

2018

Situations Vacant: Employerability and disabled people's right to work.

A report of our solutions

Inclusion Scotland's report of the Disabled People's Annual Summit

Contents 



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ABOUT THIS REPORT

This is our report to the national Congress on Disability, Employment and the Workplace in April 2018. It offers solutions to the employment gap between disabled people and non-disabled people of working age in Scotland. It is based on our lived experience as disabled people of the barriers which prevent us from getting in, getting on and staying in work.

It contains our solutions to these barriers suggested by disabled people and our allies at the Disabled People's Annual Summit, Situations Vacant: Employerability and disabled people's right to work.

Scotland's First Minister, Nicola Sturgeon MSP, recognised the value of our contributions at the Summit when she said

'Your experiences, your expertise, your ideas are probably the most important asset that we have when it comes to improving the lives and experiences of disabled people... and crucially also helping us identify the solutions, all of that will help us address these challenges, build on the progress that we've made and ultimately make Scotland a better country not just for people with disabilities but for everybody who lives here.'



The solutions cover a number of areas and they are pragmatic and achievable and aim to take account of existing work and initiatives. They are not the finished article but they are our contributions to halving the employment gap. They rightly assume that as disabled people we will be involved in working alongside others to develop and deliver these and other solutions.

The solutions in this report are not necessarily those of Inclusion Scotland.

Inclusion Scotland is funded by:



SUMMARY OF THE SOLUTIONS

This is a brief summary of the solutions in the report. The full text of the solutions is in the 'Our Solutions' section.

Target setting

1. The Scottish Government should consult on setting and then introduce ambitious targets for employing disabled people in the Scottish public sector.
2. Targets should be set for both current staff and new entrants and include specific targets for retention, promotion and transfer. The targets should take account of pay grades and occupational segregation.
3. Public sector target setting should include targets for publishing reports about what was done to meet targets, and what has been achieved.
4. The Scottish Government should inform other Scottish employers about the benefits of targets and how to use them.
5. The Scottish Government should consider how target setting and reporting could be built into procurement and supply requirements.

Apprenticeships

6. Skills Development Scotland should require employers of apprentices to demonstrate that they are inclusive and accessible employers for disabled people.
7. The Scottish Government, working with Skills Development Scotland, should ensure that apprentices are paid at least the Scottish Living Wage.

Procurement, supply chains and community benefit clauses

8. The Scottish Government should review the impact of Community Benefit Clauses and procurement criteria on disabled people's employment rates, and use this evidence to develop actions.
9. The public sector and those funded by the public sector should be required, or at the very least encouraged, by means of funding conditions, to employ more disabled people and to require their own suppliers to demonstrate that they employ or support applications from disabled people.
10. Scottish Government should consider what steps it can take to better ensure that public sector procurement decisions are driven by outcomes for service users and not just costs, and that those who can evidence results, including Disabled People's Organisations, are able to compete on a level playing field.

Incentives

11. Public bodies, grant award makers and Disabled People's Organisations should work together to consider if incentives for employers could help to increase employment opportunities for disabled people. This discussion needs to carefully weigh up the implications and perceptions around any of a range of incentives such as monetary incentives and whether they are the right solution.

Grow 'employerability'

12. Scottish Government and employer's organisations should work with Disabled People's Organisations to promote understanding and awareness of employerability. This should include promoting the Employers Specification on [page 20](#).

Support for employers and disabled people

13. A Disabled People's Organisation which has a track record of supporting employers and disabled employees should set up a one-stop shop, funded by Scottish Government.

Access to Work

14. The Scottish Government should consider funding a scheme to supplement Access to Work where the grant award falls short of needs.
15. The Scottish Government, the wider public sector and others should promote Access to Work to disabled people, employers, disabled people and others.
16. The Scottish Government should address concerns about Access to Work with the Department of Work and Pensions.

Raising awareness and changing attitudes

17. The Scottish Government and Disabled People's Organisations should work together to build links with organisations which can help us to communicate with employers, to share information and support around good employerability practice.
18. The Scottish Government should review and share the results and impact of their 'Get past the awkward' campaign, and work with Disabled People's Organisations to better reach more employers over a longer period.
19. The Scottish Government should consider a properly resourced and sustained campaign similar to the 'See Me' campaign which goes beyond just employment issues.

Scottish Government leadership

20. The Scottish Government should plan for how it will share its own practice with other employers.

21. The Scottish Government should consider setting quotas for disabled people on Boards and Ministerial Advisory Groups.

22. The Scottish Government should mainstream employerability alongside its employability policy development and internal practice.

Careers advice

23. Skills Development Scotland and the Scottish Funding Council should work with disabled people and young people and those who care for them, to address the culture of low expectation and to make sure that services are person-centred, accessible and aspirational.

Rights and remedy

24. The Scottish Government should consider supporting a Disabled People's Justice Hub in Scotland.
25. Unions, the Scottish Government and advice organisations should consider how, working with Disabled People's Organisations, they can reach more disabled people to inform us of our employment rights and support to use these rights, and about employment support.

Targets and evidence

26. The Scottish Government should tell people what the aims of each of their employability activities are and how they will know if they have achieved these aims.
27. The Scottish Government should work with Disabled People's Organisations to identify gaps in evidence. This could include researching how to increase understanding of why disabled applicants do not get job offers and whether this could be down to attitudes, misperceptions and lack of information about practical steps that can be taken.

TALKING ABOUT #myworkstory CAMPAIGN

To mark International Disabled People's Day 2017, Inclusion Scotland launched #myworkstory, a social media campaign to encourage disabled people to get talking about being disabled at work, what helps them feel comfortable and confident and what gets in the way.

We wanted to start a conversation about our everyday experiences in the workplace and what employers can do to make it easier for us to be ourselves and to ask for and get the adjustments we need. Disabled people, in Scotland and beyond, wrote about their personal experiences and we used these stories to help plan for the Summit.

