatory diversity awareness training, which includes awareness of disability legislation. The Service received positive accreditation in a recent Investors in People reassessment in respect of the training opportunities that are available for disabled candidates. The Service will provide training to staff to ensure more effective communications with special consideration for those who have severe hearing impairments.

"Key 4 Learning" training provides support to the service on hidden disabilities and has highlighted some potentially less understood and hidden disabilities, for example dyslexia. This training and support is available service wide and enables continued better service provision for disabled staff.

The revision of the "Examiner to Manager" assessment internal programme was set up to speed up the progress for staff in the examiner grades to reach management. This is supported by cutting down some of the stages each candidate will have to be involved in and has enabled more accessible versions of e-learning exercises for those with visual impairments.

Diversity Group

The Insolvency Service's Diversity Group is a voluntary group made up of a cross section of staff, including disabled people, who act as an advisory group. They are particularly interested in, and are consulted on diversity issues that relate to staff within the Service, for example on policies and topical issues that impact on staff working.

Human Resources

Insolvency Service has a disability policy that sets out how the Disability Discrimination Act applies within its employment procedures. It uses:

- Occupational health assessment and specialist equipment for staff.
- Recruitment procedures that are competency based.

- The “Two Ticks” symbol and is a member of the Employers Forum on Disability.
- Equal Opportunities Contact Officers who are available to provide staff with advice on the Equal Opportunities issues and support through grievance/disciplinary/inefficiency procedures and Conciliation Managers who provide a mediation service.

Disability status is surveyed on entry and through bi-annual surveys. From 31st March 2007 the proportion of staff who classifies themselves as disabled was 13.8 percent. This was an increase from 13.2 percent for the previous year (national benchmark of 13.1 percent) and a confirmation of the continuous trend for the representation of disabled staff in the workforce.

The representation of staff with a declared disability is higher in the lower pay bands, although this may be as a result of current data capturing methodology as opposed to staff not progressing within the organisation. The Insolvency Service will shortly introduce more effective mechanisms (eHR database) which will aid with the accuracy of tentative information.

On an annual basis, the Service monitors the representation of disabled staff within the organisation and disabled staff performance relative to non-disabled staff in the following employment processes:

- Recruitment
- Promotion
- Management assessment centre
- Reward arrangements
- Uptake of central training and development provisions
- Discipline and grievance
- Leaving the Service, including dismissal (retention)

Internal staff survey analysis is also broken down to identify issues that appear to impact to a greater extent on disabled staff and so inform subsequent action.

COMPANIES HOUSE

Companies House has an active and participative Diversity Forum Group which is made up of representatives from across the business and at all levels. Its views and opinions are taken into account in decisions related to disability issues.

Senior managers and two Directors make up a Strategic Accessibility Working Group, who represent all areas of the business. The terms of reference are to ensure that all elements of what Companies House do are accessible both in the employee and customer service delivery context, and that policy, working practices and procedures are compliant with legislation and are built on principles of best practice. They also ensure that current and forthcoming

policies and projects do not create any negative barriers in terms of accessibility for diversity related groups both internally and externally. Companies House employs a Diversity Advisor who has a good knowledge of disability issues, and advises on people related policy as appropriate. It is active in terms of identifying the needs of disabled staff and potential reasonable adjustments that might be required. Information in this area is monitored by an internal Impairment/Disability Audit which will be voluntary and in confidence. A whole range of diversity related training modules or courses are run, including one covering Dignity at Work. They are also due to introduce drama led training which will focus on behaviours relating to various diversity related scenarios. This will eventually be made available across the organisation and will help to improve disability equality through raising awareness of dignity at work and acceptable behaviour.

Companies House produces a comprehensive Diversity Statistical Monitoring Report which covers diversity related categories and enables the organisation to monitor trends and implement relevant action. This report is made available to all staff via the Companies House Intranet and shows our performance within all areas of Diversity in a statistical format. Companies House uses its dedicated Diversity intranet site to promote all elements of diversity and all publications are available in alternative formats.

Monitoring is carried out in a variety of ways. The Companies House Annual Statistical Monitoring report provides data on employee numbers within all diversity categories, including disability. This information is used to address any evidence of under-representation through the analysis of trends.

Operating the “two ticks” scheme for disability gives the Diversity Advisor information that is used to get views from disabled staff (where they are happy to be interviewed), for example on organisational change. This scheme also ensures that the guaranteed interview initiative (on condition of meeting the minimum criteria) is operated successfully.

Companies House is also a participative member of the Employers Forum on Disability and attends many seminars and has hosted events for the forum. Companies House also has a comprehensive support network. This includes Staff Counselling, Occupational Health, Health & Safety Manager and Advisor all of who work together to ensure that any issues relating to Disability, Impairment, long term sick absence, absence prevention, rehabilitation and reasonable adjustments (which can include both equipment or working pattern adjustments) are managed in the most positive, effective and supportive way to ensure (if reasonably practical) the individuals need's are addressed.

Prior to development, all policies, projects and programmes consider disability impacts, in terms of staff, customers and service delivery which is built into the project initiation document process.

In 2007-08 the Companies House reception area was extensively refurbished. At each stage willing disabled employees and tenants were approached for

their views and input into the proposed plans to ensure maximum accessibility. Also professional advice was sought at each stage to ensure alterations were compliant with disability legislation. This has now developed into an accessible, modern, fresh and inviting reception area.

UK TRADE & INVESTMENT

UKTI is a joint department of the Foreign & Commonwealth Office (FCO) and of BERR and its funding and human resources reflect this. It is a joint department which has the lead role within Government for delivering trade development and inward investment services for business, working closely with the Regional Development Agencies (RDAs) in the English Regions and the Devolved Administrations in Scotland, Wales and Northern Ireland, as well as other partners in both the public and private sector in order to deliver trade & investment services.

UKTI is not an employer in its own right; for the majority of its human resource requirements it draws on civil service staff employed by either BERR or the FCO. In the UK most of the staff are drawn from BERR while overseas, most of its staff are from the FCO. UKTI also draws on its parent departments for some business support functions including aspects of HR and related IT systems. In the UK it applies the HR policies, practices and guidance of BERR, including those on equality and diversity. For example, BERR staff working for UKTI in the UK are directly covered by the action on diversity set out in Chapter 6 (BERR's Diversity Plan, declaration rates, internal and external recruitment, and staff development etc.)

