

# Improving Work Opportunities for People with a Learning Disability

## Report of a Working Group on Learning Disabilities and Employment

A report to Ministers and the  
Learning Disability Task Force

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Learning Disability Task Force**

A report based on the experience of a Working Group drawn from people with a learning disability, local authorities, the voluntary sector and including some managers of supported employment schemes

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First Published 2006.

ISBN 1 84123 956 9

The views expressed in this report are those of members of the Working Group. They do not necessarily reflect those of all members of the Working Group on all of the issues covered.

Printed by Corporate Document Services.

# Contents

Glossary .....	v
Summary and recommendations .....	1
Valuing people – working opportunities – case studies .....	7
1 Introduction .....	9
Background to the report .....	9
Blocks to employment.....	12
Objective of the report .....	13
2 Young people with learning disabilities in schools and colleges.....	15
Opportunities available for people with learning disabilities .....	15
14-19 years education .....	16
Transition planning and work experience for young people in school .....	16
The Connexions service.....	18
Further education .....	21
The role of the Learning and Skills Council .....	23
Entry to employment.....	24
3 Employment experiences of adults with learning disabilities.....	27
Current situation .....	28
Lack of effective cooperation at national level .....	29
Lack of effective cooperation between key agencies at the regional and local level .....	30
<i>Connexions and the Learning and Skills Council</i> .....	31
<i>Local authorities</i> .....	31
<i>Jobcentre Plus</i> .....	34
<i>Learning Disability Partnership Boards</i> .....	34
<i>Improving cooperation</i> .....	34

Inappropriateness of some current Jobcentre Plus provision .....	36
Insufficient capacity to support people with learning disabilities .....	40
Benefits – real and perceived barriers to employment .....	42
Housing and support costs and disincentives to work .....	44
Need to improve training of Jobcentre Plus staff .....	46
4 Potential barriers to change .....	47
Need to explore and improve funding streams .....	47
Improving the European Social Fund .....	50
Looking at the impact of the National Minimum Wage .....	52
Importance of supporting employers .....	54
<i>Current situation</i> .....	55
<i>Why do so few organisations employ people with learning disabilities?</i> .....	63
<i>What do employers need?</i> .....	64
Improving the value of statistical information .....	67
The need to ensure availability of accessible information .....	69
5 Conclusion .....	71
Appendix A History of learning disabilities and employment .....	75
Appendix B Association for Supported Employment – model for effective supported employment .....	77
Appendix C Working Group membership .....	79
Bibliography .....	81

# Glossary

- Access to Work** Provides advice and practical support to help disabled people and their employers to overcome difficulties in the workplace caused by disability. This might include specialist equipment, fares to work for people unable to use public transport, adaptations to employer premises, communication aids and support workers. Information is available from jobcentres.
- The Adult Learning Inspectorate** A Government-funded body responsible for raising the standards of education and training for young people and adults in England, by inspecting and reporting on the quality of learning provision they receive.
- All Means All** Valuing People Support Team (2002) <http://www.valuingpeople.gov.uk/Health.htm>. The paper relates to DH's 'Improvement, Expansion and Reform', specifically how it relates to people with learning disabilities.
- ASDAN** Award Scheme Development and Accreditation Network programmes and qualifications blend activity-based curriculum enrichment with a framework for the development, assessment and accreditation of key skills and life skills, with a strong emphasis on negotiation, cooperation and rewarding achievement. ASDAN courses are recognised by DfES.
- The Commission for Social Care Inspection** The single, independent inspectorate for social care in England. The Commission was created by the Health and Social Care (Community Health and Standards) Act 2003. CSCI incorporates the work formerly done by: The Social Services Inspectorate (SSI), SSI/Audit Commission Joint Review Team and The National Care Standards Commission (NCSC).

**Connexions Personal Advisers**

Work with young people in Connexions Partnerships. They can give information, advice and practical help on issues that affect young people at school, college, work or in their personal or family life. They can also refer young people to specialist advisers.

**Department for Work and Pensions (DWP)**

Provides its services through the following businesses

- **Jobcentre Plus** – helping people of working age to find work and get any benefits they are entitled to, and offering a dedicated service to employers to fill their vacancies quickly and effectively;
- **The Pension Service** – providing services and support for pensioners and people looking into pensions and retirement;
- the **Child Support Agency** – administering the Child Support scheme;
- the **Disability and Carers Service** – delivering a range of benefits to disabled people and carers;
- **The Appeals Service** – providing an independent tribunal body for hearing appeals;
- **Debt Management** – delivering debt management and recovery systems.

**Disability Employment Advisers (DEAs)**

Provide specialist support to disabled people in finding and keeping a job. They can also provide advice and support to people already in work who are concerned about losing their job for a reason associated with a health condition or disability. They can be contacted through jobcentres.

**The Learning and Skills Council (LSC)**

Responsible for funding and planning education and training for over 16-year-olds in England.

**The Learning Skills Development Agency**

Its mission is to improve the quality of post-16 education and training in England, Wales and Northern Ireland. It carries out research to inform policy and practice, helping to shape and communicate education policy and provides improvement and support programmes for organisations that deliver post-16 education and training.

**Local Strategic Partnership (LSP)**

A single non-statutory, multi-agency body, which matches local authority boundaries, and aims to bring together, at a local level, the different parts of the public, private, community and voluntary sectors. LSPs are key to tackling deep-seated, multi-faceted problems, requiring a range of responses from different bodies. Local partners working through an LSP will be expected to take many of the major decisions about priorities and funding for their local area.

**New Deal for Disabled People**

For people getting a disability-, or health-related benefit who want to work, but need some help and support along the way. They are supported into work by a network of Job Brokers.

**Permitted Work**

There are a number of different Permitted Work categories under the rules introduced in April 2002:

- Clients on incapacity benefits can work up to 16 hours per week and earn a set amount each week (currently £81 – 16 times the National Minimum Wage (NMW)), but for a limited period of time only (a maximum of 52 weeks). This is called the 'Permitted Work higher limit'.
- Some clients work up to 16 hours but are supported by someone from a local authority or voluntary organisation in doing so. This group is allowed to work up to 16 hours a week and earn £81 for however long they remain on Incapacity Benefit (IB). This is called 'supported Permitted Work'.
- Both these categories apply to IB and Income Support (IS) clients but the latter have their benefit reduced for any amount over the earnings disregard of £20.
- People only wanting to work very limited amounts (earning up to £20 whether on IB or IS) form a further category called the 'Permitted Work Lower Limit' group. It also includes people who have switched from the Permitted Work Higher Limit because they have not entered full-time work after 52 weeks.



**Work Preparation**

A work-focused programme available through jobcentres, which helps disabled people to deal with barriers associated with their disability and prepare for work by giving them the confidence need to achieve their job goals.

**WORKSTEP**

Provides individually tailored support for disabled people who have more complicated barriers to getting and keeping a job. It provides a wide range of supported job opportunities with mainstream employers, or in supported factories and businesses. Information is available from jobcentres.

# Summary and recommendations

The Working Group on Learning Disabilities was set up in 2002 in response to *Valuing People*. Its remit was to identify the barriers facing people with learning disabilities entering employment and to make recommendations for overcoming those barriers; thus, increasing the numbers entering paid work wherever possible.

Members of the Working Group were drawn from people with learning disabilities, local authorities, the voluntary sector, supported employment providers, private sector employers and Government departments under the co-chairmanship of the Department of Health (DH) and Department for Work and Pensions (DWP).

The Working Group looked widely at issues of concern surrounding young people with learning disabilities in schools and colleges, the employment experiences of adults with learning disabilities and potential barriers to change. It built on the experience and knowledge of the Working Group by taking evidence from others with an interest in the employment of people with learning disabilities and those charged with meeting their needs through central and local government provision.

The main messages from the report are:

- people with learning disabilities are citizens first and foremost, and public services, together with the private sector, need to respond appropriately. This means that the responsibility to ensure that all people can enter the workforce is a community-based responsibility – not one simply for health and social care;
- effective 'person-centred planning' is critical, as it ensures services fit the needs of the individual, rather than fitting people into what is available;
- recognising the importance of employment whilst still at school is critical. Ensuring effective individualised transition planning and implementation from education to employment could have a dramatic and long lasting effect on the life experiences of this group and other services;

- people with learning disabilities may only be able to work a few hours a week. The DWP should investigate, subject to resources, how they would have both the opportunity to access the support to enable them to do this, and to benefit financially from it;
- investigate how to meet the needs of people working 5-15 hours a week;
- in order to deliver real change, cooperation is critical. Government, with the Valuing People Support Team, needs to develop, subject to resources, effective mechanisms to bring together all those with an interest in promoting employment for this group at the regional and local level;
- whilst current services and provision do not intentionally penalise this group, more care needs to be taken to ensure they do not inadvertently act as a barrier;
- consider pooled, and preferably ring-fenced budgets;
- the desirability for a clear ministerial lead on the issue.

The report makes a series of recommendations that cover the responsibilities of a number of Government departments including: the DWP, DH, Department for Education and Skills (DfES), Department for Transport, Office of the Deputy Prime Minister (ODPM) and HM Revenue and Customs (HMRC). In addition, they cover the Learning and Skills Council (LSC), Valuing People Support Team, Connexions Partnerships, Learning Disability Partnership Boards (LDPBs), Commission for Social Care Inspection (CSCI), Adult Learning Inspectorate, Low Pay Commission (LPC), local authorities (LAs) and employers.

## Recommendations

- 1) Following publication of the White Paper 14-19 Education and Skills, the DfES should ensure the inclusive approach is translated into practical action for young people with learning disabilities, which opens up a wider range of appropriate work related and work-based learning opportunities. (Paragraph 2.6)
- 2) The DfES should ensure that the lessons learnt from the Pathfinders, and the opportunities created for young people with learning disabilities are widely disseminated and inform other relevant Government programmes. (Paragraph 2.7)
- 3) DfES should give greater emphasis to employment within the Year 9 review for **all** young people with statements of Special Education Needs. (Paragraph 2.9)
- 4) The DfES should work with the DWP to widen work experience opportunities for employment for young people with learning disabilities with the appropriate transport provision and support. (Paragraph 2.11)
- 5) The DfES should properly resource Connexions to develop and improve the support available to young people with learning disabilities in their local area. (Paragraph 2.16)

6) The DfES should ensure that the Connexions service provides independent advice and appropriate support to young people with learning disabilities up to the age of 25. (Paragraph 2.18)

7) The DfES should promote the Person Centred Planning approach introduced by Valuing People and use it more widely in transition planning for young people at school. (Paragraph 2.19)

8) Further education colleges should give greater emphasis within their courses to employment outcomes for people with learning disabilities, rather than just qualifications. They should ensure both courses, employment opportunities and outcomes are developed in consultation with Jobcentre Plus, LSC and other providers. This will lead to both sustainable employment and continued development for the individual. (Paragraph 2.21)

9) The LSC should take specific action following its Strategic Review to improve the range of opportunities for work-related and work-based learning for young people with learning disabilities. This should include collaborative approaches with other agencies and funders. (Paragraph 2.24)

10) The DfES and the LSC should evaluate the development and operation of the Entry to Employment Programme to ensure that providers offer opportunities available to all learners, including those who are unlikely to achieve NVQ Level 2. (Paragraph 2.32)

11) The DWP to consider, along with the DH and DfES how best to establish responsibility for employment support for people with learning disabilities in the light of changes currently underway in Local Authority Care Services, Jobcentre Plus and LSCs. (Paragraph 3.7)

12) In the light of the Prime Minister's Strategy Unit's report, the DWP, DfES and DH should consider how best to promote cooperation in Government, thus enabling the development of effective employment support for people with learning disabilities. (Paragraph 3.11)

13) The DWP, DH and DfES should consider joint training of staff from the different services to help in fostering relationships and improving understanding of each other's work. (Paragraph 3.15)

14) The DWP and Valuing People Support Team should jointly develop subject to resources and, in conjunction with the DfES and DH, an 'All Means All' employment framework for people with learning disabilities. DH's *New Vision for Adult Social Care* should state clearly that it applies to people with learning disabilities as much as to everybody else. (Paragraph 3.25)

15) Subject to resources, the DWP and Valuing People Support Team, ODPM and Local Strategic Partnerships should develop a regional and local approach to cooperation by piloting a regional employment task force in one such region. (Paragraph 3.26)

16) The LDPBs should continue to actively promote the employment agenda for people with learning disabilities at the local level, in conjunction with Local Strategic Partnerships and LAs. In particular they should encourage key stakeholders to establish a 'central hub' for decision-making, based around the Boards, through some kind of sub-group. (Paragraph 3.27)

17) The Working Group believes that the effectiveness of pre-vocational training in supporting this group is arguable and would like to see, subject to resources, Jobcentre Plus give a greater focus on work placements as the main driver for learning. (Paragraph 3.29)

18) DWP to consider whether New Deal for Disabled People could adopt a more flexible funding approach that takes more account of the needs of those hardest to help into employment. (Paragraph 3.30)

19) Further investigate whether people only able to work 5-15 hours should be readmitted to WORKSTEP, or have their own specific programme. (Paragraph 3.32)

20) There should be more publicity about the fact that there is no lower hours limit on applications for Access to Work (AtW). Furthermore, DWP to consider whether AtW should be made available for the duration of Supported Permitted Work. (Paragraphs 3.35 and 3.37)

21) The Working Group is keen to ensure that both present and future target-driven Jobcentre Plus programmes do not concentrate on those requiring 'lighter' interventions at the expense of those further from the labour market. (Paragraph 3.38)

22) Jobcentre Plus should look to the merits of encouraging tenders from smaller providers in order to take full advantage of specialist local provision and build on existing capacity. Where large providers are seen as integral to programme design, Jobcentre Plus should encourage and facilitate consortium bids to ensure that small/specialist providers are able to be involved. (Paragraph 3.40)

23) Jobcentre Plus regional managers involved in *Building On the New Deal* should consult with LDPBs when designing provision. (Paragraph 3.41)

24) The DWP to consider the need for research to better understand the current provision and distribution of supported employment services for people with learning disabilities in the UK. This will make it easier to identify where more is needed. (Paragraph 3.45)

25) The CSCI should work with the Adult Learning Inspectorate to consider options for monitoring the quality of vocationally-focused provision for people with learning disabilities and to make recommendations for improvement, including in the area of staff training. (Paragraph 3.47)

26) The DWP, DfES, DH, Office for the Deputy Prime Minister and LAs should consider options for consolidating existing LA and central Government funding streams to facilitate growth/expansion in employment provision for people with learning disabilities and improve their ability to move into employment. (Paragraphs 3.48 and 4.6)

27) The DWP should review the current Income Support disregard level to allow people to work more hours. DWP to consider whether any changes now or in the future should recognise and match changes in the National Minimum Wage (NMW). (Paragraph 3.52)

28) In the light of the findings of the evaluation of the Permitted Work Rules, the DWP should keep under review measures to support people to increase their working hours to 16 plus a week. (Paragraph 3.54)

29) The DH should amend charging policies for residential care to remove any disincentives to paid employment. The DH, DWP and ODPM should also review the impact of earnings on housing and other benefits for people in supported living. (Paragraph 3.60)

30) The Valuing People Support Team should work with Jobcentre Plus to consider opportunities for improving training and guidance on how best to support people with learning disabilities, including the introduction of a common definition of a learning disability. (Paragraph 3.62)

31) The Government should take into account the key recommendations in the Learning Disability Task Force Report: *Transforming the quality of people's lives – How it can be done* (2004), which propose the health and social care financial investment in people with learning disabilities is protected. (Paragraph 4.10)

32) The Valuing People Support Team and DWP European Social Fund (ESF) should work to ensure Government offices are fully aware of the needs of people with learning disabilities and the need for better cross-Government cooperation when producing co-financing plans. (Paragraph 4.14)

33) Jobcentre Plus and the LSC should talk to LAs about where ESF funding should best be targeted to enable people with learning disabilities to become employed. (Paragraph 4.17)

34) The Valuing People Support Team and DWP should work together to ensure that the structure of future funding streams fully reflects the issues people with learning disabilities face in terms of accessing employment. (Paragraph 4.20)

35) The Valuing People Support Team, CSCI, LPC, HMRC and the Department of Trade and Industry (DTI) should work together to consider options to raise the profile of employers' responsibilities under the NMW and eliminate confusion that surrounds employing people with learning disabilities. (Paragraphs 4.27 and 4.28)

36) The Working Group sees engaging and supporting employers as a fundamental element to any 'attempt' to improve the employment provision for this group. The Valuing People Support Team should, therefore, work with both the private and public sector including: Government departments, NHS, Local Government Employers Organisations, Office of Government Commerce (OGC) and the ODPM to consider options for encouraging the employment of people with learning disabilities directly, or in the services they provide or outsource. (Paragraphs 4.30 and 4.47)

37) Subject to resources, the DWP should promote the use of AtW by an extensive advertising programme particularly to small and medium sized employers. (Paragraph 4.49)

38) The DWP, Jobcentre Plus, voluntary organisations, LDPBs and the Valuing People Support Team, together with the DTI and the ODPM should work together to promote the employability of people with learning disabilities and to develop a culture of proactive job creation/carving amongst employers. (Paragraphs 4.53 and 4.54)

39) The DWP, Jobcentre Plus, Voluntary Organisations, LDPBs and the Valuing People Support Team should work together to publicise the help available to employers in taking on people with learning disabilities. (Paragraph 4.55)

40) The DWP, DH and DfES should agree on a common definition of learning disability and employment for statistical purposes. (Paragraph 4.65)

41) The DWP, DfES, DH and CSCI should consider working together in the light of the Lancaster University research to put in place a coherent strategy to collect and disseminate accurate employment statistics for people with learning disabilities. (Paragraph 4.65)

42) All information provided by departments should be produced in a core of standard formats such as: (i) Audio; (ii) Braille; (iii) Large Print; (iv) BSL video; (v) Internet/website information and vi) Easy Read version in plain English with large (minimum point 14) concise text and relevant, professionally produced illustrations to help convey the message. (Paragraph 4.68)

# Valuing people – working opportunities – case studies

What experiences do people with learning disabilities have of employment?