Below is a small number of these stories which help to show the reality of working life for disabled people.

Jay's #MyWorkStory

'This is usually the sort of look I get from people. So I have been working for many years now in different industries, and the reactions are always the same. "Oh no, you poor dear! What have you done?" "Ouch" "Didn't think you'd be able to do that" etc. etc. A lot of well meaning, if a tad ignorant, comments about how they didn't notice that I was #disabled straight away, and how #brave I am for still working.'



Chris's #MyWorkStory

'My first graduate job was as National Union of Students Disabled Student's Officer. So I was out from the start. Now as a senior manager whose bipolar is mostly controlled, I'm sometimes ambushed by stigma, paralysed by self-doubt or disadvantaged due to missing chances in the past. A purpose and my work identity gave me a trellis to grow up on - but it took 15 years of working life to stop me gambling my whole self-esteem on securing other people's validation of my work. I could have used career coaching in my 20s.'



Ethan's #MyWorkStory

'There was help when I transitioned from walking to using my wheelchair but in terms of being flexible around hours and workplace assessments I didn't access these things and didn't know what I could ask for. There was certainly no one that took on the responsibility of telling me about these things. There isn't a menu stuck up on the wall that tells you what adjustments could be made, so you don't know yourself what you can ask for. Employers don't anticipate. Providing examples of adjustments is so important.'



Anonymous #MyWorkStory

'I have experienced being told to 'just try' to use a telephone (I'm deaf). I was refused adjustments on the grounds that it would disadvantage another team (that team being HR!). I have been 'passed around' because no one knows who should help me. I have been demoted. I have been told to let the company IT team maintain my assistive technology without them having any background knowledge or experience of my needs. I have been accused of hiding my screen when it is angled in a position that enables me to see it better (as I have a visual impairment). I have also been instructed to take sickness leave instead of disability leave and am regularly excluded from work social events... Why don't I leave, I hear you ask? Because it's the public sector and the pay and benefits are good compared to similar roles which would mean a significant pay drop. Also how do I know another employer will be any better?'

You can read all the stories at
www.instagram.com/inclusionsscotland



A STARTING POINT

Our Summit, Situations Vacant: employerability and disabled people's right to work aimed to identify solutions which could change the way decision-makers and employers often think about us getting in, staying in and getting on in employment.

We believe that there is a vacancy to be filled by employers to improve their employerability as good employers for us. We also believe that our right to work needs to be better recognised and addressed by all concerned.

The Scottish Government has set out an ambition to at least halve the employment gap between disabled people and those who are not disabled people. This is a really ambitious challenge. It means getting 120,000 disabled people into work and ensuring that those already in work, stay in work.

Of course, some disabled people will not be able to work, to do certain types of work or to work for long periods, and some are now so far removed from the labour market that it will take years of support to get close to it again. However, many more of us are ready and willing to work.

We believe that for the actions to have the right impact we disabled people need to co-produce the design and delivery of them in partnership with others.

We have produced guidance about co-production and how to do this.¹

EMPLOYERABILITY, NOT JUST EMPLOYABILITY

For too long, support services and national and local strategies have focused on what people think are our 'employability' issues, in other words what needs to change about us and what support we need.

Support services and programmes are often based on the idea that what stops us working is the disabled person themselves – that we have a lack of skills or education, that we cannot manage a health condition, or that we lack confidence or motivation. As a result, they tend to focus on upskilling us, on health-related matters and on sanctions to enforce us to engage with employability services.

This focus on our 'employability' as disabled people fails to address the barriers put in our 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.

Employers can also experience barriers themselves. They may struggle to find the information and support they need, or be able to find it fast enough, to make adjustments or create and implement accessible recruitment processes. They may fail to recognise our potential and value as employees. Small employers in particular may have very limited resources for searching out this information and putting it into practice.

We want to see a new focus on employer's employerability. We wish them to be the kind of employers we want to work for. This means welcoming us as equal and valued employees and recognising the benefits of having a diverse workforce. It means being accessible and inclusive, talking to us openly, being flexible and making changes to jobs, policies and workplaces. We want employers to have the right support, including support from ourselves as disabled people

To help employers know what we are looking for we have developed an Employers Specification setting out criteria for employers. This is similar to the job or person specifications which employers issue to applicants for new jobs. You can see our Employers Specification on [page 20](#).

Our right to work

Disabled people have the same rights to work as non-disabled people. These rights are covered by the United Nations Convention on the Rights of Disabled People.² The United Kingdom is a signatory to the Convention which means that the state is obliged to ensure that disabled people have equal opportunities to gain a living through work in an environment that is open, inclusive and accessible to us.

These rights extend across policies and practices covering recruitment, hiring, employment, continuing in employment, career progression, training and development, safe and healthy work environments, conditions of employment, including pay, grievances and belonging to trade unions. They cover both the public and private sectors and opportunities and support for self-employment and entrepreneurship.

Under the UK Equality Act 2010, disabled people have rights not to be treated less favourably than non-disabled people, and employers have duties not to treat disabled people less favourably for any reason related to their disability. This applies to employees, applicants and potential applicants. The Act also gives employers the right to treat disabled people more favourably.

Employers also have a duty to make reasonable adjustments to support disabled people in getting into, getting on in and staying in employment. This is about taking all positive and practical steps which are reasonable for the organisation to take. For an organisation not to make reasonable adjustments where they are needed is a form of discrimination. Employers cannot ask about a person's disability or health condition until after a job offer has been made, except in certain circumstances. The Act allows for more favourable treatment of a disabled person. You can find out more about these duties and about examples of good practice under the Equality Act 2010 in the Equality Human Rights Commission's Employment Statutory Code of Practice.³



THE EMPLOYMENT GAP

Scotland has a disability employment gap. We've had it for a long time and despite all the work and resources that have gone into shifting it, it persists.

What employment gap?

