

Consultation on Mandatory ethnicity and disability pay gap reporting: RCN response

Background

The draft Equality (Race and Disability) Bill will introduce mandatory ethnicity and disability pay gap reporting for large employers and extend the right to make equal pay claims to ethnic minority and disabled people. The scope of this draft Bill is expected to be Great Britain, mirroring measures in the Equality Act 2010 relating to equal pay and gender pay reporting.

The draft Bill was included in the King's Speech 2024 in July 2024. The draft Bill delivers the Labour Party's manifesto commitments to enshrine in law the full right to equal pay for ethnic minority workers and disabled people and to introduce mandatory ethnicity and disability pay reporting. The government intends for this legislation to create a more equal society and support a growing economy.

The government aims to introduce a draft Bill to Parliament by autumn 2025. A draft Bill is subject to consultation and further review by Parliamentarians, ahead of a full government Bill being introduced. We expect the full Bill to be introduced to Parliament in 2026. Throughout this process, the RCN will engage in the various consultation and evidence submission opportunities.

The RCN responded to this consultation both as a representative of the nursing workforce and as a large employer that will be subject to mandatory reporting.

Consultation Questions and Responses

Question 1. Do you agree or disagree that large employers should have to report their ethnicity pay gaps?

Agree

Question 2. Do you agree or disagree that large employers should have to report their disability pay gaps?

Agree

Comments:

The RCN agrees with the proposal that large employers should have to report their ethnicity and disability pay gaps. This is necessary as the data shows us that there are significant pay disparities for these groups. The nursing and wider health and care workforce is no exception to this, in 2022 the RCN found that White nurses are twice as likely as black and Asian colleagues to be promoted (RCN 2022)¹ and in 2020 Black men

¹ [White nurses twice as likely as black and Asian colleagues to be promoted](#)

in the NHS were paid 84p for every £1 paid to White men, and Black women were paid 93p for every £1 paid to White women. (NHS basic pay data 2021) ² In 2023, only just over half (52.1%) of disabled staff believed they had equal opportunities for career progression or promotion (NHS England WDES 2024). ³

The RCN would support a lower threshold for employer size, to include employers with 50 or more staff members. The current definition of large employer (at 250) would not cover most GP practices and commissioned health and social care services through the independent sector. The RCN would advocate for lowering this threshold for gender pay gap reporting as well.

We recognise that setting the threshold at fewer employees would impact on data gathering and that binary groupings would need to be used for many smaller employers to avoid identifying individuals. Therefore, the minimum reporting requirement of 10 employees per group would still need to be in place to secure anonymity.

The RCN would also advocate for including a 'nationality' marker as a separate category in addition to the race reporting to enable employers and government to identify inequalities in pay and employment faced due to nationality. The experience of Internationally Educated Nurses highlights the need to capture these issues. Analysis by the University of Huddersfield has found that career progression from band 5 happened less frequently for internationally educated nurses compared to UK-educated nurses (University of Huddersfield, 2023), and an RCN survey of Internationally Educated Nurses (2025) found inequitable access to career progression with less than half (49%) of Internationally Educated Nurses telling us that there were opportunities for career progression within the UK health system. This was alongside reports of discrimination, almost two thirds (64%) of respondents to our survey told us that they had experienced discrimination or bias (RCN, 2025).

Geographical scope

Question 3. Do you agree or disagree that ethnicity pay gap reporting should have the same geographical scope as gender pay gap reporting?

Agree

Question 4. Do you agree or disagree that disability pay gap reporting should have the same geographical scope as gender pay gap reporting?

Agree

Pay gap calculations.

Question 5. Do you agree or disagree that employers should report the same 6 measures for ethnicity pay gap reporting as for gender pay gap reporting?

Agree

² [NHS basic pay, UK Government](#)

³ [NHS England » Workforce Disability Equality Standard: 2023 data analysis report for NHS trusts](#)

Question 6. Do you agree or disagree that employers should report the same 6 measures for disability pay gap reporting as for gender pay gap reporting?

Agree

Comments:

Mean and median are useful measures of average, both providing a slightly different account. Quartiles also a useful indicator of how the data is spread. All are needed for a balanced understanding of data.

If the measures are the same across all three areas of pay gap reporting, this provides an opportunity for intersectional analysis and Employers will be able to cross analyse the data to investigate the intersect of where the biggest inequalities lie.

Question 7. Do you agree or disagree that large employers should have to report on the ethnic breakdown of their workforce?

Agree

Question 8. Do you agree or disagree that large employers should have to report on the breakdown of their workforce by disability status?

Agree

Comments:

We agree that employers should report on the breakdown of their workforce by disability status and this should include declaration rates. Where possible, organisations should provide a broad breakdown of disability type as physical, mental, visible and invisible disabilities manifest themselves differently across diverse environments.