## **Case Study 1: Janette's story – Moving out of the day centre**

Janette is now 46 and went to a day centre after leaving school. She was living with her parents who felt safe knowing Janette was at the centre, but they thought she was now getting bored and a bit depressed. Supported Employment Services provided a course in work skills training. Then work experience with Asda as a canteen assistant followed, which went well – initially with one-to-one support and then without. However, no job was available at Asda. Ill health in the family meant she moved into temporary accommodation and Supported Employment Services found a job for her with a local firm/restaurant and they provided support. She was ill in 2003, but Supported Employment Services were able to negotiate with the employer to keep the job open. She is now working four hours a day, five days a week, and chooses not to go to the day centre.

However Janette's story is the exception, not the rule, Joanna's experience is a more typical example of the employment experiences of people with learning disabilities.



**Case Study 2: Joanne's story**

Joanne had work experience of one day each week during her last year at special school. The report in her record of achievement from the employer said how well she carried out her tasks and how valued she was by colleagues. Joanne tells the story of all the gifts she received when she left the placement. She told the careers adviser on her final review that she would like to work at the store where she had her work experience placement. When the supported employment service approached the store manager they did indeed remember Joanne. They had enjoyed having her with them. However, on realising that Joanne was now looking for work, the manager explained that Joanne had not done so well in the tasks she had been given and explained some of the problems they had encountered. When questioned about the report in her record of achievement, the manager explained that her report was good as her colleagues had not wished to say anything negative about her. The manager commented, *'You can't give someone like that a bad report can you? You don't want to hurt her feelings.'*

# 1 Introduction

## Background to the report

- 1.1** The Government's White Paper '*Valuing People: A New Strategy for Learning Disability for the 21<sup>st</sup> Century*'<sup>1</sup>, sets out its strategy to improve the services on offer to people with learning disabilities. It recognises the important role employment plays in supporting *Valuing People's* aspirations of improving inclusion, independence and choice, as well as recognising the human rights of people with learning disabilities.
- 1.2** The *Working Lives*<sup>2</sup> research stated '*the idea of work for people with learning disabilities is not new. Some of the earlier day services.....featured ideas about 'occupation'*'. However, few people with learning disabilities were actively encouraged to look for employment once they left school. For those that did look for a job, the predominant assumption was that if they worked at all it would be primarily in sheltered settings. However, a large proportion of those classed as having significant intellectual impairments, in particular those who accessed day services, were seen as being 'incapable' of work.
- 1.3** Those assumptions began to be challenged in the UK during the 1980s, with the publication of The King's Fund report *An Ordinary Working Life*<sup>3</sup>. This argued that people with learning disabilities had as much right as any other citizen to '*valued, rewarding and unsegregated employment*'. It also began to question assumptions about incapacity, shifting the emphasis away from individual impairment as the primary barrier to work. It suggested that people with learning disabilities have something to offer employers, and that, with the right support and adaptations, most might be able to work. Thinking

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<sup>1</sup> Department of Health White Paper (2001) '*Valuing People: A New Strategy for Learning Disability for the 21<sup>st</sup> Century*' Cm 5086.

<sup>2</sup> Stephen Beyer et al, '*Working lives: The role of day centres in supporting people with a learning disability into employment*', DWP Research report no. 203, 2004.

<sup>3</sup> The King's Fund (1984) *An Ordinary Working Life: Vocational Services for People with a Mental Handicap*. King's Fund.

around employment and learning disabilities has changed over the past 20 years, with important and innovative work happening all over the country. However, the actual number of people with learning disabilities benefiting has remained fairly small. The idea that employment is an option for them has simply not been an integral part of decision making for those supporting people with learning disabilities in education, health and social care and employment/benefits services.

- 1.4** We know that very few people with learning disabilities are in work and many remain heavily dependent on local authority (LA) day services for their support and social contact. *Valuing People* recognised the importance of paying attention to employment issues. Having a job is a crucial element in helping this group to become integrated and more visible in the communities in which they live. In June 2002 a Working Group was set up to look at why so few people with learning disabilities were in work and to identify ways of increasing the number benefiting from work. Its remit was to consider options, from a cross-Government perspective, for delivering *Valuing People's* employment objective:

*'To enable more people with learning disabilities to participate in all forms of employment, wherever possible in paid work, and to make a valued contribution to the world of work.'*<sup>4</sup>

- 1.5** The Working Group believes that the aspirations of people with learning disabilities do not differ from those of the majority of the other 6.9 million disabled people of working age in Great Britain. There are strong economic and social arguments as to why it is a good idea to provide work for this group who would otherwise be inactive. The Working Group points to increasing evidence that unemployment is damaging to both mental and physical health<sup>5</sup>. *Working Lives* found that most people with learning disabilities interviewed wanted to work, even if they are not working at present, and they mainly wanted paid work. Whilst earning money was a major motivation, they also clearly stated the importance of having a job in supporting social contact and making a contribution to their community. Important advances have been made in putting in place the support needed to help more disabled people achieve their ambitions. However, employment rates for different disability groups vary significantly.

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<sup>4</sup> Department of Health White Paper '*Valuing People: A New Strategy for Learning Disability for the 21st Century*' Cm 5086 2001. p84.

<sup>5</sup> Social Exclusion Unit (2004) *Mental Health and Social Exclusion*. <http://www.socialexclusion.gov.uk>

- 1.6** The *Labour Force Survey (LFS)* is the most robust mechanism we have to record the employment experiences of disabled people in the UK. The LFS estimates that 49% of disabled people are currently in paid employment, but **only** 32% (52,000) of people with learning difficulties<sup>6</sup>. The employment rate for people with learning disabilities would be much lower than this because the term 'learning difficulties' covers a wider range of people who have difficulties in learning. This includes those people with dyslexia and autistic spectrum disorders, many of whom do not have learning disabilities.
- 1.7** Another important source of information comes from statistics sent by LAs to the Commission for Social Care Inspection (CSCI)<sup>7</sup>. From these returns CSCI estimates that of those known to Local Authorities only 10% are in employment. The *Survey of Adults with Learning Difficulties in England, 2003/04*, published by DH in September 2005, suggested that 17% of people with learning disabilities who were of working age had a paid job. The issue of statistical information is discussed in more depth later in the report.
- 1.8** The Working Group believes that more could find employment, if the right conditions existed. However, it is important to recognise that this group is not a homogenous group with the same employment needs. There are considerable differences in their abilities, and a generic approach to employment provision is unlikely to result in a positive outcome.
- 1.9** The largest group of people with a learning disability are the 1.2 million people with a mild or moderate learning disability, many of whom will not be known to LAs. There are about 700,000 people of working age in this group, although there is no reliable information on how many are in paid employment. This group should be able to access mainstream employment, although the availability of long-term support would be important. Many among this group would have the potential and capacity to work 16 hours a week, meaning that they would be able to access supported employment programmes such as WORKSTEP.
- 1.10** Approximately 210,000<sup>8</sup> people with a learning disability can be described as having a severe or profound learning disability. Most of this group are known

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<sup>6</sup> *LFS*, Office of National Statistics spring – 2004. The definition used in the LFS is of people with 'severe or specific learning **difficulties** (mental handicap)'. This definition is likely to include those with conditions such as dyslexia and autism and, therefore, broader than 'learning disability,' which can be defined as the presence of impaired intelligence and social functioning.

<sup>7</sup> Launched in April 2004, the CSCI is the single, independent inspectorate for social care in England. The Commission was created by the Health and Social Care (Community Health and Standards) Act 2003. CSCI incorporates the work formerly done by: The Social Services Inspectorate (SSI), SSI/Audit Commission Joint Review Team and The National Care Standards Commission (NCSC).

<sup>8</sup> Department of Health (2001) White Paper '*Valuing People: A New Strategy for Learning Disability for the 21st Century*' Cm 5086, p15.

to social services. Within this group 120,000 people are adults of working age but who would face significant barriers to work. Despite this, *Working Lives* highlights the fact that a significant proportion of this group wants to work.

- 1.11** Expenditure on learning disabilities services accounts for £1.6 billion (3.4%) of NHS expenditure and £2.35 billion of LA social services expenditure. There is also major expenditure in housing, education, and employment services and through a range of specialist funding streams.
- 1.12** Local Authorities' care services departments are the only public agencies that regularly support adults with learning disabilities. As required under the NHS and Community Care Act 1990, LAs have eligibility thresholds in place. This effectively means that only those at the severe end of the learning disability spectrum receive support. The vast majority of people with learning disabilities, probably able to access employment more easily, and reap the greatest social and financial benefits, are not in contact or accessing care service provision. There is no effective coordination to better support this group.

## Blocks to employment

- 1.13** A number of research reports have considered learning disabilities and employment, including *Working Lives*. From these reports, and their own knowledge, the Working Group, identified the following which affect employment for people with learning disabilities:
- low expectations of work among people with learning disabilities themselves, their carers and 'professionals';
  - confidence and skill levels;
  - transport problems;
  - little focus in schools, further education and day centres on employment-related activities and a lack of work-based support for people to access;
  - lack of knowledge/understanding of what support is available to people with learning disabilities and their employers and how they can access it;
  - lack of clarity around roles and responsibilities of different agencies;
  - poor cooperation at national, regional and local level;
  - inappropriateness of some current Jobcentre Plus provision;
  - insufficient supported employment provision and funding associated with it;
  - real and perceived benefit barriers to employment;
  - need to improve training of Jobcentre Plus and other advisory staff.
  - the need to explore and improve funding streams;
  - the need to improve the European Social Fund (ESF).

- impact of the National Minimum Wage (NMW);
- importance of supporting employers;
- improving the value of statistical information;
- the need to ensure availability of accessible information.

## Objective of the report

**1.14** Paragraph 1.13 clearly shows the variety of factors combining to limit the opportunities available for people with learning disabilities in employment. The Working Group is to some extent reassured that they were being addressed by the various agencies. What did become clear, however, was that many of the initiatives, programmes and solutions put forward were not having the desired effect in spite of the best of intentions. There is also a huge public relations job to be done, and a great need for positive role models, to convince employers of the advantages of including people with a learning disability within their workforce.

**1.15** A considerable amount of change is currently underway across Government that will have a dramatic impact on how employment, health, care and education services will be delivered in the future. The Working Group believes that by influencing policy collectively and identifying synergies and opportunities for change, we can, at this stage, achieve far more than by developing a single stand-alone strategy.

**1.16** The Working Group believes that there are three key groups of people with learning disabilities that need to be considered:

- i) Those young people who are currently attending school or college who we would wish to see move into employment, so avoiding their use of day centre provision.
- ii) Those adults currently using day centre services, in many cases for a number of years.
- iii) Those adults not accessing care services but who are socially isolated and have difficulty showing eligibility for programmes of support.

**1.17** The Working Group wants to ensure as many people with learning disabilities as possible have the opportunity to access employment. However, we think priority should be given to addressing the needs of the first group, to ensure employment is seen as the first option.

**1.18** The report, therefore, looks first at the provision for young people through education and training in Chapter 2; in Chapter 3 at the employment experiences of adults, cooperation between agencies and current provision; in Chapter 4 at potential barriers to change; with a conclusion in Chapter 5. The Working Group makes a series of recommendations for future action throughout the report.



## 2 Young people with learning disabilities in schools and colleges

- 2.1** The Working Group believes that as many people with learning disabilities as possible should have the opportunity to work. Early planning, building on what young people themselves want, is the key to ensuring that work opportunities are available and they do not need to rely on using day centre facilities.
- 2.2** Our report therefore begins by looking at the experiences of young people in schools and colleges and at the roles of the Connexions service and the Learning and Skills Council (LSC) in providing them with the skills, encouragement, advice and opportunities to equip them for the world of work.
- 2.3** We also consider the role of transition planning in helping young people with learning disabilities towards vocational education and work opportunities and in securing the support needed to stay in work.
- 2.4** Access to an appropriate range of educational opportunities and effective transition planning are essential prerequisites for enabling people with learning disabilities to achieve their potential. Yet in practice, they are not in place for many young people, despite some real progress in recent years.

### Opportunities available for people with learning disabilities

- 2.5** Government policy is to increase and widen take-up in further and higher education to build the country's knowledge and skill base, and enable it to compete in an increasingly competitive world economy. We want young people with learning disabilities to benefit from this policy. However, too often in practice, they attend a series of life skills and training courses with little focus



on vocational preparation, real employment opportunities or progression. They often move through a series of similar courses, with a limited range of options to help them to move on from college into paid jobs and where appropriate support is frequently lacking.

## 14-19 years education

- 2.6** The Working Group welcomes the Government's reforms to the 14-19 years phase of learning, including reforms to the curriculum for 14-16 year olds and the increased provision of vocational learning. It also welcomes that the White Paper *14-19 Education and Skills*<sup>9</sup> makes clear that the reforms are designed to benefit **all** young people. We look forward to this inclusive approach being translated into practical action for young people with learning disabilities. This should look to opening up a wider range of appropriate work-related and work-based learning opportunities and how to make these better for young people with learning disabilities.
- 2.7** The Department for Education and Skills (DfES) 14-19 Pathfinders<sup>10</sup> are designed to test local delivery of 14-19 education and training in a range of settings. We are encouraged that some are testing the benefits of the 14-19 reforms for young people with learning difficulties and disabilities. Hampshire, for instance, is looking at how work placement opportunities can be improved for young people with moderate and severe learning difficulties. The Working Group looks forward to the needs of these young people being reflected in the forthcoming evaluation of the second phase of the Pathfinders, and in the Equal Opportunity Commission's report evaluating the impact of Pathfinders on different groups of young people. The Working Group believes that it is vital that the lessons learnt from the Pathfinders, and the opportunities created for young people with learning disabilities, are widely disseminated and inform other relevant Government programmes.

## Transition planning and work experience for young people in school

- 2.8** Young people with learning disabilities, like other young people, want to go out to work. But we need to address low expectations, where they exist, among educators about what they can achieve. Too often there is:
- an assumption that they will not be able to hold down a job; and/or

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<sup>9</sup> Department for Education and Skills (2004) *14-19 Curriculum & Qualifications Reform – Final Report of the Working Group on 14-19* DfES/0976/2004.

<sup>10</sup> For information on Pathfinders see <http://www.dfes.gov.uk/14-19>

- an expectation that there will be a lack of appropriate routes open to them;
- an issue relating to the resources available to support/facilitate effective transition.

**2.9** As a result, schools can often see transition planning as a process of moving people on to other post-16 education provision, with no real expectation that the young people will eventually get a job. The SEN Code of Practice<sup>11</sup> provides a strong focus on supporting young people with learning disabilities with statements of SEN through the transition planning process. It gives clear guidance on what should happen during the annual review in Year 9 (aged 13-14 years) and which agencies should be involved in producing a transition plan. The young person's eventual aim for a working life needs to have a much stronger focus within this Year 9 review. Planning should consider what they need, and what action has to take place, to enable them to obtain employment. Transition planning should involve the agencies that may play a major role in the young person's life during the post-school years and must involve the Connexions service.

**2.10** In practice transition planning does not always take place in the way that the statutory framework envisages. Research by the Home Farm Trust and Norah Fry Research Centre<sup>12</sup> in a 2002 report, found that transition plans were often not completed. Where they were, young people and parents felt they were not properly involved in the process; there was a lack of information about future possibilities and things that were important to them were not covered. Even where effective transition planning does happen and is done well, there tends to be a limited focus on the future employment aspirations of young people with learning disabilities. The focus is rather on the next step in the education path. Transition planning often turns by default to further education when work-based learning may be more appropriate.

**2.11** The Working Group welcomes the commitment in *Removing Barriers to Achievement*:<sup>13</sup> to improving the quality of transition planning. But considerable effort is still required to ensure work experience and employment options are recognised as being a central objective in 'transition planning'. Some schools and colleges make arrangements to offer work experience to students with special needs. However, this is not the picture nationally, particularly for young

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<sup>11</sup> Department for Education and Skills (2001) *The Code of Practice for Special Educational Needs* (DfES/581/2001).

<sup>12</sup> Heslop, P., Mallett, R., Simons, K. and Ward, L. (2002) *Bridging the divide at transition: what happens for young people with learning difficulties and their families?* British Institute of Learning Disabilities.

<sup>13</sup> Department for Education and Skills (2004) *Removing Barriers to Achievement: The Government's Strategy for SEN* (DfES/0117/2004).

people with more severe or complex needs who will require significant planning and support. It is important for young people with learning disabilities to have well supported work experience. This can help to raise their aspirations and expectations of what they can achieve in the future. The DfES should work with the Department for Work and Pensions (DWP) to widen work experience opportunities for employment, and ensure provision of transport and appropriate work place support is considered closely. These factors greatly influence whether a placement is successful or not.

### **Case Study 3: The Green Team – A partnership between the Anchor Housing Trust and United Response**

These two organisations working in Oldham both identified definite gaps in services and opportunities for the people they support: the Anchor Housing Trust had no resources to support older people in their own homes with low level maintenance tasks such as basic decorating, keeping the garden tidy and simple DIY tasks, all of which impact on a person's health and well-being. United Response found that there were limited opportunities for people with learning disabilities to gain work experience and to make a contribution to the community. The Green Team idea subsequently evolved allowing young people, often from special schools, and adults with learning disabilities or mental ill-health, to participate in work experience and training. They carry out low maintenance tasks that would benefit both older and disabled people in the community. With help from the Neighbourhood Support Fund, the project has run successfully since 1999 in Oldham. However, despite the contribution the project has made to people with a learning disability and the community, the Green Team faces an uncertain future due to the short-term nature of the funding available.

