

R59: Response to DWP public consultation, Helping people achieve their full potential: Improving Specialist Disability Employment Services

Disability Alliance is pleased to have the opportunity to respond to this important consultation, which addresses a central feature of current welfare to work strategies more generally, namely how to provide the most appropriate and accessible support to disabled people looking to enter, or remain in, employment.

Introduction

1) Disability Alliance is a national registered charity with the principal aim of relieving the poverty and improving the living standards of disabled people. Our eventual aim is to break the link between poverty and disability. We are a membership organisation with over 383 members ranging from small, self-help groups to major national disability charities. We are controlled by disabled people who form a majority of our Board of Trustees. Our response has been informed by gauging the views of member organisations, staff and trustees, as well as discussions with partner disability organisations.

2) Disability Alliance provides information on social security benefits and tax credits to disabled people, their families, carers and professional advisers. We undertake research into the needs of disabled people, with particular emphasis on income needs and promote a wider understanding of the views and circumstances of all disabled people.

3) Disability Alliance is best known as the authors of the *Disability Rights Handbook*, an annual publication with a print-run of 30,000, but also have a range of other guides and provide a members telephone helpline and a popular website. The *Disability Rights Handbook* provides clear and concise information on the welfare benefits and tax credits systems, as well as other areas such as social and residential care and a range of other issues relevant to disabled people and their families. We feel this makes us particularly well-placed to comment on the interactions between welfare benefits and disability employment services.

4) Our policy work is informed by our contact with disabled people and those who provide services for them, as well as the myriad views and opinions of our diverse membership base. We undertake research into the needs of disabled people, with a particular emphasis on income needs. For example, together with the Centre for Research in Social Policy at Loughborough University, we undertook a major piece of work, into the extra costs faced by disabled people – ‘*Disabled people’s cost of living – more than you would think*’. Other work has covered disabled parents and families with more than one disabled child. We also produce publications that aim to assist disabled people with making the transition from benefits into employment.

Retention and rehabilitation

5) At the outset, we feel that it is important to highlight one particular area that appears to be absent from the proposals, yet is a key issue if the goal of increasing the employment rates of disabled people is to be achieved. This is about employment rehabilitation and retention for people who become disabled whilst in the workplace.

6) John Robertson, MP, has estimated, when introducing a Ten Minute Bill to Parliament on this issue, that some 78,000 people a year leave work due to a disability or health condition, when, with proper support, many of them would be able to remain in their jobs. Rather than trying to deal from a start point of moving a disabled person off social security benefits, Mr Robertson's Bill aims to put in place support, advice and information for employees and employers to avoid the disabled person needing to leave work and claim welfare benefits.

7) Thus, we would like to see any policy initiatives arising from this consultation embrace the principles of this Bill and look how the support on offer could be better integrated and promoted to employers and employees. We feel that there is a case for requiring all employers to pay a small subsidy towards a fund to underpin such a policy as it is clearly in their interests if they can retain newly-disabled employees in a supportive manner, avoiding on-costs attached to further recruitment and training for replacement staff.

Disability and employment

8) Disability Alliance recognises the fact that the overall rate for disabled people in employment has increased from 38% in 1998 to 47% today. However, we also raise concerns that the latest figures appear to indicate that this rate of growth has now stalled to a significant degree, which is why Disability Alliance feels that this consultation is very timely and important. The fact that disability is the factor most likely to leave a person in worklessness, aligned to the finding that the poverty rate for disabled people compared to non-disabled people is larger than it was a decade ago demonstrates the urgent need for action in this area¹.

9) Below the headline employment rate for disabled people, the paper also notes the extremely poor employment rates of less than one in five experienced by people with mental health problems and learning disabilities (ch.1, para.12). We highlight that other impairment specific employment rates are similarly low, such as for people with visual impairments. It is not clear from the paper what, if any, strategic priorities are being placed on those disabled people who are clearly farthest from the labour market, in terms of specific impairment groups and we would welcome more information on this issue.