Performance Impact Monitoring Survey

UKTI monitors the use of its services by minority groups through its Performance and Impact Monitoring Survey (PIMS), which is carried out by an independent specialist market research company, OMB Research. The survey involves telephone interviews with a representative sample of businesses who have used any of UKTI trade services, and captures information about business profile, including overseas sales and growth, as well as about the quality and impact of the services. Annually, the survey also obtains information and allows data to be reported about whether the businesses have owners, partners, or directors, who are women, from ethnic minority groups or who have long-standing health conditions or disabilities.

A representative sample of some 5% of UKTI users is covered by this element of the survey. For example, PIMS results for the survey carried out during October – November 2007 show that 3.9% of the 715 firms surveyed, had owners, partners or directors who had a disability or long-standing health condition. PIMS results in future years will allow UKTI to monitor the extent to which there is an increase in the number of currently under-represented groups accessing services.

Access to trade services

UKTI's international trade services are available to all UK-based businesses currently trading overseas or with the potential to internationalise. We seek to ensure that our services are available to all those eligible, including individual entrepreneurs or company staff members who are disabled.

UKTI staff consider access to trade services for disabled clients on an individual basis. If there are cases where it is particularly difficult for a disabled individual to take full advantage of the support available from UKTI, staff will work to resolve these locally by offering practical measures to help overcome access issues. For example checking facilities for ease of doing business and the help available in-market. In cases where extra funding may be helpful in enabling a disabled person to receive the benefit of UKTI services, UKTI will consider each such request on a case-by-case basis and will provide appropriate advice or support.

Proposal for further progress – UKTI Equality and Diversity

UKTI is not an employer in its own right but it takes equality and diversity seriously, applying the equality and diversity policies, practices and guidance of both BERR and the FCO as well as undertaking initiatives in its own right.

UKTI has its own bi-annual Staff Survey which includes questions about equality and from the 2007 Staff Survey it was agreed that members of the Senior Team would each champion an area identified as important to staff and this also included appointing a Diversity Champion. This role is currently undertaken by Curtis Juman, UKTI's Finance Director and his aim is to raise awareness of diversity and equality across the UKTI network, for example, through articles in the UKTI in-house magazine and encouraging increased take-up of the e-learning training on diversity available from BERR.

UKTI has its own staff diversity group, known as the "Bringing on Talent Group" which meets several times a year to discuss diversity issues affecting the organisation.

UKTI is keen to confirm that its policies, practices and procedures - in terms of both staff and customers - are compliant with legislation and that best practice is followed. In order to demonstrate this external advice is in the process of being commissioned to support the achievement of this goal.

CHAPTER SIX: BERR AS A PLACE TO WORK

Chapter Seven covers the areas that relate to the Department for Business, Enterprise and Regulatory Reform (BERR) as an employer, a place to work and the facilities that we deliver and detail progress made towards achieving disability equality in these areas

Progress towards disability equality

1. HR, Diversity Strategy, access to training/workforce skills, disability awareness training

As at September 2008 239 individuals within BERR, representing some 7% of the total workforce, have notified the Department of a disability or long term health condition (note that these statistics were prepared prior to the machinery of government changes on 3 October 2008 and the creation of the Department for Energy and Climate Change). The most frequently quoted disabilities or health conditions are mobility restrictions or conditions affecting mental health or well-being. BERR HR policies will directly affect our disabled staff or staff with long term health conditions. BERR's policies as an employer also affect people who are cared for by our staff outside the workplace, for example disabled family members.

Diversity Strategy

A new diversity strategy for the period 2008-11 has been developed, building on the success of the previous three year strategy and addressing some continuing issues. The strategy for the period to April 2008 was designed to meet the overall civil service diversity objectives and targets, set out in the Cabinet Office 10 point plan. BERR exceeded the Cabinet Office 10 point plan targets on:

- **Improving the diversity of the Senior Civil Service.** Currently, 6% of senior civil servants in BERR identify themselves as disabled. This exceeds the 2008 10 Point Plan's target of 3.2% and also already exceeds the overall civil service target for 2011. BERR aim to at least maintain this figure in the future;
- **Improving the diversity of the 'feeder' grades to the Senior Civil Service (those grades just below the Senior Civil Service).** Currently, 6% of staff in these grades considers themselves to have a disability. The Department has a number of leadership development schemes for the 'feeder' grades below the SCS and works to ensure that these schemes and the assessment processes for selection are designed to make them open to disabled people;

- **Improving the progression of the workforce in our lower grades.** A high proportion of disabled members of staff are at the lower grades across BERR, (9% of Band B and 12% of Band A staff identify themselves as disabled). It is our aim to ensure that everyone has the support they need to reach their full potential.
- **Improving employee awareness of diversity issues.** Over the course of 2007, DTI rolled out mandatory diversity training. One of these modules was aimed at all staff, and another at all line managers. Although the training was on diversity generally, disability is dealt with effectively as part of this;
- **Improving line management capability.** Feedback from disabled staff has been that some line managers lack an understanding of their access requirements. Additional training for line managers of disabled staff was provided in 2007 to try and address this skills gap. This was in addition to the mandatory diversity training;
- **Mainstreaming diversity agenda for cost effective delivery.** Consideration of equality in all that we do is key for BERR as an employer, but also as a provider of services. It is our aim to ensure that all staff have the tools and knowledge needed to ensure an assessment of the impact on equality is an intrinsic part of our working methods.

The 2008-11 Diversity Strategy was developed in consultation with disabled staff, senior managers and the trade unions. It contains planned activities, including participation in civil service wide development schemes, a focus on well being and mental health (some 17% of recorded sickness absences from the Department are attributable to mental health conditions) and a review of appraisal markings to establish whether any systemic bias exists and how this can be addressed.

