

An Employers Guide to Supported Employment

Employing people with a mental health condition,
a learning disability and / or autism

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1. Introduction and Background

Many employers are missing out on the rich pool of talent and skills that disabled people can bring to the workplace, including people with a mental health condition, a learning disability and / or autism. In planning and writing this guide, we were aware that there are a number of resources and programmes designed to advance disability equality in employment with particular reference to people with a mental health condition, a learning disability and / or autism which employers have found helpful. The guide provides information and links to these resources and aims to help employers understand how they can tap into this potential talent pool, bringing business benefits as well as bringing benefits to individuals – a win-win for everyone!

This guide aims to support employers including line managers, Human Resources (HR) leads and others responsible for recruitment to improve the diversity of their workforce through providing more employment opportunities, better outcomes and support for people with mental health conditions, a learning disability and / or autism. It is specifically aimed at NHS and other public sector employers who have a responsibility to lead on the employment of disabled people, but it provides useful resources for all employers. Although we have used the term disabled people in the guide, it is important to note that some people who may be defined as disabled under the Equality Act 2010, such as autistic people or people with a mental health condition, may not define themselves as disabled. Employers should respect an individual's right to self-determine how they should be defined and take appropriate steps to advance equality of opportunity for all groups of people.

Improving the diversity of the workforce is especially important given the low employment rates of people with a mental health condition, a learning disability and / or autism. Current employment rates for the non-disabled population are 80% and less than half (48%) of disabled people are in employment in the UK (people aged 16-64).¹ People with mental health conditions, a learning disability and / or autism fare even worse as their employment rates are significantly lower. Hence the focus on these three groups within the guide.

This guide sets out why it makes sense to employ people with mental health conditions, a learning disability and /or autism. It identifies the current barriers to employment and some solutions. Many of the barriers and solutions are the same for all three groups, but where there are differences we have highlighted them along with any resources designed to address specific issues that a particular group may face.

¹ <https://www.gov.uk/government/consultations/work-health-and-disability-improving-lives/work-health-and-disability-green-paper-improving-lives#work-health-and-disability-facts-and-figures>

This guide was commissioned from the Health and Wellbeing Alliance by NHS England and Public Health England. Information about the Health and Wellbeing Alliance and the members involved in the writing of the guide can be found at the back of this guide. It was commissioned because of the concerns outlined above.

The guide was co-produced with people with mental health conditions, a learning disability and / or autism as well as employers through focus groups and questionnaires. Many of the quotes within the guide come from the focus groups. The guide includes a number of examples from practice, setting out how employers have worked in partnership with disabled people to improve the recruitment and retention of people with mental health conditions, a learning disability and /or autism. The message is clear – it can be done, and a diverse workforce brings significant benefits to employers as well as disabled people.

How to Use the Guide?

The guide sets out the business case for employing people with a mental health condition, a learning disability and / or autism, details four employment challenges identified by the focus groups, and the solutions that have been identified from practice to overcome these challenges.

These challenges are:

1. Attitudes and the social model of disability
2. Recruitment, selection and retention
3. Implementing reasonable adjustments
4. Ensuring good communication and social integration

Information on solutions to these challenges including details about further resources available with detailed guidance on how to address the issues identified, case studies and links to more detailed case studies which set out how local areas have addressed particular issues can be found within the guide. Each section includes a summary of action points for employers to consider.

The Business Case

“Employers need more awareness to understand that a person with a learning disability, autism or mental health conditions can be a great employee.”

Employer focus group participant

The Importance of a Diverse and Representative Workforce

Finding and retaining employees with the right skills can be a challenge for any employer. In Britain, demand for health and social care services is increasing, meaning that we need

more workers with the right values and behaviours to deliver high quality care and support. As a result, employers need to widen their talent pool to ensure they can meet their workforce demands now and in the future. Proactively seeking candidates who might otherwise be overlooked is increasingly important. One talent pool that employers can tap into is that of disabled people. The focus of this guide is on people with a mental health condition, a learning disability and / or autism because they are disproportionately excluded from the employment market.

The needs of people, communities and businesses are interrelated. To be competitive and successful, some employers are recognising the importance of diversity in recruiting and retaining the skills and talent that they need. When employers understand the business case for diversity and dispel myths around recruiting someone with a mental health condition, a learning disability and / or autism, they will have the ability to access an untapped workforce talent pool, improve their profitability and efficiency, and plan for the future needs of their organisation.

