

## Written evidence from the Royal Mencap Society (DEG0167)

### About Royal Mencap Society and learning disability

We support the 1.5 million people with a learning disability in the UK and their families. We fight to change laws and improve health and care services as well as access to education and employment.

A learning disability is caused by the way the brain develops before, during or shortly after birth. It is always lifelong and affects intellectual and social development.

### Background

1. Mencap believes that every person with a learning disability should have the opportunity to work. We believe that employment should be considered as a fundamental part of their life.
2. A significant issue is the lack of reliable data on employment and learning disability. An often-quoted statistic, is that fewer than 6% of people with a learning disability known to social services, are in work. However, this only accounts for approximately 150,000-170,000 out of the estimated 1.5m people with a learning disability across the country. To help combat this, in 2019 we carried out a survey which gathered more than 5,000 response. From this we believe the actual employment figure may be closer to 25% (pre-COVID-19). But we do know that a far greater number of people with a learning disability want, and are able, to work.
3. It is difficult to say for certain why there is such a discrepancy between the two figures, but it could be because those known to social services tend to have more severe or profound learning disabilities meaning they are more likely to be further from the labour market. Better collection of data by the Government is crucial in helping to inform better and more targeted policy development.
4. Despite the efforts of charities to improve opportunities, and several commitments from the Government, employment rates for people with a learning disability have remain stubbornly low.
5. The reasons for this are numerous but some of the typical barriers to employment we see include:
  - a. a lack of good quality support to find and stay in employment
  - b. a lack of support to build skills
  - c. fears and negative attitudes from employers
  - d. inaccessible recruitment practises
  - e. misconceptions and a lack of understanding of what people with a learning disability can achieve with the right support
  - f. failure by Government programmes to provide the necessary adjustments required by people with a learning disability

6. This stands in stark contrast to the potential we see in the people with a learning disability we support. A review we published in 2017 revealed the business benefits of taking on staff with a learning disability<sup>1</sup>. This included:
  - a. Financial savings - Research shows that by staying in post longer, having fewer sick days and having good punctuality records saves on recruitment and training. People with a learning disability stay in their jobs 3.5 times longer than non-disabled co-workers.
  - b. Better staff morale - Employers have reported overall increased staff morale, increased company productivity and better workforce cohesion. 72.2% of employers regarded the impact on company morale as an important factor in deciding to employ people with a learning disability.
  - c. Improved company reputation - 87% of consumers agreed that they would prefer to give their business to companies that hire people with disabilities.
7. We know that disabled people are often the first group to feel the effects of an economic downturn and are the last to benefit from the recovery. COVID-19 is no different and our employment support teams are starting to see examples across England of employment opportunities being stopped, postponed or withdrawn.
8. We have seen many cases where a person with a learning disability was undertaking a work experience placement in a supermarket with hopes of moving towards a paid placement soon. However, the placements were suspended with the introduction of COVID-19 restrictions and these roles remain uncertain.
9. Other cases we have heard involve; an individual being unable to complete a course which is a requirement for securing a paid position, and another person being unable to start their apprenticeship due to lockdown. We are hopeful that these individuals will be able to pick up where they left off.
10. There are two other factors which we believe may negatively affect the employment prospects of people with a learning disability as we recover from COVID-19. The fact that many people with a learning disability work in industries hit hard by the pandemic, including hospitality and retail, and that people with a learning disability can often have underlying medical conditions, such as diabetes, which could have required them to shield or make them anxious about returning to busy public spaces.
11. COVID-19 has also rapidly changed the way we work, introducing a raft of flexibilities that some had considered not possible before, such as greater levels of home working and more flexible hours to fit around caring or family requirements.
12. Rather than returning to the old ways of working, we must instead use this opportunity to examine how the workplace and labour market can be made more accessible for people with a learning disability and provide them with the opportunities to gain and maintain meaningful, well paid and stable employment.

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<sup>1</sup> <https://www.mencap.org.uk/sites/default/files/2017-06/2017.080.1%20LDW%202017%20guide%20DIGITAL%20V2.pdf>

13. It is crucial that the Government's economic recovery plans provide a holistic approach that incorporates these new ways of working, acknowledges the challenges to sectors like hospitality, and incorporates the raft of new and existing programmes as outlined below.