Proposal for further progress – “Well Being” programme

Linked to the Diversity Strategy and the overall Departmental People Strategy, we are developing a Well Being Programme. This builds on existing provision supporting good health at work and includes consideration of initiatives to promote a healthy life style. Nearly one third of our long term absences are related to stress or depression. A Well Being Day, focusing on maintaining good mental health, was held in October 2008. This was run in partnership with MIND, SHiFT and our delivery partners (including Occupational Health Service providers, Employee Assistance Programme and Disability Assessors) and with staff groups. We expect this event and the overall programme to benefit disabled staff through raising awareness and understanding, equipping staff and managers with the skills and capability to manage health and well-being and to provide access to sources of help and advice.

BERR monitors training received, appraisal/ performance management outcomes, numbers of grievances and discipline cases, promotion rates, recruitment and exits from the Department by disability status. This information is published internally as part of an annual BERR Diversity Report. Increased declaration rates should help make monitoring in this area more effective.

Proposal for further progress – Staff declaration rates

In line with the Disability Equality Duty, BERR is seeking to improve further the rates of declaration of disability in the Department, outside the returns to the annual employee survey. The Permanent Secretary has written to encourage all Senior Civil Servants to declare. Currently 6% of the BERR Senior Civil Service has declared a disability. It is hoped that this will act as an example and incentive to all staff to feel confident and assured in declaring that they have a disability or a long-term health condition. Key to this work is an explanation of the purpose for collecting employment data by disability, and how it will be used. HR is also in the process of writing to individual staff to explain the purpose of collecting data and to encourage staff to declare.

BERR considered the impact of the 2006-07 Restructuring programme on disabled staff. The diversity impact assessment¹⁷ addresses issues emerging from the process of restructuring BERR, and previous DTI, between October 2006 and December 2007. In summary, this concluded that

- Overall, after restructuring, there was a net increase in the percentage of staff with disabilities in the Department
- In October 2006, prior to restructuring, 7% had notified a disability to the Department. In December 2007 8% of BERR staff had declared a disability.

HR-led activities included planned diversity training across the Department during 2007 and 2008, meeting commitments in the Cabinet Office 10 Point plan for the civil service. This comprised two strands, firstly interactive workshops for senior managers, which proved very popular and effective. Following full evaluation the workshops are to be rolled out to middle managers from November 2008. The second strand of diversity training was an e-enabled programme (including disability equality issues) for all staff, including those in the lower grades. Specific scenarios were aimed at improving performance by line managers in managing and developing staff with disabilities or responsibility for caring for others. The programme also addressed issues from the perspective of a colleague as well as management to increase confidence and capability of those working with colleagues with disabilities. We worked closely with disabled staff in the Department to

¹⁷ Diversity Impact Assessment: Restructuring BERR and DTI (December 2007):
<http://www.berr.gov.uk/about/strategy-objectives/how-we-work/dia/index.html>

develop realistic scenarios. This programme is currently being completed and the expectation is that all staff will participate.

For the training programmes and indeed for the whole Diversity Strategy, BERR worked with its staff advisory groups, including the Disability Advisory Group and the network of Disability Advisory sub groups (providing advice on, and support for staff in relation to, Hearing Impairments, Visual Impairments, Hidden Disabilities, Mental Health, and Dyslexia. Equality impact assessments are carried out for all continuing relocation and restructuring work (including that for UKTI) and for revised HR policies where appropriate.

Initiatives across BERR designed to support our disabled staff:

- **Support in getting a job**

We have, for some time now, operated the Two Tick Scheme for disabled people applying for posts within the former DTI and now within BERR. The system guarantees a disabled person an interview for a post if they are able to demonstrate in their application, that they meet the minimum requirements of the post. However, BERR recognises that the Two Tick scheme alone will not guarantee a more representative workforce.

The former DTI has worked hard over the last two years to 'equality proof' our internal selection processes: for example, in DTI and now BERR's internal accelerated development programme (ADP) and the competition for promotion to the Senior Civil Service. This involves a whole series of measures, ranging from the selection and training of assessors and the choice of assessment exercises, to practical adjustments - for example, giving dyslexic candidates more time to digest instructions and to complete written exercises at assessment centers.

Proposal for further progress – BERR's internal selection process

The 2008-11 Diversity Strategy includes plans to review the overall adjustments made for individuals to the internal selection process, beyond the guaranteed interview, as this has been highlighted as an area of concern.

The Department has also taken the decision that we need to do more to ensure we meet our aims for representation of disabled staff at the feeder grades. Currently (September 2008) 6% of staff in our feeder grades have declared a disability or long term health condition. The percentage of staff declaring a disability increases to 9% of middle managers (Band B). The number of staff declaring a disability applying for, and being successful at the ADP competition, which aids progression to the feeder grades, has increased in recent years. However, more work is required. The Department has a number of leadership development schemes for the 'feeder' grades below the SCS and will continue to work to ensure that these schemes and the

assessment processes for selection are designed to make them open to disabled people and that necessary adjustments are made for individuals.

- **Support in the workplace**

The former DTI, working with The Disability Partnership, has run the Valuing Ability Mentoring Programme for the last three years specifically designed for people who have identified themselves as having a disability, or who have developed a long-term health condition. Feedback from both mentor and mentee participants has been encouraging, with many positive experiences from the scheme reported.

Another form of mentoring/coaching is currently being provided for disabled staff in partnership with The Shaw Trust. This scheme is specifically designed for members of staff whose jobs are potentially at risk as a result of the job cuts that BERR, along with a number of other central Government Departments, is facing, although other members of staff are also able to access the support from the Shaw Trust.

Staff who identify themselves as having a disability or long-term health condition, and who require reasonable adjustments to their workstation are initially encouraged to complete a self-assessment form online. Upon completion, improvement measures are provided by BERR's Information and Workplace Services Directorate (IWS), to protect their health and safety. For adjustments beyond physical workstation adaptations including, for example, variations in working hours, provision of tailored training, changes to duties or support for travel to work; or where a member of staff continually suffers from some form of discomfort in the workplace, they are referred to Systems Concepts Ltd, a company working in partnership with BERR. Working with Systems Concepts has meant that a better level of consistency is applied to workplace assessments, which gives BERR a clear framework by which to assess reasonable adjustments. Systems Concepts have developed a good knowledge of the way in which the Department works, which means that they can recommend solutions that will fit into BERR's existing systems and are easily obtainable from existing equipment suppliers. All adjustments judged to be reasonable are then implemented. Reasonable adjustments for staff could include: building adaptations; the provision of equipment such as orthopaedic chairs; IT equipment and software; special lighting; fixed desks; changes to working hours or practices, and the provision of training and support for travel costs. A system of review is in place where staff are offered re-assessments every two years, to ensure that, for example, beneficial adjustments in technology are made available and that, should a disability or health condition change, that adjustments continue to be appropriate. This also ensures that adjustments continue to be provided on a change of job or location.