42.8% of working-age disabled people in Scotland are in work, but for non-disabled people this figure rises to over 80%. This is a difference of over 37%.⁴ To just halve that gap would mean 120,000 more disabled people need to be in work, and all those currently in work to stay there.

The employment gap has barely shifted over the years, despite many new policies and programmes aimed at removing it. Whilst things have improved somewhat for some of us with particular impairments, such as some people with visual impairments who have benefited from advances in technology, the employment gap remains for the majority of us as disabled people regardless of educational attainment, experience and other factors.

What causes the employment gap?

The barriers we face in getting ready for, getting into, staying in and getting on in work are many, varied and complicated.

They include stigma, poor attitudes, few job opportunities, discriminatory application processes and promotion opportunities, development, retention and sick-leave policies. Inaccessible transport and workplaces and a lack of accessible housing can also play a part in preventing us from getting into, getting on and staying in employment. The fact that many of us have fewer educational qualifications than non-disabled people contributes to pushing us further away from accessing working life.

Research tells us that:

- Disabled people are nearly three times as likely to have no qualifications compared with non-disabled people⁵ and we are under-represented in many occupations projected to expand in coming years (e.g. managerial and professional posts) and over-represented in occupations expected to decline (e.g. junior administrative and manual employment).
- Having a higher education is no guarantee of employment. The employment rate for working-age non-disabled graduates is 88.6% compared to 73.1% for disabled graduates.⁶

Employment support services have limited capacity and can only offer support to some of us who need it. The newly devolved support services for disabled people, Work Able Scotland and Work First Scotland (which are one-year transitory services running from April 2017 to March 2018) aim to support 4800 disabled people in getting into work. This is just 4% of the target number of 120,000 disabled people who need to enter work in order to halve the employment gap.

Fair Start Scotland,⁷ which will replace these programs in April 2018 aims to support 'a minimum of 38,000 people who face the greatest barriers to finding work and to staying in a job'. This figure includes everyone and not just disabled people.

The UK Government's independent review 'Getting In, Staying In and Getting On: Disability Employment Support Fit for the Future'⁸ reported that disabled people want more say over the design and delivery of employability services. However, resources for support are dispersed to 'middlemen' who provide services. The review also stated that support should be 'flexible, personalised, long lasting when needed', and crucially, that initial support for finding work should focus on 'rapid job search' and finding a job as soon as possible, 'rather than assuming a series of stepping-stones are needed first'.

Another issue with employment support services, careers advice delivered through education, and with young people's 'transition' services is a lack of recognition of our aspirations and choices. Employment support services may help people get a job, but not necessarily the job or career they aspire to.

Significant numbers of us who acquire an impairment during working life lose our jobs and fall out of the world of work, sometimes for long periods. Some 400,000 people in the UK leave work each year due to an impairment or health condition, despite many saying that they would prefer to stay in work.⁹

There is also an issue with talking about impairment and disability. 20% of the working-age population in Scotland is disabled. It is estimated that there are 284,300 disabled workers aged 16 and over in Scotland¹⁰ – yet employers consistently report lower figures than the national average.¹¹ This tells us that people are not talking about disability or asking for support, which may lead employers into thinking that they employ low numbers of disabled people and they have no need to make adjustments, or to assess their policies around recruitment, sick leave, pay and progression, or retention.

In a recent survey by Disability Agenda Scotland¹² with over 70 disabled people, 64% said that they had felt at risk of losing their job because they didn't have the right support, 40% felt their employer had a poor understanding of Access to Work, and almost a quarter said that they found their employer's recruitment practices to be negative towards us.

What does the employment gap mean for us as disabled people and for Scotland?

Without equal opportunities and the right support in the right way, we continue to miss out on opportunities for a positive working life and careers. We miss opportunities for personal development, and indeed relationships with other people. Those of us who cannot get employment, or the right employment, miss out on earning a decent income and pension by which to support ourselves and enjoy life and the status and self-belief that good work brings with it.

At the Summit, people reported that they had lost confidence in the job market and employers, and in their own skills, due to persistent rejection and long periods of unemployment, especially when they were doing everything possible to equip and prepare themselves for employment. For example, the Disability Confident scheme, where employers self-declare on a short www.gov.uk online form that they are meeting the criteria, was singled out for criticism. Employers need only enter details on an online form to be declared a Disability Confident employer. There is no accountability built into the scheme. We also shared our experiences of 'accredited' employers not adhering to the requirements of the scheme, for example in not awarding interviews based on missing desirable criteria.

Research tells us that:

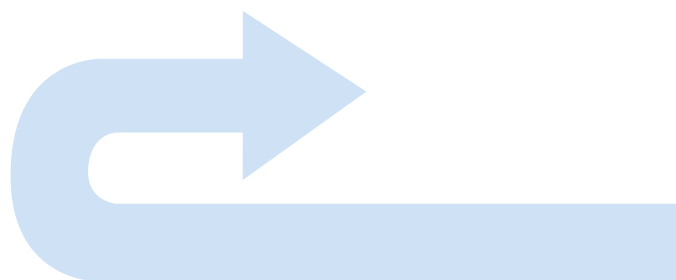
- 42.8% of working age disabled people in Scotland are in work but for non-disabled people this figure rises to over 80%. This is a difference of over 37%.¹³ To just halve that gap would mean 120,000 more disabled people need to be in work, and for all those currently in work to stay there.
- Since the beginning of the recession in 2008 the proportion of Scottish working-age disabled people in employment has fallen from 48.9% to 42.8%. In comparison the employment rate of non-disabled people has recovered to 80.2%,¹⁴ a rate similar to its pre-recession level—although more of that employment is self-employment and part-time work.
- If we are fortunate enough to find and keep a job, we are paid less than other people. In 2013, disabled people in Scotland earned £1.20 less per hour than non-disabled people.¹⁵ Being unable to secure and retain well-paid work means we are much less likely to have savings. On average, disabled people hold £108,000 less in assets and savings than non-disabled people over the course of our lifetime.¹⁶
- After one year, school leavers with impairment-related Additional Support Needs are more than twice as likely to be unemployed, or workless, than those who have no Additional Support Needs. By age 19 they are three times as likely not to be in employment, education or training as their non-disabled peers.¹⁷ By the age of 26 young disabled people are four times as likely to be unemployed than their non-disabled peers, more likely to feel hopeless and to agree with the statement 'nothing I do makes any difference'.¹⁸