¹ 'Monitoring poverty and social exclusion 2007', Palmer, MacInnes and Kenway, Joseph Rowntree Foundation and New Policy Institute 2007

10) Introducing obligations upon disabled people in receipt of welfare benefits to undertake work seeking activity must, in our opinion, also be underpinned by proactive strategies to overcome discrimination in the recruitment process and in the workplace. We believe that no-one should be forced into a job that does not provide a demonstrable improvement in income, as well as offering opportunities for skills progression and career advancement, if so desired. Further, we believe that no-one should be placed into employment that could lead to their impairment or health condition becoming worse, nor into a situation whereby they experience unacceptable levels of pain, stress or chronic fatigue.

11) Disabled people are much more likely to work part-time than those people who are not disabled². Yet, the structure of the benefits system does not allow people to undertake sustained part-time work on many occasions and we would like to see rules around benefits receipt and tax credits looked at so that disabled people can be encouraged and indeed, sustained, in this type of employment where that is their choice, or where that is the most that they can manage. There are also issues around carers allowance and working tax credits that can cause disabled people difficulties in relation to support structures, both practical and financial.

12) Particular attention is required where there are overlapping barriers to employment, such as disability and ethnicity or disability and low skills. Individuals across all ethnic groups require greater support in coping with the daily management of their health conditions and the knock-on implications for benefit take-up, access to employment and social participation³. There is an increasing employment penalty for disabled men aged 25-49 as their qualifications are lower, culminating in a very large penalty for disabled people with no qualifications⁴.

Consultation questions

Question 1 – *Are there any points in the evidence base that you either strongly agree with or disagree with?*

13) The paper notes the need to work more closely with employers, quoting a House of Commons Committee of Public Accounts report (ch.1, para. 23). Disability Alliance feels that four other key findings from this report must be raised and commented upon in taking forward the strategies proposed:

² Disabled claimants: small but promising changes, Paul Bivand, Working Brief issue 191, February 2008

³ Long-term ill health, poverty and ethnicity, Salway et al, Joseph Rowntree Foundation, April 2007

⁴ Disabled claimants: small but promising changes, Paul Bivand, Working Brief issue 191, February 2008

- i. The confusing suite of employment programmes should be simplified and rationalised, with a tailored approach to better reflect the very varied circumstances of disabled people;
- ii. Poor management information makes it difficult to determine value for money;
- iii. Quality of provision varies widely across the country;
- iv. DWP attention has been focused on helping people into work rather than retaining a job.

Comments on the above points

- i. Although proposals are made to simplify the range of programmes on offer under Disability Employment Services, it still remains unclear as to how the interactions between other programmes will work in practice, e.g. Pathways to Work, employment and support allowance, New Deal for Disabled People, City Strategies etc. We repeat our support for the establishment of a Welfare Commission to take an overarching strategic look at the UK welfare system, as proposed by the Work and Pensions Select Committee in their report on benefits simplification.
- ii. Whilst we welcome the commitment to spend £140million on the included programmes, and also acknowledge the budgetary restrictions imposed by the Comprehensive Spending Review, it is clear that this spending must aim to achieve value for money in terms of service delivery, as well as looking to be increased over coming years, if Government ambition's to move towards full employment are to be realised.
Further, the Royal National Institute for the Blind has calculated that every £1 spent on Access to Work actually brings in about £1.70 to the Treasury, in terms of income from tax and national insurance. On that basis, it seems vaguely ludicrous not to be spending more on the provision of this support.
- iii. Many of the respondents to our survey highlighted the issue of variability of service provision, whether this was between DEA to DEA, local office to local office, or region to region. This is a key area for attention, especially in light of the proposals for generic contract provision, with less impairment specific provision.
- iv. This again raises similar issues as those discussed above in relation to John Robertson's Employment Retention Bill.

Question 2 - *Do you agree that disabled people should only be directed to our specialist disability employment provision where it is unlikely that our other programmes, such as the New Deals, would be effective?*

14) This question appears to indicate that it will only be those people with the most severe disabilities that will be able to access the proposed support. Without

more clarity as to how proposals will interact and link in with other programmes such as Pathways to Work and New Deal for Disabled People, as well as the lack of impairment specific support identified, it is difficult to agree that this proposal is necessarily an appropriate one.

15) That is not to say the proposal is without some merit but there are clearly some disabled people who, for example, would be far better supported to remain in employment through Access to Work, even though they could possibly benefit from retraining for a new post under a New Deal programme.