“Having people with mental health problems in the workforce helps to normalise mental health, raising organisational knowledge, increasing diversity of the organisation and benefits business.”

Focus group participant

The business case for a diverse workforce is very well documented.

Advantages include:

- Small costs yet big benefits
- Reduced staff turnover
- Increased staff loyalty
- Increased staff morale
- Increased productivity

Mencap additionally cite that employees with a learning disability have been rated higher than those without a learning disability in terms of attendance and being on time.²

“People with a learning disability are more likely to stay in a post for longer, help morale within the company as everyone is valued, and work hard.”

Focus group participant

² <https://www.mencap.org.uk/sites/default/files/2017-06/2017.080.1%20LDW%202017%20guide%20DIGITAL%20V2.pdf>

Productivity, Service Responsiveness and a Diverse Workforce

With regard to productivity, a diverse workforce which brings together people with different perspectives, backgrounds and experiences can:

- Inform the development of new or enhanced products or services
- Open up new market opportunities
- Improve market share and broaden an organisation's customer base
- Lead to more innovative and creative business solutions

Employing more people with a mental health condition, a learning disability and / or autism in the health and social care sector would mean a workforce that better reflects those it serves. In turn, this should mean a workforce that is better able to understand those communities and address their needs. In the case of people with a learning disability³ and those with mental health conditions⁴, greater diversity in the workforce may assist services to reduce the well documented and significant health inequalities experienced by these groups.

Corporate Social Responsibility

Employers also need to consider their corporate social responsibility (CSR) as social exclusion and low economic activity rates can limit business markets and their growth. CSR aims to ensure that companies conduct their business in a way that is ethical. This means taking account of their social, economic and environmental impact, and consideration of human rights.⁵ This is important for all organisations but public sector organisations should lead by example. Employing people with a mental health condition, a learning disability and / or autism as part of their CSR, makes good business sense and can help attract and retain employees and customers. It may be attractive to customers who expect high standards in relation to business ethics. Customers are more likely to do business with a caring company and employees are more likely to want to work for a caring employer. It is also likely that employees who are content and happy with their conditions of employment are more productive and dedicated to the organisation which will lead to improved staff retention and reduction in recruitment costs.⁶

³ See Mencap's analysis of the health inequalities faced by people with a learning disability, <https://www.mencap.org.uk/learning-disability-explained/research-and-statistics/health/health-inequalities> and publications of the Confidential Inquiry into premature deaths of people with learning disabilities (CIPOLD), <http://www.bristol.ac.uk/cipold/>

⁴ See the new mental health initiative Equally Well launched in May 2018, <https://www.centreformentalhealth.org.uk/news/major-new-initiative-seeks-to-reduce-physical-health-inequalities>

⁵ The University of Edinburgh, <https://www.ed.ac.uk/careers/your-future/options/occupations/csr/what-is-csr>

⁶ <https://www.base-uk.org/business-case-diversity-management>

Public sector bodies are also subject to the Public Sector Equality Duty (PSED). The PSED requires public bodies and others to give due regard to reducing discrimination and to advancing equality of opportunity. Further information about the PSED can be found on page 14.

Resources

Further information about the business case for employers to employ disabled people and Corporate Social Responsibility can be found at:

- The Government's website and guidance on Employing disabled people and people with health conditions <https://www.gov.uk/government/publications/employing-disabled-people-and-people-with-health-conditions/employing-disabled-people-and-people-with-health-conditions>
- Chartered Institute for Personnel and Development (CIPD) - <https://www.cipd.co.uk/knowledge/fundamentals/relations/diversity/factsheet>
- British Association for Supported Employment - <https://www.base-uk.org/business-case-diversity-management>
- Business Disability Forum - <https://businessdisabilityforum.org.uk/why-bother>
- Evenbreak - <http://www.evenbreak.co.uk/resources-for-employers>.
- Business in the Community, What is responsible Business <https://www.bitc.org.uk/what-responsible-business>.

Further information about the business case for employers to employ people with a learning disability, and resources to support employers can be found at:

- Mencap's web resource, The benefits of employing people with a learning disability - <https://www.mencap.org.uk/get-involved/learning-disability-week/benefits-employing-people-learning-disability>
- Mencap's systematic literature review, <https://www.base-uk.org/sites/default/files/knowledgebase/Benefits%20of%20employing%20PWLD.pdf>.