- Having a higher education is no guarantee of employment. The employment rate for working age non-disabled graduates is 88.6% compared to 73.1% for disabled graduates.¹⁹
- Underlying these figures is a markedly higher unemployment rate for those of us with an active mental health condition, who are deaf or have hearing loss, or a learning disability. For example, less than 40% of employers would employ someone with a mental health problem.²⁰
- Of the 23,186 people known to Local Authorities as having a learning disability in Scotland, only 1129 (less than 5%) are in 'open employment'.²¹

'Open employment' basically means a job, but when policy-makers and employers talk about jobs for people with learning disabilities it's called 'open employment'.

'That's the thing with learning disability, even employment isn't just called that, a job is not just a job; because we are given a lower value in society overall, we are expected to settle for lesser versions of things, sort of employment rather than a job.'

Steve
People First Scotland



What does the employment gap mean for all of Scotland?

Employers and businesses who do not take steps to recruit and retain us, miss out on our experience and the contributions we can make as employees.

By failing to reflect the diversity of society in their workforces, they are failing to represent their clients and service-users.

Scotland's population continues to age. People aged 75 years and over are expected to be the fastest growing age-group in Scotland, while the working-age population will steadily decline over the next 25 years.²² There will be fewer people of working age available to fill jobs and to provide the services we all use, and to help grow the economy. Now more than ever, employers must recognise our skills, experience and employability.

In addition, people over 50 years old are more likely to acquire an impairment. Employers must start making their organisations more accessible and inclusive, for example through flexible working hours, in order to attract and retain staff.



What plans do Scottish Government have for the employment gap?

In 2016 the Scottish Government launched its Delivery Plan, 'A Fairer Scotland for Disabled People'.²³ It recognised both our legal rights and our contributions to Scottish society and highlighted some of the barriers which prevent us from contributing and participating equally.

The Delivery Plan sets out actions Scottish Government intends to take, alongside us as disabled people, our Disabled People's Organisations and others, towards removing those barriers to fair working lives and decent incomes. It says:

'We will reduce barriers to employment for disabled people and seek to reduce by at least half the employment gap between disabled people and the rest of the working-age population. Together with disabled people, their organisations and other key stakeholders we will develop this action in more detail including a timetable and plan for achieving the reduction.'



Action 28

There are a number of other actions underpinning this, including consulting on target setting, piloting work experience for young disabled people, apprenticeships and internships, developing the Fair Start Scotland program, piloting the Health and Work Gateways for support and promoting existing support such as the Department of Work and Pensions Access To Work scheme.

You can find out more about the work of Scottish Government on disability employability at

<https://beta.gov.scot/policies/employment-support/>



CLOSING THE EMPLOYMENT GAP

What's been done so far?

This is not a new problem, in fact there has probably never not been an employment gap, and there have been many attempts to reduce the gap, which largely focus on upskilling us. Many of these approaches support a limited number of us as disabled people, who tend to be furthest from the job market, to prepare for and seek work. Few programs are developed and delivered by us as disabled employees or potential employees, with some notable exceptions, or by employers; the two groups who are most likely to know what works and what does not.

One approach of the UK Government has been to lower benefit payments as a means to 'incentivise' people into work, including those assessed as having limited capability for work. This in fact had the opposite effect by making it even harder for us to find and keep a job.²⁴ Some believe that we have got 'too comfortable' on benefits and don't want to work.

'I want to challenge [the idea of] the comfort zone on benefits. Has anyone been on benefits and felt comfortable? The benefits system plunges people into poverty. Most people need to work and poverty is not a great way of incentivising people to do so. In fact it makes it harder.'



Sally Witcher

CEO of Inclusion Scotland

From April 2018, the new agency, Social Security Scotland, will deliver 11 devolved benefits in Scotland including Ill-Health and Disability Benefits, Carers Allowance and Discretionary Housing Benefit.

Whilst employment is reserved to the UK Government, some employability services are the devolved responsibility of the Scottish Government.

Here are some examples of actions taken by different sectors in Scotland and the impact of them, where known.

Employment support programmes by Disabled People's Organisations

- Smaller scale programmes run by user-led Disabled People's Organisations (run by disabled people, for disabled people) have achieved much better outcomes than other sectors. This shows that our lived experience and professional expertise are well placed to address the barriers we face. However it is not easy to 'up-scale' such projects to deliver support services to a much higher volume of disabled job-seekers across Scotland.
- Glasgow Centre for Inclusive Living's 'Professional Careers Service' supported disabled people to find traineeships within local social housing associations. 84% of them gained full-time employment and 94% gained an academic qualification. A further 12% went into further education.

Employment support by the Scottish Government

- In 2012/13 disabled people accounted for just 0.2% of all Modern and Graduate Apprenticeship new starts, despite disabled people and those with at least one long-term condition accounting for just over 14% of this age-group.²⁵ Skills Development Scotland has taken action to address this with some success. In 2016/17 data shows this is likely to be surpassed. This partly due to interventions and support by Disabled People's Organisations.
- Devolution of new powers to Scotland for employment support and social security gives the Scottish Government an opportunity to take a new direction in tackling the disability employment gap. Since April 2017 they have been delivering employment support through two new

programmes: Work Able Scotland and Work First Scotland. These differ from the UK Work Able programme which no longer applies in Scotland as they are not mandatory, and people will not be sanctioned.

These interim programmes will be replaced by Fair Start Scotland in 2018, which is planned to support a minimum of 38,000 people over the following three years.