Question 9. Do you agree or disagree that large employers should have to submit data on the percentage of employees who did not state their ethnicity?

Agree

Question 10. Do you agree or disagree that large employers should have to submit data on the percentage of employees who did not state their disability status?

Agree

Comments:

Declaration rates should be monitored and measures to improve staff confidence in declaring be included in action plans

Action plans

Question 11. Do you agree or disagree that employers should have to produce an action plan about what they are doing to improve workplace equality for ethnic minority employees?

Agree

Question 12. Do you agree or disagree that employers should have to produce an action plan about what they are doing to improve workplace equality for disabled employees?

Agree

Comments:

Accountability must be supported by the requirement for employers to produce an action plan based on the data findings, which should outline the steps that employers will take to address pay gaps. This is already in place with many employers, such as through the Workforce Race Equality Standard (WRES). Action plans should always be public along with progress updates where required.

Action plans should allow employers to monitor pay gaps as well as the causes behind those pay gaps, they should include specific, measurable, achievable, relevant, and time-bound (SMART) goals to address any disparities found. Action Plans must be developed in partnership with staff, unions, staff networks (e.g. race or disability staff networks), and diversity champions. In the NHS and health and care services, frontline staff, including nurses, should be meaningfully involved in designing and evaluating interventions.

Action Plans should not be standalone and should build on existing employer activity. They should integrate with NHS Workforce Race Equality Standards (WRES), Workforce Disability Equality Standards (WDES), and People Promise commitments. For devolved administrations, similar national strategies should be referenced and aligned, utilising devolved collective bargaining structures for NHS. Actions should promote multi-agency connection and collaboration.

Clear senior accountability must be in place for delivery against the targets in the action plan and progress on this should be reported annually. Action Plans and progress updates should be publicly accessible alongside pay gap data.

Additional reporting requirements for public bodies

Question 13. Do you agree or disagree that public bodies should also have to report on pay differences between ethnic groups by grade and/or salary bands?

Agree

Question 14. Do you agree or disagree that public bodies should also have to report on recruitment, retention and progression by ethnicity?

Agree

Question 15. If public bodies have to report on recruitment, retention and progression by ethnicity, what data do you think they should have to report?

On recruitment, there should clear data that show how many staff from broad ethnic groupings have applied, shortlisted and were successful and unsuccessful in securing a position.

On retention, there should be clear data showing how long staff in each broad ethnic grouping have remained with the organisation under broad year categories. Ethnicity

stay gap reporting should be included – that is, the average length of time that White and ethnic minority group employees stay in their roles or organisations.

On progression, likewise there should be clear data showing proportion of staff under each broad ethnic grouping who have been promoted within a year of the snapshot date, and proportions of each ethnic group at each pay band/scale.

Question 16. Do you agree or disagree that public bodies should have to report on pay differences between disabled and non disabled employees, by grade and/or salary bands?

Agree

Question 17. Do you agree or disagree that public bodies should have to report on recruitment, retention and progression by disability?

Agree

Question 18. If public bodies have to report on recruitment, retention and progression by disability, what data do you think they should have to report?

On recruitment there should clear data that show how many disabled staff have applied, shortlisted and were successful and unsuccessful in securing a position.

On retention, there should be clear data showing how long staff in each disability grouping have remained with the organisation under broad year categories. As with Ethnicity, data disability stay gap reporting should be included – that is, the average length of time that non-disabled and disabled group employees stay in their roles or organisations.

On progression, likewise, there should be clear data showing proportion of staff under each broad disability grouping who have been promoted within a year of the snapshot date, and proportions of each disability group at each pay band/scale.

Public bodies could also report on the number and type of reasonable adjustments made to help retain staff in their workplace.

Comments:

For NHS organisations the WRES/ WDES already reports the recruitment data on this (Metric 2). And under Public Sector Equality Duty (PSED) some Trusts in their Equality Annual reports report pay band breakdowns by ethnicity and disability. Having it within this mandated reporting will help provide further accountability for this. Consolidating this data capture in one place instead of across different reports should be more helpful in identifying which areas or touchpoints need the most attention by employers.

Dates and deadlines

Question 19. Do you agree or disagree that ethnicity pay gap reporting should have the same reporting dates as gender pay gap reporting?

Agree

Question 20. Do you agree or disagree that disability pay gap reporting should have the same reporting dates as gender pay gap reporting?

Agree

Question 21. Do you agree or disagree that ethnicity pay gap data should be reported online in a similar way to the gender pay gap service?

Agree

Question 22. Do you agree or disagree that disability pay gap data should be reported online in a similar way to the gender pay gap service?