Further information about the business case for employers to employ autistic people can be found at:

- People Management - https://www.peoplemanagement.co.uk/long-reads/articles/employers-hiring-neurodiversity?utm_source=mc&utm_medium=email&utm_content=cipdupdate_14022018.2/14/2018.457090.EdL1_PMNeurodiversity&utm_campaign=cipd_update&utm_term=



2. The Law and the Social Model of Disability



Employment is a primary determinant of health, impacting both directly and indirectly on the individual, their families and communities.⁷

Good quality employment can:

- Promote recovery and rehabilitation for people with mental health conditions
- Lead to better health outcomes
- Minimise the harmful physical, mental and social effects of long-term sickness absence and worklessness
- Reduce the chances of chronic disability, long-term incapacity for work and social exclusion
- Promote full participation in society, independence and human rights;
- Reduce poverty⁸

⁷ JM.McGinnis , P.Williams-Russo, JR. Knickman, The case for more active policy attention to health promotion. Health Affairs. 2002;21(2):78-93

⁸ <https://www.local.gov.uk/sites/default/files/documents/health-work-and-health-re-904.pdf>

Having a job may also ensure that people with mental health conditions, a learning disability and / or autism are supported to be full and active members of their workforces and wider communities, both socially and economically. Employment is a valued social role and becoming employed can help change negative perceptions about disabled people and have wider positive consequences for the person. This is an important consideration for NHS England and Public Health England, as increasing the employment rate of disabled people is likely to have a positive impact on the overall health and wellbeing of the population. Furthermore, it will allow NHS organisations to make a meaningful contribution to the Government's target to increase the number of disabled people in employment by 1 million by 2027.⁹

Equality Legislation

The Equality Act 2010 includes provisions to protect people from unlawful discrimination in the workplace and in wider society. The Act defines what is unlawful discrimination in the employment sphere and in other settings. This 2010 Act brought together and harmonised previous equality laws which existed prior to 2010. The Act was intended to make the law easier to understand and strengthen protection in some situations to make society fairer. Detailed and wide-ranging guidance is provided by the Equality and Human Rights Commission (EHRC) on the Act and recruitment and employment matters. The 2010 Act and associated guidance define who is disabled under the Act.¹⁰

Other key provisions in the Act designed to help disabled people are the provisions on occupational requirements, the reasonable adjustment provisions, the positive action provisions and the public sector Equality Duty (PSED). These four provisions are briefly described below. However, before looking at these provisions, it is important to note that the Act does not make it unlawful to discriminate in favour of disabled people compared to people who are not disabled. However, whilst there are positive action provisions,¹¹ it is unlawful to positively discriminate in favour of people with the other eight protected characteristics in the Act,¹² the glossary contains a definition of positive discrimination.

⁹ Strategy seeks one million more disabled people in work by 2027, published by the Department of Work and Pensions, 30 November 2017: <https://www.gov.uk/government/news/strategy-seeks-one-million-more-disabled-people-in-work-by-2027>

¹⁰ Equality Act 2010, section 6. In 2011, the Office for Disability Issues updated its guidance on who is defined as disabled, see Equality Act 2010 Guidance on matters to be taken into account in determining questions relating to the definition of disability, <https://www.equalityhumanrights.com/en/publication-download/equality-act-2010-guidance-matters-be-taken-account-determining-questions>

¹¹ See glossary

¹² The other 8 protected characteristics are: age; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

Occupational Requirements

The Equality Act allows employers to make having or not having a protected characteristic a requirement of the job. In these circumstances, it is lawful to include a requirement in a person specification that someone has a particular protected characteristic.

However, an employer would need to be able to demonstrate that having a specific protected characteristic as a requirement is ‘a proportionate means of achieving a legitimate aim.’ Detailed guidance on this issue is provided by EHRC.¹³

Reasonable Adjustments

The Equality Act 2010 recognises that bringing about equality for disabled people may mean changing the way in which employment is structured, the removal of physical barriers and/or providing extra support for a disabled worker or job applicant.¹⁴ These changes are called reasonable adjustments. The Act also places a duty on employers to make reasonable adjustments.