Employment support by the UK Government

- New Deal for Disabled People, the reform of incapacity benefit and the work capability assessment focus on moving people off sickness benefits and back into work, to reduce welfare spending.
- The Work Programme was a ‘compulsory’ scheme where attendance at interviews and specified activities was required as a condition of benefit entitlement. Failure to attend led to a sanction. The result of this was that disabled people on this programme were three times as likely to be sanctioned as to be found a job. There was no evidence to show that applying these conditions increased job prospects.
- The Work Choice Programme, set up for those disabled people facing the greatest barriers to employment, had better results, with 36% of participants achieving a job outcome, including 14% achieving unsupported employment for more than six months.²⁶
- Access to Work provides funding and support to disabled people and their employers to meet extra costs that may arise because of an individual’s impairment, e.g. specially adapted equipment, support workers, interpreters and travel to work. However awareness of the scheme is low and very little money is spent promoting it. The new application process is slow which can affect when a disabled employee can start work.

The Scottish Government has committed to promoting the scheme in Scotland and is requiring Employability service providers to support disabled people in making applications.

In addition, a lot of research has been produced looking at why disabled people are not in employment and why employers don’t employ more disabled people.

Yet despite all this, and more, we still have the employment gap.

So why is the employment gap not closing?

Over time the employment gap has barely changed.

In addition, many people in society, including employers, recruiters, managers, educators and advisors still hold discriminatory attitudes towards us as disabled people, both conscious and unconscious. There is a reluctance to be flexible and a lack of awareness of the support available. There are limited resources available to make change happen. Legally, there is a limit to what Scottish Government can do to enforce change over an area reserved to the UK Government, and whilst equalities legislation is helpful it is also hard to access for many of us.

Much time and effort is spent on reversing the employment gap, but there are three things most of these activities have in common:

- we disabled people and our organisations are still not part of the planning and delivery process for most programmes.
- there is limited support for employers to improve their employerability.
- employability support services for us as disabled people work on the assumption that what stops us working is us – that we lack capability, motivation, confidence, skills or education, or that we cannot manage a health condition.

OUR SOLUTIONS

Our solutions aim to address the challenge by supporting services and employers in opening up the job market to more disabled people.

These are our solutions from the Summit. They are based on our lived experience and aim to build on current approaches and to fill the gaps between these approaches. They are not a full list of all the actions that could be taken to at least halve the employment gap.

We recognize the challenges in developing solutions that can work and we propose ways of doing things differently that should be applied to new activities, and to those already in place to make them more effective.

The challenges

There are many challenges to be addressed when setting out new solutions.

For example, not all employers or disabled people are the same, so there is no one approach which will work in every case. The job market is limited and vulnerable to changes elsewhere, not least recession and potentially the impact of Brexit. Solutions need to take account of the impact of the UK Government's austerity measures on us as disabled people. In addition, whilst the Scottish Government is working with others to deliver employability support services, they have only certain limited powers to make enforceable changes and limited resources to do so. Also, there need to be clear links to policy work and service delivery in other sectors such as housing, education and transport, and these have to bridge the gaps between local and national government and the private sector.

Doing it differently

The following overarching values were identified at the Summit by us as disabled people. These are not meant to be a 'read me once' thing. They are a set of crucial approaches which need to be integrated into all decisions and actions, and checked regularly to ensure that they are really happening.

- **Ambitious** – closing the employment gap means getting more than 120,000 disabled people into employment. Programmes need to be for the many as well as for the few in order to have any real impact on these figures.
- **Involvement** – our lived experiences are quite possibly the most under-used asset across this agenda. As disabled people, we know what is needed, what works and what does not work and we should be involved as equal partners.
- **Recognise our right to work, our aspirations and right to choice** – employers need to know about our right to work and not to be discriminated against, and what this looks like in practice, and that we have aspirations and preferences.
- **Accessibility and inclusion** – these need to be foundations of all involvement, planning and delivery, otherwise they are unlikely to work. It is essential that resources are built into plans for this and that those responsible understand what access and inclusion look like and how to make them happen.
- **Clear objectives, plans, timelines and evaluation** – planning for designing and delivering programmes should start with clear objectives and outcomes based on our right to work. Plans should include timed activities which will deliver these outcomes and performance indicators which will show if they are working or not.

- **Mainstreaming** – we as disabled people must have equal access to all employment opportunities, programmes and support, not just ‘special’ programmes. These services should therefore mainstream disability equality, access and inclusion from the start.
- **Awareness** – too many employers and disabled people still do not know what support is available and how to get it.

The solutions – Creating more employment opportunities for disabled people

Target setting – The Scottish Government plans to consult on setting ambitious targets for employing more disabled people across the Scottish public sector in 2018. The devolved Scottish public sector employs over 504,470 people,²⁷ just under 20% of all people employed in Scotland,²⁸ so there is scope here to improve our employment rate as disabled people.

However, there is evidence to show that the number of people working in the public sector is falling, which implies that there are fewer job vacancies available. In addition, targets should be seen as a starting point, and not as a ‘cap’ or an end point.

Employment is a reserved issue, so the Scottish Government cannot legislate to make targets mandatory; this would need to be done by the UK Government.

1. The Scottish Government should deliver on its plans to consult on and then introduce targets for employing disabled people across the Scottish Public Sector in 2018, and these targets should be ambitious.
2. Targets should be set for both current staff and new entrants and include specific targets for retention, promotion and transfer. The targets should take account of pay grades and occupational segregation. This would encourage employment at all levels within the public sector and would also support the public sector in meeting its Equality Act Public Sector Equality Duties.
3. Public sector target setting should include targets for publishing reports about what was done to meet targets, and what has been achieved. Reports should also say what plans are being put in place to address any shortfalls and to improve results in the coming year.
4. The Scottish Government should inform other Scottish employers about the benefits of targets and how to use them, so that more disabled people benefit.
5. The Scottish Government should consider how target setting and reporting could be built into procurement and supply requirements where public money is being spent.