Funding for reasonable adjustments for disabled staff via the Department for Work and Pensions' Access to Work scheme ceased in October 2006. The Department has participated in DWP consultation on further changes to the

remaining support provided by the Access to Work schemes. The Department now funds continuing support in line with previous provision for reasonable adjustments not covered by the Access to Work scheme.

Monitoring ourselves

The Disability Equality Duty requires organisations like BERR to set out how it collects information in relation to recruitment, development and the retention of its disabled employees.

The former DTI, for some time, collected information in this area and BERR continues to do so. This information is published internally as part of an annual BERR Diversity Report.

For **recruitment** into the organisation, information on all applications was historically kept for six months. This has changed in line with our obligations under both the disability and race equality duties and monitoring and evaluation is completed at the end of each external recruitment exercise. BERR also monitors by disability on arrival in the Department, although the process by which we do this has been reviewed (see below). Members of staff are invited to declare their disability (if they choose to do so), via our internal electronic records management system (CALIPSOE), and by our annual employee opinion survey. In 2006, 3% of new entrants to DTI declared a disability. However this percentage rises during the first year of employment and probably reflects unfamiliarity with the internal records system. The Department is also able to monitor the number of internal positions disabled staff are successful in applying for (level transfers and promotion), via the “two ticks” box on application forms. It also monitors the number of staff with disabilities who are gaining promotion.

On **development**, the Department’s current information is gained from self declaration on applications for training courses. Human Resources has asked BERR’s preferred supplier of learning and development services, PTSC, to ensure they are monitoring the take up of their services, both by ethnic origin and disability. As part of the annual employee opinion survey, staff, including those who have declared themselves as disabled, are invited to comment on whether they feel their training and development needs are being met. The employee opinion survey also invites staff to comment on things that could be improved within the Department and on areas that work well. Responses to these questions are carefully reviewed in order to identify any that relate to disability and the Department’s provision for those who have a disability or long term health condition. There is also a check on development needs in BERR’s reporting system (known as the PADR). All staff are now obliged to have a training and development objective as part of their work objectives for a reporting year. Line managers will be required to cover learning and development as part of the appraisal process.

BERR offers centrally funded training for teams, line managers and colleagues of disabled people, through the Employers Forum for Disability or

recommended specialist providers. We have arranged three such courses for teams since the DED came into place in Dec 2006.

In June 2008 BERR HR launched a revised Handbook and HR Intranet. This includes advice on making reasonable adjustments, line managers obligations under the DDA and Departmental commitments, and links to comprehensive advice for line managers from the Employers Forum on Disability. The access to tailored training is also advertised on the HR Intranet.

Disabled staff at all levels in BERR are given the support they need to reach their full potential.

On **retention**, BERR collects information on the number of people with disabilities who are leaving the Department each year. Data for 2006 (the most recent published data) is as follows:

Disability Data: Leavers from the Department by declared disability 2006

Type of Disability	Total
HEARING	3
LEARNING	4
MENTAL ILL	2
MOBILITY	16
PHYS COORDINATION	5
RED PHYSICAL MOBILITY	12
SPEECH	1
VISUAL	3
UNKNOWN	1
Grand Total	47

We have also analysed the data on staff moving through the Moves Pool and Career Transition Centre, as part of the Diversity Impact Assessment on the restructuring process and as our monitoring of the Career Transition Centre.

This data is disaggregated by reasons for leaving (such as resignation, voluntary severance, retirement or dismissal), although for reasons of confidentiality we do not publish this breakdown. The most recent figures (2006) show that 8% of staff leaving the Department regarded themselves as having a disability.

The Department recognises that our data is dependent on individuals declaring a disability or long-term health problem. For a number of reasons, individuals may not feel they want to declare themselves as disabled, which makes it difficult to monitor effectively. We have, in response to staff feedback, ended the requirement for individuals to categorise their disability when they make a declaration. Some staff felt that there was no adequate descriptor that covered their disability, and elected not to declare, rather than

be wrongly categorised. From now on, the declaration section will simply provide a box in which individuals can describe their disability if they chose to do so.

Continuing from the DTI, BERR is a member of the Employers Forum on Disability and has signed up to its Disability Standard benchmarking exercise that aims to audit our progress on disability throughout our business, and to plan for the future. Results from the 2005 return demonstrated that whilst there were areas in which the Department was performing well (working in partnership, leadership, representation of disabled staff), there were a number of areas, such as mainstreaming diversity issues into service development and procurement, where we hoped to improve. In the 2007 EFD Disability Standard Diagnostic Report, a significant increase in performance was noted. BERR achieved a Bronze award with a score of 68% and rated 4th in the Public sector.

DTI's annual employee opinion survey always has a high return rate. This provides more complete information on the Department's make up than asking staff to declare a disability separately. All the data can be disaggregated by disability, so it is possible to monitor whether satisfaction rates are disproportionately higher or lower for disabled members of staff (as well as for other groups), although data protection issues have to be taken into account.

BERR accepts that making an improvement in the way we monitor our performance is not, in itself, a means to an end. We need to be proactive in using this information to inform our policies. It is hoped that the changes we are putting in place will lead to more comprehensive data on disability within BERR, and will allow us to do this.

2. Disability Advisory Group (DAG)

BERR has an active staff Disability Advisory Group (DAG) with over 120 members. DAG was established in 1998 to advise and support the Permanent Secretary, the Department's senior management and groups on disability issues, it is funded centrally by BERR. DAG is for staff members who have a disability or long term health condition, or who are close to someone else who does, either at home or work. DAG meets regularly, normally 6 times each year, although much of our work is undertaken outside these meetings. DAG also has a number of sub groups to share good practice and coping mechanisms in the workplace. The sub groups are for staff with hearing impairments, visual impairments, dyslexia, Aspergers' Syndrome, mental health issues, diabetes and other food issues and other hidden disabilities.

