

Work Choice – equality impact assessment

Version 2.05

November 2010

Equality impact assessment for Work Choice

Introduction

- 1.0 The Department for Work and Pensions (DWP) has carried out an equality impact assessment on the new Work Choice programme. This is to meet the requirements of the Equality Act 2010.
- 1.1 The equality impact assessment process allows us to make sure that:
 - the department's strategies, policies and services are free from discrimination;
 - due regard is given to equality in decision making and subsequent processes;
 - opportunities for promoting equality are identified.
- 1.2 The aim is to ensure that implications for equality are thoroughly assessed and to provide assurance that any changes needed to mitigate potential adverse impacts have been identified.
- 1.3 This equality impact assessment addresses the proposals put forward in the public consultation 'Helping people achieve their full potential: Improving Specialist Disability Employment Services' launched in December 2007 under the previous government, which sought views on proposed reforms to DWP specialist disability employment programmes.

Background

- 2.0 The response to the consultation was overwhelmingly positive, particularly regarding proposals to replace the existing specialist disability employment programmes, Work Preparation, WORKSTEP and the Job Introduction Scheme, with a single programme.
- 2.1 As a result, ministerial instruction was given by the then labour government to press ahead with the reforms. The Green Paper 'No one written off: reforming welfare to reward responsibility', published in July 2008 set out plans for improving support and work incentives to create a system that rewards responsibility and delivers greater choice and control over the support that is provided.
- 2.2 Additionally the White Paper 'Raising expectations and increasing support: reforming welfare for the future' was published on 10 December 2008. The Paper set out in detail, a plan for the future as part of the vision for a

personalised welfare state, where more support is matched by higher expectations for all.

- 2.3 In July 2010, the coalition government reaffirmed its commitment to supporting disabled people and in a written statement placed before the House, confirmed that Work Choice would go ahead.

Past Provision

- 3.0 The main programme, WORKSTEP, was a supported employment programme aimed at helping disabled people facing the most significant or complex barriers to getting or keeping a job, but who could work effectively with the right support.
- 3.1 DWP managed WORKSTEP and held contracts with around 160 organisations comprising local authorities, voluntary and private sector organisations. During 2009/10 WORKSTEP provided job support to over 13,500 disabled people.
- 3.2 Employees on the WORKSTEP programme were employed in the open labour market through supported placements or within supported businesses, established specifically to employ disabled people. The aim of WORKSTEP was to help people progress to unsupported employment where it was the right option for them.
- 3.3 In addition, Work Preparation helped disabled people address employment-related issues associated with their disability and prepared them to enter work. This included confidence building, identifying suitable types of employment and work experience.
- 3.4 Finally, employers who employed a disabled person under the Job Introduction Scheme were paid a wage subsidy of £75 per week for up to thirteen weeks.

Change in Policy

- 4.0 Work Choice was launched on 25 October 2010, introducing a single programme to replace the above suite of provision.
- 4.1 The introduction of Work Choice brought together the best elements of WORKSTEP and Work Preparation into a new unified programme which will improve our specialist employment services so they better equip disabled people to move into, retain and progress in employment.
- 4.2 Work Choice has a greater focus on people who actually need specialist support and is delivered with a flexible, modular approach in which customer control and choice is embedded. This incorporates improved progression to unsupported

employment and a greater focus on job entries for customers who reach the stage at which they could work without support.

- 4.3 Work Choice complies with the Equality Act 2010 by promoting equality of opportunity for disabled people.

Reason for Change

- 5.0 Previous disability provision was insufficiently flexible and not easily adapted to the specific individual support needs of each customer. It was also unsatisfactorily geared towards job entry, not sustainability.
- 5.1 There were insufficient incentives built into the former system to encourage customers who reached the stage where they could work without support to be encouraged to find suitable unsupported work. In addition, Disability Employment Advisers did not always monitor customers' progress on provision and help them make decisions which would improve their chances of moving into unsupported work.

