

Employment and people with learning disabilities A policy briefing

Summary

People with learning disabilities are usually excluded from employment. The way the benefits system operates and fears about the impact of moving from benefits to a wage are major barriers to work. Schools and colleges pay insufficient attention to moving young people with learning disabilities into the workplace. The supported employment model is particularly helpful to people with learning disabilities, but this needs greater recognition in government programmes. This policy briefing explores these issues and suggests ways forward.

Introduction

Independence. It gives me something to do. I'd hate to sit around all day doing nothing, it would drive me potty. It makes me use my brain and that is important for people with learning difficulties.¹

There are an estimated 800,000 adults with learning disabilities of working age. It was recently estimated that in England only 11%² have a paid job and that is often part-time. The estimate was 10% in 2001 at the time of the White Paper, Valuing People. Progress is slow.

This briefing explores the issues impacting on the employment of people with learning disabilities with recommendations for future policy. The briefing is based on the report of the Open Society Institute (OSI) Rights and People with Intellectual Disabilities: Access to Education and Employment for People with Intellectual Disabilities in the UK.³ The Foundation was a partner in this project which included 14 European countries. The briefing also draws on recent and current work at the Foundation.

Background

The UK has a comprehensive framework for employment legislation, while the introduction of the Disabled Persons (Employment) Act 1944, anticipating the return of disabled ex service men from the Second World War marked the start of legislation to support the employment of disabled people.

Discrimination in employment is covered by the Disability Discrimination Act 1995 (DDA), the DDA Regulations (2003) and the Disability Discrimination

Act 2005 (DDA2005) When DDA 2005 comes into force in 2006, it should bring UK legislation fully into line with the EU Employment directive. People must not be discriminated against in employment and employers must make reasonable adjustments. Redress for grievances can be sought through the Disability Rights Commission.

The National Assistance Act (1948) was the starting point for setting out the conditions for which benefits can be paid to those who cannot work. The government through a range of initiatives has been encouraging unemployed people back into work. Often the approaches are not fully appropriate for people with learning disabilities. Similarly training opportunities need to be adapted to meet the needs of people with learning disabilities. In particular transitions from school and college into employment need to be radically improved.

Main themes

Moving from benefits into paid work

Some progress has been made in smoothing the path from benefits to paid work, but serious difficulties remain. The main welfare benefits for people with learning disabilities are income support (IS) and the Disabled Living Allowance (DLA). The Severe Disablement Allowance (SDA) has recently been withdrawn for new claimants. Some people with learning disabilities receive Incapacity Benefit (IB). This is currently under review.

Currently, the way benefits are organised indicates an expectation that most people with learning disabilities

will never work. Only a few people with mild learning disabilities will, for example, claim Job Seekers Allowance as it is predicated on the assumption that the person is actively seeking work. A person with a learning disability is likely to need support to get a job.

Some people with learning disabilities undertake 'Permitted Work' or 'Supported Permitted Work' as a way of exploring employment. Under 'Permitted Work', anyone claiming a benefit based on incapacity can do some paid work for less than 16 hours a week without approval from a doctor for a 12 month period. Those receiving IB or SDA can earn £78 a week while those on IS can only earn £20 a week. There are still concerns that although the situation has eased, any form of work may threaten a person's benefit status.⁴

When a person on benefits moves into paid work, they will usually find that their means tested benefits are reduced or withdrawn. This includes the steep taper in Housing Benefit and removal of Council Tax benefit. They may also become responsible for their own care charges which may leave them significantly worse off or at best no better off no matter how much they earn. They are however able to claim the Working Tax Credits, but only if they are working more than 16 hours a week.

The divide at 16 hours a week limits choice and devalues the contribution made by people for whom part-time work is the most appropriate and where they can make a real contribution.⁵

Generalised fears about the benefit system are probably more important in shaping behaviour than any single aspect of it and are correspondingly difficult to overcome. This may lead some people with learning disabilities to take on volunteering roles for which they should be paid.