Agree

Comments:

It is reasonable to align reporting dates and deadlines with gender pay gap reporting as organisations are already working to this timetable, which should support adoption of these additional requirements.

Enforcement

Question 23. Do you agree or disagree that ethnicity pay gap reporting should have the same enforcement policy as gender pay gap reporting?

Agree

Question 24. Do you agree or disagree that disability pay gap reporting should have the same enforcement policy as gender pay gap reporting?

Agree

Ethnicity: data collection and calculations

Question 25. Do you agree or disagree that large employers should collect ethnicity data using the GSS harmonised standards for ethnicity?

Agree

Comments:

The ethnicity groups should follow best practice – for instance, adopting UK Government harmonised ethnicity classifications used for collecting and analysing data about ethnicity in the UK – to allow for a standard presentation, as well as allow for comparability. It is important to ensure that any data gathering for race and ethnicity is done in participation with the groups impacted by this.

More usefully, adopting the broad categories of White, Black, Asian, Mixed or Multiple, and Other ethnic group (based on the Office for National Statistics, ONS) would allow for consistency. Should the number of categories need to be minimised to reduce reporting complexity, then at a minimum three categories, e.g. White / Ethnic minority / Unknown, and Non disabled / Disabled / Unknown should be mandated.

Calculating and reporting ethnicity pay gaps

Question 26. Do you agree or disagree that all large employers should report ethnicity pay gap measures using one of the binary classifications as a minimum?

The RCN agrees that binary classifications should be used to avoid disclosing information about employees, but action plans should explore why binary classifications are needed and explore whether recruitment practices need to be looked at to improve representation of their workforce.

Question 27. Do you agree or disagree that there should be at least 10 employees in each ethnic group being reported on? This would avoid disclosing information about individual employees.

The proposal to ensure there is a minimum of 10 belonging to a group (or combination of groups to reach the min 10 individuals) sounds reasonable; data suppression is an approach in reporting data to protect identities. Effective presentation of data must always take into account the safeguards required to prevent communities from being problematised or victimised.

Question 28. Do you agree or disagree that employers should use the ONS guidance on ethnicity data to aggregate ethnic groups? This would help protect their employees' confidentiality.

Agree

Question 29. Is there anything else you want to tell us about ethnicity pay gap reporting?

It is the RCN's view that alongside ethnicity, data should also be collected on nationality to enable a broader intersectional analysis to be undertaken. This may take the form of a very high-level categorisation of 'British / non-British' or equivalent (rather than specific countries). We know that in nursing, internationally educated nurses are often over-represented in lower band positions. Many internationally educated nursing staff arrive in the UK with years or even decades of experience, including in senior nursing roles.

However, these staff are often recruited to roles more junior and lower paid than their experience reflects. A third (34%) of respondents to a recent survey of internationally educated RCN members reported that their existing experience and qualifications were disregarded when applying for roles, and less than half (49%) said that they have had opportunities for career progression within the UK health care system.⁴ In the NHS, internationally educated nursing staff are employed at the bottom of Band 5 (the entry point for newly qualified nurses), regardless of their amount of experience before arriving in the UK. Analysis by the University of Huddersfield found that career progression from Band 5 also happened less frequently for internationally educated nurses compared to UK-educated nurses.⁵ Highlighting the specific challenges around

⁴ [Unreciprocated Care: why internationally educated nursing staff are leaving the UK | Publications | Royal College of Nursing](#)

⁵ [University of Huddersfield Health and Wellbeing Academy: The Long-Term Experiences and Career Progression of International Nurses Working in the NHS](#)

pay and progression faced by international recruits is crucial to ensuring they are supported to work at the full scope of their practice.

Disability: data collection and calculations

Question 30. Do you agree or disagree with using the 'binary' approach (comparing the pay of disabled and non-disabled employees) to report disability pay gap data?

Neither agree nor disagree

Question 31. Do you have any feedback on our proposal to use the Equality Act 2010 definition of 'disability' for pay gap reporting?

We agree that the Equality Act 2010 definition of 'disability' is the most appropriate for pay. It is important to ensure that any data gathering is done in participation with the groups impacted by this.

Question 32. Do you agree or disagree that there should be at least 10 employees in each group being compared (for example, disabled and non-disabled employees)? This would avoid disclosing information about individual employees.

Agree

Question 33. Is there anything else you want to tell us about disability pay gap reporting?

While the RCN agrees that a binary approach to recording disability for the purpose of pay gap reporting will avoid data reporting issues that more detailed reporting would present, we would welcome consideration of whether high level disability groupings could be recorded to understand different experiences within disabled employees. Any data groupings should be guided by best practice as set out by disability rights organisations.