Apprenticeships

Skills Development Scotland has responsibility for the Modern Apprenticeship programme. In their Equalities Action Plan they say they will aim 'to increase the employment rate for young disabled people to the population average by 2021'.²⁹ In the 2011 Census 6.3% of 16 to 24 year olds declared that they had an impairment which limited them 'a lot' or 'a little'. In 2016/17, the number of apprentices declaring a disability had risen to 2260 (8.6%). However, disabled young people are more likely to be further from the job market through having fewer qualifications and opportunities to gain experience which they can show on a job application, and therefore they are likely to have a greater than average need for opportunities like this.

Scotland's Employers Recruitment Incentive offers employers £4000 when they commit to hosting a Modern Apprenticeship; they also offer an additional £500 if the employer pays the living wage. However, we already disproportionately live in poverty and have higher living costs as a result of discrimination related to our impairments,³⁰ which means we are unlikely to be able to exist on the Living Wage, or less.

6. Skills Development Scotland should require employers hosting Modern and Graduate Apprenticeships to demonstrate that they are inclusive and accessible employers for disabled people.
7. The Scottish Government, working with Skills Development Scotland, should ensure that Apprenticeships are realistic opportunities for disabled people by ensuring that apprentices are paid at least the Scottish Living Wage.

Procurement, supply chains and community benefit clauses

Public money being spent in private and voluntary sectors is a route to support fair employment opportunities for us as disabled people. Community benefit clauses, which cover public body contracts worth over £4m, are enshrined in the Procurement Reform (Scotland) 2014 Act, section 3. This says that public bodies need to 'consider' applying community benefit clauses, not that they need do so. There is however work to be done to establish what difference these and other vehicles have made, and to assess how to maximise this.

8. The Scottish Government should review the impact of Community Benefit Clauses and procurement criteria on disabled people's employment rates, and use this evidence to develop actions to increase their scope for delivering opportunities to at least halve the employment gap.
9. The public sector and those funded by the public sector should be required, or at the very least encouraged, by means of funding conditions, to employ more disabled people and to require their own suppliers to demonstrate that they employ or support applications from disabled people.
10. Disabled People's Organisations are often 'priced out' of the supply chain by larger and more 'corporate' suppliers, despite showing better results due to fully understanding our needs as disabled people and taking person-centred, human rights-based approaches. Scottish Government should consider what steps it can take to better ensure that public sector procurement decisions are driven by outcomes for service users and not just costs, and that those who can evidence results are able to compete on a level playing field.

Incentives

This agenda is urgent and clearly we need incentives to ‘kick start it’. ‘When there are more disabled people in the workplace, there are more opportunities to create positive perceptions and cultures within it.’ (Keep Calm and Stop It; disability harassment in the workplace’.³¹)

11. Public bodies, grant award makers and Disabled People’s Organisations should work together to consider if incentives for employers could help to increase employment opportunities for disabled people. This discussion needs to carefully weigh up the implications and perceptions around any of a range of incentives such as monetary incentives and whether they are the right solution.

Grow ‘employerability’

Employerability and understanding what this means is important. It addresses the fact that most of the activities geared towards our employment issues focus on our perceived lack of capacity and capability. This takes little or no account of the barriers that we are presented with, including negative attitudes and exclusive practices, and fails to address the changes that many employers still need to make to become more accessible and inclusive employers that we want to work for.

Employers in all sectors, no matter how large or small, should aim to improve their own employerability. This means taking positive steps to employ, retain and promote more of us as disabled people. This means being accessible and inclusive, informed and understanding and valuing our contributions. It means being open to learning where and why things are not working and then working with us to put them right.

12. Scottish Government and employer’s organisations should work with Disabled People’s Organisations to promote understanding and awareness of employerability. This activity should have a clear focus on what employers need to do and by sharing the Employers Specification on [page 20](#).



Employers Specification –our selection criteria for employers

The specification below includes some of the criteria we would look for in an employer. It is not a full list and we would like to talk to employers about it.

Essential and desirable criteria

Attributes	Relevant Criteria
You are getting ready for us coming to work and you are welcoming us	You know that support is available and how to get it. You have a dedicated post-holder who ensures policies, procedures, practices and premises do not discriminate against us. You check workplace adjustment policies, flexible working policies, sickness management regimes and dependency leave to ensure they are inclusive. You look for improvements that you can make to your physical premises, not just for disabled employees but for suppliers, clients and visitors too. You have or you will plan to set up a disabled employees forum or network and involve us in development of policies and procedures. Your induction and on-going training includes disability equality training, for everyone.
You are helping us get into work	You have reviewed your job descriptions and your person specifications and they are inclusive. You include information about why you are a good employer for disabled people in all application packs. You target us as potential employees and advertise jobs where we will see them. You make sure that application forms and information are available to us in accessible formats, not just online.
You are helping us stay in work	Your post-holder supports new entrants, and staff who acquire an impairment or long-term health condition, to get support and change practises. You support staff who become disabled to stay in work with adjustments. You monitor and record the retention of staff and address issues where retention could have happened, but did not.
You are helping us get on in work	You understand that we need equal access to developmental and training opportunities and you make sure that these are available to us. Your policies and practices support us to get ahead at work and seek internal promotion, or transfers.

Support for employers and disabled people

Employers, not just us disabled people, need support. Support for employers needs to cover all the mainstream aspects of employment including recruitment drives, employment policies and practices, management, workplace cultures, pay and benefits, development and promotion. It also needs to address specific aspects like retention when someone becomes disabled or their impairment worsens, how to make the right reasonable adjustments and how to access the help available to do so. According to the Papworth Trust ‘the two most commonly stated needs for employment among adults with impairments are modified hours or days or reduced work hours, and tax credits’.³²

This support could fill a gap in provision by targeting small and medium-sized employers who have only limited human resources capacities and who may find it harder to access help, and others who support the labour market. But it should also support larger employers, careers advisors and employability service providers too.