Government employment policy

A major preoccupation of the government is getting people into employment, although currently the number of jobs available is lower than the numbers who are unemployed. The recent policy document on Improving the Life Chances of Disabled People has a huge focus on employment in the adult years. It aims to ensure that within 20 years any disabled person who wants a job and needs support to get and keep it anywhere in the country should

wherever possible be able to do so. To achieve this, its recommendations include a strategy for rehabilitation, linking assessments for benefits, assessing what support a person needs if they are to return to work, improved education for employment and support to suit personal needs. Rehabilitation is an inappropriate concept in this context as it suggests a recovery of previous skills to enable someone to work, whereas people with learning disabilities need support and to be able to develop their skills. There is a long way to go to achieve the aim of every person with a learning disability who wants one having a job within two decades.

Employment and welfare benefits are reserved to the Westminster Parliament. Nonetheless there are differing strategies impacting on the lives of people with learning disabilities in England, Wales, Scotland and Northern Ireland and variations in programmes to get people into work. Underlying principles are often the same.

In England the White Paper, Valuing People⁶ and the subsequent Framework⁷ on employment require local authorities to prepare plans on how they will pursue employment opportunities for people with learning disabilities, particularly those placed in local authority day centres, linking to mainstream and government programmes and agencies. There has been very limited success and the picture is patchy. A recent report commissioned by the Department for Work and Pensions (DWP), Working Lives⁸, concluded that day centres were poorly prepared for moving people into jobs and links with specialist agencies should be strengthened if employment goals are to be achieved.

A review of day opportunities⁹ in Northern Ireland found that the main improvements wanted by service managers are more long term funding, more opportunities for work/ work placements, improvements in the benefits system, more staff and better staff training.

In Scotland, the learning disability strategy, The Same As You?¹⁰ recommended that local authorities should give a greater priority to developing a range of employment opportunities for people with learning disabilities. The National Implementation Group's report Working for Change¹¹ was based on the principle

that 'no-one who wants to work is unemployable' yet it is estimated that only 5% of people with learning disabilities in Scotland have paid work.

Government employment schemes

Government employment schemes are not sufficiently sensitive to the needs of people with learning disabilities. Currently the main government schemes relevant to the lives of people with learning disabilities are Access to Work, WORKSTEP and the 'New Deal for Young People' or the 'New Deal for Long-term Unemployed People.' The Disability Employment Advisers (DEA) who work for the Department for Work and Pensions (DWP) Disability and Service Teams are often the first point of contact for a person with learning disabilities seeking work. They will develop an action plan which may involve an immediate transition to work or may lead initially to assessments and work experience. Sometimes they need greater expertise in working with people with learning disabilities¹². Access to Work works with disabled people who are referred from the Jobcentre plus mainstream services for unemployed people. It can cover physical adaptations in the workplace and support on the job. However job coaches are usually only paid for short-term transitional support at a low hourly rate. They are also unable to carry out the full range of duties that would be expected of a job coach: for example, vocational profiling, and therefore this scheme is poorly adapted to the needs of people with learning disabilities.

WORKSTEP, funded by central Government aims to provide jobs for people with more complex disabilities who might later progress to open (unsupported) employment. It offers places in sheltered factories and offers supported placements. Where previously there was a subsidy, and there still is in Northern Ireland, now payments are related to outcomes. Evaluation is currently underway but whether people with complex disabilities can progress at the rate envisaged without ongoing support is a crucial question. Individualised action planning, rather than implementing a fixed programme approach, would be a valuable way forward. There also should be opportunities for career development.

Supported employment

Supported Employment Agencies have a valued role. They are funded usually by local authority money, rather than through central government, and very often with fragile short term funding. Non-governmental agencies, including Mencap, are often heavily involved. It is not possible to give exact numbers, but there may be 2700 people with learning disabilities who have paid work as a result of supported employment agencies¹³. Many will work under 'permitted' or 'supported permitted' work rules for no more than 4 hours a week.