Question 3 - *Are there points of our overall proposal to replace the Job Introduction Scheme (JIS), Work Preparation and WORKSTEP with a single programme that you either strongly agree with or strongly disagree with?*

16) Given the relatively low numbers involved with the three respective programmes overall, as well as the Committee of Public Accounts report above, we support the move to bring together these strands of disability employment support. The balance between transitional and longer-term supported employment seems about right, as laid out.

Question 4 - *For the Work Entry element of the proposed new programme – how could we best ensure that our providers focus their efforts on all their customers and not just those most likely to get a job?*

17) See question 2 for our overall response to this question – we feel that such issues should be part of an overall strategic approach by DWP in relation to providers of services, as it seems clear to us that incentives to “cherry pick” claimants who are easiest to place in work will be an issue throughout current reforms. Effective monitoring and appropriate management data collection and analysis against figures for impairment specific conditions could be helpful, as well as suitable feedback mechanisms where disabled people are able to highlight instances of poor service or denial of assistance.

Question 5 - *For the Transitional Supported Employment element of the proposed new programme – is it right that we should introduce a greater focus on helping people progress off the provision and what safeguards and flexibilities would you like to see included?*

18) We completely agree with the ambition to move disabled people into mainstream employment, where that is what they want and where they can feel confident that appropriate support can be accessed where and when required. Thus, we feel that there must be much more emphasis placed on the transitional support that is provided as someone moves away from supported employment by providers, over and above the statement aiming to ensure that “they are aware they can return for support if they get into difficulties”.

19) The flexibility to allow any particular individual to transfer between the transitional support and the longer-term support must be handled extremely carefully, to ensure that people are not forced into situations that they are not able to deal with, yet nor are they limited by a narrow view of their abilities and/or ambitions. In line with this, it is essential that accurate and preferably independent advice and information is provided to inform these transitions and decisions.

Question 6 - *For the Longer-Term Supported Employment element of the proposed new programme – how can we best ensure that providers work closely with employers and individual disabled people to help them develop in their job whilst on the provision?*

20) We agree that where people are identified as requiring the longer term support, it is not appropriate to make mainstream employment entry the primary focus. For many disabled people, a regular and systematic regime of supported employment can pay significant dividends in terms of health maintenance and social interactions. These softer outcomes must not be overshadowed by the underlying drive of work for all that seems to underpin all current welfare strategies. Again, ensuring accessible and appropriate advice and information being made available to people on these programmes will be a key part in managing this strand of the programme, in our opinion.

Question 7 - *What should we do to ensure that consistently high quality standards are delivered?*

Question 8 - *What else can we do to improve the way in which DWP's supported employment services for disabled people are delivered?*

21) Very simply consult with, listen to and act upon the advice of disabled people themselves. Disability Alliance has long made the case that individual disabled people are the best judges of what work is suitable and appropriate for them in any particular case. Ensuring appropriate feedback mechanisms are in place and ensuring that suggestions and complaints are properly acted upon would be a good start, as well as proper implementation of duties imposed under the Disability Equality Duty.

22) Ensuring that disabled people truly are better off financially whilst in work would also be a great success, as would extending the ability for disabled people to receive work place support where necessary and the right to flexible working without fear of discrimination. Thus, we repeat the need for appropriate and accessible advice and information provision being made available to all who need it.

Question 9 - *What role do you think supported businesses/factories should have in providing employment for disabled people?*

23) This question has been subject to much debate following the recent Remploy decision to close down some of its factories. Whilst we fully support the goal of enabling all disabled people who want to work to engage in mainstream employment opportunities, we also feel there is a need to balance against this the financial security and social interactions that many individual disabled employees currently enjoy within such supported schemes.

Question 10 - *If we go ahead with these reforms, do you believe we should offer some protection to supported businesses when we tender for the new programme? If so, what form should this protection take and how long should it last for?*

24) There is a need to balance aspirations for enabling all disabled people to be able to enter and remain in sustainable mainstream employment, against the practical issues of sensitively managing the transition from supported employment workplaces where these are decided as not being suitable or viable within today's labour market. The recent decisions regarding the closure of some Remploy factories has thrown up some accounts whereby individuals have not been supported as effectively as they would have liked, even though we know that great efforts have been made by Remploy management, in conjunction with unions, to ensure that all individuals affected have been provided with suitable advice, support and information about their options.