The duty to make reasonable adjustments includes three requirements. The EHRC’s statutory employment code of practice explains that employers are required to take reasonable steps to:

1. Avoid the substantial disadvantage where a provision, criterion or practice applied by or on behalf of the employer puts a disabled person at a substantial disadvantage compared to those who are not disabled.
2. Remove or alter a physical feature or provide a reasonable means of avoiding such a feature where it puts a disabled person at a substantial disadvantage compared to those who are not disabled.
3. Provide an auxiliary aid (which includes an auxiliary service) where a disabled person would, but for the provision of that auxiliary aid, be put at a substantial disadvantage compared to those who are not disabled.¹⁵

The duty to make reasonable adjustments applies in recruitment and during all stages of employment, including dismissal. The EHRC provides helpful advice, that takes account of case law, on some of the factors which an employer might take into account when deciding what is a reasonable step; these factors include:

¹³ Source: Equality Act 2010, Employment Statutory Code of practice, Chapter 13, EHRC, 2011, <https://www.equalityhumanrights.com/en/publication-download/employment-statutory-code-practice>

¹⁴ EHRC, In employment: Workplace adjustments, <https://www.equalityhumanrights.com/en/multipage-guide/employment-workplace-adjustments>

¹⁵ Source: Equality Act 2010, Employment Statutory Code of practice, EHRC, 2011, <https://www.equalityhumanrights.com/en/publication-download/employment-statutory-code-practice>

- Whether taking any particular steps would be effective in preventing the substantial disadvantage
- The practicability of the step
- The financial and other costs of making the adjustment and the extent of any disruption caused
- The extent of the employer's financial or other resources
- The availability to the employer of financial or other assistance to help make an adjustment (such as advice through Access to Work)
- The type and size of the employer

Positive Action

The 2010 Act included provisions on positive action which came into force in 2010 and 2011. The positive action provisions are set out in two sections of the Act:

- Section 158, provides a general power, though not obligation to take certain sorts of positive action
- Section 159, focuses on employment and has been called the 'tie-break clause'

The general positive action provision allows organisations or people, including employers, to take action in three circumstances:

- If people who have a protected characteristic, for example disability 'suffer a disadvantage connected with that protected characteristic'
- If people have different needs compared to people who does not share that protected characteristic
- Where there are low levels of participation from people who have a protected characteristic compared to those who do not have a protected characteristic

Positive action can therefore be taken to address the low levels of participation in employment of people with a learning disability, mental health conditions or autism where this is 'proportionate' action to:

- a) Overcome or minimise the disadvantages faced
- b) To meet the different needs identified
- c) To enable or encourage higher participation rates

In addition, any measure must not breach any other provisions within the Equality Act 2010.

The Public Sector Equality Duty

The Public Sector Equality Duty came into force in England in 2011. The PSED requires most public sector bodies to give proper consideration ('due regard') to eliminating discrimination and addressing anything else that is unlawful under the Equality Act, advancing equality of opportunity and fostering good relations when carrying out their functions between people who do and do not share a protected characteristic. This is called the general Equality Duty. Services and other activities carried out on behalf of a public body are also often covered by the PSED directly (by the Act) or indirectly (by contracts with organisations) to ensure that public functions and services comply with the general Equality Duty.

Most public bodies subject to the general Equality Duty also have to comply with additional legal duties (statutory regulations) to produce information annually and set equality objectives at least every four years to demonstrate how they are complying with the general Equality Duty. Where these employers employ more than 150 or more full time equivalent staff, the published information must include information on employment matters.

Further information can be found at:

- <https://www.gov.uk/guidance/equality-act-2010-guidance>
- https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/85046/positive-action-recruitment.pdf

There are also factsheets about the law and good practice which can be found at:

- TUC - <https://www.tuc.org.uk/sites/default/files/extras/disabilityandwork.pdf>
- Chartered Institute for Personnel and Development (CIPD) - <https://www.cipd.co.uk/knowledge/fundamentals/emp-law/disability-discrimination/factsheet> and https://www.cipd.co.uk/Images/work-related-stress-2010-what-the-law-says_tcm18-10721.pdf.

The Medical Model of Disability

The medical model of disability focuses on the impairment and what is “wrong” with the person. As a result, the problem is viewed as lying with the individual and attention is drawn to what they cannot do. Applying this model may also lead to stereotyping people, negative attitudes, stigma and discrimination.