### **Impact of COVID-19 on Existing Employment Programmes**

14. Before the pandemic, there were already several programmes designed to support people with a learning disability into employment. These have had varying successes but with modifications, the right promotion and coordination with other programmes, we believe they offer a viable route into sustainable employment.
15. The Government must continue to focus on these existing routes into employment alongside new programmes such as Kickstart and the 'Expanded Youth Offer'. Currently there is not enough coordination between these programmes.
16. We want to see work continue on making the 'The 3 Ships' (traineeships, supported internships and apprenticeships) more accessible and widely available as this will open up pathways into long-term employment for people with a learning disability.
17. We are a registered apprenticeship provider and provide support and advice to employers and providers across the country. We did this in response to the shocking figures around access to apprenticeships for people with a learning disability. In 2016/17, there were 494,880 apprenticeship starts in England, of which 50,930 (10.3%) were people with a learning difficulty and/or a disability (LDD). The pressures around COVID-19 have exacerbated these figures at a time when the Government should be opening them up to provide equal opportunities for this group. This risks moving people with a learning disability still further from the job market and opportunities to acquire the skills and confidence to gain employment.
18. Supported internships and traineeships are other important pathways into employment for people with a learning disability. We welcome the Chancellor's announcement of an additional £111m to increase the number of traineeships and hope that the Government will promote this widely to employers alongside other programmes like Kickstart. This is important as traineeships do not just provide work experience but are designed to move people towards being work or apprenticeship ready in 6 months by including training in areas such as CV-writing and interview preparation. Additionally, we would like to see more done to incentivise Supported Internships, such as incentive payments, which are specifically for people with a learning disability to encourage greater uptake of this programme.
19. Access to Work is more important than ever with the move to more flexible working, working from home and a greater use of technology. The Government must raise the profile of Access to Work with employers and employees to make them aware of the support that is available and continue to adapt the range of support offered to encompass changes to remote working.

20. Access to Work is a hugely beneficial programme for people with a learning disability. We have seen first-hand the ability of the programme to provide the support which enables people with a learning disability to reach their potential. However, there are two key issues holding Access to Work back.
- a. Many employers are unaware of the programme and its benefits. More must be done to advertise Access to Work to employers as this can help tackle some of the concerns employers might have about support people in their roles as well as provide additional support for those already in roles.
  - b. The administration of the programme is outdated and requires a complete overhaul if it is to have a significant impact on contributing to reducing the disability employment gap. Some of the issues we encounter include;
  - c. time consuming and complex nature of the signing up and administration of an individual's claim
  - d. Long waiting times for applications to be processed
  - e. Inconsistent approaches by advisors
  - f. Large amounts of back-and-forth with paperwork between employer and advisors
21. The Kickstart programme is a welcome policy which has the potential to have a significant impact on young people with a learning disability. However, little thought seems to have been given to how disabled people can benefit from the programme and how it will tackle some of the underlying barriers to employment such as negative attitudes and employer uncertainty. One crucial barrier to people with a learning disability accessing Kickstart is the requirement to be on Universal Credit as many people with a learning disability will be on a 'legacy benefits' and therefore excluded from the programme.
22. More must be done to ensure that employers and employees using Kickstart are aware of the support available to them, such as Access to Work and that this support can be implemented swiftly to ensure that the individual can make the most of the six month placement.
23. The Government must also do more to ensure that those who undertake a Kickstart placement do not simply end up returning to unemployment following the end of their six-month placement. We want to see greater clarity from the Government on how they plan to build upon, and sustain, the opportunities presented to employers and employees and prevent people simply returning to 'square one' in looking for employment. Some potential avenues to build on Kickstart programmes would be to link them to extend eligibility to 'legacy benefits', better communicate support offers and reasonable adjustments to employers and link Kickstart to apprenticeships so that employers have a pathway to long-term employment.
24. We are also concerned at the interaction and impact that the Kickstart will have on other employment policies such as supported internships and apprenticeships. It is important that the Kickstart programme does not prevent people from undertaking these crucial pathways into employment which also provide qualifications and a well-trodden path into sustainable long-term employment.

25. Lead responsibility for improving employment rates for people with a learning disability should ultimately sit with the Department for Work and Pensions (DWP) and the Disability Unit in the Cabinet Office. While the DWP should retain this lead role, the Disability Unit must utilise its position in the Cabinet Office to bring greater harmony between the policies and initiatives, in particular the Department for Education (DfE), such as apprenticeships, and the Department for Health and Social Care (DHSC), the provision of adequate support to enable people to move closer to the labour market.
26. The development of the National Strategy for Disabled People also presents an opportunity to position the Disability Unit as the coordinator of disability employment policy. But for this role to succeed the Disability Unit must be given the necessary backing to hold Departments to account as well as influence policy development so that existing and new policies are as joined up as possible.
27. One recent example of the lack of joined up approach is the launch of Kickstart, run by the DWP, and the announcement of additional funding for Supported Internships. Concerns were raised by ourselves, and other bodies, that these two policies had no consideration of the impact on one another and would in essence be competing against each other. The current situation also creates competition for opportunities with employers across the programmes, and in this case the financial incentives of Kickstart could have a detrimental impact on Supported Internships as employers are attracted towards Kickstart. A central coordinating body, such as the Disability Unit, would have been well placed to resolve these issues early in the development of these policies rather than require the third sector to highlight problems during implementation.
28. Disability Confident requires alterations if it is to have a significant impact on improving the employment rates of people with a learning disability. Currently, there is no requirement for an employer registered with any level of the programme to prove that they have hired an increased number of people with a disability. For example, at the highest level, Level 3: Disability Confident Leader, a company is required to only “confirm you are employing disabled people”<sup>2</sup>.
29. This programme has the potential to make significant inroads in changing perceptions on disability. But Disability Confident must have tougher criteria which would ensure that those companies which register to their bit to bring down the Disability Employment Gap.
30. The current DWP offering to people with a learning disability is varied based upon the work coach you are given (if you have one) as well as the outcome of your Work Capability Assessment (WCA). We have long argued that the WCA is not fit for purpose and fails to take full account of the impact of someone’s disability on their ability to work. This core failure results in the high rates of appeals, many of which are won. We also know that the current process is stressful to the individual and this can move many people with a learning disability further from the labour market as the anxiety and stress can exacerbate or create new health conditions.