DAG works closely to review progress against mainstreamed Departmental disability and diversity policies and also to ensure the effective delivery of those policies. DAG liaises closely with many different business units within the Department, and has particularly close working relationships with

colleagues in the following areas, whose work impacts most directly on the Department's disabled staff and customers:

- human resources, training and development;
- health and safety, accommodation and premises, conferencing and catering;
- technology and e-communications;
- corporate communications and events, branding and marketing.

DAG also strives to influence general policy-making that impacts on disabled people outside the Department, working wherever necessary in close liaison with other organisations and networks. DAG seeks to improve the working environment and opportunities for all people with disabilities and long term health conditions within and without BERR and to create an environment in which everyone feels valued, irrespective of any disability or long-term health condition, so that they are able to realise their full potential.

Whilst DAG has achieved a great deal, changes of personnel or developments in technology mean ongoing work by DAG is always needed in all areas and this is often a duplication of effort.

3. Policy on Impact Assessment

In July 2006, the Government launched a public consultation: The Tools to Deliver Better Regulation – Revising the Regulatory Impact Assessment: A Consultation. The objectives of improving the Impact Assessment process were to:

- embed Impact Assessments at the heart of policy-making;
- improve the quality of the economic and other analysis that underpins policy-making; and
- increase the transparency of the analysis underpinning policy options.

The key features of the revised Impact Assessment process include:

- introducing a standardised template to improve clarity and transparency including new requirements to summarise both the rationale for government intervention and evidence supporting the final proposal;
- strengthening the Ministerial declaration to bolster the quality of the analysis in Impact Assessments, supported by improved arrangements within departments;
- revising guidance for policy makers to make it easier for them to produce high quality Impact Assessments focused on the burden of the regulations they are developing; and
- increasing emphasis on post-implementation review, making this more transparent to stakeholders and policy-makers.

The Impact Assessment process is a vital process for when Government decides to intervene. It is crucial that the potential economic, environmental

and social impacts are understood so the best possible solution is delivered. And evidence based policy making is key to achieving this. In addition to the main analysis on the impact, costs and benefits, evidence is also gathered and assessed through a variety of Specific Impact Tests, which then become an integral part of the evidence within the Impact Assessment.

Some of these Specific Impact Tests are statutory in nature (and always need to be completed) covering race, equality and disability. Others are only completed when the intervention has a specific impact on such things as competition or the environment. A check list has been created that lists the various Specific Impact Tests and more information and guidance in their completion is available the Impact Assessment Toolkit under the Specific Impact Test section.

4. Policy on Consultation

On 22 July 2008 the Better Regulation Executive published a new Code of Practice on Consultation. This Code is based on the results of a review of Government consultations in 2007 involving many people who regularly responded to Government consultations. The new Code applies from November 2008 to all central Government departments' formal, written consultation exercises.

To update the Government's Code of Practice on Consultation, BERR worked with the Office for Disability Issues and Equality 2025 to seek the views of disabled people regarding how they are consulted by Government to review how effective Government consultations were. BERR officials presented the review to a meeting of Equality 2025 in Gateshead and took specific feedback at the meeting on how consultation exercises could be made more inclusive. To enable this debate an Easy-Read version of the main paper "Effective Consultation: asking the right questions, asking the right people, listening to the answers" was produced.

The feedback received at the meeting and in a written response from Equality 2025 and the feedback from other disability groups has been used to develop guidance for officials across Government in how to run high quality, inclusive consultation exercises. Equality issues are important when planning a consultation exercise and so the input from Equality 2025 proved useful in drafting both the Code of Practice and the accompanying guidance.

Specific internal consultation guidance features in the BERR Toolkit for Equality Duties which is summarised from the former Disability Rights Commission document: Guidance on Involving Disabled People. The toolkit is used if a policy is assessed to have a potential disproportionate impact on the lives of disabled people which would therefore result in the need to work with representative bodies of disabled people, including organisations run by disabled people.

BERR recognise that the involvement of disabled people is not a one-off process and that disabled people should be involved who are employees,

service users or who have an interest in the work of the organisation as stakeholders in the communities on which the organisation impacts.

5. Conference Centre Services

The Conference Centre stages a wide variety of events attended by representatives from across Government and all sections of business, education and voluntary organisations. Delegates attend the Conference Centre from all over the United Kingdom and around the World. The Conference Centre is committed to making its facilities accessible to all.

As part of the event planning process, the event organisers and conference centre staff plan events so that disabled delegates can fully participate. Conference centre staff ask event organisers if any disabled persons are attending as part of the booking process and if specific requirements are highlighted then specific rooms can be allocated and the necessary technical support is provided to achieve full participation.

The conference centre has undergone an inspection carried out under the Disability Discrimination Act as part of a Departmental Review and various Disability organisations, for example RNID, have also inspected the Centre due to organising/being involved in an event. The Centre is reviewed, by the Health & Safety IWS team, on an annual basis and various actions are subsequently proposed. The most recent work covered directional signage and work to the disabled toilets.

Accessibility

The Conference Centre is accessible through the Reception entrance. There are two lifts located in Reception which have recently had work undertaken to bring them up to the standards required by the Disability Discrimination Act. When there is prior notification of disabled delegates' attendance, Security is informed and provide the appropriate support and guidance on arrival. Parking for disabled attendees can be arranged and the delegate would be met on arrival and escorted from the car park to the meeting room. All rooms are accessible and movement through the Centre is not restricted.

Equipment

An infra red hearing loop system has been installed in the third largest with meeting room and in the largest room the equipment has been upgraded with the additional installation of omni directional microphones in the ceiling.

The installation of the hearing loop system was by a tender process which involved representatives of BERR's Disability Advisory Group. Also as part of this process a number of portable hearing loop systems were purchased for use in smaller meetings around the Department.

Our three main rooms have also had a number of plasma screens installed. These are for Palentypists presentations during events and we can arrange to

have Palantypist and/or Sign Language Interpreters at an event to support disabled delegates.