Purpose and aim(s) of Work Choice

- 6.0 The new programme is aimed specifically at customers who, by reason of significant disability, cannot be helped into employment through Jobcentre Plus (JCP) mainstream programmes. Work Choice provides a more flexible, easy to use service that is better at enabling Jobcentre Plus frontline staff and our external partners meet the needs of individual disabled people and employers.
- 6.1 We will promote more active customer involvement in the programme and have worked with various customer representative groups and advocacy organisations to develop ways of doing this.
- 6.2 Key principles for Work Choice are:
- a greater focus on those who need specialist support;
 - less prescription and greater flexibility;
 - better links between elements of provision;
 - better consistency and quality of provision;
 - provision for all types of disability;
 - more opportunity for the customer to exercise choice and control;
 - a greater focus on job entries;
 - improved support for people in either employment or self employment;
 - improved progression to unsupported employment;
 - a greater emphasis on achieving potential within longer-term supported employment.

Procurement

- 7.0 The Work Choice procurement exercise was conducted in accordance with current UK Legislation and the EU Public Procurement Regulations. In addition, DWP's procurement policy which underpins all commercial activity, ensures the department conforms to the usual public sector standards of procurement.
- 7.1 This procurement policy ensures DWP (and third parties acting on the Departments' behalf) comply with all aspects of equality and diversity and are committed to procurement outcomes based on:
- value for money;
 - competition and integrity; and
 - objectivity and fairness.
- 7.2 This ensures all potential suppliers have an equal opportunity to compete for DWP business.
- 7.3 DWP have implemented this process to guarantee equality and diversity issues are embedded into every stage of provision procurement. The process aims to be as inclusive as possible and remove any obstacles for potential suppliers to conduct business with the department.
- 7.4 In this way, the department ensured all suppliers who met the stated criteria to participate, had an equal opportunity to bid for the Work Choice service provision fairly and without discrimination. This ensured best practice in the award of Work Choice contracts.
- 7.5 Work Choice contracts awarded also ensure that our suppliers have effective equality and diversity policies in place and abide by DWP policies on equality and diversity. The successful suppliers and their sub-contractors are required to promote diversity and equality in their ways of working, in relation to their own staff, their supply chain and in the delivery of Work Choice services.

Consultation and Involvement

- 8.0 During the development of this policy the Work Choice project team consulted and worked closely with key stakeholders during the design and development phase. These stakeholders included existing providers, Local Authorities, Trade Unions, the Welsh and Scottish Assemblies, members of the public, WORKSTEP customers, disability groups and charities.
- 8.1 DWP held various workshops, meetings and consultation events where providers, disability lobby groups such as the British Association for Supported Employment (BASE), Community Union, Convention of Scottish Local Authorities (COSLA), Scottish Union for Supported Employment (SUSE), Welsh Local Government Association (WLGA) and Disability Employment Advisers (DEAs) were invited to give their views on the proposals for the new

programme. They were asked to consider all impacts including equality issues when reviewing project documentation and processes. All findings were included in the policy decisions for Work Choice.

- 8.2 The project also worked closely with Remploy who have adapted their current delivery model to offer a Work Choice service in order to achieve the targets in their five year Modernisation Plan.
- 8.3 These events enabled DWP to build a clear picture as to what was needed to deliver, to ensure everyone is given the same opportunity no matter what their disability, gender, sexual orientation or race may be.

Impact of the Work Choice Programme

Equality Impact – Disability

- 9.0 Work Choice was designed as a pan-disability programme, however there is a risk that changes delivered by Work Choice may not reach some of the groups of disabled people for whom the support is intended.
- 9.1 Eligible customers with the following characteristics may be at risk of not benefiting from Work Choice Programme:
 - a) people who do not usually use/are not familiar with JCP services and lack confidence to engage with JCP to discuss support available;
 - b) customers not on benefits or any related support;
 - c) those who have recently finished education;
 - d) people with learning disabilities and/or mental health conditions; and
 - e) those completely unaware of support available.
- 9.2 In mitigation, the Department has designed a separate referral routeway to reach customers who fall within categories a, b, c and d above. A number of organisations such as Local Authority (Social Care Department), Primary Care Trusts and Local Education Authorities who may have contact with disabled people will be able to refer them directly to the Work Choice supplier. Work Choice suppliers will then be able to assess their eligibility and if suitable accept them onto the programme.
- 9.3 The supplier notifies JCP of these customers using a clerical referral form which is available in a range of alternative formats (including Braille and large print) along with other forms of communication.
- 9.4 In order to minimise the risk posed in category 'e' above, DWP commissioned significant communication activities to advertise the programme through the usual communications route.

