



Consultation Response

Increasing the Employment of Disabled People in the Public Sector

The Scottish Commission for
Learning Disability
August 2018



Background

The Scottish Commission for Learning Disability (SCLD) is an independent charitable organisation and lead strategic partner to the Scottish Government in the delivery of Scotland's learning disability strategy, The keys to life (2013). The strategy defines a learning disability as a significant, lifelong, condition that started before adulthood, which affects development and means individuals need help to understand information, learn skills, and cope independently. SCLD is committed to finding new and better ways to improve the lives of people with learning disabilities and is focused on sharing innovation and good practice so that those providing services and interventions can learn from each other. SCLD also aims to be a knowledge hub and to build an evidence base, sharing how policy is being implemented and building on an understanding of what really works. SCLD's support for Project SEARCH, our commissioned report on employability, the work of SCLD's Employment TASK Group and a consultation event held specifically to hear the views of people with learning disabilities have all helped to inform his submission. We welcome the opportunity to respond to the Scottish Government's consultation on increasing the employment of disabled people in the public sector.

Public Sector Bodies in Scotland and data

1. How could public sector bodies better support self-reporting (self-declaration) of disabilities for members of their workforce, to improve response rates and the quality of data collected?

As part of the Public Sector Equality Duty (PSED) set out in the Equality Act 2010 requires public bodies are required to collect data annually and to report every two years on how many disabled people they employ. There are a number of additional specific duties on Scottish public authorities including: to produce reports showing how equalities are being mainstreamed within an organisation; gather and use information about the recruitment, development and retention of employees with protected characteristics; and publish an equal pay statement covering, amongst

other matters, employees with a disability. These reports have the potential to increase understanding of what action is required to increase disabled employment in the public sector. However, their usefulness is dependent on the quantity and quality of the data collected.

At present response rates and sample sizes of staff surveys are low and people are usually asked self-declare a disability. There are a number of reasons people may be reluctant to declare a learning disability. These include fears it will impact on recruitment decisions and/or career progression as well as worries about stigma and negative reactions from colleagues. We believe the following suggestions can help increase self-declaration rates and help to tackle low response rates:

- Accessible and inclusive recruitment which encourages open dialogue and helps to alleviate fears people may have disclosing a disability
- Supportive working environments where staff feel able to talk about their disability and any support needs they might have
- Better communication as to why this data is important e.g. improving processes and practices to increase disabled employment in the public sector
- Ensuring all information is provided in the strictest confidence.

Improving the quality of data collected on the labour market participation of people with learning disabilities also necessitates a shared definition of learning disability and requires collection methods to be consistent across all parts of the public sector.

2. What should be the time scale for implementing these measures?

The cultural change required to encourage self-reporting of learning disability and improve response rates to workplace surveys will take time and therefore we believe timescales for working towards these should be aligned with the employment rate targets themselves. There should be no delay in setting employment targets due to concerns around imperfect data. Many of the changes required to improve the quality of data collection will simultaneously contribute to an increase in the employment rate itself.

3. What support, if any, and from where would public sector bodies need to implement measures, such as improving data collection?

Organisations require support and advice to improve the processes discussed above e.g. recruitment processes, working environments and communication to enable a change in the employment culture. The £1m investment already announced by the Scottish Government to provide better support and advice to employers is welcome. We think this resource could be particularly well used to support public sector employers to make more effective use of existing sources of support and development.

Target Options

4. Would settings targets improve the disability employment rate in the public sector?

SCLD agrees that settings targets can improve the disability employment rate in the public sector. The Scottish Government has pledged to reduce the employment gap for disabled people by more than half¹. We believe that ambitious but realistic targets which require public bodies to report regularly and transparently on their progress in reducing the gap can help achieve this goal. The BBC is a good example of a publicly funded body which already sets employment targets and reports transparently on their progress towards meeting these.

The Mapping the Employability Landscape for People with Learning Disabilities in Scotland report² highlighted people with learning disabilities' severely disadvantaged position in the Scottish Labour market. It confirmed that people with learning disabilities not only have lower employment rates compared with the general population but in comparison with other disabled workers too. Statistics

¹ A Fairer Scotland for Disabled people

² Mapping the Employability Landscape for People with Learning Disabilities in Scotland

from 2017 show that the employment rate for the general population in Scotland was 74.3% while the respective rate for people with disabilities was 45.3%.³ However, the employment rate for those with a learning disability was only 7%.⁴ Additionally, young people with learning disabilities are twice as likely to be unemployed than the general school leaver population. Despite these low figures, 65% of people with learning disabilities want to work.⁵ In our view, therefore, it is essential that public sector organisations place sufficient focus on increasing the employment rate of individuals with a learning disability who are currently some of the furthest from the labour market. This should include a specific target for the employment rate of people with learning disabilities within the overall disability employment rate.