“It is important that employers understand the social model of disability as they are often led by the medical model believing that people will be sick and going to the doctors. So, what if we’re sick? So are non-disabled people.”

Focus group participant

The Social Model of Disability and Employment

According to the charity Scope, the

‘Social model of disability says that disability is caused by the way society is organised, rather than by a person’s impairment or difference. It looks at ways of removing barriers that restrict life choices for disabled people.

When barriers are removed, disabled people can be independent and equal in society, with choice and control over their own lives.

Disabled people developed the social model of disability because the traditional medical model did not explain their personal experience of disability or help to develop more inclusive ways of living.’¹⁶

Applying the social model of disability shifts the focus to the environment. Our Equality legislation is, to some extent, based on the social model of disability and recognises that reasonable adjustments may be needed, not just to the environment, but to policies and procedures. The purpose of such change being to facilitate more positive attitudes, social support, information and flexible approaches towards disabled people. By understanding the social model of disability, many employers are realising the talents that differentness brings in problem-solving and creativity to the benefit of their businesses.

¹⁶ <https://www.scope.org.uk/about-us/our-brand/social-model-of-disability#vjX8YYOtQF6Xi8DH.99>

Case Study: Mind the Gap Project

People with a mental health condition, a learning disability and / or autism who are also offenders can face a double stigma when applying for work, and yet employment is a key element of successful resettlement.

Many people in contact with the criminal justice system have a mental health condition, a learning disability and / or autism. This includes offenders in prison and those residing in the community. Many of these individuals experience significant health inequalities that employment could help alleviate.

Nacro has a Resettlement Advice Service (RAS) that offers advice and support to people with criminal records, including people with a mental health condition, a learning disability and / or autism and professionals working with them, including advice on employment.

There is also a dedicated Employer Advice Service, which seeks to promote best practice among employers, education providers and other organisations by giving them the confidence to assess and manage risk in relation to criminal record matters and allegations. A project called Mind the Gap is focused on employing offenders in the construction industry, including offenders with a mental health condition.

<https://www.nacro.org.uk/training-and-consultancy/mind-gap-project/>

Read the Full Case Study here:

https://www.ndti.org.uk/uploads/files/Mental_Health__Criminal_Justice.pdf

Action Points

- Ensure all staff understand the social model of disability and the concept of disability equality and this is embedded in your equality and diversity policy
- Provide disability awareness training and guidance for your staff based on the social model of disability and the legislation
- Ensure that appropriate recruitment training and guidance is provided to those involved in recruitment process and in developing HR guidance
- Use a strength-based approach to managing staff, ensuring that you capitalise on the skills of your staff to meet your business needs



3. Recruitment, Selection and Retention

“Traditional recruitment practices get in the way.
People need time to learn the job and show their worth.”

Focus group participant

Some Key Challenges with Traditional Recruitment Methods

Successful talent management starts with recruitment and selection, but many processes adopted by employers do not allow people to fully demonstrate their abilities. Recruitment and selection often relies on traditional recruitment methods such as on-line application forms, panel interviews and various forms of testing. These methods can have the effect of unintentionally excluding people with a mental health condition, a learning disability and / or autism as they are not necessarily the best way of fully understanding their ability to fulfil a job role.

“The job description needs to be clear, some are confusing.
This isn’t just about Easy Read,
it’s about employers being clear about what they really want.”

Focus group participant

Job descriptions are sometimes vague, and person specifications can focus on academic ability and experience as opposed to the actual skills required. As a result, individuals screen themselves out thinking that they cannot do the job on offer. Not surprisingly, many employers reported to us that they had difficulty in attracting applicants with mental health conditions, a learning disability and / or autism.

“We are outstanding at offering training and work placements
for people with a disability, however we rarely receive
employment applications from them for positions we advertise.”

