

ECONOMY, ENERGY AND FAIR WORK COMMITTEE

DRAFT BUDGET 2019-20

SUBMISSION FROM Inclusion Scotland

Draft Budget for 2019-20

Employment support and fair work

How Scotland's new employment support budget is helping people into work

- **What are your views on how contract awards are decided and how “payment by outcome” works?**

For too long, support services and national and local strategies have focused on what people think are disabled people’s „employability“ issues, in other words what needs to change about disabled people and what support disabled people need. To date the focus for enabling more disabled people to move into work has been on policies, programmes and services to upskill disabled people, provide support on health-related matters and sanctions to enforce engagement with employability services.

The conventional focus on „employability“ is built on the premise that what stops disabled people getting into, staying in or getting on at work is something to do with the disabled person themselves – the individual deficit model – that disabled people lack skills or education, a lack of ability to (self) manage a health condition, or a lack of confidence or motivation.

This focus on „employability“ of disabled people fails to address the barriers put in disabled people’s path, such as employers failing to make reasonable adjustments to workplaces because of fear of costs; or lack of awareness, discriminatory policies and practices and making assumptions about what we can or can’t do. A shift in focus towards addressing the barriers to employment that disabled people face is vital if we are to address the disability employment gap.¹

By contrast, schemes developed and delivered with and by disabled people, such as Inclusion Scotland’s Scottish Government funded internship programmes, have demonstrated the potential benefits of taking a balanced approach working with both the disabled person’s and the employer’s learning. Our internship programme has been refined with the direct input of disabled people who have participated, and is producing good results.²

¹ See “Situations Vacant: Employerability and disabled people’s right to work.” Inclusion Scotland’s report of the Disabled People’s Annual Summit 2018.

<http://www.ilis.co.uk/uploads/ILIS%20Summit%20report%20DIGITAL%20FINAL.pdf>

² <http://inclusionScotland.org/what-we-do/employability-and-civic-participation/employability/internships/>

Inclusion Scotland were disappointed that the new programmes will be delivered primarily by the same large providers behind the Department of Work and Pension's discredited Work Programme. Disabled people were led to expect a step change in how the new devolved employability schemes would be delivered in Scotland. Instead disabled people feel let down that the contracts have been awarded to some groups that have shown that they cannot be trusted to deliver with dignity, respect and fairness the services disabled people need.

There is some evidence that previous third sector suppliers of employment support services for specific groups, for example disabled people or single parents, are being frozen out by the new service providers. For example, instead of being funded to provide a service to which clients can be referred, they are now only being offered payment by referral, which leaves them unable to maintain the staff and infrastructure necessary to provide the service. This will impact on the breadth and depth of employment services available for those who need specialist support.

It is too early to judge how the new contracts are performing, and what impact "payment by outcome" may have on the way on the way employment support is delivered. However, experience from the Work Programme that it replaces suggests that too much emphasis on the outcome of placement in employment, regardless of suitability or sustainability of that placement for the individual, will lead to a focus on those nearest the job market rather than those who need more intensive support.

- **How can the Scottish Government ensure "guaranteed service standards" and avoid "[parking and creaming](#)"?**

It is not clear from the available information how the 38,000 people the Fair Start Scotland service will aim to find employment will be identified, what proportion of those will be "those facing barriers to entering the labour market", and within that how many will be people who are furthest from the labour market, including disabled people. Without that detail, it is difficult to comment on how the Scottish Government will ensure the providers avoid "parking and creaming".

- **How well do the newly devolved services work with reserved Job Centre Services?**

We have no information on this.

- **What can be done to ensure high levels of participation when the programme is voluntary?**

Disabled people will be willing to participate in the programme if it meets their needs and aspirations. Disabled people's lived experience is quite possibly the most under-used asset across this agenda. With a few notable exceptions, employment programs are not

developed and delivered by disabled employees or potential employees, or indeed by employers. Yet these are the two groups who are most likely to know what works and what does not.