25) We feel that there is a need to ensure that all individuals are provided with independent advice and information that clearly lays out their entitlements and their responsibilities in terms of financial, employment and other aspects that are potentially affected. Protection should ensure that individuals are provided with appropriate financial assistance, such that they are not penalised, especially in terms of future pension provision, as well as current income streams.

Question 11 - *We are proposing to initially transform the WORKSTEP Factory Support Grant (FSG) to focus on modernising services to deliver better progressions within and outside the programme. This would be instead of, for example, buying new factory equipment. Eventually we would like to spend this money directly on helping more individuals onto the proposed new programme. What are your views on this proposal?*

26) Spending money on breaking down the social and environmental factors that can mitigate against disabled people moving into mainstream employment should be a focus of this support. We are broadly in agreement with the proposals that funding should be directed towards individuals where possible, providing it assists them to secure or retain sustainable and rewarding employment. This fits with the underlying thrust of the Independent Living Strategy, which recognises that anyone, whatever their level of impairment, should be able to express preferences and choices about how their needs are met.

Question 12 - *We are considering holding an open competitive tender for contracts. For some of our current WORKSTEP customers this could mean their employment support transferring to another provider. What would we need to consider and what actions do you think we would need to take to help make any such transfers a success?*

27) TUPE protection should be assured for all employees who are potentially affected by such transfers.

Question 13 - *How do you think we could best ensure that we retain the skills of smaller and specialist providers in the proposed open competitive tender of this programme?*

Question 14 - *Are there other specific issues that we would need to consider in moving to a competitive tender for this provision?*

28) We support the comments from the TUC in their response to this consultation about the use of private contractors in delivering employment support services.

Question 15 - *We are proposing that only Jobcentre Plus Disability Employment Advisers (DEAs) would be able to refer individuals to the proposed new programme (see Chapter Three). What are your views on this proposal?*

29) Again, as noted in our response to question 2, we feel that more detail is needed as to how the Department see specialist employment support programmes fitting into other provision before we are able to answer this question. We feel that it is important to try and ensure that there is at least one Disability Employment Adviser in every Jobcentre Plus office. We feel that ensuring DEA's have appropriate access to specialist information and appropriate support is vital, so that they can properly advise all disabled people with their diverse and varied needs for assistance and support.

30) Disability Alliance members commented that some DEA's had too large caseloads, which inhibits their efficacy. Further, some DEA's were sending clients onto unsuitable provision, or working without clear or attainable goals or targets, insofar as individual clients are concerned, which in turn causes frustration and has sometimes resulted in negative outcomes. To balance this, other members did comment that DEA's provided an excellent service and demonstrated a good grasp of clients' needs.

31) If the DEA's are to be the gateway to other support services, there must be clear information available to all claimants about how they can access the services on offer, what criteria are necessary in order to be eligible for services, and what to do if unsatisfied with either services provided or a refusal of services.

Question 16 - *Do you believe that DEAs should have a higher profile role for people to feedback on the support they receive from our externally delivered provision?*

32) Definitely.

Question 17 - *If you have used the Jobcentre Plus DEA service to help you find or retain suitable employment, what aspects of the service do you like and are there aspects that you think could be improved?*

33) As noted above, a key issue is consistency of provision by DEA's. It is quite an undertaking for any single person to understand the full complexities of the diversity of disability, which is why appropriate specialist information and support must be made available to them. Large geographical areas were highlighted as being particularly challenging for DEA's, as were caseloads, which were noted as being too high by some members. Some respondents felt that they had received good support and services from their DEA, but other respondents noted a very patchy and inconsistent service, with some people actually being driven to lodge complaints about the way that they were dealt with.

34) We raise serious concerns about the ability of the DWP to ensure that adequate and accessible DEA provision is enabled in the current financial climate, both in terms of departmental budgetary restrictions, as well as in light of the recent announcement that some 12,000 further jobs are to be lost within the DWP. There is nothing more frustrating for a disabled person to have the desire, enthusiasm and inclination to try to move into work and then find that the promised levels of support cannot meet their aspirations. The DEA service must be well-resourced and well-supported, if disabled people are to be properly assisted in making choices and accessing suitable services.