## The Connexions service

- 2.12** The role of a key worker or personal adviser is central to supporting many young people with learning disabilities in the transition to adulthood. Personal advisers need to be able to build the trust and confidence of such young people over a sustained period. They also have to know where to get the specialist skills, information and knowledge often required in co-ordinating the range of services these young people need to take up and retain employment.
- 2.13** Connexions, a new service, introduced Connexions Personal Advisers (CPAs) to work with people between 13-19 years to plan for the future. It can also help young people with learning disabilities up to the age of 25. However, there appears to be little contact with those young people with learning disabilities between 19-25 years who have entered further education. The Working Group accepts that Connexions is a new service that is still 'bedding

down'. However, they note that the findings of the *Developing Connexions*<sup>14</sup> research suggest, so far, that Connexions has often not met the needs of these young disabled people. The evidence indicates that few young people with learning disabilities are getting the support they need to make a successful transition from education to employment.

- 2.14** In our view, CPAs, in practice, tend towards the option of further education for these young people. It may be because they see further education as an alternative means of offering purposeful activity and qualifications that will help in getting a job. But more likely because there is a genuine lack of suitable supported employment provision locally. Whilst this may be right for some people, it is not necessarily the way forward for young people with learning disabilities, who are unlikely to achieve NVQ Level 2 and who lack the ability to easily transfer skills. Such young people more easily prosper under a 'place and train' approach (See Appendix A for more details) and would benefit from a more direct route to employment. **We need to pay attention to the way that different people learn.**
- 2.15** It appears from the research<sup>15</sup>, and the anecdotal evidence we collected, that in general, the Connexions service lacks both the skills and capacity to provide effective support to young people with learning disabilities. It may be unrealistic to expect all CPAs to have or develop the skills needed to work with young people with high support needs, but they should have the knowledge to tap into other sources of help.
- 2.16** It seems to us that the Connexions service is not sufficiently resourced to provide the time and effort necessary to help these young people achieve their potential. There is no standard job description for CPAs. Some partnerships have generic CPAs, while others have specialist Personal Advisers, but even in these partnerships, they are reducing in number. Whilst it requires more time for a Personal Adviser to build up a relationship with a person with a learning disability, we hear of many young people being unable to remember even being seen by a CPA, so limited has been their contact. Yet without their active input, an important advocacy role will be lost at a crucially important time in the young person's development.
- 2.17** An optional training module for Connexions staff working with young people with learning difficulties and disabilities was introduced in autumn 2003. Feedback we have received suggests that this is too superficial and narrowly focused and, because it is optional and not mandatory, it does nothing to promote consistency.

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<sup>14</sup> Rowland Crosby, N. (2004) *Developing Connexions*, Foundation for People with Learning Disabilities.

<sup>15</sup> *ibid.*

- 2.18** The Working Group is aware from the *Every child matters*<sup>16</sup>, Green Paper, the follow up *Every child matters: Next Steps*<sup>17</sup> document and *The Children Act*, that the aim is for Connexions partnerships, in the future, to be closely aligned to children's trusts. This is part of a wider drive to promote integrated commissioning, funding and delivery of local children's services. There are only 35 pathfinder children's trusts at present. Other local authorities (LAs) are moving towards children's trust arrangements but none as yet cover all services to all young people in their areas. It is, therefore, too early to make judgements. We recognise the need to improve multi-agency working and that the aim is to improve outcomes for all children and young people, including young people with learning disabilities up to the age of 25 where there is appropriate legislation. However, we are concerned that there should be clear outcome measures for this group of young people to ensure that support for them does not deteriorate. In our view, it is vital that priority is given to ensuring continuing independent advice and support, if young people with learning disabilities are to have real opportunities to gain access to employment.
- 2.19** Such advice and support should adopt the person-centred planning approach, introduced by Valuing People. The Working Group would like to see this used more widely in transition planning from Year 9 for young people at school. We welcome the focus of this approach in the pilot projects currently being undertaken in four London boroughs<sup>18</sup>.

### Recommendations

- 1) Following publication of the White Paper 14-19 Education and Skills, the DfES should ensure the inclusive approach is translated into practical action for young people with learning disabilities, which opens up a wider range of appropriate work related and work-based learning opportunities. (Paragraph 2.6)
- 2) The DfES should ensure that the lessons learnt from the Pathfinders, and the opportunities created for young people with learning disabilities are widely disseminated and inform other relevant Government programmes. (Paragraph 2.7)
- 3) DfES should give greater emphasis to employment within the Year 9 review for **all** young people with statements of Special Education Needs. (Paragraph 2.9)

<sup>16</sup> Department for Education and Skills (2003) *Every child matters* (DfES/1110/2004).

<sup>17</sup> Department for Education and Skills (2004) *Every child matters: Next Steps* (DfES/0240/2004).

<sup>18</sup> Further information may be obtained from Linda Jordan, Valuing People Support Team, linda.jordan@dh.gsi.gov.uk

**Recommendations (continued)**

4) The DfES should work with the DWP to widen work experience opportunities for employment for young people with learning disabilities with the appropriate transport provision and support. (Paragraph 2.11)

5) The DfES should properly resource Connexions to develop and improve the support available to young people with learning disabilities in their local area. (Paragraph 2.16)

6) The DfES should ensure that the Connexions service provides independent advice and appropriate support to young people with learning disabilities up to the age of 25. (Paragraph 2.18)

7) The DfES should promote the Person Centred Planning approach introduced by Valuing People and use it more widely in transition planning for young people at school. (Paragraph 2.19)

## Further education

**2.20** Further education colleges have a critical role to play in preparing people with learning disabilities for work and helping them find employment. Success varies across the sector but there are pockets of good practice – see Case Study 4. Where practice is poor, it is because colleges are failing to consider or prepare learners for the possibility of jobs once they leave college. This results in many of the young people with learning disabilities who have succeeded in getting jobs failing to retain them and dropping out of both employment and further education. Likewise, many of the young people with severe and complex needs, who attend college on a series of courses up to age 25, leave at a time when the remit of the Connexions service to provide support ends. This again results in them being out of education and employment. **This is a waste of 20 years of education!**

**2.21** Further education colleges should, therefore, give greater emphasis within their courses to employment outcomes for people with learning disabilities, rather than just qualifications. They should ensure both courses, employment opportunities and outcomes are developed in consultation with Jobcentre Plus, LSC and other providers. This will lead to both sustainable employment and continued development for the individual.

#### **Case Study 4: Lincolnshire Social Services Welfare to Work Team and the Award Scheme Development and Accreditation Network (ASDAN) Workright Course**

The Lincolnshire Social Services (LSS) Welfare to Work Team has been supporting people with a learning disability since May 2003. The majority of the work so far has been in supporting adults who have been in day services for a number of years. They have never received support to find work or been able to access Jobcentre Plus services.

As the team developed, links were made with local colleges. LSS discovered that a college had been running an ASDAN<sup>19</sup> course to help people to become more independent. It became clear to the college and LSS that before moving into paid employment there was a group of people who would need a longer period of support, both in a real work situation and in developing the skills for work. This also included supporting people to understand the work ethos and develop the skills to meet this.

It was agreed that the college would run the ASDAN Workright course. The course was to be run as a joint partnership between the college and the Local Employment Officer (LEO) from the Social Services' Welfare to Work Team. The role of the college was to provide the academic curriculum and the employment officer to find and support the practical work placements. This would allow the employer to feed back, via the LEO, practical information regarding the strengths of the individual in the work place and also the areas for improvement. This could then be developed or addressed within the classroom to help the individual progress towards a paid job.

The first year of the course (September 2003 – June 2004) was a pilot to assess its effectiveness in meeting the needs of the individuals. Of the three individuals that came through the LEO, all have moved into paid employment of 16 hours or more. This success has led to the course continuing this year with 14 people now being supported.

The feedback from employers has been excellent and all three people have become valued members of the companies.

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<sup>19</sup> ASDAN programmes and qualifications blend activity-based curriculum enrichment with a framework for the development, assessment and accreditation of key skills and life skills, with a strong emphasis on negotiation, cooperation and rewarding achievement. ASDAN courses are recognised by DfES.

**Case Study 4: (continued)**

This success has led to partnerships being developed with other colleges throughout the county. This has tied in well with social services' objective to support children with a learning disability in having the choice of employment as well as further education. They have developed strong partnerships with the key organisations who support children with learning disabilities in the transitions process. LSS have also worked with colleges to help them put on occupationally-based courses that meet the needs of the individuals and the local labour market.

## The role of the Learning and Skills Council

**2.22** We know that the LSC is aware of the difficulties around transition to employment for young people with learning disabilities and is trying to address them. Their National Council commissioned the Learning and Skills Development Agency<sup>20</sup> to manage action research projects looking into various disability-related issues. These had the aim of building capacity in the sector and developing and disseminating good practice. The following projects are particularly relevant to people with learning disabilities:

- promoting progression and effective transition;
- promoting access to employment through work experience;
- access to employment for young people;
- access to employment for adults with learning difficulties.

**2.23** The LSC is also carrying out a wide-ranging strategic review of funding and planning provision for learners with learning difficulties and/or disabilities<sup>21</sup>. The review aims to produce a set of recommendations to its National Council on the future planning and funding of provision. These are to:

- be learner centred;
- be cost-effective in the use of LSC funds;

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<sup>20</sup> Learning and Skills Development Agency. *Disability Discrimination Act: taking the work forward. Research and development projects 2003/5.*

<sup>21</sup> The definition of a learner with a learning difficulty and/or disability is taken from section 13 of the Learning and Skills Act 2000. A person has a learning difficulty if:

- a) he has a significantly greater difficulty in learning than the majority of persons of his age, or:
- b) he has a disability which either prevents or hinders him from making use of facilities of a kind generally provided by institutions providing post-16 education or training.



- enable learners to access appropriate provision across the post-16 sector; and
- operate in the context of continuing developments across the 14-19 agenda.

**2.24** The review will consider the different points at which transition occurs for learners including the transition to employment. An interim report is due in January 2005 and the final report is expected in August 2005. We hope the LSC takes specific action following this review to improve the range of opportunities for work-related and work-based learning for young people with learning disabilities. This should include collaborative approaches with other agencies and funders.

## Entry to employment

**2.25** Entry to Employment (E2E), a work-based learning programme officially established across England on 1 August 2003, has the potential to address many of the concerns we have about equipping young people with learning disabilities for the world of work.

**2.26** Provided by colleges or voluntary organisations, this entry/level 1 programme is intended to support young people to overcome barriers that restrict their progress to higher levels. Each E2E programme is flexible but it is envisaged that all learners will undertake learning in three interdependent core areas: basic and key skills, vocational development, and personal and social development. This has all been developed on the principles of inclusive learning, rather than for a particular group of young people, and should offer provision designed to meet the individual's specific learning needs.

**2.27** As needs of individuals vary, funding is not time limited. It is, however, designed on the basis of an average 22 weeks per learner. Some learners may need longer than 22 weeks, whereas others may need just a few weeks. A young person on E2E would be expected to have the aspiration, aptitude, capacity and cognitive ability to benefit from a good quality teaching and learning programme.

**2.28** Although the guidelines have not changed, the Working Group learnt that the introduction of a review at 22 weeks, followed by further reviews every four weeks, is leading in practice to a move against taking on people with learning disabilities. In part, this may be caused by the resource implications of the need for more frequent reviews for a group of people likely to remain longer on the course. This is also causing problems for Connexions staff, who are already under pressure, as we discuss elsewhere in this report.

**2.29** E2E providers are paid financial incentives for student progression but we wonder whether this will impact adversely on young people with learning disabilities. Many are likely to take longer to develop the skills and attributes to move into employment and some may never reach higher levels.

- 2.30** In fact the Working Group learnt that young people, who were awaiting admission to September 2004 courses, had their application withdrawn by providers faced by funding restraints and a declining number of start places. This shortage of places is also showing itself in the building up of waiting lists for E2E places and, with often few local foundation learning places or other alternative courses, these young people may now fall through the net.
- 2.31** We welcome the fact that, to address issues around availability, funding and accessibility of provision below level 2, the LSC and the Qualifications and Curriculum Authority are working together to develop a coherent framework of provision for learners from pre-entry to level 1. But we believe that unless the LSC works effectively with other key agencies to develop integrated employment provision to improve life skills and work skills in the work place, very little progress will be made.
- 2.32** The Working Group considers that the impact of current developments should be monitored closely to see how far they tackle the confusion over what provision is available. In particular, we would like to see an evaluation of how far E2E meets the needs of young people with learning disabilities, particularly those for whom NVQ Level 2 is unlikely to be a realistic expectation.

### **Recommendations**

8) Further education colleges should give greater emphasis within their courses to employment outcomes for people with learning disabilities, rather than just qualifications. They should ensure both courses, employment opportunities and outcomes are developed in consultation with Jobcentre Plus, LSC and other providers. This will lead to both sustainable employment and continued development for the individual. (Paragraph 2.21)

9) The LSC should take specific action following its Strategic Review to improve the range of opportunities for work-related and work-based learning for young people with learning disabilities. This should include collaborative approaches with other agencies and funders. (Paragraph 2.24)

10) The DfES and the LSC should evaluate the development and operation of the Entry to Employment Programme to ensure that providers offer opportunities available to all learners, including those who are unlikely to achieve NVQ Level 2. (Paragraph 2.32)



# 3 Employment experiences of adults with learning disabilities

## Case Study 5: Tom's story

Before registering with Mencap's supported employment service, Tom, aged 24, had never had a paid job, despite his City & Guild college qualifications. He had worked on an unpaid basis for seven different organisations but had not been given the chance of paid employment by any of them. Mencap contacted Pitney Bowes, an outsourcing agency contracted to provide mailroom services to Citigroup at their Canary Wharf site. Pitney Bowes agreed to give Tom an eight week work trial with the goal of a paid job at the end of it. Throughout the trial period, and beyond it, Mencap would provide job coach support for Tom and guidance for all team members. This support would be ongoing once Tom entered paid employment. Tom's eight week training period was cut short because, after four weeks, Pitney Bowes were so keen to make him a permanent employee. His managers describe him as their most hard working member of staff and are keen to recruit more people with a learning disability to Pitney Bowes. Pitney Bowes feel strongly that had it not been for Mencap's support and guidance, they would not have had the opportunity to recruit Tom. Tom loves his job and is particularly proud to have come off benefits for the first time in his life. He is saving up so that he can afford to leave home and live independently.

**3.1** This chapter looks at the experiences of adults with learning disabilities and examines:

- the current situation;
- the lack of effective cooperation at national level;
- the lack of effective cooperation between key agencies at the regional and local level;

- improving cooperation;
- the inappropriateness of some current Jobcentre Plus provision;
- insufficient capacity to support people with learning disabilities;
- benefits – real and perceived barriers to employment;
- housing and support costs and disincentives to work;
- the need to improve training of Jobcentre Plus staff.

## Current situation

- 3.2** The UK has a rights-based agenda to ensure equality of opportunity for each of its citizens in all aspects of life. For disabled people we have a range of services, supported by increasingly effective legislation, which helps them to get fully involved in society, including employment. Whilst we have made much progress, we know that very few people with learning disabilities are in paid employment – a clear indicator that they are one of the most socially excluded groups.
- 3.3** As we discussed earlier, the idea that people with learning disabilities are capable of work is not new. Since the publication of '*An Ordinary Working Life*'<sup>22</sup> in 1984, we have seen a continual and progressive move from sheltered and institutionalised work placement to projects that look for opportunities in open employment (see Appendix A for a more detailed history). We now know much more about the most effective methods to support people with learning disabilities into employment (see Appendix B for more details). However this provision is not universally accessible across England and where it does operate it varies in quality. Experience suggests that it is difficult to replicate services from one part of the country in other places.
- 3.4** Therefore, how do we increase the number of people with learning disabilities able to benefit from this sort of provision? The Working Group believes there are two main issues that need to be considered. The first of these is the long-term direction of the learning disabilities and employment agenda.
- 3.5** The Working Group welcomes the proactive attitude that local authorities (LAs) and voluntary organisations have taken towards employment. Many are looking to employment as a way forward, through a variety of initiatives, as part of the day centre modernisation programme contained in *Valuing People*.
- 3.6** However, it would be unrealistic to ignore the resource constraints on LAs if progress is to be made with this agenda. They are required to target their social

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<sup>22</sup> King's Fund (1984) *An Ordinary Working Life: Vocational Services for People with a mental handicap*. London.

care resources on those most in need. Hence, given the acknowledgement at the beginning of the report that those with the least severe learning disability are the most likely to be helped into the workplace, it is unsurprising that providing work opportunities for this group is a low priority for councils.

- 3.7** This leads to inconsistent support and may not provide an effective long-term solution. Proper resources need to be delivered to where people live, train and work, i.e. local communities. This brings into question the point at which responsibility for employment provision for this group should pass from LAs to the Department for Work and Pensions (DWP). This is a 'grey' area where the Working Group would wish the DWP to lead, in partnership with the Department of Health (DH) and Department for Education and Skills (DfES), in establishing clearer roles and responsibilities for this issue in the light of recent strategy proposals in their Departments<sup>23</sup>.

#### **Recommendation**

11) The DWP to consider, along with the DH and DfES, how best to establish responsibility for employment support for people with learning disabilities in the light of changes currently underway in Local Authority Care Services, Jobcentre Plus and LSCs. (Paragraph 3.7)

- 3.8** The second main issue is to identify options in the short- and medium-term that could help people with learning disabilities move into work. We have the services to do this but the Working Group has identified issues preventing the existing provision from operating more coherently.

### Lack of effective cooperation at national level

- 3.9** People with learning disabilities will use different services during their lives. At times they will use several services at the same time and how well these services co-ordinate their provision is critical. Public Service Agreement targets include few positive incentives for cross-Government working, and there is even a perception that cooperation can act as a barrier<sup>24</sup>. Local authorities, Jobcentre Plus and Connexions, all have a role in supporting young people with learning disabilities. However, as *Working Lives* indicated, whilst having a mutual interest, they often work in isolation and fail to capitalise on opportunities to better support the young people in achieving their objectives, particularly in the employment field. For instance, *Working Lives* highlighted that the

<sup>23</sup> Specifically DWP's *'Building on the New Deal'*, DH's *New Vision for Adult Care Services and the Prime Minister's Strategy Unit 'Improving the Life Chances of Disabled People'*.