- 13.** A Disabled People’s Organisation which has a track record of supporting employers and disabled employees should set up a one-stop shop, funded by Scottish Government. This should be promoted widely and become recognised as the place to go for employers in all sectors, and us as disabled people. It could:
 - a. support disabled people and employers with job matching and be a portal for advertising posts to disabled people, accessibly.
 - b. provide practical support for job design/re-design.
 - c. provide support for identifying the right reasonable adjustments and how to go about delivering them, including applying for Access to Work grants.
 - d. support employers to audit, revise and implement their employment policies, procedures and practices to ensure they are accessible and inclusive and flexible, such as sickness management.
 - e. provide disability equality training, using trainers who are themselves disabled people.
 - f. support disabled people and employers with a peer mentoring programme.
 - g. extend this support to recruitment agencies, business support bodies and unions, and to employers through them.
 - h. extend support to disabled people and those who work with them in schools, further and higher education and business start-ups, such as Scottish and Highland and Islands Enterprise bodies and Skills Development Scotland.
 - i. work with other organisations such as Fair Start Scotland providers to help them to increase the numbers of disabled people who know about them and the number of disabled people accessing their support, and to ensure that access and inclusion issues are mainstreamed throughout their service delivery
 - j. support disabled people in accessing mainstream support for business start-up and entrepreneurship.
 - k. be a focus for new activity and research to halve the employment gap and support involvement of disabled people and employers in developing these approaches.

Access to Work

Figures from the Department of Work and Pensions indicate that there are 25,200 people receiving Access to Work grants across the UK. Access to Work grants meet some of the costs required to support us in employment, such as the costs of personal and communication support, specialist equipment or software, accessible transport, and adjustments in the workplace. This covers self-employment as well as paid employment, but there are issues around things like contractual work of less than 12 months, 'zero-hours' contracts and volunteering. Examples from the Summit included someone who needs a mobility scooter but this was removed when they stopped being involved in the project which provided it to them, and they are currently immobile and unable to apply for work.

There is evidence to suggest that the Department of Work and Pensions is not approving the costs of our support needs, which means that either employers have to pay the shortfall or disabled employees are unable to do their jobs, possibly leading to losing their jobs.

The Sayce Review³³ reported that 'Access to Work provides the essential support, interpreters, technology and more that give disabled people a more equal chance of employment. It is popular with disabled people – because you can (at best) get individual support that suits your situation and your job. And it brings money into the economy – for every £1 spent, the Treasury recoups £1.48.'

Two of the biggest challenges with Access to Work are that employers, and indeed some disabled people, remain unaware of it and that the application process can be time-consuming. There is anecdotal evidence that employers will not keep a job open whilst waiting for the process to complete and support to come on line, enabling the disabled person to start work.

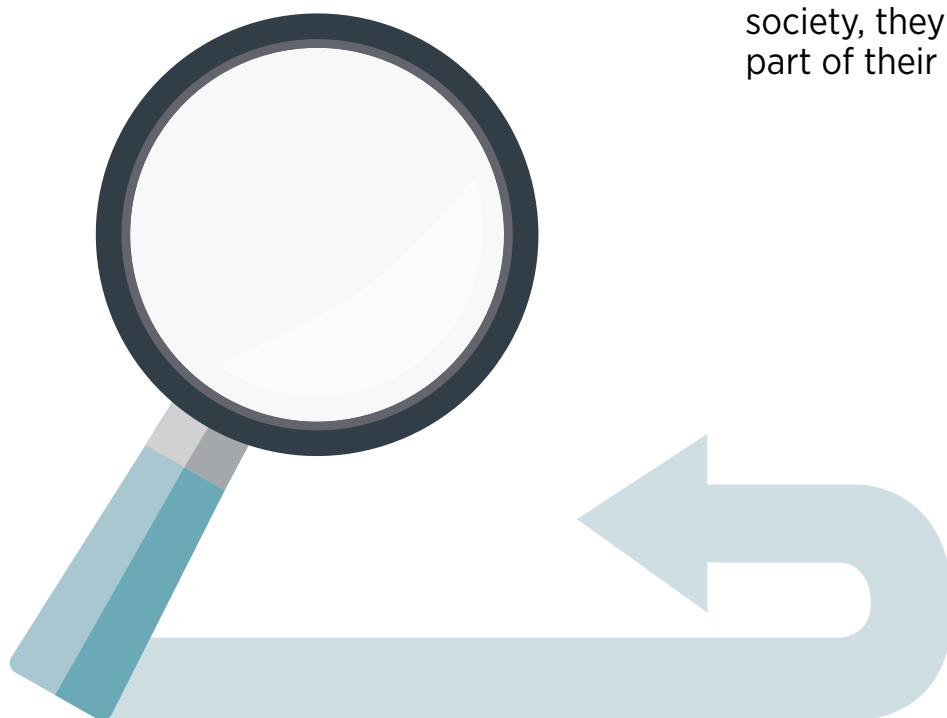
14. The Scottish Government should consider funding a scheme to supplement Access to Work where the grant award fails to meet the needs of the individual, and to cover the initial period of employment whilst disabled people wait for their grant award. This could also cover the support needs of disabled people to access the job market in order to gain employment.
15. The Scottish Government, the wider public sector and those who work with them and are funded by them should work together to collectively promote Access to Work to disabled people, employers, and others. This should take account of DWP plans to promote Access to Work. Scottish Government, business and employers organisations and disabled people should work with DWP to direct their marketing of Access to Work in Scotland.
16. The Scottish Government should address concerns about Access to Work with the Department of Work and Pensions.

Raising awareness and changing attitudes

Employers and wider society need to recognise and value our contributions at work, and elsewhere. There needs to be greater awareness of the benefits of employing disabled people, how easy it is to make changes and the support available to do so. Employers also need to be aware of the business benefits of a diverse workforce and their legal duties.