Other specialist programmes include the 'work preparation scheme', the job introduction scheme and 'the New Deal for Disabled People- Job Brokers.' (NDDP) The target driven approach of NDDP has made it unhelpful to many people with learning disabilities.

However, with the increasing emphasis on inclusion, it is important to press for mainstream employment programmes to become more sensitive to the needs of people with learning disabilities. At present they are not geared up to providing effective training and workplace support.

The EU policy

Although complying with most EU policy, the UK has not signed up to the International Labour Organisation Convention on Vocational Rehabilitation and Employment (Disabled Persons) 1983 nor ratified the Revised European Social Charter of 1996, both of which would encourage the inclusion and employment of people with learning disabilities. There has been considerable emphasis on promoting employment through the European Social Fund (ESF). Supported employment agencies are often the recipients of these grants, but experience difficulties because ESF funding has also been short term and this has meant that schemes have not always been able to continue.

Transition from full-time education, college, training and work experience

Despite well developed legal frameworks for planning the transition from full-time education to adult life, particularly for young people with severe learning disabilities, there is evidence that it is not always a satisfactory process and that it creates a great deal

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of anxiety among young people with learning disabilities and their families.^{14,15} Very few young people enter supported employment schemes between the ages of 16 and 19.¹⁶

In Scotland, the Education (Additional Support for Learning) Act (2004) replaces the term 'special educational needs' with 'additional support needs' and places a duty on Education Authorities at least 12 months before a young person leaves school, to ask for information from other agencies about the provision they will have to make for the future needs of the young person and to support the transition to these other services. They have to provide information to other agencies at least six months before the leaving date.

Since the publication of the Green Paper, Youth Matters, the future of the Connexions service in England is in doubt and responsibility for coordinating planning for the future is likely to rest with the Children's Trusts. Whether they will make the best links to adult services and particularly employment is questionable. Careers Scotland, the Northern Ireland Careers Service and Careers Wales support young people with learning disabilities who wish to work. Benefit rules, lack of transport and lack of personal support act as barriers to employment.

"A lot of college places are available for young people with learning disabilities. What happens after- does it just fill a gap?"¹⁸

At present, there are low expectations that young people with learning disabilities will work.¹⁹ Most young people with learning disabilities do not leave school with marketable skills and in particular do not gain work experience, although some special schools are now offering 'job tasters' and a few have arranged for students to find part-time jobs outside of school.²⁰ The preferred option is currently a college place, but there is a limited range of further education courses available. Some may have to go to specialist residential colleges to gain vocational skills.

In England and Wales, the Learning and Skills Council (LSC) and ELWa have the responsibility for funding and planning education and training for over 16 year olds. Currently funding goes to the course rather than to the individual and there is room to think more about each young person's

needs. Although college attendance is now more common, it appears that few people receive active support from college to think about a job²¹. There is limited understanding of the needs of young people with learning disabilities: teaching is not geared to employment and there are rarely job tasters during further education, which is the opposite to the experience of other students on vocational courses. Sometimes there is a disconnection between young people's ambitions and the courses that are on offer. In Scotland, the Beattie Report recommended that there should be improvements in guidance and support arrangements during transition to post-school learning or employment.²²

Employment and people with severe learning disabilities

At present the system discriminates against people with severe learning disabilities, particularly as they are likely to live in staffed accommodation and therefore there is a greater impact on their benefits. This needs to be addressed. Adapting the supported employment model for this group has been shown to be the way forward particularly in the US.²³ The Foundation demonstrated the possibilities of work for people who use little or no verbal communication through the Step Out project based at LArche Liverpool²⁴. It applied the systematic approach used in supported employment of a job coach getting to know the person; vocational profiling; developing job notions; job search; job analysis; pre-vocational training; job training and then beginning to reduce support.