<sup>24</sup> Prime Minister's Strategy Unit (2004) *Improving The Life Chances of Disabled People – Interim Analytical Report*, Cabinet Office p214.

vocational courses offered by further education colleges were delivered in isolation from other agencies involved in supporting the same clients and 'did not lead to careers'<sup>25</sup>. Similar concerns were raised by members of the Working Group about the approach taken by Local Authorities and Jobcentre Plus in how they commission services and support. Specific concerns included:

- provision which was often time limited;
- provision which failed to meet the specific needs of the individual.

**3.10** This lack of cooperation in supporting each other in achieving mutual objectives is disappointing. The Strategy Unit supports this point and argues cooperation needs to take place at all levels of Government. Just removing the barriers to crosscutting work is not enough – a culture of collaboration needs to be promoted<sup>26</sup>.

**3.11** The Working Group believes that greater cooperation at the national and regional level, could help facilitate a more systematic approach to promoting employment opportunities, including pooling resources or joint commissioning. This could have an important impact upon the employment experiences of this group. A first step would be to establish a joint Ministerial group (led by DWP) to promote cooperation across Government particularly in DH, DfES and DWP.

#### **Recommendation**

12) In the light of the Prime Minister's Strategy Unit's report, the DWP, DfES and DH should consider how best to promote cooperation in Government, thus enabling the development of effective employment support for people with learning disabilities. (Paragraph 3.11)

### Lack of effective cooperation between key agencies at the regional and local level

**3.12** Whilst cooperation at the national level is important to create the right conditions for change, it is delivering change at the point of delivery that is the major 'stumbling block' for this agenda. If *Valuing People* is to be successful, there is a need to bring together key agencies more effectively at the local and regional level. Whilst there are numerous examples of good partnership working it is generally patchy and varies in quality. There needs to be a clearer lead and improved understanding of the issues facing this group to ensure more effective use of the resources and skills available within regions.

<sup>25</sup> Stephen Beyer et al, '*Working lives: The role of day centres in supporting people with a learning disability into employment*', DWP Research report no. 203, 2004 p66.

<sup>26</sup> Prime Minister's Strategy Unit (2004) *Improving The Life Chances of Disabled People – Interim Analytical Report*, Cabinet Office p210.

**3.13** Despite the introduction of Local Strategic Partnerships (LSPs)<sup>27</sup>, the Working Group has some concerns about cooperation between Connexions, LSCs, LAs, Jobcentre Plus and Learning Disability Partnership Boards (LDPBs) that we examine in the following paragraphs.

### **Connexions and the Learning and Skills Council**

**3.14** We have discussed earlier the importance we attach to the role of Connexions and the LSC and some of the current difficulties they face. Clearly there is a need for a greater level of cooperation between the relevant agencies. However, the Working Group found that often Connexion partnerships provided only minimal support to young people with learning disabilities whilst at school and once they left college.

**3.15** However, there are good examples of Connexions working effectively. In some places the local Connexions service, youth service and LAs have held joint information days. These have proved valuable not only in providing a united message to young people with learning disabilities and their carers but in cementing their own relationships. Joint training of staff from the different services might also help in fostering relationships and improving understanding of each other's work. We understand that the Youth Green Paper will develop thinking on the future of Connexions. We believe that Connexion partnerships must be encouraged to develop the resources, skills and confidence to effectively support people with learning disabilities. Ensuring this provision is developed and secured at the local level, as opposed to being regionally managed/funded, would help ease the pressure on LAs to deliver alternative ad hoc employment provision.

**3.16** As with the Connexions service, the LSC has an important role in starting the process in improving the training and routes into employment. Whilst the LSC at the national level recognises the potential for cooperation, and indeed regionally the LSC has made important progress, there is still a significant gap between what is required and what is being delivered.

### **Local authorities**

**3.17** Local authorities play a critical role in supporting people with learning disabilities, including provision of day services and supported employment provision. However, they are generally only in touch with people with severe learning disabilities, and even then not all of them. There are a significant number of people with mild and moderate learning disabilities not all of whom are known to LAs. These should be using the employment services used by everyone, i.e. Connexions and Jobcentre Plus. However, we think that some Jobcentre Plus programmes cannot provide the support this group needs. We talk about this later on in the chapter.

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<sup>27</sup> See Glossary.



- 3.18** Historically, people with severe learning disabilities have been seen as the sole responsibility of the health and social care services, as their needs were seen as predominantly 'care and control'. *Valuing People* recognises that these people should have the same rights and opportunities as everyone else, including the opportunity to work. However, they are largely unknown to the mainstream employment services that, not surprisingly, often lack the experience and specialist skills sometimes needed to help them. The Working Group believes that LAs have an important role initiating and co-ordinating strategies for employment for people with learning disabilities in close partnership with mainstream employment services and the voluntary organisations.
- 3.19** However, it is likely that LAs will only be in contact with a relatively small number of people with learning disabilities in a position to work. Local authorities are under a duty to provide an assessment 'of need for community care'<sup>28</sup>. This process identifies an individual's needs and support, which will lead to commissioning of services, including access to any LA employment projects. They do not have a specific role in promoting employment for people with learning disabilities, but many have seen the importance of developing specialist supported employment provision to underpin their other work. This provision is often ad hoc, operating separately from day centres and can be in-house or contracted from outside providers<sup>29</sup>. Though provision is neither available nor of similar quality everywhere, it does fill an important gap.
- 3.20** However, LAs who commission support have to balance a wide range of views and considerations when providing support, and this can result in employment being seen as a marginal issue. These include:
- local authorities setting their own thresholds within a national framework for eligibility for adult social care services – '*Fair Access to Care*'<sup>30</sup>. This means that thresholds vary depending on local conditions and experiences, as well as the local availability of resources;

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<sup>28</sup> The *National Health Service and Community Care Act 1990* made assessment of need for community care services a duty for LAs. The purpose of this assessment is to find out what people's needs are, taking into account their problems and circumstances, and to make sure that services suit their needs; this would include opportunities for employment.

<sup>29</sup> Beyer et al (2004) *Working Lives: The role of day centres in supporting people with learning disabilities into employment*. DWP p66.

<sup>30</sup> Department of Health guidance (2003) '*Fair access to care*' <http://www.dh.gov.uk/PolicyAndGuidance/HealthAndSocialCareTopics/SocialCare/FairAccessToCare>

- uncertainties associated with moving into employment that can undermine carer enthusiasm and support. Carers may apply pressure to ensure continuation of benefits or to ensure day centres continue to provide respite care. There is, however, an increasing expectation amongst people with learning disabilities and their carers of looking beyond day centres to education;
- LA social service departments are in a period of flux, delivering a range of Government objectives. This includes modernisation of day services provision and potential changes in the future in the DH's *New Vision for Adult Social Care*<sup>31</sup>;
- care services provision is moving away from a 'care-focus' model to an independent living model. This is welcome as it means a move from 'institutional' care to community-based 'person-centred planning' provision. However, there is concern whether adequate resources have been allocated to the development of 'quality' supported employment provision;
- anecdotal evidence from a number of LAs suggesting that social workers who commission care for the learning disabilities group, do not know enough about helping people with learning disabilities get and keep jobs. Whilst the Working Group accepts that some LAs have adopted a modernised person-centred approach to providing services, this is not the case across much of England, and many still run provision in a traditional way. Local authorities need to be able to call on the support of other agencies in order to better support the employment aspirations of this group.

**3.21** As previously stated, the Working Group believes LAs, through LSPs represent an important element of any future work to improve employment opportunities for people with learning disabilities. DH's *New Vision for Adult Social Care*<sup>32</sup> offers, in the Working Group's opinion, an important opportunity to define clearly the role of LAs in supporting the employment aspirations of people with learning disabilities in the future. However, the Working Group recognises that any changes will be over the longer term. In the short term, therefore, they believe that LAs, in cooperation with LSPs and LDPBs, should do more to actively promote the employment agenda for people with learning disabilities. In particular to:

- work with other agencies promoting employment opportunities;
- improve knowledge and understanding of social workers about the employment support available;

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<sup>31</sup> *The New Vision for Adult Social Care* <http://www.dh.gov.uk/PublicationsAndStatistics/Publications>

<sup>32</sup> *ibid.*

- facilitate the development of appropriate supported employment provision;
- support links between day centres and other key stakeholders, in particular Jobcentre Plus, in order to improve the employment support available to this group and explore options for alternative day care provision.

### **Jobcentre Plus**

**3.22** The Working Group recognises that Jobcentre Plus has committed significant resources to supporting the employment needs and aspirations of disabled people. However, the contact that Jobcentre Plus has with other agencies is often minimal. For instance, LAs are key partners in delivering the WORKSTEP programme. Of the 240 providers, 146 are LAs<sup>33</sup>. In spite of this, Jobcentre Plus links with LA's supported employment services tend to be limited to contract management as opposed to trying to tackle shortfalls in provision or facilitate joint working.

### **Learning Disability Partnership Boards**

**3.23** LDPBs, established to oversee implementation of *Valuing People* locally, provide the obvious structure to facilitate joint working. However, their role so far as a facilitator between the various agencies, and specifically their focus on employment<sup>34</sup>, varies from LA to LA, despite being required to write a local employment action plan. Key stakeholders, such as Jobcentre Plus and the LSC are supposed to be regular members of the Boards, but this again varies from Board to Board. The Working Group believes strongly that more should be done to ensure LDPBs are able to develop and deliver effective change. Key to this is ensuring various stakeholders recognise the value of the Boards as a mechanism to deliver change locally. Government offices, Regional Development Agencies and LSPs all have a role in promoting the work of LDPBs, but relatively few mention the Boards in their objectives and targets.

### **Improving cooperation**

**3.24** The report has already outlined the considerable amount of work underway across central and local government that could have an impact on this group, but agencies continue to work in relative isolation. Much of the good work and cooperation that does occur is dependent upon individuals at the grass roots level. Improving cooperation at both the national and regional level is vital in order to capture and build on the skills and resources already available.

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<sup>33</sup> DWP Management Information – September 2004.

<sup>34</sup> All Learning Disability Partnership Boards were expected to develop local employment strategies, including local targets (*Valuing People*, p88). However the quality of these plans vary considerably.

- 3.25** The Working Group does not propose the development of a single prescriptive model or strategy, as the structure of the various services supporting people with learning disabilities makes that impractical. It would, however, like to see the development of a broad framework that sets out the mutual objectives of public agencies, and clearly defines their roles and responsibilities in promoting employment for this group. The Valuing People '*All Means All*'<sup>35</sup> approach to developing guidance provides an example of how this could be achieved. The Working Group would also want to make sure that DH's *New Vision for Adult Social Care* states clearly that it applies to people with learning disabilities as much as to everybody else.
- 3.26** It would also be important to ensure that there is some mechanism by which to facilitate cooperation and monitor progress on the impact of any 'new' framework. LSPs provide an obvious solution. Many (e.g. West Berkshire) have adopted an outward looking model that engages a wide spectrum of organisations, including employers. Some have been able to bridge the gap between the agencies and employers that LDPBs have found difficult to deal with. LDPBs would of course have a critical role in supporting this work and would be ideally placed to help. LSPs monitor and collate information. This local perspective would give more scope for tackling structural barriers, developing major initiatives, and making the best use of different funding streams. It is difficult to assess the focus LSPs have placed on learning disabilities, but the Working Group would want to encourage the Office of the Deputy Prime Minister (ODPM) to consider the impact they have on people with learning disabilities. Perhaps one region could pilot an employment taskforce for people with learning disabilities pulling together these strands.
- 3.27** At the local level, LSPs and LDPBs would then be better placed to bring local agencies and stakeholders together to form a 'central hub' to take forward and implement an '*All Means All*' type framework within the context of a regional/local strategy.

### Recommendations

13) The DWP, DH and DfES should consider joint training of staff from the different services to help in fostering relationships and improving understanding of each other's work. (Paragraph 3.15)

14) The DWP and Valuing People Support Team should jointly develop subject to resources and in conjunction with the DfES and DH, an '*All Means All*' employment framework for people with learning disabilities. DH's *New Vision for Adult Social Care* should state clearly that it applies to people with learning disabilities as much as to everybody else. (Paragraph 3.25)

<sup>35</sup> Valuing People Support Team (2002) *All Means All* [www.valuingpeople.gov.uk/Health.htm](http://www.valuingpeople.gov.uk/Health.htm). The paper set out how DH's 'Improvement, Expansion and Reforms' related and how it should be delivered, to people with learning disabilities.

**Recommendations (continued)**

15) Subject to resources, the DWP and Valuing People Support Team, ODPM and Local Strategic Partnerships should develop a regional and local approach to cooperation by piloting a regional employment task force in one such region. (Paragraph 3.26)

16) The LDPBs should continue to actively promote the employment agenda for people with learning disabilities at the local level, in conjunction with Local Strategic Partnerships and LAs. In particular they should encourage key stakeholders to establish a 'central hub' for decision-making, based around the Boards, through some kind of sub-group. (Paragraph 3.27)

### Inappropriateness of some current Jobcentre Plus provision

- 3.28** The Working Group appreciates that the Government has to balance the needs of all people claiming benefits with the specific needs of individual groups. Jobcentre Plus's specialist programmes (Work Preparation, New Deal for Disabled People (NDDP), WORKSTEP, Access to Work (AtW)) have helped to raise the quality of disability employment provision in the UK. However, people with learning disabilities may require a higher and longer-term level of support in order to gain and retain employment – support that Jobcentre Plus is not always able to offer.
- 3.29** For instance, members of the Working Group with experience of supporting this group have identified a number of limitations in using Work Preparation. Their main concern relates to the fact that Work Preparation is limited to a 13-week timeframe. Whilst this type of provision may be adequate for other disabled people, it is simply inadequate to prepare someone with a learning disability for employment. In addition, the *Working Lives* research also questioned the focus on and value of pre-vocational training. The Working Group believes that the effectiveness of pre-vocational training in supporting this group is arguable and would like to see a greater focus on work placements as the main driver for learning.
- 3.30** There are similar concerns in relation to NDDP. Although it is difficult to accurately assess the impact of NDDP on this group, management information indicates that of the 174,000 people that the programme has supported by August 2005, only 5,500 said that they had 'learning difficulty' as their primary or secondary condition. The Working Group believes these figures could be improved by contracting more elements of the provision to consortiums that contain specialist learning disability organisations. In addition, NDDP's funding is focused on supporting large numbers of disabled people within a limited budget. Whilst understandably heavily weighted on progression into employment, there is little incentive for job brokers to support people with more profound learning disabilities, who may require longer-term support to

both prepare for and sustain employment. The Working Group would support a more flexible funding approach that better took into account the needs of those hardest to help into employment.

- 3.31** WORKSTEP, and its predecessor the Supported Employment Programme (SEP), continues to be the mainstay of employment support for people with a learning disability. WORKSTEP currently supports around 26,000 people, of whom 30% (6,500 people) have a learning disability. But even here changes in eligibility rules have meant that some people in this group have been prevented from accessing the programme. A sizeable number only have the capacity to work a few hours a week and, therefore, do not meet its 16-hour threshold for eligibility. In contrast, the former SEP was open to those who could work eight hours or more. No reliable data exists about how the move from SEP to WORKSTEP has impacted upon people in this group.
- 3.32** However, some members of the Working Group believe that these changes amounted to a significant cut in provision, placing an artificial barrier in the way of efforts to increase and improve their employment experiences. They would like to see people only able to work 5-15 hours readmitted to WORKSTEP, or have their own specific programme.
- 3.33** Overall, the Working Group welcomed the new flexibility afforded to WORKSTEP providers. However, we know of examples where some had continued to offer financial incentives to prospective employers to underwrite possible costs of employing people with learning disabilities. They were concerned that this could undermine the dignity of the individual, particularly where this had not been discussed with the person.
- 3.34** Even if people in this group are successful in gaining employment, but are working less than 16 hours, securing adequate in-work support through AtW can be problematic. The Working Group's main concerns are that the discretions afforded to regions in managing AtW have led to inconsistencies in provision. Some regions are only offering AtW to people in full- or part-time work (16 hours or more).

#### **Case Study 6: Access to Work**

A team of 11 people, all of whom have a severe learning disability, are working for their LA in the Occupational Therapy Department, and have been employed on a part time basis ranging from three to six hours a week. Their role is to clean equipment that has been used by the Occupational Therapy Department. All 11 employees were previously unemployed and attending a local day centre. They are finding their work to be extremely rewarding and their work skills are growing. The LA is keen to employ more staff with a learning disability, as part of their policy of best practice as a public sector employer.

**Case Study 6: (continued)**

Each employee is registered under Supported Permitted Work (SPW). This allows them to retain their incapacity benefits while working for less than 16 hours a week for an indefinite period of time. They each need intensive support within the workplace, which is provided by Mencap's Pathway employment officers. The level of support required ranges from three to six hours a week, and is essential to ensure that health and safety standards are met. Due to their level of disability, it is unlikely most of these 11 individuals will ever be able to work without support in the workplace. For some though this may be possible after a year or more of supported work experience.

Because there is no long-term Government funding to support individuals who are unable to work for 16 hours a week, Mencap is providing support to these 11 employees free of charge. However, Mencap cannot do this indefinitely. As Mencap's caseload increases it is becoming financially impossible to sustain intensive support to people who are unlikely to cease needing that support. All 11 employees will lose their jobs if Mencap withdraws support.

An LA spokesperson said:

*'We would love to see even more people with a learning disability employed throughout our council offices, but the funding for the support they need just isn't there. Having established best practice policies around employing people with a learning disability, it is a shame we can't extend this beyond our current employees.'*

- 3.35** Whilst support **can** in fact be provided to those only capable of working less than 16 hours, and we do know of examples where this is given, some DEAs still appear unsure if it can be done. Certainly, even though it may always have been possible, people are saying they have been refused in the past; few people currently use it in this way and many providers did not know about the apparent 'change'. For many, therefore, it is a 'new' provision that warrants better publicity with a need to clear the confusion surrounding the programme.
- 3.36** A person on SPW can work for less than 16 hours a week with ongoing support for an indefinite period, but as this is not a programme, there is no funding allocated as such for the support element of the provision. This may, therefore, prevent people taking up employment. AtW can only be offered to someone on SPW for six months initially. It may be extended for a further six months, if there is evidence that the person is likely to move away from SPW and towards open employment. It will be withdrawn if the person remains on SPW after that period. As Case Study 6 shows this may potentially lead to the person with a learning disability losing their job, the self-esteem that goes with it and the social inclusion that employment brings.