Advisors

The Disability Advisory Group meets on a six weekly basis in the Conference Centre. A representative(s) of IWS attends this meeting. This is an opportunity to raise any issues they may have concerning support to their members and suggestions for improvements in the meeting environment. These suggestions are subsequently discussed to see if they can be implemented. Recent suggestions have included tactile signage and sound broadcast of the location the events are being held.

Hospitality

Labelling of food is a standard within the Conference Centre. Each lunch will have labels showing meat, fish and vegetarian items. We will also display labels when Kosher or Halal food is present.

For Individuals with specific dietary requirements, for example nut allergies, we will serve a meal specific to that individual.

Going Forward

Regular meetings take place with ECHarris, at which the services and facilities within the Conference Centre are reviewed. As new initiatives are undertaken, consultation will take place with representatives such as the Disability Advisory Group and the Building User Groups.

6. Future Focus

Futurefocus is a planning and facilitation service, open to everyone in the Department for Business, Enterprise & Regulatory Reform (BERR), across Government Agencies, Business and Education.

Futurefocus gives due regard to the needs of disabled people. Prior to events the event owner is asked to advise if there are any attendees with accessibility requirements. As a result, the Futurefocus facilitator is able to take this into account in the design of the workshop to be delivered and to date many successful events have been held both involving disabled people and specifically for people with differing degrees and types of disability.

The aim is to run events to ensure that disabled delegates can participate in the same process and experience in the same way that everyone participating encounters. Although technical or human support may be provided, the disabled person is not treated any 'differently' in terms ensuring their full participation in the debate and creative process. Our visual imagery, when we use it, ensures disabled people are represented.

The Futurefocus evaluation process has never drawn any complaint from disabled participants; indeed complimentary letters have been received. The team have approached BERR's Disability Advisory Group to make a

presentation to them which seemed to be well received and invited them to contribute any suggestions for improvements we might make.

7. Working With Suppliers/Procurement

Organisations working in partnership with BERR are performing their services with due regard to the Disability Equality Duty and BERR requires suppliers to sign up to the Department's Terms and Conditions, including to Clause 32 below, when contracting. These Terms and Conditions are issued to all suppliers tendering for work within the Department, and not just the top 50.

BERR's standard invitation to tender document alerts potential contractors of their obligations under the Duty by including in the statement for tender document that the Department requires bidders to acquaint themselves with the provisions of the Duty, and will expect bids to be in accordance with them.

BERR's standard contract contains a section at Clause 32 that covers disability discrimination stating that:

“The Authority is subject to the Disability Discrimination Act 1995 as amended by the Disability Discrimination Act 2005. The Authority has published a Disability Equality Scheme, which is set out on the Authority's website. The Contractor shall, and shall procure that its sub-contractors, agents and personnel, comply with both the Disability Discrimination Act 1995 as amended by the Disability Discrimination Act 2005 and the Authority's Disability Equality Scheme. Upon the Contractor breaching either the applicable law or the Authority's Disability Equality Scheme the Authority shall be entitled to terminate the Contract with immediate effect by notice in writing to the Contractor and without prejudice to any other rights or remedies of either party in respect of the breach concerned or any other breach of the Contract.”

Any further change in the area of procurement policy will require the Office of Government Commerce to provide guidance to other Government Departments.

8. Access to Information and Services

BERR policy on access to information and e-Comms for the BERR and Agency websites is to make them fully accessible to customers. BERR has made significant improvements to the accessibility of its core website during 2007; and the new site launched in September 2008 has built on this. This means that the site infrastructure now meets compliance with AA¹⁸ accessibility levels of the globally recognised Web Content Accessibility Guidelines (WCAG 1.0), and publishers now publish content which also meets AA. The next step is to review legacy content on the site, and to develop a

¹⁸ World Wide Web Consortium (W3C) Web Accessibility Initiative (WAI): <http://www.w3.org/WAI/>

policy for publishing accessible PDF documents. This improvement work is a priority for BERR, and will be completed during 2008/09.

BERR's Application Guide for all programmes on the internal Elgar IT system is updated to reflect the need to implement the Duty. The Guide provides clear information for Information and Workplace Services (IWS) staff on the need to consider the Duty in the provision of IT products for the Department. The Departments Fujitsu Application Development Guide, published in November 2006, contains a chapter on Accessibility with references to the Duty. IWS also has detailed guidance on developing accessibility requirements applications, published in September 2007.

BERR works hard to ensure that all of its desktop and laptop design packages are fully accessible for disabled staff. All new systems or applications are designed with a number of potential disabilities in mind – particularly visual and motor (RSI) – and are tested to ensure that they integrate with the existing software designed for disabled people, such as SuperNova, Dragon NS, Text Help Read Write and Point 'n Click. All new builds and applications to our ELGAR IT systems are fully tested by BERR staff (including some disabled staff) as part of our User Acceptance process. Where accessibility issues are identified, we work hard to resolve them for the benefit of all staff.

Proposal for further progress – BERR's Application Development Guide

BERR's Application Development Guide is in the process of being updated, and this will reflect the need for all new packages to consider the Disability Equality Duty at the design stage and all web page creation or design is required to follow W3C A Conformance.

9. BERR's Ministerial Correspondence Unit

Staff answering correspondence and telephone enquiries at BERR are trained in the need to provide alternative formats to customers where appropriate and available. Where staff are made aware of a person's requirements, they will seek to provide a response in an accessible format. The Enquiry Unit has a published minicom number for public use and can arrange for publications and factsheets to be produced in large print and sent to customers. Feedback from customers who use the Enquiry Unit service is positive in respect of its ability to deliver its services to those with disabilities.

New staff joining the unit receive information on BERR's disability policy within 3 months of starting their post. All newly appointed managers in the unit are also given training within 3 months of joining on the provision of reasonable adjustments for disabled people contacting the Department.

The Enquiry Unit has a member of staff who regularly attends the Department's Disability Advisory Group in order to keep the unit informed of disability issues to the benefit of our internal and external customers.

10. Public Appointments

BERR's Appointment Plan contains an equality statement highlighting our commitment to providing equal opportunities for all. This is sent out with all advertisements and information packs.