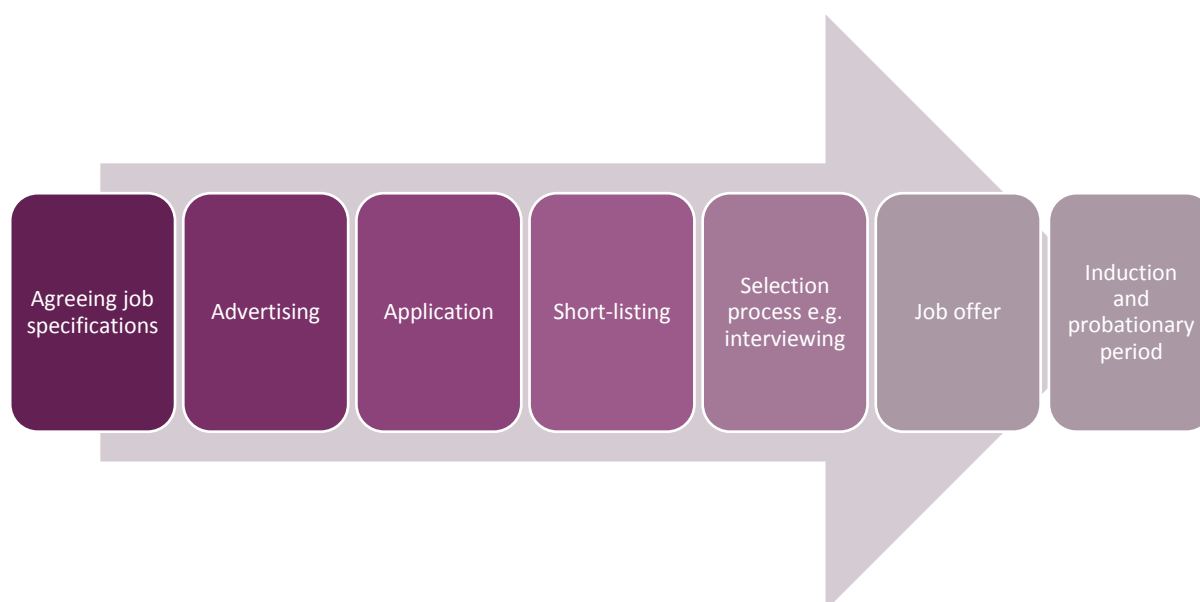
Employer focus group participant

“Recruitment practices don’t always give good results with the general
population, so we need to find a better and more inclusive way to really find
the best candidate.”

Focus group participant

Why Make Changes to Traditional Recruitment Practices?

There are a number of reasonable adjustments made to the recruitment and selection processes which will level the playing field for people with a mental health condition, learning disability and / or autism. The recruitment process is as follows, and adjustments can be made at each stage:

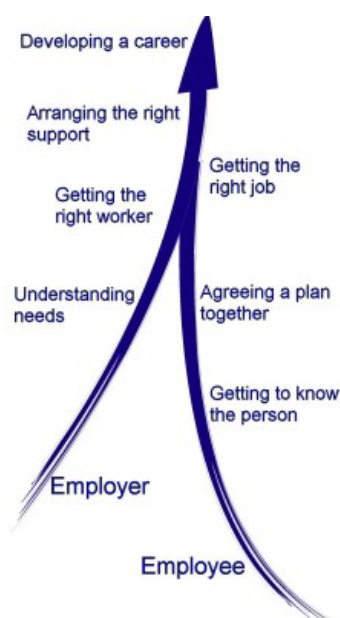


The social model of disability and equality legislation both highlight the need to remove barriers to participation. Supported employment including supported internships and inclusive apprenticeships can help employers see the benefits of adapting their recruitment and selection processes and enable them to use methods such as working interviews and work trials. There are a number of reasonable adjustments that can be made to recruitment and selection processes which will level the playing field for people with a mental health condition, learning disability and / or autism.

Working interviews are an alternative to formal interviews and give the person an opportunity to demonstrate their skills in the workplace. The employer can observe and evaluate the applicant using the same criteria as they use to judge a traditional interview performance. A work trial is a way of trying out a potential employee before offering them a job. Both of these methods are viewed as reasonable adjustments to the recruitment and selection process.

What is Supported Employment?

Supported employment, job coaching, or Individual Placement and Support (IPS), has for many years been a successful way of supporting people with mental health conditions, a learning disability and / or autism to get and keep paid jobs. This diagram illustrates how the approach works.



© BASE

Supported employment, job coaching or IPS is based on the following principles:

- Everyone who wants to work, can working in the right job with the right support
- Everyone can make a positive contribution in the workplace
- Jobs are real jobs, where wages are paid at the going rate with the same terms and conditions as other employees

“I worked incredibly successfully with a supported employment agency who not only help from a recruitment perspective, but also with the ongoing employment journey, helping us adjust our induction to work training and resolving any issues that arose. I’m now with another employer and I’m going to encourage this partnership approach because it works.”