One caveat to consider in relation to targets is the danger they lead to a narrow focus on creatively meeting a particular target and encourage 'box ticking'. For example, the emphasis on achieving positive destination targets for school leavers has been criticised for an increase in young people being 'parked' in unsuitable or undemanding college courses. Targets will only be effective if the means of achieving them are clearly identified. Employers need to examine how they recruit and select employees and what reasonable adjustments they make, otherwise targets become irrelevant. There must be a requirement for the public sector to publish reports about what they have done to meet targets, and what has been achieved not only in terms of employment rates but for retention and promotion as well. It is important that there is scope for targets to be reviewed and revised in stages and that people with learning disabilities are consulted in that process.

³ Regional Employment Patterns in Scotland: Statistics from the Annual Population Survey 2017

⁴ Learning Disability Statistics Scotland 2017

⁵ CSJ, Rethinking Disability at Work, Recommendations, polling data and key statistics (March, 2017)

5. Please rank options 1-4.

Option B - 4

Option A - 3

Option C - 2

Option D - 1

Our preferred option is Option B as this has the advantage of establishing an overall public employment target while enabling that target to be reviewed and revised periodically. We think having these intervals to reflect on progress is important. We do not think that organisations setting their own targets or having voluntary targets will produce the required change in the disability employment rate.

6. How long would it take to achieve the target set out from your preferred option above?

We propose a deadline of 2030 by which targets for reducing the gap, and other measures should be met. We think this is a realistic timeframe and is in alignment with a number of other Scottish Government policy ambitions.

7. Please tell us anything else about these options, or setting targets, that you haven't covered already.

The Scottish Government should consider how target setting and reporting can be incorporated into public sector procurement and supply requirements.

Other measures and steps that could be taken to increase disability employment rates in the public sector

8. What measures or options could be put in place to:

a. Employ more disabled people in the public sector;

Approaches to increasing the employment and job retention of disabled people are frequently directed to perceived failings of the individual e.g. a lack capability, motivation, confidence, skills or education etc. This ignores more systemic barriers to employment such as discriminatory practices, and inappropriate development, retention and sick leave policies. Employers are the gatekeepers to the labour market and developing their commitment to employing people with learning disabilities is critical to reducing the disability employment gap. In a CSJ/YouGov poll, 63% of employers perceived a barrier to employing disabled people. This included 34% being concerned about a disabled person's ability to do the job, 31% about the costs of making reasonable adjustments, 11% about disabled people's ability to integrate into the team and 9% about a potentially negative customer reaction⁶.

There is an important challenge, therefore, to provide employers with the knowledge and skills they require to become more confident about disability employment and to communicate the business case for employing disabled individuals. The positive business benefits of recruiting people with a learning disability include high levels of reliability, a strong work ethic and high level of worker retention⁷ as well as improving public perceptions of individual

⁶ CSJ, Rethinking Disability at Work, Recommendations, polling data and key statistics (March, 2017)

⁷ Mapping the Employability Landscape for People with Learning Disabilities in Scotland

organisations.⁸ At the same time there is a need to challenge both employers' and colleagues' preconceptions of what people with a learning disability are able to do in the workplace. Studies show that people with learning disabilities more commonly lose jobs for social reasons rather than inability to do jobs.⁹ SCLD's Employment TASK Group has advocated a national awareness campaign, along the lines of the successful mental health campaign "See Me", which would promote people with learning disabilities as contributors with skills and talents to offer and raise the expectations and perceptions of people with learning disabilities among employers and the wider public. At the same time on-going in work support from a job coach has a crucial role to play in helping people with learning disabilities to overcome any challenges as these arise.

We think there is an opportunity for public sector employers to champion the employment of people with a learning disability. There is potential for large employers from public sector to work with local authorities, colleges and providers to develop and part-fund the Project SEARCH programme and become host employers. Public sector bodies can show leadership by:

- Engaging with job coaching services which support people with learning disabilities into work and throughout their careers.
- Ensuring recruitment and working practices are both accessible and inclusive and do not disadvantage people with learning disabilities
- Creating open, supportive and collaborative working environments which promote health and wellbeing, and the disclosure and self-management of health conditions.
- Delivering disability awareness training to staff which challenges workplace stigma and the misconception people have about learning disability

⁸ <https://www.mencap.org.uk/press-release/new-research-highlights-how-public-attitudes-contribute-just-58-people-learning>

⁹ CSJ, Rethinking Disability at Work, Recommendations, polling data and key statistics (March, 2017)

- Investing in the career development and progression of employees with a learning disability over the longer term.