- 3.37** Some members of the Working Group would, therefore, like to see AtW made compatible with SPW, providing long term funding for those unable to progress to full time employment within one year.
- 3.38** Jobcentre Plus is providing a welcome focus on supporting disabled people into work through the programmes mentioned above. However, as they are all target driven, the Working Group is keen to ensure that both present and future provision does not concentrate on those requiring 'lighter' interventions at the expense of those further from the labour market.
- 3.39** There appears to be a preference in Jobcentre Plus to contract with large regional and national generalist providers at the potential expense of specialist local providers. Such providers appear increasingly likely to only take part in such contracts as a result of sub-contracting from the larger national and regional providers. In such cases the financial margins will be squeezed making it difficult for the small providers to survive.
- 3.40** If we are to achieve Valuing People's ambition of ensuring services are truly 'person centred' then block contracts will not bring what is required in terms of opportunities for individuals. We then run the risk of moving towards large-scale provision, with people fitted in to fill spaces, rather than 'work' opportunities being tailored to individual skills and development. 'Person centred planning' includes the right not to do a job that does not suit an individual. Jobcentre Plus should look to the merits of encouraging tenders from smaller providers to take full advantage of specialist local provision and build on existing capacity. Where large providers are seen as integral to programme design, Jobcentre Plus should encourage consortium bids from small providers. LDPBs could play a role in this agenda.
- 3.41** The Government's proposals set out in '*Building on the New Deal*' (BOND)<sup>36</sup> would result in greater discretion being given to Jobcentre Plus regions in terms of how provision is structured and delivered so as to tailor employment support to the individual. The Working Group understands that Work Preparation will be the only disability programme affected by BOND (NDDP, AtW and WORKSTEP will remain national programmes). However, this provides a potentially important opportunity in the intended prototype areas to design services that meet the needs of people with learning disabilities, including the opportunity for joint working with other agencies. Ensuring that Jobcentre Plus regions have well developed links with LDPBs would provide the mechanism by which to ensure the prototypes take account of the needs of people with learning disabilities when contracting provision.

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<sup>36</sup> Department for Work and Pensions (2004) *Building on New Deal: Local solutions meeting individual needs*.



**3.42** At the same time, it is important to ensure that 'BOND'<sup>37</sup> does not result in a 'postcode lottery', where the quality and range of employment support is dependent on where you live.

## Insufficient capacity to support people with learning disabilities

**3.43** Locally based supported employment teams and social enterprises<sup>38</sup> offer good examples of how projects, working outside formal funding streams, have facilitated the employment opportunities for those unable to access or not eligible for mainstream services. However, what we lack is the capacity to deliver these services nationally to more than a handful of people at any one time.

**3.44** Lack of detailed and accurate research about what provision is currently available limits our ability to understand the scale of provision in England and to plan for the future. WORKSTEP currently supports around 6,500 people with learning disabilities; in addition, an estimated 7,000 -10,000 people with learning disabilities are employed through local government funded supported employment programmes<sup>39</sup>. There is some possibility of overlap as it is not possible to disaggregate these figures. However, current provision falls well short of the LFS estimate of 28,000 people with learning difficulties who would like to work<sup>40</sup>. The most popular services often have waiting lists of one year or more.

**3.45** The Working Group thinks it is important to have a better picture of the amount of supported employment provision across the country and where it is. This will make it easier to identify where more is needed. Unless extra provision is put in place that can support people with learning disabilities, there will be minimal, if any, growth in the numbers in employment, regardless of their abilities.

**3.46** In addition to the lack of capacity there is also a question of quality. A limited research project<sup>41</sup> identified 969 projects providing employment-focused

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<sup>37</sup> *ibid.*

<sup>38</sup> Krumbs Café in York trains people with a learning disability in catering and associated work areas. The beneficiaries then move onto a supported employment agency to be placed into employment.

<sup>39</sup> Beyer, S., Goodere, L. and Kilsby, M. (1996) *Costs and Benefits of Supported Employment Agencies*. London.

<sup>40</sup> LFS, Office for National Statistics spring 2004.

<sup>41</sup> Arksey, H., Thornton, P. and Williams, J. (2002). *Mapping Employment Focused Services for Disabled People*, DWP In House Report 93.

services for disabled people in Britain, of which 399 were aimed at supporting people with learning difficulties (excluding Jobcentre Plus provision). The research established that supported employment services, in their many forms, were delivered through a mixture of local authority, voluntary and community sector provision. The research highlighted that provision is not evenly distributed across the country and unless it is Jobcentre Plus-funded it is not subject to formal inspection by the Adult Learning Inspectorate<sup>42</sup>, therefore, the quality may not be uniform.

- 3.47** The Working Group believes this could be rectified if the Commission for Social Care Inspection (CSCI) and the Adult Learning Inspectorate worked together. This joint approach would not necessarily include setting targets, but would help ensure a consistency to the supply and monitoring of vocationally-focused provision for people with learning disabilities. Closer working together could also enable them to make recommendations for improvement, including staff training and cooperation between the various agencies involved in employment provision.
- 3.48** The Working Group concludes that whilst it is encouraging that there is a considerable array of supported employment provision in England, there is clearly a need to bring some form of order to ensure the available provision is effective and accountable. It would also like to see the DWP, DfES, DH, ODPM and the Local Government Association (LGA) encouraging and facilitating closer working between Local Authority and central Government-funded provision.

### Recommendations

17) The Working Group believes that the effectiveness of pre-vocational training in supporting this group is arguable and would like to see, subject to resources, Jobcentre Plus give a greater focus on work placements as the main driver for learning. (Paragraph 3.29)

18) DWP to consider whether New Deal for Disabled People could adopt a more flexible funding approach that takes more account of the needs of those hardest to help into employment. (Paragraph 3.30)

19) Further investigate whether people only able to work 5-15 hours should be readmitted to WORKSTEP, or have their own specific programme. (Paragraph 3.32)

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<sup>42</sup> The Adult Learning Inspectorate is a Government-funded body responsible for raising the standards of education and training for young people and adults in England, by inspecting and reporting on the quality of learning provision they receive.

**Recommendations (continued)**

20) There should be more publicity about the fact that there is no lower hours limit on applications for Access to Work (AtW). Furthermore, DWP to consider whether AtW should be made available for the duration of Supported Permitted Work. (Paragraphs 3.35 and 3.37)

21) The Working Group is keen to ensure that both present and future target-driven Jobcentre Plus programmes do not concentrate on those requiring 'lighter' interventions at the expense of those further from the labour market. (Paragraph 3.38)

22) Jobcentre Plus should look to the merits of encouraging tenders from smaller providers in order to take full advantage of specialist local provision and build on existing capacity. Where large providers are seen as integral to programme design, Jobcentre Plus should encourage and facilitate consortium bids to ensure that small/specialist providers are able to be involved. (Paragraph 3.40)

23) Jobcentre Plus regional managers involved in *Building On the New Deal* should consult with LDPBs when designing provision. (Paragraph 3.41)

24) The DWP to consider the need for research to better understand the current provision and distribution of supported employment services for people with learning disabilities in the UK. This will make it easier to identify where more is needed. (Paragraph 3.45)

25) The CSCI should work with the Adult Learning Inspectorate to consider options for monitoring the quality of vocationally-focused provision for people with learning disabilities and to make recommendations for improvement, including in the area of staff training. (Paragraph 3.47)

26) The DWP, DfES, DH, Office for the Deputy Prime Minister and LAs should consider options for consolidating existing LA and central Government funding streams to facilitate growth/expansion in employment provision for people with learning disabilities and improve their ability to move into employment. (Paragraphs 3.48 and 4.6)

## Benefits – real and perceived barriers to employment

**3.49** *Working Lives* again highlighted the importance of benefit issues upon the learning disability and employment agenda. Important and positive advances have been made in improving the benefits and employment support accessed by disabled people, including the introduction of the Working Tax Credit and changes to the Permitted Work Rules. However, benefit rules and regulations continue to be regarded as a major barrier, perceived or real, and deter both carers and day services from encouraging people with learning disabilities to find work.

- 3.50** Under the **Permitted Work Higher Limit** Rules, people on Incapacity Benefit (IB) can earn up to £81 per week – 16 hours work at the National Minimum Wage (NMW) – and is limited to 52 weeks. Those people on IB under **the Permitted Work Lower Limit** regulations can earn up to £20 a week which does not interfere with entitlement to means-tested benefits such as Income Support (IS), Housing Benefit and Council Tax benefit. Those on **SPW** can earn up to £81 a week, or at the NMW level around 16 hours a week, which is not time limited.
- 3.51** The Working Group recognises the value of the Permitted Work Rules and reasoning behind them, but many people with learning disabilities claim IS in addition to IB. However, people on IS are limited to the £20 per week earnings disregard that represents a little under four hours' work at NMW rates. Although they may be able to work four hours or more, IS is reduced pound for pound thereafter. This means that most people are reluctant to earn more than £20 a week as they are no better off and when they lose all their IS they lose 'passport' benefits. In effect, therefore, they cannot take advantage of the chance to work longer hours and are deprived of the opportunity to prepare themselves for full-time employment.
- 3.52** Whilst *Working Lives* indicates that some disabled people would be prepared to work more hours and some believe that the non-financial advantages, e.g. increased confidence and greater social interaction outweigh the loss of benefit, the lack of financial reward still remains a major disincentive. The Select Committee on Work and Pensions<sup>43</sup> recommended that the earnings disregard should be raised to £40 a week but this was not acted upon. The Working Group recommends, therefore, that the DWP should again review the current IS disregard level to allow people to work more hours. The Working Group wanted to see any changes now or in the future to recognise and match changes in the NMW.
- 3.53** The Working Group understands that measures such as raising the benefit disregard level or expanding eligibility to Permitted Work may remove the incentive to progress and work more hours. However, unless DWP is able to address these issues the majority of people with learning disabilities will continue to be employed for a few hours a week and we will fail to achieve the aspirations set out in *Valuing People*.
- 3.54** The Working Group accepts that this is an issue of which the DWP is well aware and is already considering in depth. An evaluation of the Permitted Work Rules was published at the end of 2004 and these findings will be used to inform future design of the rules. However the difficulties that people with learning disabilities able to work between 5-15 hours per week face is such a significant issue that the Working Group wanted to highlight its concerns.

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<sup>43</sup> Select Committee on Work and Pensions – Second Report July 2002.

### Recommendations

27) The DWP should review the current Income Support disregard level to allow people to work more hours. DWP to consider whether any changes now or in the future should recognise and match changes in the National Minimum Wage (NMW). (Paragraph 3.52)

28) In the light of the findings of the evaluation of the Permitted Work Rules, the DWP should keep under review measures to support people to increase their working hours to 16 plus a week. (Paragraph 3.54)

## Housing and support costs and disincentives to work

**3.55** As we have highlighted throughout the report, people with learning disabilities and their carers have to face and negotiate numerous hurdles when considering employment. However, the situation is even more complicated for those people who live in either residential care or supported housing. *Valuing People* has sought to close long-stay hospitals<sup>44</sup> and ensure that as many people as possible with learning disabilities are supported in the community. However, significant numbers still currently receive LA or privately provided residential provision<sup>45</sup>. There are 36,000 in residential care<sup>46</sup> and 34,000 in supported living, with 6,611 regulated care homes for learning disabled people in England<sup>47</sup>.

**3.56** The Working Group found that someone living in residential care or supported living can face additional and significant financial disincentives to seeking paid employment. In essence, the funding of residential care is means-tested (based on income from benefit, savings and LA funding). The Working Group found that the vast majority of people with learning disabilities living in residential care or supported housing would not be better off financially if they

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<sup>44</sup> The last long-stay hospitals are due to close in 2006 (The Government's Annual Report on Learning Disability, 2004 *Valuing People: Moving Forward Together*).

<sup>45</sup> Currently 3.6 people with learning disabilities per 1,000 population receive community and/or residential care services. CSCI Management Information – November 2004.

<sup>46</sup> Department of Health (March 2004) Statistical Bulletin Community Care Statistics Supported Residents (Adults), England <http://www.publications.doh.gov.uk/public/sb0419.htm>

<sup>47</sup> CSCI Management Information – November 2004.

were working. They would only be able to keep £20 per week of their earned income before it has to be used to pay for the residential home fees<sup>48</sup>, unless they can earn in excess of the full residential care charge, which is in the region of £730 per week<sup>49</sup>.

**3.57** LAs do have the discretion to disregard earnings when calculating an individual's care charges. However, due to the funding mechanism by which they receive their funding from central Government it is highly unlikely that LAs would exercise this discretion (other than on an individual basis). Essentially LAs are expected to recoup 11% of their total budget by charging their service users. If an LA exercised discretion for its service users with learning disabilities by not taking account of earnings when calculating care charges, it would have to be applied to all service users. This would result in a reduction in the amount that an LA could recoup from service users, and could potentially result in a significant shortfall in a LA's budget.

**3.58** The situation for each individual is likely to be different and dependent on local charging policies, but of course most people could not achieve the level of income required. Anecdotal evidence suggests that the net result is that work is discouraged in some places, because of the:

- lack of financial benefit to the individual;
- complications after taking into account wages when calculating charges;
- difficulties in applying the guidance.

**3.59** We have also mentioned earlier the difficulties caused by the earnings disregard level for people on IS and the potential effect it can have on 'passported' benefits such as housing benefits.

**3.60** The Working Group recognises the difficulties that LAs and the DWP face in ensuring the delivery of fair and cost effective services, and the numbers involved are relatively small. However, the current interaction of benefits, housing benefits, and residential care would appear to inadvertently reinforce the position of those who are already at the greatest risk of being socially excluded<sup>50</sup>. It is important that the DH, LAs and Jobcentre Plus understand these issues and take them into account when considering employment opportunities for those in residential care.

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<sup>48</sup> While the numbers of disabled people living in residential homes who would be able to work are small, there are some in this situation.

<sup>49</sup> CSCI Management Information – November 2004.

<sup>50</sup> The Working Group recognises this is a complex issue, particularly in respect of the effect on pensioners (who mainly don't work). Given care budgets overall are capped, there is concern that further disadvantage for pensioners would result from disregarding earnings for other groups.

**Recommendation**

29) The DH should amend charging policies for residential care to remove any disincentives to paid employment. The DH, DWP and ODPM should also review the impact of earnings on housing and other benefits for people in supported living. (Paragraph 3.60)

## Need to improve training of Jobcentre Plus staff

**3.61** Jobcentre Plus' Disability Employment Advisers (DEAs) have helped numerous people with learning disabilities into employment. However feedback from DEAs indicates that they often struggle to offer an appropriate service to this client group. In some cases they lack the knowledge and confidence to deal with them. In others they have highlighted the lack of specialist learning disability services to which they can refer clients, if not eligible for WORKSTEP or NDDP. In addition, struggling to manage their overall caseload has resulted in the lack of time needed with individuals, and consequent inappropriate assessments and referrals being made. The Working Group has found examples of parents and carers who have been advised by DEAs to visit their GP in order to obtain 'sick notes', with no consideration given to the potential for employment.

**3.62** The Working Group did find examples of good practice where Jobcentre Plus staff had developed, or were in the process of developing, partnerships to improve the quality of their services, and their own level of understanding of the needs of people with learning disabilities. However, this important work is not being repeated nationally. There are a number of factors that may account for the lack of confidence in dealing with people with learning disabilities:

- Jobcentre Plus does not have a definition of what constitutes a 'learning disability' from which staff can work. It is up to the judgement and experience of individual staff to identify and establish someone's condition;
- lack of information on local sources of help and provision for this client group when commissioning services;
- infrequent contact and, therefore, lack of opportunity to build up experience in dealing with this client group.

**3.63** Many of these problems could be resolved by better cooperation between the LDPBs, Jobcentre Plus and other partners.

**Recommendation**

30) The Valuing People Support Team should work with Jobcentre Plus to consider opportunities for improving training and guidance on how best to support people with learning disabilities, including the introduction of a common definition of a learning disability. (Paragraph 3.62)

## 4 Potential barriers to change

- 4.1** The environment in which services operate is critical for effective delivery. The Working Group has identified a number of areas where action would help to remove barriers to change. These include:
- the need to explore and improve funding streams;
  - improving The European Social Fund (ESF);
  - looking at the impact of the National Minimum Wage (NMW);
  - the importance of supporting employers;
  - improving the value of statistical information.

### The need to explore and improve funding streams

- 4.2** A report<sup>51</sup> prepared for the Learning Disability Taskforce estimates that £4 billion is spent annually on people with learning disabilities in England. It is encouraging that such a considerable sum is committed to people with learning disabilities. However, in the Working Group's experience these resources are used to provide other essential services, with a significant shortfall in the amount required to maintain current employment provision. However, neither Jobcentre Plus nor local authorities (LAs) have the mechanism by which to accurately estimate the amount spent on employment provision for people with learning disabilities. Current provision is often delivered and funded in *'old style traditional ways, where the monitoring of spend is outdated by categorisation'*<sup>52</sup>.
- 4.3** Funding can come from a variety of mainstream sources, e.g. Jobcentre Plus. However, a considerable number of learning disability-focused employment

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<sup>51</sup> Learning Disability Task Force Report: *Transforming the quality of people's lives – How it can be done* (2004). p11.

<sup>52</sup> *ibid.*



projects are dependent upon money from a variety of other different, often short-term, funding sources, such as the ESF. This lack of stable and long-term funding streams has been highlighted as being one of the most significant barriers to developing effective employment support for people with learning disabilities.