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<sup>2</sup> <https://www.gov.uk/guidance/disability-confident-how-to-sign-up-to-the-employer-scheme#level-3-disability-confident-leader>

31. WCA's must be reformed to remove the onus placed on individuals to gather evidence and there must be a fundamental rethink of the assessment's approach so that it truly captures the needs of the individual.
32. Conditionality and sanctions have long had a detrimental impact on people with a learning disability often moving people further from the labour market. Sanctions can trap people with a learning disability in a cycle of poverty. This results in people with a learning disability not having the funds to get to a work placement or appointment.
33. Many of these sanctions are the result of having inappropriate conditions attached to their social security. This can put people with a learning disability in situations where they are unable to meet highly demanding conditions, such as full-time job searching where they are unable to access a computer or need support, leading to sanctioning. It could also force people with a learning disability into taking on inappropriate employment, for example full-time hours when only part-time is possible due to health reasons. This could lead in the best scenario to, the individual resuming job searching and in worst case scenarios, worsening of health conditions.
34. We have also heard of cases where a person with a learning disability is unaware that there are conditions attached to their social security. This can be caused by literacy issues, and in one case a person only became aware of the sanction when they tried to withdrawal money at the bank.
35. The upcoming Green Paper on Disability Benefits must address the conditionality and sanctions regime, which in its current form is an additional barrier to many people with a learning disability in securing sustainable employment. A constructive and positive system which focuses on empowering people to reach their potential is a crucial step in helping to reduce the disability employment gap.

### **Shared Prosperity Fund**

36. One crucial avenues that has supported many people with a learning disability into employment, including those run by Mencap, are projects funded by the European Social Fund (ESF).
37. The importance of the ESF, and ensuring its replacement, can be seen in Northern Ireland, particularly given ESF is the primary source of funding for disability employment projects (alongside various sources of match funding). In the past 2.5 years, according to the Northern Ireland Union of Supported Employment, these projects have benefited 7000+ disabled people, with 17.5% progressing into paid employment and 18% progressing into training or education<sup>3</sup>.
38. Even more important than these figures, these programmes help those furthest from the labour market, supporting disabled people to gain the skills, knowledge and support to help them move towards paid employment.

39. The Government has committed to replacing European Structural and Investment Funds, which include the ESF, with the UK Shared Prosperity Fund (SPF). The 2019 Conservative Manifesto also committed to targeting the SPF at the UK's specific needs, at a minimum matching the size of European structural funds in each nation and ensuring that £500 million of the Fund is used to give disadvantaged people the skills they need to make a success of life<sup>4</sup>.
40. We welcome the announcement in the Spending Review 2020 that further details of the SPF will be coming forth in spring next year<sup>3</sup>. However, little detail has emerged of when the SPF will come into operation, how the new fund will operate, which groups will benefit and what projects the fund will cover. The current (and last) round of ESF funding will finish in just over 18 months' time (31<sup>st</sup> March 2022) and with new programmes typically taking between 3-5 years to develop there is a real risk that current providers will be forced to close with the loss of expertise that comes along with this.

### **Key Recommendations**

41. The Government must put disabled people, including people with a learning disability, at the heart of the economic recovery from COVID-19 to ensure that this group is not left behind.
42. The Government must look to enhance the support – including social security available to disabled people who may have lost their job or who may find themselves even further away from the job market as a result of COVID-19.
43. Existing employment programmes (such as traineeships and apprenticeships) must have better coordination with new programmes (such as 'Kickstart'), to ensure that employers and employees understand the best pathway for them and that the programmes do not undermine each other. Ongoing work to open up apprenticeships to more learners with a learning disability must also be prioritised to help provide these individuals with the skills and opportunities to build their lives after COVID-19.
44. The Government must also provide clarification on future funding arrangements for disability employment projects that are currently delivered through ESF and give assurances that there will be no gap between existing and new funding streams.

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