- 9.5 The Department will also monitor groups of disabled people who are under-represented and take mitigating actions should this occur, to:
- promote equality of opportunity between disabled people and others;
 - eliminate discrimination that is unlawful under the Equality Act 2010
 - eliminate harassment of disabled persons, related to their disabilities;
 - promote positive attitudes towards disabled persons;
 - encourage participation by disabled persons in public life; and
 - take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than others.
- 9.6 There is a risk that a better resourced and reformed programme does not target the support it provides at groups of disabled people with the greatest need. Around 8% and 36% of customers on WORKSTEP were people whose disability was respectively; poor mental health or a learning disability. Both groups are disadvantaged by particularly poor work opportunities.
- 9.7 The new programme is less prescriptive and more flexible than previous arrangements with a greater focus on those who need specialist support. Work Choice helps promote equality through incorporating improved progression to unsupported employment and a greater focus on job entries for customers who reach the stage at which they could work without support.
- 9.8 The Department commissioned a survey of WORKSTEP customers which encompassed both quantitative and qualitative data collection. The fieldwork took place in the first half of 2009 and a report on the findings was published in January 2010. The findings from this survey provide baseline information about the characteristics of WORKSTEP customers which will inform the evaluation of the new programme.
- 9.9 DWP is committed to carrying out a full evaluation of the new programme, which will start soon after Work Choice go-live. This evaluation will seek to assess the effectiveness of Work Choice and also to explore the experiences and views of key stakeholders on the new programme.

Equality Impact – Gender

- 10.0 There is a risk that Work Choice may not provide the necessary assurance that people will have equal access to the support it provides irrespective of their gender.
- 10.1 Historically, men outnumbered women on WORKSTEP by more than two to one. This may be because many customers joined the programme when it was the 'Supported Employment Programme'. This had a stronger emphasis on factory-based provision which attracted relatively more men. Another factor is that in the past, more men than women worked.

10.2 The Work Choice programme is available to all people with disabilities irrespective of their gender. DWP is not aware of any barriers which would prevent a disabled person of any gender from accessing the programme, providing they meet the eligibility criteria.

10.3 The Department is committed to promoting equality and will monitor the customer base regularly, including by gender. Significant concerns or disproportionate under-representation should any occur, will be addressed.

Equality Impact - Gender Reassignment

10.4 There is no evidence to suggest that the programme would adversely affect transgender people.

10.5 The new programme offers a less prescriptive and more flexible provision with a greater focus on those who need specialist support, therefore presenting an opportunity to promote equality to all.

Equality Impact – Race

11.0 There is a risk that Work Choice may not provide the necessary assurance that people will have equal access to the support it provides irrespective of their race.

11.1 Evidence highlights that 96% of WORKSTEP customers were shown as ‘white’ compared with 89% in the wider working age population. The over-representation of the white population probably reflects past entry patterns, reinforced by low turnover. Work Choice is less prescriptive and more flexible with a greater focus on those who need specialist support.

11.2 We are aware that that 50% of customers on WORKSTEP had not been recorded within any ethnic group, which means our management information is not completely representative. DWP are currently assessing options for improved data collection and retrieval, in order to monitor the ethnic breakdown of Work Choice customers more effectively.

11.3 We anticipate a greater customer turnover on Work Choice as a direct consequence of incentivising suppliers to help far greater numbers of people who can to move off the programme and into unsupported work. We expect this to help to promote equality on Work Choice. The Department will however, monitor whether more needs to be done to address the under-representation of ethnic minority groups to ensure we continue to promote race equality.

11.4 The Department will not tolerate discrimination or harassment on the grounds of race and requires our suppliers to promote equality of opportunity in service delivery. As a minimum we expect suppliers to:

- promote equality of opportunity between people of different racial groups;
- promote good relations between people of different racial groups;
- to provide extra support if required to ensure all customers can access this provision with ease by supplying interpreters etc;
- and eliminate unlawful racial discrimination.