- 4.4** Projects exist 'hand-to-mouth', struggling to remain financially viable and wasting considerable time and energy chasing funding. Securing funding is also often problematic as it is dependent on local knowledge and links, making the whole process very unstable and unpredictable.
- 4.5** As highlighted earlier in the report, LAs, although encouraged, are not required by statute to provide employment opportunities for people with learning disabilities. A recent survey<sup>53</sup> established that 68% of LAs anticipated overspending on their total budget in 2003/4, and 53% of councils said they would overspend on learning disability services in the same period. With ever increasing pressure on care service budgets, therefore, employment is an area that could come under pressure.
- 4.6** Whilst the Working Group would obviously like to see additional resources for employment, it also firmly believes that existing funding could be used far more coherently and to greater effect than is currently the case. An obvious step would be to create a single source of funding, including those from LAs, Jobcentre Plus and Learning and Skills Council (LSC), perhaps managed by Jobcentre Plus. However, in the light of the 2004 spending review, and the considerable change currently taking place in the Department for Work and Pensions (DWP) and care services, ring-fenced funding delivered by a single agency must remain a longer-term objective.
- 4.7** The Working Group believes that progress can be made in the short-term. However, key agencies must recognise their mutual interest in better supporting the employment aspirations of people with learning disabilities and work cooperatively in the spirit of Valuing People. The Government<sup>54</sup> has previously highlighted the importance of considering how existing funds could be consolidated and rationalised to provide more effective and coordinated support. This included the option of a single fund for specific issues/services. There has been little, if any, progress made in putting in place a coordinated funding strategy by any public agency with a responsibility for people with learning disabilities, other than ESF co-financing. This is discussed in more detail in the next section. Another option, which could help to drive the development of employment support, is the use of LA's Direct Payments, but relatively few people with learning disabilities have chosen this option. This is because LAs have interpreted national guidance on Direct Payments in radically different ways. This has led to big differences in how they treat people with learning difficulties.

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<sup>53</sup> *National Social Services Budget Survey April 2004.*

<sup>54</sup> Office of the Deputy Prime Minister 2002 *Strong Local Leadership – Quality Public Services*.

- 4.8** As recommended earlier in the report, the Working Group believes, as a matter of priority that the Government should explore options to facilitate co-financing agreements. The Working Group also sees benefit in allowing individuals (or their carers) to purchase employment support. Mencap's *In Control*<sup>55</sup> pilots offer a potentially interesting mechanism by which individuals could access sustained funding for employment support through current funding streams.
- 4.9** The Learning Disability Taskforce report<sup>56</sup> picks up this theme and suggests a number of ways to improve co-operative working between the various agencies. This includes:
- collecting information that can effectively map resource requirements;
  - common definitions of learning disabilities across all funding agencies;
  - an introduction of relevant Performance Indicators for the Valuing People targets linked to local authority ratings, since if it is not measured, change will not happen;
  - Learning Disability Partnership Boards (LDPBs) to be made more responsible for the achievement of targets and their performance to be linked to the rating of the LA to whom they are responsible.
- 4.10** The Working Group supports these recommendations. In addition it also believes that the health and social care financial investment in people with learning disabilities should be protected.

#### **Recommendation**

31) The Government should take into account the key recommendations in the Learning Disability Task Force Report: *Transforming the quality of people's lives – How it can be done* (2004), which propose the health and social care financial investment in people with learning disabilities is protected. (Paragraph 4.10)

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<sup>55</sup> As identified earlier in the report key agencies have generally been unsuccessful in coordinating provision. Too often disabled people are far too dependent upon the goodwill of others and are too often denied the right to control their own life. *In Control* pilots are developing models of self-directed support. They specifically aim to allow disabled people to arrange their own support, in particular build in supports from ordinary people and community organisations, through a number of funding models, including Direct Payments. The initial programme is funded by six LAs and Mencap.

<sup>56</sup> Learning Disability Task Force Report: *Transforming the quality of people's lives – How it can be done* (2004). p11.

## Improving the European Social Fund

- 4.11** As discussed in the previous section, developing effective co-financing agreements between agencies could help ensure existing funds are used more effectively. The ESF provides an interesting example of the cooperation that is possible, but it also demonstrates the potential pitfalls.
- 4.12** ESF financing is delivered through providers, who are contracted to co-financing organisations (CFOs), primarily local LSCs and Jobcentre Plus. Their work is overseen by regional monitoring committees and the European secretariats of the regional Government offices. Ultimately, the programme is overseen both by the ESF Objective 3 National Monitoring Committee and the joint DWP/Department for Education and Skills' (DfES') ESF Division – who act as the managing authority for the programme.
- 4.13** Once again, whilst the intentions are right, and there are numerous examples of effective ESF-funded projects, the Working Group has a number of concerns about ESF's impact on the learning disabilities group.
- 4.14** One issue is the lack of effective coordination between the various interests when considering the employment needs of this group. Government Office's ESF Regional Development Plans are aligned to Regional Framework for Skills and Employment Action Plans or the Regional Economic Strategy. The Working Group remains concerned, however, that CFOs appear to continue to operate in relative isolation, with little planning beyond existing models or delivery or partnership. As we have highlighted in this report, people with learning disabilities access a wide range of services. The Working Group, through their own experiences, believes that CFOs do not always take into account the complex relationships between the different agencies in supporting this group.
- 4.15** We know of an example where the LSC-funded colleges for a project specifically linked with employment outcomes for disabled people. It then weighted that funding towards the college provider for action plans and work experience – both of which it ought to have been doing anyway – rather than towards the supported employment provider, who was actually delivering the employment outcome on their behalf. In this instance, the supported employment provider was paid £1,000 per placing, out of which they were expected to pay the employer £400 for taking that person. They were also expected to provide such support as was appropriate to ensure sustainability out of the remaining £600. Experience suggests that such a supported employment placement would realistically cost £6,000 per person.
- 4.16** Following active lobbying by Connexions and representatives of Supported Employment Agencies in one region, the LSC announced that one of the themes for applications for ESF co-financing in that area would be the piloting (sic) of supported employment services. Some £400,000 was allocated to four

further education colleges to be used over a two year period. Existing supported employment services with a proven track record of delivery were unsuccessful in the tendering process. At least one of the colleges has used £100,000 to provide a project that supports work experience placements for students on vocational access courses. Some 11 months into the project, the college has achieved one work experience placement and no offers of employment. It is a matter of concern therefore that funding, intended to enhance local provision of supported employment, is being used to provide work experience for students on vocational courses, when these courses should contain work experience as an integral part of the curriculum.

**4.17** The Group also knows of further education colleges being funded by the LSC to offer work preparation to students with learning disabilities but not required to link to 'post college' employment services such as Jobcentre Plus. It also identified examples of Jobcentre Plus offering Objective 3 funded 13-week maximum 'work preparation' style provision to learning disability employment providers (which we highlighted at paragraph 3.29 as being an inadequate amount of time). This showed a lack of appreciation of the needs of this client group and many providers turned the project down as being of too short a duration in which to deliver effective outcomes. Better cooperation between Jobcentre Plus, the LSC and LAs would lead to more targeted and appropriate provision.

**4.18** The Working Group also had concerns about:

- the short-term nature of the funding available through ESF, which often prevented projects from fully developing and providing the support this group required (ongoing support may be required);
- the fact that it is more competitive and success may depend upon the potential provider's ability to 'play the system' rather than deliver the product, may disadvantage projects focused on harder to help groups;
- the emphasis on concrete, measurable outcomes in a given timeframe that in the CFO's eyes represents good value for money. It does not, however, take account of the fact that certain beneficiary groups might have specific needs that cannot be met within a predetermined timeframe. This is particularly the case with people with learning disabilities.

**4.19** Whilst the Working Group does not want to see ESF being used as an alternative for mainstream funding, it clearly has a continuing role to play in providing funding support to people with learning disabilities<sup>57</sup>. The Working Group welcomes work already done by CFOs in trying to develop the extra provision for this group, but the Working Group believes that more could be done to ensure CFOs consider the specific needs of people with learning disabilities. In particular, the need to do more to ensure effective cross-agency working at both the regional and local level by CFOs.

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<sup>57</sup> *ibid.*

**4.20** The Working Group looks forward to the Government's plans once the current funding phase ends in 2007. It would hope that there is a greater appreciation of the needs of this group when considering future funding streams, and that the Valuing People Support Team could use its considerable expertise to support that process.

#### **Recommendations**

32) The Valuing People Support Team and DWP European Social Fund (ESF) should work to ensure Government offices are fully aware of the needs of people with learning disabilities and the need for better cross-Government cooperation when producing co-financing plans. (Paragraph 4.14)

33) Jobcentre Plus and the LSC should talk to LAs about where ESF funding should best be targeted to enable people with learning disabilities to become employed. (Paragraph 4.17)

34) The Valuing People Support Team and DWP should work together to ensure that the structure of future funding streams fully reflects the issues people with learning disabilities face in terms of accessing employment. (Paragraph 4.20)

### Looking at the impact of the National Minimum Wage

**4.21** The Working Group wants to ensure that people with learning disabilities have the opportunity to undertake meaningful open or supported paid employment, with the NMW as a minimum, without the fear of being exploited by unscrupulous employers. However, the Working Group is concerned about the worrying number of learning disability employment providers (specifically LA and voluntary sector social enterprises) that appear to be in breach of the NMW.

**4.22** Locally-based employment workshops have been traditionally the mainstay of employment provision for people with learning disabilities. Before the introduction of the NMW in 1999, they would only be paid a minimal amount for the work they performed (a daily allowance of a few pounds). This was because the work was designed to provide them with meaningful activity, rather than being focused on profitability. Effectively the projects offered alternative day care. The intention was not to create an 'employer/worker' relationship, as the payments were intended to act as an incentive so individuals saw a benefit from their efforts and stayed engaged.

**4.23** However, with the introduction of the NMW, the legality of this type of relationship has changed. The Department of Trade and Industry (DTI) and HM Revenue and Customs (HMRC) clearly state that anyone meeting the definition of a 'worker' is entitled to the NMW<sup>58</sup>. Despite clearly meeting this definition, the Working Group found a number of examples of LA employment projects that are failing to pay its staff in line with the NMW. Organisations employing people with learning disabilities were either not aware of their duties under the NMW, confused about NMW application, simply avoiding the issue or scaling back the employment provision they were offering.

**4.24** The Low Pay Commission (LPC) stated that it was sympathetic to the potential impact that the NMW could have on the employment services some disabled people access, but it wants to avoid any possibility of providing employers with potential loopholes<sup>59</sup>.

*'It is clear from the evidence we have received that most employers are continuing to comply with the minimum wage. But we are concerned that some employers are not. And the evidence suggests that some groups of workers continue to be particularly vulnerable to being underpaid. Non-compliance with the minimum wage is very serious for the individual workers concerned, and it underlines the critical importance of effective enforcement.'*<sup>60</sup>

**4.25** The Working Group recognises the resource implications that many employment projects face, in particular, the limited funding available. However, the failure of some LAs to appreciate and address the issues prompted by the NMW could seriously hinder developing employment opportunities for people with learning disabilities in the future. The Working Group believes that as the NMW becomes more embedded and people become more aware of their rights, employers could find themselves being taken to employment tribunals and facing calls for 'back payment' of wages. As a result we may find ourselves in the position of employment projects being forced to close or unwilling to support people with learning disabilities in the future. This would reverse the modest advances that have been made. There is an urgent need, therefore, to ensure that all organisations that employ people with learning disabilities recognise their obligations under the NMW and take steps to ensure that their provision falls into line.

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<sup>58</sup> Section 54 of the National Minimum Wage Act 1998 defines a worker as someone who is an employee (that is, someone who works under a contract of employment, including a contract of apprenticeship) or anyone else who works under some form of personal contract for somebody else, and is not genuinely self-employed.

<sup>59</sup> In February 2005, the LPC produced its report considering the operation of the minimum wage including its effect on disadvantaged groups.

<sup>60</sup> The National Minimum Wage: Building on Success – Fourth Report (2003) p160 ([http://www.lowpay.gov.uk/lowpay/rep\\_a\\_p\\_index.shtml](http://www.lowpay.gov.uk/lowpay/rep_a_p_index.shtml))

- 4.26** Why are frontline providers struggling to ensure that they meet their obligations under the NMW? The DTI has worked with a number of agencies to develop comprehensive guidance<sup>61</sup> on therapeutic work and the NMW. This guidance has been updated a number of times in recent years. Whilst this work is welcomed and does provide a sound basis from which organisations can check the legality of its services, it has not been widely marketed and agencies have found it difficult to apply. The Working Group's experience suggests that a significant minority of learning disability employment providers are either unaware of or have ignored this guidance.
- 4.27** Where LAs and learning disability employment providers have sought advice directly from HMRC about the NMW, they found it was either vague or contradictory. This was in part due to the lack of case law that their NMW compliance officers have been able to work from. Certainly the Working Group recognises that the Government can only give general clarification of the law. Where doubt exists, only employment tribunals can make the necessary judgements. However, the Working Group believes that more can and should be done to ensure there is an effective mechanism by which providers are able to check the legality of their services. Certainly a more proactive marketing strategy by key stakeholders could easily ensure that effective guidance reaches providers, including the LSC and colleges of further education, who often provide employment-related services to people with learning disabilities.
- 4.28** The Working Group would want to encourage LAs, voluntary sector providers, DTI and HMRC to discuss this issue and consider options to ensure learning disability employment providers are able to seek advice and guidance to ensure their provision comes into line with the NMW.

#### **Recommendation**

35) The Valuing People Support Team, CSCI, LPC, HMRC and the Department of Trade and Industry (DTI) should work together to consider options to raise the profile of employers' responsibilities under the NMW and eliminate confusion that surrounds employing people with learning disabilities. (Paragraphs 4.27 and 4.28)

### Importance of supporting employers

- 4.29** Throughout the report we have highlighted the fact that if people with learning disabilities have the right support they are capable of working in mainstream employment. We have also highlighted in the report many of the structural and support issues that prevent this group from gaining employment.

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<sup>61</sup> DTI guidance on NMW and therapeutic work can be found at [www.dti.gov.uk/er/nmw](http://www.dti.gov.uk/er/nmw)

Whilst these issues are important for creating the right conditions, any improvements or changes would be pointless without there being jobs available for this group in the first place.

- 4.30** The emphasis in employment initiatives has rarely been on involving employers as key partners within the process. It is vital that **employers are at the heart of future policy development** as the labour market is unlikely to change to the extent that employing all people with learning disabilities becomes routine. The Working Group, therefore, sees engaging and supporting employers as a fundamental element to any attempt to improve the employment provision for this group.

### Current situation

- 4.31** Employers are becoming increasingly interested in the concept of 'diversity management', and the establishment of a workforce that reflects the local community. It is widely accepted that employers are willing to employ disabled workers partly because of the business case but also because of moral reasons. External pressures such as a tight labour market and customer perceptions are helping to drive this positive approach to equality issues.
- 4.32** But the benefits of employing people with learning disabilities can extend to the whole workforce. Such examples might include the need to improve communications and use simple English, or develop interpersonal or managerial skills in those with responsibility for supporting them in the workplace.
- 4.33** A whole range of employers, from large supermarket chains to family owned businesses, successfully employ people with learning disabilities. There are relatively few employers not capable of employing someone with a learning disability. A number of initiatives, therefore, are underway in both the private and public sector to encourage the employment of more disabled people.
- 4.34** *Private sector:* Companies, particularly in the retail sector, have forged national agreements with organisations such as Remploy and the Shaw Trust to improve their ability to recruit disabled people. For example Marks & Spencer have initiated a scheme<sup>62</sup> *Marks & Start*, part of which is in partnership with a charity, DisabledGo, who won the contract to place 100+ disabled people into work experience places in Marks & Spencer stores and offices in

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<sup>62</sup> Marks & Spencer's – *Marks & Start* – offers up to 10,000 work experience placements to people who may face barriers getting a job including people with disabilities, over the next three years.



2004/5. Mencap has launched its *WorkRight*<sup>63</sup> initiative in partnership with Citigroup and Pitney Bowes to engage and support organisations that want to employ people with a learning disability. These provide interesting examples of how the private sector is successfully recruiting, supporting and retaining disabled people.

- 4.35** These kind of initiatives, however, are more usually aimed at all disability groups and as we are only too well aware, those people who have a learning disability are a disadvantaged group within a disadvantaged group. It is probably safe to assume that very few people who have a learning disability have gained employment through the pan-disability initiatives. A number of supported employment agencies have reported examples of organisations using their involvement in these national agreements as evidence of a positive recruitment attitude in relation to people who have a disability. This has then been used as justification for not working with other more local organisations experienced in supporting people who have a learning disability.
- 4.36** However, Case Study 7 demonstrates what can be done between a well motivated LA (West Sussex), a supported employment provider ((Breakaway Supported Employment Service) and the local manager and human resources (HR) department of a major retail change (Iceland Foods). This was a purely local initiative based on partnership working between people with both the knowledge and commitment to helping those with learning disabilities.

**Case Study 7: Iceland Foods/Southdown Housing Association (Breakaway Supported Employment Service)**

Breakaway Supported Employment Service, in partnership with the Iceland supermarket in Worthing, set up a six week summer jobs project in 2004, offering people with learning disabilities a way to try out working for the first time. These were people who had never been encouraged previously to think about employment. The project was funded through the West Sussex allocation from the Valuing People Learning Disability Development Fund.

Twelve people were given an initial supported half-day work-experience taster at Iceland supermarket. Eight of these went on to take up a weekly shift in the store for six weeks, adding to their skills, as part of the programme.