Question 18 - *As an employer or provider of our services, in what ways, if any, do you currently use the Jobcentre Plus DEA service to help you employ or retain disabled people in employment? What aspects of the service do you like and are there aspects that you think could be improved?*

35) Disability Alliance has no recent experience of working with a DEA.

Question 19 - *If you have recent experience of our Access to Work provision, what aspects did you like the most and do you have any suggestions for improving the service?*

36) Our positive experience of Access to Work relates to a member of staff who, without assistance with her fares to work, would not be able to get to work easily, and which would probably have prevented her from returning to work after a long period of sick absence. For improving the service, we feel that this is primarily about publicity. We think that it should be a legal requirement for the government

to ensure that all employers know about the Access to Work scheme, maybe via some kind of information pack?

Question 20 - *What can we do to ensure Access to Work is used more effectively to meet the needs of individuals?*

37) Our experience of Access to Work as an employer is not recent but it appears from member responses that timeliness remains a major issue. The length of time taken for the assessment and/or provision of equipment is unacceptably high. In our case, it was four months after the member of staff started work before they got their equipment. The member of staff was on a fixed term contract and as such, the four month delay represented a major problem for us in terms of that member of staff being able to do their work. The impact of this if, for example, the fixed term contract was for one year could have been disastrous.

38) Also, we had to arrange three quotes for all the individual pieces of equipment. We would imagine that Access to Work should have a range of suppliers that they would be able to negotiate discounts with, because they buy equipment in bulk. Further, there is the return of equipment to Access to Work once the staff member leaves. We ask why the equipment does not automatically travel with the member of staff to their new job? Of course, the new job may require different equipment, but in our case, this was not checked at all. Whilst we have no evidence of this, we imagine that the new employer also had to have an Access to Work assessment done and the equipment we had was simply returned to Access to Work.

39) We think a better system would be that when someone changes employer, the assessment takes place before the equipment is returned and if possible, the new employer gets what they need from the old employer. Perhaps that is happening now, but it was not about 4 years ago.

40) Lastly, we think that wherever possible, Access to Work assessments should be done before someone starts a job. This enables employers to get things underway and have equipment in place when the individual starts work. Of course this will not always be possible, but we feel that the ambition to achieve this should be paramount.

Question 21 - *How would you try to better balance the need for consistency of decision-making in Access to Work across the country with benefits of local flexibility?*

41) We would like to see standard processing times for securing assistance byway of Access to Work, so that the issue of timeliness of support provision is properly addressed. We support the principle of local flexibility provided that this

can be properly enabled to deliver appropriate support on a consistent basis, something that does not always seem to be the case at present.

Question 22 - *How can we more effectively focus Access to Work on adjustments/support beyond that which an employer should make as a reasonable adjustment under the Disability Discrimination Act?*

42) By ensuring that employers have clear information about what constitutes reasonable adjustments, by helping them through that process and making a clear division about what support the employer can get. We feel that many small employers are fearful of the associated costs of employing a disabled person when, in actual fact, they may have to contribute very little.

Question 23 - *Do you believe that we should increase employer contributions to Access to Work adjustments as long as the savings are reinvested in the programme?*

43) The employer's contribution depends on a range of issues, but mostly, it is based on how long the person has been in work, which we do not think is necessarily a good idea. If someone initially has no need for Access to Work support and then, due to a change in their circumstances, does require Access to Work support, they may have been working in their job for a long period and in that case, their employer would have to meet 20% of the costs. This could obviously cause an employer to be reluctant to consider making positive adjustments to enable the employee to remain in employment.

44) We think the employer's contribution should be calculated in a different way, possibly based on turn-over. We would also ask how a self employed person decides how long they have been in their job? We think that the three-year award may be too long. We feel that consideration should be given to some form of annual review to assess how things are going, as support needs may have gone up or down.

Question 24 - *Are there more innovative ways in which we could make better use of the private and third sectors in delivering Access to Work?*

45) As noted above, we feel that there is much more that could be done to highlight the types of support potentially available to employees and employers. Thus, promoting Access to Work by way of existing networks and partnerships should be undertaken, including Local Strategic Partnerships, Council's for Voluntary Services, etc. We would also highlight the vital role for disabled people's organisations in working with DWP more generally under these proposals, to help them understand the complexities of impairments and the support and assistance that is, or could be, available to disabled individuals in different circumstances.