The Appointment Plan also presents targets for the appointment of disabled people to public bodies for 2007 and 2008. Actions to support progress towards our targets include reviews by officials and Ministers at the beginning of each appointment exercise to identify how to reach out to a wide range of candidates and maintaining close links with appointment units in other Government Departments to share best practice. Ministers have recently announced that Government will be setting new targets to increase the proportion of disabled people appointed to boards of public bodies.

Vacancies are also routinely circulated to disability organisations to ensure that suitable disabled candidates are alerted to positions. Applicants are asked to provide information on their disability via a form sent out with the application pack.

11. Advisory, Conciliation and Arbitration Service (Acas)

Acas are currently conducting a comprehensive equality monitoring exercise across all staff and intend to use and publish the data internally to measure how different groups of staff experience and progress in Acas.

Acas have carried out Impact Assessments for new policies and procedures including co-location of head office staff to another location in London. Equality Impact Assessments were carried out on several HR policies ranging from use of Assessment Centres to policy on special leave.

Acas has a network of staff Disability Champions to deliver awareness training and underpin policy development and has worked in partnership with Scope to recruit 6 external disabled people as members to their Disability Involvement Forum.

Proposal for further progress – Acas Disability Involvement Forum.

The Disability Involvement Forum is an advisory group that will use their own disability within the context of the social model of disability to equality impact assess Acas policies and practices and met for the first time in October 2008.

The group will work with the Acas disability champions to ensure involvement is used to ensure that the Disability Duty is met. This will appear in terms of impact assessing current policies and services and secondly, the Forum will be used to guide Acas in an ongoing forward look at evolving services.

Involving disabled people will provide an insight into barriers that exist and the aim is to remove those barriers for disabled people so that they can experience the Acas service effectively and appropriately.

12. Insolvency Service, Companies House and UKTI

Work on equality and diversity policy in relation to HR and their performance as employers in these organisations is detailed at chapter five.

CONCLUSION

This document has set out the ways in which the Department for Business, Enterprise and Regulatory Reform, its businesses and other relevant public bodies are making progress towards the goal of disability equality in key policy sectors. The Department has focused particularly on issues such as awareness and enforcement of employment rights and the UK framework for competition & consumer empowerment which can be especially important to disabled people. The Department is also working towards increased ease of use of its services, improving upon flexibility and accessibility so that advice and support is always available to those who need it.

Progress is being made, but there are areas in which more work needs to be done. The Department will work to develop so that disabled people should have the same opportunities as non-disabled people to make a contribution to the business and economic agenda and to have the same opportunities for enterprise activity across the regions, in the context of the Department's core objective to ensure business success in an increasingly competitive world to create the jobs, wealth and ideas which support a healthy economy and social wellbeing.

BERR's Survey Control Unit updates its advice to policy officials to inform them of the need to consider monitoring their policies and service delivery for effect on disabled people. It can report higher levels of teams considering the need to disaggregate data by disability to improve the level of monitoring of equality impact across the Department. BERR's Better Policy making team has worked to ensure that disability equality is considered in everything we do. We deliver quarterly equality impact assessment training workshops and have raised awareness of equality issues within the Department through a BERR Equalities Week with inspirational external speakers and training. We will continue to work further on the number and quality of equality impact assessments completed within BERR and will further raise awareness to BERR staff on the screening questions to be able to make an assessment as to whether full equality impact assessment is needed. We will maintain a bank of the equality impact assessments completed for shared good practise across the Department and will fulfil our annual reporting commitment which will help work towards the next Secretary of State report due in 2011.

This department is committed to eliminating unlawful discrimination and to promoting equality of opportunity for disabled people. By working together, government departments and public authorities can make a real difference to people's lives. Our vision is equality for disabled people by 2025. With these current and future measures, we hope to achieve it.

Reliable and efficient use of clean, safe and competitively priced energy

As a result of the machinery of government changes on 3 October 2008 the work related to this chapter will transfer to the new Department of Energy & Climate Change (DECC).

Maintaining clean, safe and secure supplies of competitively priced energy is essential both for the UK's economic growth and the wellbeing of its population.

The UK has played a leading role internationally in encouraging action to reduce carbon dioxide emissions and to develop open, competitive energy markets. In May 2007 the Department for Business, Enterprise and Regulatory Reform (BERR, formerly DTI) reaffirmed its commitment to these goals, and set out its strategy for dealing with them in the 2007 Energy White Paper: Meeting the Energy Challenge¹⁹. The strategy was based on:

- Establishing an international framework to tackle climate change;
- Providing legally binding carbon targets for the whole UK economy;
- Making further progress in achieving fully competitive and transparent international markets;
- Encouraging more energy saving through better information, incentives and regulation;
- Providing more support for low carbon technologies; and
- Ensuring the right conditions for investment through reform of the planning and regulatory systems.

Before the Machinery of government changes on 3 October this work supported BERR's Departmental Strategic Object 4 to ensure the reliable supply and efficient use of clean, safe and competitively priced energy. BERR contributed to PSA 27 to lead the global effort to avoid dangerous climate change which was lead by Defra. By taking forward the strategies set out in the Energy White Paper and in the Climate Change Programme²⁰ published by Defra in 2006 we aimed to reduce emissions.

Promoting equality of opportunity for disabled people has been taken forward as part of the work involving schemes for vulnerable people. Although these schemes are aimed at alleviating fuel poverty across vulnerable households generally, as part of this they will benefit disabled people, many of whom fall into this category.

¹⁹ <http://www.berr.gov.uk/energy/whitepaper/page39534.html>

²⁰ <http://www.defra.gov.uk/environment/climatechange/uk/ukccp/index.htm>

Progress towards disability equality

1. Fuel poverty (for England, responsibility previously shared with Defra)

It is the Government's aim to eliminate fuel poverty in vulnerable households by 2010, although it has to be recognised that rising energy prices have made the challenge of tackling fuel poverty more difficult. Vulnerable households are classified as those containing children or those who are elderly, disabled or long-term sick.