<sup>63</sup> *WorkRight* is a one year pilot scheme to build learning disability friendly practices into the business models of large-scale international employers Citigroup and Pitney Bowes. *WorkRight* will also provide job-specific training for potential employees with a learning disability to help both organisations employ more people with a learning disability. In due course, it is hoped to roll out *WorkRight* as a model of good practice across the business community. <http://www.mencap.org.uk/html/workright/index.htm>

**Case Study 7: (continued)**

Iceland manager Greg Cooper said: *'We enjoyed being part of the project, and have been impressed with the commitment and effort put in by everyone participating. We were happy to provide an environment in which Breakaway could run this project, so that people new to work can have a fair chance to prove themselves. We took a keen interest in how people progressed and kept an eye out for potential employees in the longer term.'*

*'This project also really helped bring to life Iceland's aim to be a great place to work and encourage colleagues to enjoy supporting each other and working as a team.'*

One of the participants was offered a job in the store but declined and three others have gone on to further employment-related activity. One of the original 12 has also found work elsewhere.

Run by Southdown Housing Association, Breakaway Supported Employment Service provides on-going job coach support to employers and candidates once a job has been found.

*'Iceland staff have made the process so much easier for us, finding us a place to work alongside existing staff which helps them and helps us. This is a perfect example of what working in partnership with an employer is all about.'* Carol Stenning of Breakaway.

The project will be evaluated by The University of Brighton in January 2005, and it is hoped to run a second project elsewhere in West Sussex in 2005.

**4.37** Whilst the examples above come from the major retail chains, smaller more local businesses can play an equally important part. The recent publication *'Get the job done'*<sup>64</sup> quotes examples from a firm of wholesale butchers (See Case Study 8), as well as a local restaurant.

**4.38** Engaging all employers, but small to medium sized enterprises in particular, is therefore critically important. Major advances have been made by the DWP to engage employers, such as Jobcentre Plus' work with employers to promote more diversity within the workforce. Further work is being taken forward by the DWP through its employer engagement project 'Tripod'<sup>65</sup>, which aims to learn more about the barriers that employers encounter when recruiting and retaining disabled people – in particular smaller employers.

<sup>64</sup> *'Get the job done' Why and how to employ people with learning disabilities in Islington* (September 2004). Produced by the Camden Society in association with the London Borough of Islington.

<sup>65</sup> *Tripod* is a DWP project in partnership with the Employers' Forum on Disability to advise the Department on how employers can best be engaged to recruit and retain more disabled people.

### Case Study 8: Tony Rose/T.S.J. Woodhouse

T.S.J. Woodhouse is a wholesale butchers serving top class hotels and restaurants with different cuts of meat to specification. Tony is the only person working in 'goods-in', so he has sole responsibility for a lot of his work.

He wakes up at about 2.30 or 2.45am so that he can get in to work for 4.30am. On the other hand, he finishes work early so has time for other interests. For Tony, like many people, his job is just one part of a busy life.

Tony's duties include:

- making up orders to customers' specifications;
- unloading lorries and checking the meat that has arrived;
- taking the temperature of meat when it comes in and putting batch codes and traceability numbers on it;
- putting goods away in fridges and tidying up fridges.

#### Tony's story

*'I found out about the job because one of my brothers worked there – it was through word of mouth. I went to meet the factory supervisor, and he asked me when I could start, so I started on the next Monday. I had worked in another butchers before that so I already had an idea of what the duties were. When I first started, someone showed me how he did the job.*

*I'm the only one doing goods in and I don't like to disturb the butchers. The factory supervisor can help, but mainly I manage on my own. The hours suit me. I can juggle meetings and plan other stuff. I like cooking, playing football, reading, and creative writing.*

*It's pretty well paid. You know what you earn is what you get. On benefits you have to wait, there's filling in forms, processing ... I know what I've got each week and I can budget and sort things out.*

*The most difficult thing about the job is stocktaking on Fridays – taking everything out of the fridges and weighing it. I get help but I still find it difficult. The factory supervisor helps with that. I try to watch and learn and do things myself.'*

**4.39 Public sector:** The public sector clearly has a very important role as an employer. *Valuing People* states 'Central Government, local government and the NHS together form one of the largest employment groups in the world'<sup>66</sup>.

<sup>66</sup> Department of Health White Paper (2001) *Valuing People: A New Strategy for Learning Disability for the 21<sup>st</sup> Century*. Cm 5086. p89

- 4.40** However, the lack of accurate management information has limited our ability to understand and measure the number of people with learning disabilities employed by the public sector. The Working Group believes that whilst important advances have been made, the numbers employed has changed very little since the publication of Valuing People in 2001. It remains as hesitant about employing this group as the private sector.
- 4.41** In the light of the recent spending review, this hesitant approach is likely to continue, as individual Government departments, public services, NHS Trusts and LAs face increasing pressure to reduce running costs and staff numbers.

#### **Case Study 9: David working at the Department for Work and Pensions**

David works for three days a week at the Pensions Service in the DWP. The Department made a few simple changes around the office to make things easier for him to do his job which includes:

- issuing claim packs to customers;
- collecting confidential waste;
- distributing communication leaflets;
- informing people when recycling bins are full.

David's skills and confidence have improved since he started working; has made new friends and makes decisions about his work.

The team David works in is very busy and it also means there are plenty of changes in the year, which David copes with in a very professional way. He is a valued team member. David is very happy at work and looks forward to going to work each day.

- 4.42** The most innovative work supporting people with learning disabilities in the public sector is happening at regional and LA level. There are numerous examples of LAs recognising their commitments under Valuing People to better support the employment aspirations of this group.

#### **Case Study 10: North East Lincolnshire Council**

North East Lincolnshire Council has recently established a 'Workability supported employment' scheme offering paid work to 75 people (who have learning disabilities or are single parents) for up to one year on a Supported Permitted Work basis. These posts will be developed through job carving and redesign to match the skills of jobseekers.

### Case Study 11: Stockport MBC

Stockport MBC has turned its day service provision over to the management of the supported employment provision. The supported employment service has been successful in gaining contracts from the council to manage a town centre bistro and a cafeteria within a local park. Both of these businesses will train and employ people who have a learning disability.

### Case Study 12: Bury MBC

Bury MBC is working in partnership with their supported employment service to review the effectiveness of their recruitment policies and procedures in recruiting a diverse workforce that accurately matches the profile of the community. This has involved the piloting of several new methods including work experience placements, work trials and practical working interviews. These methods have allowed for a wide range of adjustments being made to meet the needs of the individual and supporting the future retention and development of the workforce.

- 4.43** However, the number they are able to support remains fairly small. One reason for this is the diminishing number of people that LAs directly employ. In the past they and NHS Trusts were able to offer a range of employment opportunities for people with learning disabilities through the services they provided, such as parks and gardens.
- 4.44** In recent years though there has been a move to outsource these services through a process of competitive tendering. This process has had to be compliant with the framework that governs public sector procurement, (incorporating the European Union (EU) rules<sup>67</sup> and best value. It should be noted that while social issues can be taken into account within this framework, the scope to do so is limited as such possibilities must be related to the subject of the contract. As a result, LAs may have backed away from including social considerations<sup>68</sup> when outsourcing due to the potential contractual difficulties they present.
- 4.45** A number of Government Departments disseminate guidance on issues of sustainability in public procurement, so it is not the case that the notion of social enterprises competing for local authority contracts is rejected. It is worth noting that the Office of Government Commerce (OGC) has been very active

<sup>67</sup> Communication from the European Union Commission: *Interpretative Communication of the Commission on the community law applicable to public procurement and the possibilities for integrating social considerations into public procurement* COM (2001) 566.

<sup>68</sup> Social considerations can be described as opportunities by which outsourced contracts offer additional opportunities to the communities and areas they serve, e.g. employment opportunities for the local community.

in looking at ways to make the Government marketplace more accessible to bodies such as small to medium employers (which can include social enterprises). OGC has also worked jointly with the Home Office to produce guidance<sup>69</sup> to encourage the participation of the voluntary and community organisations in public sector procurement. In addition, the joint ODPM/Local Government Association (LGA) National Procurement Strategy for Local Government<sup>70</sup> sets out a strategic vision that LAs should use procurement to help deliver corporate objectives including the economic, social and environmental objectives set out in a community plan. The strategy includes specific milestones to encourage authorities to engage with a diverse and competitive supply market, including small firms, social enterprises, ethnic minority businesses and voluntary and community sector suppliers.

Phil Hope MP, the former Local Government Minister, recently stated:

*'Local government has a pivotal role to play in building sustainable communities and renewing deprived neighbourhoods. To do this effectively it must work with a diverse range of suppliers and in partnership with social enterprises and the voluntary and community sector. Local government procurement is a crucial part of this engagement.'*<sup>71</sup>

**4.46** However, in the Working Group's experience it would appear that LAs have not sought to include social considerations focusing on people with learning disabilities because of a number of factors, in particular:

- limited practical experience;
- lack of communication between LA departments e.g. Social Services and Procurement managers;
- lack of case law. LAs fear legal action as the tendering process is complex and legal redress is possible;
- unwillingness to give additional help to disabled people for fear of possibly breaching their own equal opportunity policies towards other groups.

**4.47** Clearly if we can encourage LAs to include social clauses when outsourcing, this could potentially benefit a whole range of job opportunities for a variety of

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<sup>69</sup> Office of Government Commerce and Home Office's Active Communities Unit (June 2004) *Think smart...Think voluntary sector- Good Practice Guidance on Procurement of Services from the Voluntary and Community Sector*. [http://www.homeoffice.gov.uk/docs3/thinksmart\\_040608.pdf](http://www.homeoffice.gov.uk/docs3/thinksmart_040608.pdf)

<sup>70</sup> ODPM (2003) National Procurement Strategy for Local Government 2003 – 2006. London. [http://www.odpm.gov.uk/stellent/groups/odpm\\_localgov/documents/page/odpm\\_locgov\\_029231-02.hcsp](http://www.odpm.gov.uk/stellent/groups/odpm_localgov/documents/page/odpm_locgov_029231-02.hcsp)

<sup>71</sup> Small Business Service (2004) Procurement the Social Enterprise Solution, New Start Publishing p8.

groups that LAs support. Lancashire County Council, in its invitation to tender for environmental services, has required that organisations should include within their delivery plans, a commitment to work with small local social firms. There are a growing number of social firms who are providing employment opportunities for people who have a learning disability alongside other disadvantaged groups, whilst also challenging other local businesses in the quality of their services.

- 4.48** Perhaps the key overall message, however, is the need to look carefully at the culture and processes within the organisation, whether public or private sector. The common factor wherever change has successfully occurred has been a willingness to look at these areas by a 'champion' at a senior level in the organisation, who can then move things forward – see Case Study 13.

#### **Case Study 13: London Borough of Camden**

Two recent projects<sup>72</sup> were aimed at increasing the number of people with learning disabilities employed by the London Borough of Camden.

Whilst the impact of the projects has been modest, and anticipated employment outcomes were only partially met, the projects provided valuable lessons about the practical structural issues that many employers would face.

Specifically:

- HR managers felt unable to participate in the projects until they had corporate sanction. There was a need to secure the support of a senior manager to champion a project;
- ongoing rationalisation means that almost all posts within the LA workforce require multitasking; few involve single tasks;
- job descriptions included tasks and qualities that are rarely or never required. Little opportunity to redesign to meet the individual's requirements;
- rigid links between each LA post, job description, and salary structure.

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<sup>72</sup> The project was funded by the Camden Neighborhood Renewal Fund and the London Development Agency. The objective was to increase the employment rate for people with learning disabilities by 5.3%, although the project fell short of this target.

### Case Study 13: London Borough of Camden

Although as a Disability Symbol Employer the authority guarantees an interview to disabled applicants meeting essential requirements, people with learning disabilities may not perform well at interview, where verbal communication skills are key. Some may need additional probing to demonstrate their abilities; however, the way in which existing equal opportunities practice was interpreted at the time of the study left little discretion for this.

Although the project faced numerous challenges, there was consensus among the various project partners that the model of using work placements to allow an individual to demonstrate their skills was successful, and provided a basis from which to work in the future.

**Perhaps the key message of all is the need for a 'champion' at a senior level in the organisation to move things forward. With such a person now in place there is a commitment from within the local authority to tackle and overcome these problems.**

### Recommendation

36) The Working Group sees engaging and supporting employers as a fundamental element to any 'attempt' to improve the employment provision for this group. The Valuing People Support Team should, therefore, work with both the private and public sector including: Government departments, NHS, Local Government Employers Organisations, Office of Government Commerce (OGC) and the ODPM to consider options for encouraging the employment of people with learning disabilities directly, or in the services they provide or outsource. (Paragraphs 4.30 and 4.47)

## Why do so few organisations employ people with learning disabilities?

**4.49** Employers have reported<sup>73</sup> that they experience a range of difficulties in recruiting and managing disabled people:

- **Information:** Employers do not always have access to information about the extent or sources of support and advice. An example is the low awareness of the Access to Work programme, particularly among small to medium employers.

<sup>73</sup> Goldstone, C (2002) *Barriers to Employment for Disabled People*, In-house report 95, DWP.



- **Level of expertise in intermediary agencies:** Placement agencies often do not have sufficient knowledge about the skill requirements and other demands of available jobs leading to poor job matches. *Working Lives* highlighted that '*obtaining and supporting jobs is a full-time, skilled occupation*'.
- **Lack of disabled applicants for jobs:** Employers have said that there is a lack of disabled people presenting themselves at the end of education or 'rehabilitation' programmes. Others have commented that many disabled applicants withdraw between making the application and the interview date.
- **'Unprepared' applicants:** Employers may be reluctant to recruit people with a learning disability because of a lack of qualifications, literacy, numeracy and other life skills even though these skills may not be required for the job.
- **Lack of understanding:** The lack of integrated schooling means that employers and people with disabilities often share a lack of understanding about each other's needs and circumstances.
- **Organisation's structure:** An organisation's procedures can often result in unforeseen barriers to recruiting this group. See the London Borough of Camden Case Study 13.

### What do employers need?

**4.50** It is obvious that more work is required to develop a better understanding, from an employer's perspective. Many employers have identified, and are putting into practice, measures to enable them to respond better to the need to employ disabled people, within a wider approach to establishing and managing a diverse workforce. However, the information and views gathered suggest that there are various relatively fundamental issues that still need to be resolved, such as creating a supportive and learning culture in the workplace. Many employers have openly admitted that, where learning disability is concerned, they do not feel confident that the person would be capable of carrying out any type of responsible work. The experience of many supported employment agencies would support this. There is a huge public relations job to be done and a great need for positive role models to convince employers of the advantages of including people who have a learning disability within their workforce.

**Case Study 14: Employing People with Learning Disabilities – A handbook for employers<sup>74</sup>**

This handbook published by The Joseph Rowntree Foundation shares the experiences of 26 employers who have successfully employed people with learning disabilities. The information and advice contained in the guide is based on the practical realities of the situation and not on 'wishful thinking'.

It contains chapters on:

- recruitment;
- induction and initial training;
- the job;
- management and day-to-day supervision;
- appraisal and performance monitoring;
- helping people progress in employment;
- dealing with problems;
- checklists.

Examples are given to illustrate ways in which employees with learning disabilities can make a positive contribution and what action is required to make this happen. It also quotes managers and work colleagues, as well as people with learning disabilities. Each chapter concludes with a checklist of 'tips' for employers, taken from the information given by employers about how they went about things.

- 4.51** Ensuring adequate support is the central element to engaging more employers. The majority of employers of people with learning disabilities value the involvement of intermediary organisations in supporting both themselves and their employees. At the same time, such organisations should also focus on increasing the capacity of the employer and employee to resolve difficulties themselves.
- 4.52** As always, the key is ensuring adequate resources to fund such support. This is particularly so in smaller companies who find it more difficult to cover staff absences, additional training, and lack the HR infrastructure of larger companies. The voluntary sector, social services and the AtW programme all provide help in this area, where additional support is required above the norm. However, there are still problems in funding the longer-term support needs sometimes required by people with learning disabilities.

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<sup>74</sup> Hemmings, S. and Morris, J. (2004) *'Employing people with learning disabilities – A handbook for employers'*. Joseph Rowntree Foundation.

**4.53** Fundamentally, there is a need to acknowledge that for many people who have a learning disability, the way into the labour market will be through an organisation making direct contact with an employer on their behalf. There is a need for employers to be more open to the idea of job creation (or job carving) if we are to ensure inclusion for people who have a learning disability. Job creation entails the following:

- knowledge of the person's strengths, skills, interests, aptitudes, etc;
- knowledge and analysis of the employers needs in relation to the job content e.g. quality, quantity, output restraints, core and episodic tasks, work culture, etc;
- well matched, time limited and supported work experience giving the individual the opportunity to learn within the work environment those tasks within their ability;
- negotiation of paid employment with an agreed job description at a fair salary.

**4.54** However, there is one slight caveat. Some people would argue breaking down a job into too many small parts, creating stand alone jobs, leaves the person with a learning disability more vulnerable to changes in managers, poor prospects and job risk at a time of cost cutting. Even so the Working Group believes the DWP, Jobcentre Plus, voluntary organisations, LDPBs and the Valuing People Support Team, together with the DTI and the ODPM, should work together to develop a culture of proactive job creation/carving amongst employers.

**4.55** There is also a need for greater awareness of the help and support open to employers through Jobcentre Plus, supported employment agencies and the Employers Forum on Disability amongst others. The DWP, Jobcentre Plus, voluntary organisations, LDPBs and the Valuing People Support Team all have a role to play in publicising the help available.