Creative approaches to employment

There are several creative approaches to employment. Co-operatives and Social Firms, for example, the Orchardville Society Bottling Plant in Northern Ireland, provide employment for a few. There are concerns however about the risks that people with learning disabilities may become ghettoised if there is a large expansion of social firms. The setting up of micro- enterprises, a small business model from the US, is useful in encouraging innovation linked to the particular interests of the person with a learning disability. They can maximise people's earning potential and give them more control over their lives. Such enterprises can also demonstrate the contribution that a person with a

learning disability can make to their local community.

Some people with learning disabilities use their own unique expertise in training and advisory roles, for example training doctors at the Medical School in St George's Hospital, London. The opportunities for full time employment are currently limited in these areas and if they are in the voluntary sector continuity of funding can be an issue.

Conclusions

Employment for people with learning disabilities needs to be a priority and to be addressed within the context of person centred planning and fulfilling individual aspirations. This is an ongoing priority in the Foundation's work. It is committed through its Life in the Community Project to demonstrating that people with learning disabilities with complex needs can make contributions to their local communities, including through paid work. It encourages the development of supported employment for example in Angus, Scotland.

The development of Direct Payments and individualised funding has the potential to enable people to employ their own job coaches which may help them in the search for work. Business could provide more support by using a 'natural support' model from the US where co-workers give support. This has the advantage that they know the company and is less costly. There would still be the need for someone to meet personal support needs.

The failure to break down the barriers to employment for people with learning disabilities- even though some progress has been made -can be seen as a denial of their human rights. There needs to be a shift in attitudes and a recognition that many people with learning disabilities want a job and make a valuable contribution through work.

Ways forward

Benefits

Government Departments²⁵ should explore a more flexible approach to bridging the gap between Incapacity Benefits and the Tax Credits. This should address in particular the 100 per cent taper in Income Support on entering employment, and the inflexibility of the 16 hours per week boundary between Incapacity

Benefit and the Working Tax Credit. One possibility would be to extend the lower hours limit of the Working Tax Credit downwards, and allow individuals to opt into it at a different stage, which would, in effect, create a hybrid benefit for people working less than 16 hours, and an in-work credit for people working more than 16 hours.

Employment schemes

The Government should move WORKSTEP to a support model, rather than a programme model. An important cultural change involves moving away from an assessment process which focuses on eligibility for fixed programmes, and replacing it with individualised action planning, designed to establish what support each individual needs. Thus people should be regarded as "employable" when they want to work and require support.

The UK Government should make changes to the way supported employment is funded, to enable it to meet the needs of more people with learning disabilities. In particular, core funding should be made available for the full model of supported employment from central Government sources.

Transition planning

Governments should recognise the need for young people with learning disabilities, particularly those with more severe learning disabilities, to progressively spend more time and instruction in the environments where they will later spend their adult lives- real home, leisure, community life and, particularly, work situations. To implement this approach, increased support resources should be made available for young people with learning disabilities in special schools (and in mainstream schools if they are more fully integrated) and a wider role foreseen for Learning Support Workers in supporting community based learning.

Governments should clarify which agencies should take a lead in improving transition planning. In particular, the responsibilities of Connexions (or its successor)/Careers Wales/Careers Scotland/Careers Service Northern Ireland for people with learning disabilities should be clarified, along with the

resources, staffing and training they need to deliver better outcomes.

Adult education and lifelong learning

The agencies involved in Further Education²⁶ should ensure that young people with learning disabilities are not restricted to segregated “access courses” and that curriculum modification, and possibly more powerful systematic instruction techniques are available through Learning Support systems. Learning Support systems should help young people with learning disabilities take part in a full range of vocational courses, depending on their ability and interests and should be capable of providing personal support to people towards their wider integration into college courses. Courses should be well connected to the local employment market and be responsive, providing training in the skills needed by local industry.

Further Education Colleges should develop strong partnerships with local supported employment agencies to provide job finding and work based support to help young people with learning disabilities bridge the gap they still face in graduating into jobs.

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