Although not all households in fuel poverty contain a disabled person, many actions relating to fuel poverty targets helped to improve the quality of life for disabled people. Those in receipt of disability related benefits are eligible for assistance from Government sponsored grant schemes, such as Warm Front²¹, and form part of the priority group for the purposes of the Carbons Emissions Reduction Target (CERT), under which energy suppliers are required to take measures to reduce carbon emissions within households. The Prime Minister announced a package of home energy saving measures on 11 September 2008, which included significant increases to the CERT activity target and to the budget for Warm Front.

The consultation on the UK Fuel Poverty Strategy included a number of Health Authorities and non-Governmental Organisations who support the elderly, those with long term health conditions and the disabled.

The energy companies also offer a range of help including social tariffs and rebates. This year the Department secured individual agreements with the six largest energy suppliers to increase their collective expenditure on social programmes designed to help vulnerable customers, to £150m a year by 2010/11. The then Energy Minister Malcolm Wicks said it was important to provide "sustainable solutions" for the elderly, disabled people, and young families at risk from fuel poverty.

The former DTI (then BERR) and Defra annually monitored the number of households in fuel poverty, and separately monitored vulnerable households through the English House Condition Survey. As part of this, BERR published annually statistics on the numbers of disabled people in fuel poverty. The last figures are set out in the "UK for Fuel Poverty Strategy: 6th Annual Progress Report 2008"²², which showed that the overall number of households in fuel poverty in England was estimated to be 2.4m, of which 1.9m were vulnerable. This represents a total rise of 0.9m households since 2005 and a rise of 0.7m households over the same period.

²¹ "Energy Efficiency Programmes - Our proposals on CERT combined with continued funding for Warm Front in England for 2008 – 11 mean that higher levels of resources are available for the period 2008 – 11 than 2005 – 08." UK for Fuel Poverty Strategy: 5th Annual Progress Report 2007

²² <http://www.berr.gov.uk/energy/fuel-poverty/strategy/index.html>

2. Energy metering and billing

Whilst the recent metering proposals would broadly assist disabled customers, BERR was concerned that they should be implemented in such a way as to maximise the benefits that customers with physical or mental disabilities can obtain from them, and to seek to avoid any adverse consequences for such customers.

There are two areas that may give rise to difficulties for disabled people:

- It is likely that the medium through which customers obtain data from smart or advanced meters (e.g. via a website) rather than the meter itself, could present problems for some disabled customers.
- Also of concern is whether the proposals with regard to visual display units will present particular difficulties for those with sight impairments. Although it is hoped that the proposals will broadly assist disabled customers in a variety of ways, it is recognised that there will need to be specific arrangements in respect of blind or partially sighted customers to enable them to use display devices.

The gas and electricity suppliers already provide specific help to disabled customers, (such as specially designed adaptors and controls for equipment and Braille bills), through their priority service registers.

DECC will now take forward this work and should be contacted for proposals for further progress on disability equality.

BERR Public Service Agreements (PSAs)

BERR leads three cross-government PSAs:

- PSA 1 - Raise the productivity of the UK economy
- PSA 6 - Deliver the conditions for business success in the UK
- PSA 7 - Improve the economic performance of all English regions and reduce the gap in economic growth rates between regions

PSAs led by Other Government Departments of which BERR is also a key delivery partner (lead department in brackets):

- PSA 2 - Improve the skills of the population, on the way to ensuring a world-class skills base by 2020 (Department for Innovation, Universities and Skills)
- PSA 8 - Maximise employment opportunity for all (Department for Work and Pensions)

BERR Departmental Strategic Objectives

DSO 1: Promote the creation and growth of business and a strong enterprise economy across all regions

1. Stakeholder perceptions of BERR's understanding of, influence over and performance in improving the business and enterprise environment
2. Delivery of RDA outcomes taken from new sponsorship framework
3. RDA organisational capability – to be drawn from Independent Performance Assessment (IPA) or successor
4. Delivery of publicly-funded business support simplification
5. Delivery of UKTI's CSR07 performance management framework

DSO 2: Ensure that all Government Departments and agencies deliver better regulation for the private, public and third sectors

1. Administrative burdens reduction across 19 government departments, consisting of a 25% reduction for the majority of departments by 2010. Includes BERR target to deliver 25% reduction in measured admin burdens by 2010
2. Proportion of businesses (and voluntary sector organisations) who believe that "most regulation is fair and proportionate" in five policy areas – employment law, tax law, health and safety, planning law and company law
3. Flow of regulation: total benefit/cost ratio of regulations coming forward over time
4. Performance of local authority regulatory services as measured by the national indicator (to be agreed in 2008)
5. Overall performance in the World Bank "Doing business" survey and OECD surveys of the policy environment
6. Proportion of bureaucracy which the public sector front line believes to be unnecessary.
7. Reduction in data stream requirements from central government to the public sector front line by 2010. Includes 30% cross-Government target to reduce burdens on front line public sector staff

DSO 3: Deliver free and fair markets, with greater competition, for businesses, consumers and employees

1. Progress on market opening in the EU and internationally in line with UK objectives of improving EU competitiveness and promoting development and poverty reduction in poorer countries
2. UK framework for competition at level of world's best
3. UK corporate governance environment at level of world's best

4. Regulatory environment for business fully reflecting the government's better regulation principles
5. Labour market flexibility
6. Awareness and enforcement of employment rights
7. UK framework for consumer empowerment and support at level of world's best

DSO 4: Ensure the reliable supply and efficient use of clean, safe and competitively priced energy and **DSO 5:** Manage energy liabilities effectively and responsibly have transferred to the new Department of Energy and Climate Change as a result of the Machinery of Government changes on 3 October 2008.

DSO 6: Ensure that government acts as an effective and intelligent shareholder, and provide a source of excellent corporate finance expertise within Government

1. Aggregate value for portfolio businesses
2. Dividend payments from relevant portfolio businesses
3. Stakeholder satisfaction with the discharge of the Shareholder Executive's responsibilities
4. Expand the Shareholder Executive's offer to greater proportion of HMG businesses and corporate finance situations

DSO 7: Provide the professional support, capability and infrastructure to enable BERR's objectives and programmes to be successfully delivered

1. Progress in building the capability of the department to meet future challenges