11.5 The Department ensures equality of access to services for customers for whom English is not their first language. This includes providing interpreting services for customers who need them and providing written information in other languages where necessary.

11.6 Language barriers can seriously undermine the chances of finding and keeping a job. A customer's first point of contact for Work Choice is the Jobcentre Plus Disability Employment Adviser who will identify steps to improve English. This includes identification of locally available English for Speakers of Other Languages (ESOL) courses. At the initial interview stage, Work Choice providers will establish - with the customer, suitable support that can be tailored to meet their individual requirements

Equality Impact - Sexual Orientation

12.0 Work Choice is available to all people with disabilities irrespective of their sexual orientation. DWP is not aware of any barriers which would prevent a disabled person of any sexual orientation from accessing the programme, providing they meet the eligibility criteria.

Monitoring and evaluation

13.0 DWP is committed to carrying out a full evaluation of the new provision which will start soon after Work Choice go-live. The evaluation will seek to assess the effectiveness of Work Choice and also explore the experiences and views of key stakeholders, on the new programme.

13.1 The Department commissioned a survey of WORKSTEP customers which encompassed both quantitative and qualitative data collection. The fieldwork took place in the first half of 2009 and a report on the findings was published in January 2010. The findings from this survey provide baseline information about the characteristics of WORKSTEP customers which will inform the evaluation of the new programme.

13.2 Comprehensive and robust evaluation is at the heart of the process and we will continue to gather and use feedback from individuals and groups representing

the various protected characteristics, building on our communication with customers, suppliers, external organisations and lobby groups.

- 13.3 DWP will continue to work with organisations who share our commitment to promote equality in the workplace. We will ask potential suppliers about their equal opportunities policies as employers and work with suppliers to raise the employment of under-represented groups, amongst other key equality outcomes. We want to contract with organisations that are prepared to work with us to make progress within their own workforce and supply chain; we believe this is an indispensable part.
- 13.4 We aim for this provision to be available to all eligible and suitable customers' regardless of race, age and gender and sexual orientation and the contract between the suppliers and the Department will highlight this. The customer base will be monitored regularly and any concerns will be addressed.
- 13.5 In order to meet DWP contracting standards, all external suppliers were required to complete an accreditation process. As part of this, suppliers were asked how they ensured their provision complies with current legislation, including whether they have a written equal opportunities policy that adheres to the requirements of the Equality Act 2100
- 13.6 Contracted suppliers will be monitored by the Department to ensure that they and their sub contractors meet the legal and contractual requirements relating to Equal Opportunities by paying particular attention to:
- how they promote their support provision;
 - how they demonstrate comparable employment impact/outcomes across different types of disabilities;
 - how they demonstrate innovative approaches to working with those with the most complex support needs in work based upon best practice and evidence based approaches;
 - how they support the DWP Diversity and Equality policy
 - how they assess customers;
 - the equality of opportunities during the training;
 - the monitoring/reviewing of individuals;
 - the wording of the organisations policy on Equal Opportunities and the spirit in which it is carried out.
- 13.7 DWP will also ensure our suppliers acknowledges that in the delivery of its employment programmes, Jobcentre Plus must at all times be seen to be actively promoting equality of opportunity for all and good relations between all persons irrespective of their race, gender, disability, age, sexual orientation or religion. We expect all sub-contracts to include the same.
- 13.8 Work Choice Management Information is gathered on job outcomes by disability type, age, sex and ethnic background. We are currently improving our IT systems so we can record in more detail the characteristics of customers within modules, as well as in the programme as a whole

13.9 DWP is committed to being open and transparent about our information and decision making. All Departmental Equality Impact Assessments are published on the DWP website, via the following link:

<http://www.dwp.gov.uk/publications/impact-assessments/equality-impact-assessments/>

Contact details of the team responsible for the assessment

Work Choice Project
EG Delivery Directorate
Rockingham House
Sheffield
S1 4ER

Email: specialist.disabilityprovision@dwp.gsi.gov.uk