Question 25 - *Ministerial Government Departments are now directly funding Access to Work adjustments for their disabled staff. What are your views on other public sector organisations paying for such adjustments if any savings were reinvested in the programme?*

46) Whilst we acknowledge that the public sector should be taking the lead in terms of employment policy and practice with regards to disabled employees, we would raise concerns about the apparent reduction in the numbers of disabled people working within the DWP over the past few years, both as an overall proportion as well as in percentage terms. We feel that there must be much more rigorous monitoring of statistical data before being able to support such proposals. This information is needed if such a policy is to be properly implemented, if unexpected or unforeseen negative outcomes are to be avoided.

Question 26 - *How do you feel we can improve the way these services work with other locally delivered services and/or local partnership arrangements?*

47) See question 24.

Question 27 - *We are committed to producing a full Equality Impact Assessment on the final proposals and would value your input in this area. Do you have any specific comments on the impact of the proposals put forward in this consultation on particular individuals or groups?*

48) Beyond our earlier comments, nothing at this stage.

Question 28 - *Please let us know your views about any other aspect of this consultation.*

We hope that these comments are helpful, arising as they do from the experience of disabled people individually, member organisations, and Disability Alliance itself, in terms of the support needs of disabled people in terms of improving their chances of securing employment that moves them towards the goal of independent living, free from poverty. We would welcome the opportunity to discuss any general or specific points arising from our response as the DWP develop their thinking and strategy around the proposals within this consultation.

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Addendum - Sample of the comments received by Disability Alliance.

Respondents were asked which individual elements covered by this consultation they had experience of, and asked for their views.

Case study 1

Workstep=Yes.

Access to Work=Yes.

Opinion of disability employment programmes.

I have one member of staff currently employed under Workstep. The amount of work to be undertaken by the employer is much worse than employing staff directly. She is constantly being urged to move on to train for other things, but as she is already my PA, there is [not] much further up to go.

She has to complete regular objectives and then outline why she does not achieve them. We applied for additional support from Access to Work in November and they are currently trying to persuade my member of staff that she needs an equipment assessment for new machinery, when we have both asked for a support worker.

Case study 2

Jon Introduction Scheme=Yes.

Work Preparation=Yes.

Clients worked with a Disability Employment Adviser=Yes.

Opinion of disability employment programmes.

Dreadful. I initially had to make a formal complaint for my husband to even be able to see the Disability Employment Advisor. When we eventually saw her, she clearly didn't have the skills to provide my husband with the support he needed, and I found myself using my Occupational Therapy skills to do her job for her.

In the end she concluded that he needed much more specialist support, but said that she couldn't refer him for that because he wasn't on incapacity benefit (not eligible because he had been incapacitated for too long before putting in a claim). Eligibility for disability benefits and employment support should be determined by need, rather than when you put in your initial claim.

Other comments

Other responses included the following comments:

Job Introduction Scheme – “reasonably successful, my client has gone onto full time work.”

Workstep – “demotivating and huge loss of confidence in the service, more realistic expectations would improve service.”

Work preparation – “useful confidence boost.”

“All the help on offer started with the premise that disabled = uneducated. This is not the case: I have a degree and am a professional. Disabled people are at varying levels and the provision of help needs to reflect this.”

Access to Work – “One of my client’s has gained assistance from Access to Work and found them very helpful.”

“We had a huge struggle with the Access to Work scheme.”

“Very mixed results.”

DEA’s – “Mixed service – one is excellent with a good grasp of client’s needs while another had no understanding. Staff could be sent on placements to improve things.”

“I feel that DEA’s have too large a caseload to deal with and are unable to assist as much as they could.”

“Lack of understanding by [DEA] advisors about how certain disabilities affect client’s ability to work. Unrealistic targets/jobs set for clients”

“the adviser covered such a large geographical area that she was unable to provide a consistent service”

“Lack of input from DEA, who was absent/unavailable much of the time.”

“Lack of consistency of information, resulting in a loss of money.”

Jobcentre Plus – “Incomplete information and advice given to client by Jobcentre Plus – better trained advisors at Jobcentre Plus would help.”