There are examples of good work across the employment sector to raise awareness and inspire change. There are larger organisations with resources and also smaller organisations with positive attitudes who are working to support disabled employees and applicants. However, part of the challenge here is communicating with and persuading those employers who are 'hard to reach' because they are not part of networks or membership groups that carry this message and offer support and signposting.

17. The Scottish Government and Disabled People's Organisations should work together to build links with organisations which can help us communicate with all types of employers across Scotland, such as enterprise agencies, business to business, professional and trade organisations. These links should be used to share information and support around good employerability practice.
18. The Scottish Government should review and share the results and impact of their 'Get past the awkward'³⁴ awareness campaign and work with Disabled People's Organisations to examine how best to strengthen the campaign message and to reach more employers over a longer period.
19. In addition, the Scottish Government should consider a properly resourced and sustained campaign similar to the 'See Me' campaign, going beyond just employment issues, to change attitudes towards us in society. If employers don't see us as equal members of society, they will not see them as part of their workforce.



Scottish Government leadership

The Scottish Government strives to be an inclusive and accessible employer for disabled people. Whilst its resources are not unlimited, it does have considerably more resources and expertise than many other employers who may have few if any resources to commit to changing their practices. Scottish Government officials have said that they want to set an example and show leadership to other employers.

- 20.** The Scottish Government should plan for how it will translate its own practice into learning for other employers, how it will communicate this to them, and have outcomes for doing so.
- 21.** The Scottish Government should consider setting quotas for disabled people's membership on Boards and Ministerial Advisory Groups, and not just those concerned with disabled people's issues such as Mobility Access Committee Scotland, as a way of supporting our visibility and capacity, and our input into decisions by any of these groups with a link to employment.
- 22.** The Scottish Government should mainstream employerability, and what this means in practice, into the development and delivery of all its employability activity and internal practice.

Careers advice

In 2015-16, 12%³⁵ of full-time Higher Education students and 20% of full-time Further Education students declared a disability. In the same period, 7% of children and young people under 16 had a disability.³⁶ All these people, and the people who support children and young people who are themselves disabled, such as their parents, need accessible and inclusive careers advice which supports them in identifying their preferred post-education destination and in reaching that place. Anecdotal evidence at the Summit suggested that there was not enough support of the right kind and that careers advice services made assumptions about what we can do and what we want to do. Their low expectations of us as disabled people fosters low aspirations in disabled people ourselves which can last a lifetime.

- 23.** Skills Development Scotland and the Scottish Funding Council should address the culture of low expectation and work with disabled people, particularly children and young people and those who care for them, to ensure that careers advice is person-centred, accessible and aspirational. Careers advisors in all sectors need to be 'disability confident', fully aware of what is possible and of how to help us achieve our aspirations.



Rights and remedy

We have rights not be discriminated against in employment, to be treated fairly and seek legal remedy when things go wrong. Employers have duties to make reasonable adjustments and public sector organisations have duties to positively promote equality for us as disabled people.

Fees have been removed for employment tribunals in Scotland making it easier for people to seek redress for unfair treatment in employment. However, taking a case to a tribunal is stressful and difficult and people fear repercussions. There are other barriers for us as disabled people, including inaccessible legal support and a lack of awareness across the legal profession.

24. The Scottish Government should consider supporting a Disabled People's Justice Hub in Scotland so that disabled people can have equal access to advice and support to gain remedy and justice which is accessible to them. Inclusion Scotland has developed a model of a hub which would support disabled people.

25. Unions, the Scottish Government and advice organisations should consider how, working with Disabled People's Organisations, they can reach more of us to inform us of our employment rights and support to use these rights, and about employment support.

Targets and evidence

Halving the employment gap is an ambitious target and needs careful and ongoing planning. This has to include evidence gathering, monitoring and evaluation which are both transparent and useful.

26. The Scottish Government should tell people what the aims of each of their employability activities are and how they will know if they have achieved these aims. This should be applied both to the overall ambition and to each activity, including Actions 28 to 49 of Fairer Scotland for Disabled People. The results of this review should be published.

27. The Scottish Government should work with Disabled People's Organisations to identify gaps in evidence. This could include researching how to increase understanding of why disabled applicants do not get job offers and whether this could be down to attitudes, misperceptions and lack of information about practical steps that can be taken.



CONCLUSIONS AND NEXT STEPS

At least halving the employment gap between us as disabled people and non-disabled people is an ambitious task. We need to start now and aim high and we need to do things differently from before if change is going to happen.

We believe that the focus needs to shift from our 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, and giving them the support to do so.

This report presents our solutions. Inclusion Scotland and others will take these to the Congress and will follow up on them with those who have the power to take action and support us to deliver action too.

Above all, this has to be a joint effort and we disabled people should be a main part of that effort. We are ready for change.



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About Inclusion Scotland

We are a registered charity governed by a board which is made up of a majority of disabled people. Inclusion Scotland works to achieve positive changes to policy and practice, so that we disabled people are fully included throughout all Scottish society as equal citizens, find out more about our approach and work by clicking here.

You can become a member of Inclusion Scotland by visiting the membership page on our website. Membership is free and open to disabled people, disabled people's organisations and our supporters.

Email: info@inclusionscotland.org
Website: www.inclusionscotland.org
www.facebook.com/InclusionScotland
www.twitter.com/InclusionScot

About Independent Living in Scotland

Independent Living in Scotland is Inclusion Scotland's developmental and innovation team. ILiS works to develop innovative solutions to the barriers that disabled people encounter every day. ILiS organises the Disabled People's Annual Summits and produces the report.

Email: contact@ilis.co.uk
Website: www.ilis.co.uk
Registered Office
Hayweight House
23 Lauriston Street
Edinburgh
EH3 9DQ
0131 281 0860

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