The Inclusion Scotland Situations Vacant report on employerability highlights that that the focus needs to shift from disabled people's employability to employer's employability. This means employer's being accessible and inclusive. It means growing their awareness of the changes they need to make and how to make them. But it also needs human rights based approaches; a recognition that recognise that housing is not just about "homelessness", but about disabled people who are inappropriately housed in hospital, care home or unsuitable housing need accessible housing to work; better Access to Work; better and accessible transport; real jobs that meet people's aspirations, not just park them unsuitable and unsustainable low-paid jobs, and awareness that there is scope for, for example, graduate jobs in this.

Disabled people have grown sceptical about what employability schemes offer – there are only so many baskets that can be weaved from unused CVs. Disabled people need practical support and advice to overcome barriers, such as inaccessible recruitment processes, and to date there is some evidence that the new employability services are not delivering the support disabled people need.

In short, participation will only be improved if the barriers disabled people face to participation and getting meaningful employment are addressed.

- **How are delivery agents and the Scottish Government helping people move into sustained and fair employment?**

It is too early to make any judgement on this.

The Concluding Observations on the United Nations Committee on the Rights of Disabled People (UN CRPD) on the UK State Party recommended that then UK:

“Ensure that reasonable accommodation is provided to all persons with disabilities who require it in the workplace, that regular training on reasonable accommodation is available to employers and employees without disabilities, and that dissuasive and effective sanctions are in place in cases of denial of reasonable accommodation;³

This is essential if sustained and fair employment for disabled people, and requires actions to ensure that employers have “employerability”

³ See Recommendation 57 (b) UN CRPD Concluding Observations on the UK State Party Report: https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fGBR%2fCO%2f1&Lang=en

Inclusion Scotland is aware from contact with employers that there disconnect between what employability and careers services are telling people employers want, and what employers actually want. In particular, Employability services need to do more to promote and support schemes like Disability Confident and Access to Work so that more employers are both aware of these schemes and implementing them.

- **How should success be measured?**

Is it essential that there is involvement of service users in developing and monitoring evaluation measures, and that these are regularly published in fully accessible formats. In keeping with requirements of the United Nations Convention on Rights of Disabled People (UNCRPD)⁴, disabled people should be directly involved in monitoring and evaluation and there is a strong case for independent monitoring and evaluation by groups representative of service users, for example Disabled People's Organisations (DPOs).

Success should not be measured against the provider meeting gross targets or quotas based on numbers placed in employment, but rather on the extent to which the aspirations of individual participants, as agreed at the start of the referral, have been met and the extent to which the support provided helped deliver this. People should be aware that they do not need to reduce their aspirations to fit quotas.

Proper equality measurements which look at pay, occupation, longevity, hours of employment across protected characteristics should be gathered, taking account of EHRC guidance, in order to track whether there are any significant variances in outcomes across protected characteristics, and particularly where a person has more than one protected characteristic, for example disabled women or disabled BME people. This would be consistent with the United Nations Committee on the Rights of Disabled People's recommendation in its concluding observations on the United Kingdom that it should:

“Develop and decide upon an effective employment policy for persons with disabilities aimed at ensuring decent work for all persons with disabilities, bearing in mind the target of one million jobs for persons with disabilities and envisaged by the State Party, and ensure, equal pay for work of equal value, especially focusing on women with disabilities, persons with psychosocial and/or intellectual disabilities as well as persons with visual impairments, and monitor those developments.”⁵

It is also important that performance measure seek to identify reasons why people do not take up a referral to the programme, or leave the programme early. Performance should also be bench marked against outcomes those who do not participate to measure what difference participation makes.

⁴ See Recommendation 69, UN CRPD Concluding Observations on the UK State Party Report. ⁵ Recommendation 57(a), UN CRPD Concluding Observations on the UK State Party Report.

- **The role of the enterprise agencies (Scottish Enterprise and Highlands and Islands Enterprise) in supporting and growing good quality employment**

Inclusion Scotland has no comments to make on this issue, but would question why the City Deals have not been included in the Committee's review?