People with learning disabilities often respond well to recruitment methods that allow them to learn on the job and give them time to demonstrate their skills. Working interviews can be an effective vehicle for doing this. At our consultation event a number of suggestions were made to make recruitment practices more accessible and inclusive recruitment:

- Easy Read job adverts
- Opportunities to chat with employers before applying.
- More flexible and supportive interview processes
- Application forms available in a variety of formats or options other than forms/face to face meeting to complete forms
- More proactive engagement by employers with people with learning disabilities.

The Employment TASK Group has recommended that the Scottish Government should work with employers to establish a national standard which will provide guidance on wage rates and the support required by individuals with a learning disability through the Scottish Government's Employment Framework, specifying staff training/qualifications and mentoring practice. It is essential that employment for people with learning disabilities offers meaningful opportunities and pays a living wage.

There is also a role for Scottish Government and partnership organisations to facilitate the sharing of learning from a number of current good practice initiatives, for example:

- The Learning Disability Employment programme is being delivered by NHS Scotland supporting NHS Health Boards to increase the number of employee with a learning disability.
- The Scottish Government is also working with NHS National Education Scotland and SCLD to include specific case studies alongside a 'live' directory of sources of advice and support, to ensure that NHS employers are empowered to provide fully inclusive working environments.
- SDS is signposting to the DWP Access to Work fund, promoting in-work support, enhanced contribution rates and ASN discretionary fund.

b. Support disabled people to remain in employment in the public sector?

Employers have a legal obligation to make reasonable adjustments for disabled employees in the workplace, either at the point of recruitment or during employment. Making these adjustments can help people with learning disabilities to both remain and progress in employment. However, a CSJ/YouGov poll found that only 45% of employers understood clearly what it means to make reasonable adjustments for disabled people under the Equality Act 2010.¹⁰ There is even less understanding about what specific adjustments might look like for people with learning disabilities.

Employers need to have access to information on the resources and support that is available to help them make the appropriate changes which enable people to remain in work. The Scottish Government should work with organisations to help share good practice and how to identify and deliver the right reasonable adjustments. Availability of independent advice for employers is also important. There is also

¹⁰ CSJ, *Rethinking Disability at Work, Recommendations, polling data and key statistics* (March, 2017)

scope for increased support for employers to revise and update their employment policies, procedures and practices to ensure they are accessible, inclusive and flexible. Access to advocacy support and peer mentoring initiatives can be important form of support for employees.

More also needs to be done to make employers and employees aware of the support available through the Access to Work scheme. Access to Work is a public employment support programme that helps disabled individuals to remain in, or obtain, work by providing a range of financial and practical support. Experience from the Supported Internship Programmes in England and Wales is that Access to Work has an important role in supporting both pre and post-employment, in particular in dealing with ad hoc issues and in career development. It can be used to subsidise travel costs which can be a barrier for people with a disability and there is also potential for creative use of Access to Work to help resource job coaches.

An independent review of specialist disability employment programmes for DWP has calculated that Access to Work returned £1.48 to the Exchequer for every £1 spent on it.¹¹ However, a CSJ/YouGov poll found that just 25 per cent of employers knew what Access to Work was and understood the help they could get from this service.¹² This is reflected in the findings of the DAS report “End the Gap” which highlighted that only £9,639 was spent on promoting Access to Work across the whole of the UK in 2016/17. Devolution of the Access to Work Fund to Scotland, as recommended by SCLD Employment TASK group, would allow for greater flexibility to ensure the fund is used to maximum effect.

Supported employment has significant potential to impact positively on the employment prospects for people with learning disabilities. The ‘place and train’ models that underpins supported employment is well suited to people with learning

¹¹ CSJ Work, health and disability consultation

¹² CSJ Work, health and disability consultation

disabilities, who can find it challenging to transfer learning into new contexts, yet are able to thrive when given the right support on the job. There is an important role for skilled and experienced job coaches who can provide support to people with a learning disability in the workplace. For example helping to break down, explain and demonstrate different tasks. They can provide support to the employer and help the employee to develop independence in the workplace and develop their career progression. While this support should be phased out over time, the option of support should remain, particularly to pick up on any changes in the job or terms of employment that may present challenges for the employee. The Employment TASK group has identified the need to recruit and train more Job Coaches and for job coaching to be recognised as a profession with nationally monitored quality standards.

Monitoring and Reporting

9. Do you have any views on monitoring and reporting on the actions needed to increase employment rates in the public sector

Effective monitoring of the labour market participation of people with learning disabilities necessitates a shared definition of learning disability and requires data collection to be consistent across all parts of the public sector and underpinned by quality assurance indicators. There must be sufficient focus on increasing the employment rate of individuals with a learning disability within a framework of increasing the wider disability employment rate target. This needs to include a specific target for the employment rate of people with learning disabilities.



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For information on Scotland's Learning Disability Strategy *The Keys to life*, visit: www.keystolife.info

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