### **Recommendations**

37) Subject to resources, the DWP should promote the use of AtW by an extensive advertising programme particularly to small and medium sized employers. (Paragraph 4.49)

38) The DWP, Jobcentre Plus, voluntary organisations, LDPBs and the Valuing People Support Team, together with the DTI and the ODPM should work together to promote the employability of people with learning disabilities and to develop a culture of proactive job creation/carving amongst employers. (Paragraphs 4.53 and 4.54)

39) The DWP, Jobcentre Plus, Voluntary Organisations, LDPBs and the Valuing People Support Team should work together to publicise the help available to employers in taking on people with learning disabilities. (Paragraph 4.55)

## Improving the value of statistical information

- 4.56** In itself the lack of statistical data is not an obvious block to employment. However, the Working Group believes that without reliable information from which to plan, any advances will only be limited.
- 4.57** As we discussed earlier in the report we should attempt to focus resources on supporting young people with learning disabilities in an attempt to cut off the supply of adults who need help. In order to do this, education, care and employment services must be able to plan effectively; central to this planning process is the dissemination of information on which decisions can be taken.
- 4.58** The Working Group, in the course of compiling the report, found that only limited data was being regularly collected on the employment experiences of people with learning disabilities. At the regional level there are examples of effective collection and distribution of statistical information about people with learning disabilities, although the quality varies region to region. In contrast the situation at the national level is considerably worse. In some cases, particularly around mainstream services such as care services and employment, there is no reliable data being collected at all.
- 4.59** This is due in part to the diverse and ad hoc nature of the way employment provision for people with learning disabilities has developed. It is also due to the fact that employment is seen as a marginal issue, and not a priority.
- 4.60** In order to understand how information could be improved, we must look at the deficiencies in the current information. The most robust national level information available about the employment rate for people with learning disabilities comes from the Labour Force Survey (LFS). This estimates that 32%<sup>75</sup> of people with learning difficulties (broader definition than learning disabilities) are in work. The CSCI estimates an employment rate of about 10%.<sup>76</sup> However, it is the opinion of experts in this field that the number of people with learning disabilities in paid employment (at the NMW) is considerably less than these estimates.
- 4.61** Key problems with the LFS relate to the definition it uses. The LFS describes the learning disability group as people with '*severe or specific learning difficulties (mental handicap)*'. This definition is likely to include those with conditions such as dyslexia and autism and is, therefore, broader than 'learning disability,' which can be defined as the presence of impaired intelligence and social functioning. In addition, the LFS is a self-reported survey, therefore, making it less likely that people with learning disabilities would be questioned, unless they have helpers to hand.

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<sup>75</sup> *Labour Force Survey*, Office of National Statistics Spring – 2004.

<sup>76</sup> Management Information from Commission for Social Care Inspection 2001.

- 4.62** The other main source for employment data for people with learning disabilities is the CSCI. Their estimate of about 10% of people with learning difficulties employed, using returns from LAs, is based on the numbers of people with learning disabilities 'known to social services'. Not all people with learning disabilities, however, especially those with mild learning disabilities, receive social services support, therefore, this figure is of limited value.
- 4.63** There is not only a problem around the definition of learning disability, but also around the definition of what constitutes 'in employment'. Employment for the purposes of the LFS is defined as employment of one hour or more, paid or unpaid. This came as a surprise to members of the Working Group, who had assumed employment meant paid work and for at least five hours, maybe more. The CSCI definition uses 'work', as being in full- or part-time employment in open and supported workplaces (including those in employment under the Permitted Work Rules). Work experience is excluded except in those cases where people are paid the minimum wage. However, the CSCI figure only applies to learning disabled people known to the authority in work during the year and like the LFS, does not set a minimum number of hours.
- 4.64** The LFS and CSCI figures may lead us, therefore, to assume that a greater number of people are employed than is actually the case. These examples are symptomatic of the issues. The Prime Minister's Strategy Unit report identified this issue for disabled people more generally, highlighting the difficulties this presents for policy makers and service deliverers alike, and the need to improve both national and local data<sup>77</sup>.
- 4.65** Progress has been made by both the DWP and DfES to improve the quality of data they collect. However, a great deal still needs to be done, in particular to agree common definitions to help data comparability between public agencies. A particular concern is the lack of accurate management information Jobcentre Plus has for its programmes such as WORKSTEP. A Department of Health (DH) research project<sup>78</sup> is currently considering all existing national data sources relevant to learning disability services/outcomes. The project will assess reliability and accessibility, as well as identify significant data gaps and pave the way for potential options for future development. The research should provide an opportunity for key public agencies to come together and put in place changes to ensure that data collected is comparable and effective.

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<sup>77</sup> Prime Minister's Strategy Unit (2004) *Improving The Life Chances of Disabled People – Interim Analytical Report*, Cabinet Office p.74.

<sup>78</sup> Being undertaken by the Institute for Health Research at Lancaster University.

**Recommendations**

40) The DWP, DH and DfES should agree on a common definition of learning disability and employment for statistical purposes. (Paragraph 4.65)

41) The DWP, DfES, DH and CSCI should consider working together in the light of the Lancaster University research to put in place a coherent strategy to collect and disseminate accurate employment statistics for people with learning disabilities. (Paragraph 4.65)

## The need to ensure availability of accessible information

- 4.66** A regular complaint, highlighted in both *Valuing People, Working Lives* and the second annual Government report on learning disability published in April 2004, is the lack of information in a readily accessible format for people with learning disabilities. This is particularly directed at benefit rules, regulations and application forms but covers consultation documents and other information material.
- 4.67** Whilst the benefits system is often cited as the main barrier to work, we hear that this might sometimes be more a perception than a reality due to lack of awareness and understanding about entitlement. We recognise the complexity and cost of having alternative leaflets for all the different benefits and Jobcentre services, not least the problem of keeping them up to date with changes in rates and programme names. We also recognise that the customer can be helped best by talking to a knowledgeable personal adviser on the options available. However, this does pre-suppose that the person and their carer know what help is available and where to go to get that information.
- 4.68** We believe that all material should be produced in a core of standard formats such as (i) Audio; (ii) Braille; (iii) Large Print; (iv) BSL video; (v) Internet/website information and (vi) Easy Read version in plain English, with large (minimum point 14) concise text and relevant, professionally produced illustrations to help convey the message. If this happened, people with learning disabilities would have a choice to suit their preferred means of communication.
- 4.69** The DH and DWP have made some progress and recent reports such as *Working Lives* also came with an easy read version and a CD and the *Building on New Deal* consultation is also available in an Easy Read version. The difficult area of benefit information, however, remains to be tackled. The Working Group was pleased to hear that work is currently underway in Jobcentre Plus to develop a new portfolio of leaflets, with easy read versions.

**Recommendation**

42) All information provided by departments should be produced in a core of standard formats such as: (i) Audio; (ii) Braille; (iii) Large Print; (iv) BSL video; (v) Internet/website information and (vi) Easy Read version in plain English with large (minimum point 14) concise text and relevant, professionally produced illustrations to help convey the message. (Paragraph 4.68)

## 5 Conclusion

- 5.1** In compiling this report what has become apparent is that people with learning disabilities have the enthusiasm and commitment to work, but simply lack the support and opportunities to do so.
- 5.2** The Working Group welcomes the great efforts that have been made in recent years to try and improve the provision of learning disability services. Whilst many of the components that could help people with learning disabilities find employment are in place, and where they work well they often work very well, many of the programmes and solutions put forward were not having the desired effect in spite of the best of intentions.
- 5.3** Key reasons for this include:
- ill-defined roles and responsibilities;
  - competing demands;
  - lack of knowledge and skills;
  - limited money;
  - limited short-term funding.
- 5.4** The Working Group recognises the difficulties and complexities in trying to tackle the diverse range of issues. However, without a shared/unified vision of what the key stakeholders are trying to achieve, any improvements would be at best limited, at worse ineffectual.
- 5.5** Whilst it is possible to paint a negative picture of the learning disabilities and employment field, it would be an injustice to the great advances that have been made in better supporting employment aspirations of people with learning disabilities. Whilst these advances are not huge, the fact that they have happened at all is testament to the commitment of a relatively small group of professionals, who have worked hard to develop and deliver a range of innovative services. For this they should be commended.



- 5.6** The challenge that we face is to build on the achievements so far and expand the considerable range of good practice to other parts of the country. Central to this is the need for the various key players – Government departments, agencies and local authorities (LAs) – to consider more closely how their provision affects people with learning disabilities and where value can be added. The report highlights the need to create a positive atmosphere but we recognise there will be competing priorities. Whilst the report makes specific recommendations for action, it is also important that everyone sees it as a guide to sit alongside and influence thinking as policy develops.
- 5.7** The Working Group believes that there is a valuable opportunity to use the report to influence policy design through the considerable programme of change that departments are currently delivering or planning to deliver in the next few years. In particular:
- the Prime Minister's Strategy Unit '*Improving the Life Chances of Disabled People*';
  - Jobcentre Plus' '*Building on New Deal*';
  - the Department of Health (DH) proposed '*New Vision for Care Services*';
  - the Department for Education and Skills' (DfES) '*Every child matters: Next Steps, Removing Barriers to Achievement: The Government's Strategy for SEN, and The Children Bill*'.
- 5.8** All these initiatives have the potential to foster and develop employment opportunities for people with learning disabilities. They also offer an opportunity to clearly define roles and responsibilities and provide a route forward. However, it is important to ensure that pressure is applied to all agencies so that the needs of people with learning disabilities are recognised and prioritised. Key to this will be recognition and commitment at ministerial level to ensure **real** attention is paid to this issue. The Working Group believes we have the ability to make a major difference to employment experiences of people with learning disabilities, but it requires cooperation and a shared vision in order to deliver such change.
- 5.9** The main messages that the Working Group wants Ministers and officials to take away from this report are:
- people with learning disabilities are citizens first and foremost, and public services, together with the private sector, need to respond appropriately. This means that the responsibility to ensure that all people can enter the workforce is a community-based responsibility – not one simply for health and social care;
  - effective 'person-centred planning' is critical, as it ensures services fit the needs of the individual, rather than fitting people into what is available;

- recognising the importance of employment whilst still at school is critical. Ensuring effective individualised transition planning and implementation from education to employment could have a dramatic and long lasting effect on the life experiences of this group and other services;
- people with learning disabilities may only be able to work a few hours a week. The Department for Work and Pensions (DWP) should investigate whether they have both the opportunity to access the support to enable them to do this, and to benefit financially from it;
- in order to deliver real change cooperation is critical. Government, with the Valuing People Support Team, needs to develop effective mechanisms to bring together all those with an interest in promoting employment for this group at the regional and local level;
- whilst current services and provision do not intentionally penalise this group, more care needs to be taken to ensure they do not inadvertently act as a barrier;
- a need for pooled, and preferably ring-fenced budgets;
- the need for a clear ministerial lead on the issue;
- investigate the need for a programme to meet the needs of people working 5-15 hours a week.

**5.10** This report has only **outlined** general key issues that face people with learning disabilities when looking for employment. We are not able to communicate the complexities of what happens on a day-to-day basis. However, the Working Group believes that this Report and its recommendations provide a valuable and realistic starting point for tackling an issue that has been ignored and marginalised for too long.



# Appendix A

## History of learning disabilities and employment

The first day services provided by the statutory care services were in workshops and training centres geared towards work, on the basis that that was what everyone else did. They were often sited on industrial estates, and would take contracts from local firms for work such as packing and light assembly. People attending these centres were seen as 'trainees' and, as such, were not paid a wage, although some received very small 'incentive payments'. Very few, if any, people moved on into real jobs as they were not geared to progression; somehow they were never ready. As a consequence there was, in the 1980s, a move away from a work focus in day services toward a social education model, and although some centres retained small work units for those expressing a wish to work, again very few people with learning disabilities moved in to employment.

At the same time during the 1980s, there was a small but growing body of opinion that many people with a learning disability both wanted to work and could do so. This was articulated in '*An Ordinary Working Life*'<sup>79</sup>. Borrowing from experience in the USA, this suggested that people with a learning disability could learn more effectively on the job, and the best way to help them into employment was to place then train, rather than the old training centre's approach, which was to train then (not) place. And by breaking down tasks into steps (Training in Systematic Instruction (TSI)), it was shown that people with quite severe impairments would be able to work in ordinary jobs.

Whilst day centres continued to occupy large numbers of people in large buildings, with little or no progression for individuals, a number of small employment projects began to spring up outside the mainstream day services. Mencap began their

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<sup>79</sup> King's Fund (1984) *An Ordinary Working Life: Vocational Services for People with a mental handicap*. London.

Pathway Employment Service in the late 1980s, and by the early 90s there were a number of so called 'supported employment projects' that were based on the place and train principle. Whilst often funded by Local Authorities' (LAs') health and social care teams, these projects were usually independent agencies, working with very small numbers of people. The National Development Team's Real Jobs Initiative, the formation of the Association for Supported Employment (AfSE) and the development of more supported employment agencies, (often funded through the European Social Fund (ESF)), began to demonstrate that many people wanted to work and, given the opportunity and the right support, could work. Appendix B sets out AfSE's key components of effective employment support for people with learning disabilities.

However, fragile year-to-year funding for these projects, structural barriers in the benefit and mainstream employment services, and a growing sense that employment is still not the primary responsibility of the health and social care community, has severely hampered progress. This lack of focus on employment is reflected in their relationship with Jobcentre Plus. *Working Lives*<sup>80</sup> found that the links between day services and Jobcentre Plus were weak and awareness of employment programmes, which might benefit people with learning disabilities, was low. Whilst there is growing belief that people with learning disabilities are able to work, the bulk of people with severe learning disabilities continue to rely on day centres, from where there is often little, if any, opportunity to move on in to employment.

## What is happening to those people with learning disabilities in employment?

There is little reliable data available about the number of people with learning disabilities in work, but *Working Lives* considered the types of employment undertaken across a number of different locations. It identified the experiences of people in day centres who were in work or had worked as follows:

- types of jobs were mainly in catering in cafes and residential care homes for the elderly, office work, cleaning, and retail. People also did recycling and gardening work;
- the majority of people interviewed who worked were paid. Most people earned only the minimum wage or just above. Most people were satisfied with their pay, although some wanted more. Most of those who weren't paid at all wanted to be paid;
- most people worked for less than five hours per week, some worked five to 15 hours, and a small number worked for 16 hours or more;
- the majority of people with learning disabilities simply move from education to day centres and often have few opportunities to progress from that environment.

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<sup>80</sup> Stephen Beyer et al, (2004) 'Working lives: The role of day centres in supporting people with a learning disability into employment', DWP Research report no. 203.

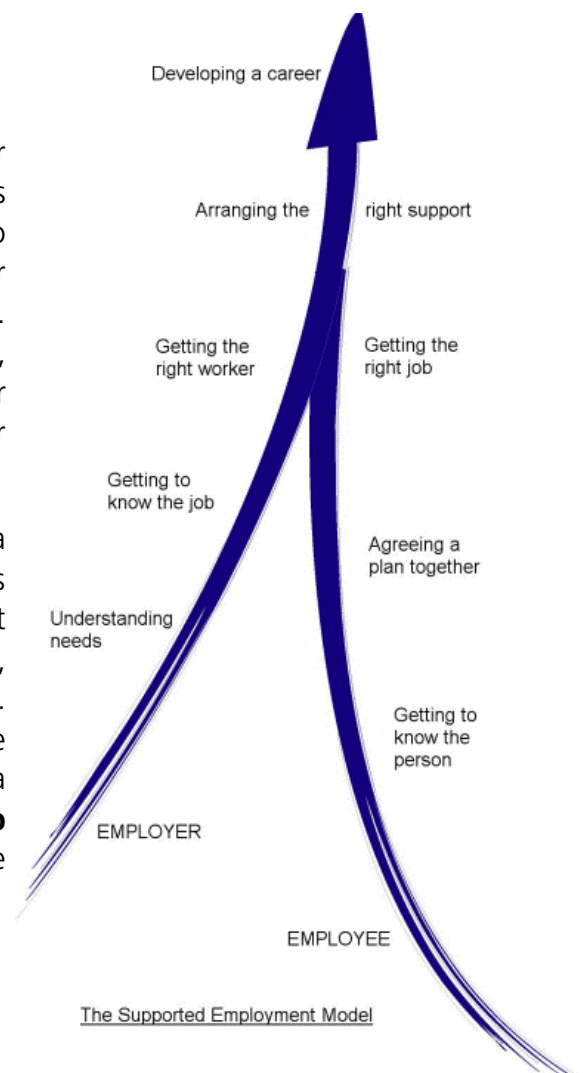
# Appendix B

## Association for Supported Employment – model for effective employment support

### The Supported Employment Model

Supported employment is about real jobs for real pay. The Supported Employment Model is essentially about finding the right person to do the right job and supporting both employer and employee to make the match successful. The process involves detailing the experience, skills and preferences of the potential worker and building up a picture of the ideal job for that person (**vocational profiling**).

Potential employers are canvassed to gain a profile of their needs (**job marketing**). This includes looking at aspects of recruitment practice, productivity and quality requirements, workplace culture and conditions of service. Job carving may be used to identify a job role out of duties covered by existing staff. Once a potential job has been identified, a detailed **job analysis** is prepared and a suitable employee sought.



Short work trials are often organised to allow both employee and employer to get a feel for the match before agreeing terms. Services carry out health and safety checks and a risk assessment. Supported employment services may provide **workplace training** to supplement that of the employer. This 'job coaching' may sometimes be carried out by existing staff within the workplace but generally by service staff. Supported employment agencies offer **ongoing support** as required by either party but the objective is to enable the relationship between employer and employee to develop such that support can be faded out.

However, services tend to keep in touch through periodic monitoring to support the employer, encourage **career development** and ensure threats to the worker's employment status are identified and dealt with.

# Appendix C

## Working Group membership

<b>Chair</b>	Ian Berry	Department of Health
<b>Co-chair</b>	Jim Sherwin	Department for Work and Pensions
<b>Secretary</b>	Julie Smith (part)	Department for Work and Pensions
	David Jackson (part)	Department for Work and Pensions
<b>Members</b>	David Bailey (part)	United Response
	Nicola Bailey (part)	Valuing People Support Team
	Catherine Baines	Department for Health /Consultan
	Robin Bellamy (part)	Lincs CC Social Services
	Stephen Beyer	Welsh Centre for Learning Disabilities
	Terry Broom (part)	Equality Works Milton Keynes
	David Congden (part)	Mencap
	Jacki Connor (part)	ASDA
	Andrew Crammond (part)	Mencap
	Dorothy Crook (part)	Jobcentre Plus
	Huw Davies (part)	Association for Supported Employment
	Nigel Fulton (part)	Dept for Education and Skills
	Christine Heasleywood	Learning Disability Task Force
	Colin Henzell (part)	Jobcentre Plus
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ISBN 1 84123 956 9