Employer focus group participant

The supported employment model uses a partnership approach to help people find good jobs and careers, and helps businesses employ valuable workers. Supported employment does not focus on getting people ready for work through training and work preparation activities. It is about good quality, person-centred support to find the right job for the right person and putting training and support in place to help them do a good job to the

employer's standard, thus gaining job satisfaction. The model is called place, train and maintain as it takes the person and the potential employer through the process together from recruitment to retention.

Employers are recognised as equal customers in the process supporting them from recruitment to retention, and they should be supported to understand the business case for a diverse workforce, which includes people with a mental health condition, a learning disability and / or autism. There are clear benefits for employers in working with supported employment as they will receive a free job-matching service which can help them reduce their recruitment costs and staff turnover.

Case Study: Ways into Work

In 2008, The Royal Borough of Windsor and Maidenhead established a model of best practice in employing people with learning disabilities and / or autism with their supported employment service, Ways into Work. The LEGOLAND® Windsor Resort was one of the first employers to Ways into Work contacted in 2009/10. They need to recruit large numbers of employees to work across all areas of the resort and recognised that further diversification of their recruitment was important. Ways into Work worked jointly with Human Resources at The LEGOLAND® Windsor Resort, looking at areas where they found it difficult to recruit and retain staff, and where it would be beneficial to specifically design jobs for people with learning disabilities and / or autism. Following this they worked together to adapt the recruitment and selection process and developed a bespoke induction package which better met the needs of people with a learning disability and / or autism.

In the first year, 11 individuals were offered paid work ranging from 4 hours to 37 hours per week. Ways into Work maintained their involvement in offering support to both line managers and to employees. The partnership is now in its 8th year and has provided meaningful and fulfilling jobs for over 40 people. Employees now include young people with mental health conditions. Managers who have been involved have reported a host of benefits to their teams and the business overall. It has improved communication within teams and boosted motivation of the workforce. In addition, managers reported that it was helping them to improve the quality of their service to disabled visitors.

Read the full case study here:

https://www.ndti.org.uk/uploads/files/Ways_into_Work.pdf

In this model, the first step in high quality supported employment is to get to know the person and understand their experience, skills, abilities, interests, wishes and needs. This process helps to identify the range of jobs that may be a good match for the person and it

may require some creative thinking as to how people's skills and talents can benefit employers and their businesses. Giving people information and experiences in work is helpful as part of getting to know them. This may involve taking a positive approach so that people are supported to use their choice and control to achieve their career aspirations, for instance by having a job trial. We cannot assume what disabled people can do, and we need to ensure they are given the opportunity to explore how their unique talents can bring benefit to employers.

“The low expectations for me and the narrow sector of work opportunities meant multiple applications which were not successful. I was stereotyped to work in the charitable sector or getting a great opportunity where they said they took a chance. We shouldn't be in a position where employers are taking a chance.”

Focus group participant

Case Study: KeyRing

KeyRing is a national charity that supports vulnerable adults to live independently as active members of their local communities. They wanted to recruit someone who used their services to become their Complaints Officer to help them improve their practice by encouraging more open feedback. Many of the people they support have a learning disability, so they introduced an easy to read application form and job description as a reasonable adjustment to their recruitment and selection process. This did not prove to be adequate as though applicants understood the form and the role, they struggled to write the information required on the application form, and this resulted in a very lengthy recruitment process. From this experience, they made further changes which proved successful on ensuring they found the right candidate more easily. They now take only basic details with the application form and introduced an information session which is now followed by interviews of all candidates interested.

Supported Employment, job coaching or IPS meets the needs of both jobseekers and employers through their job matching support. The aim of job matching is to ensure that employers get the right worker and people with a mental health condition, a learning disability and / or autism get the right job. This may involve either carving or designing jobs. Jobs can be 'carved' by selecting and combining duties from one or more existing jobs into a new position. Jobs can be designed based on an individualised match between the strengths and interests of an individual and the identified business needs of an employer.

Case Study: NHS

The Five Year Forward View committed the NHS to leading the way as a progressive employer. NHS England and NHS Employers are now working together to support and encourage NHS organisations to develop local and national solutions to remove barriers and increase employment of people with a learning disability in the NHS, building on the work that is already happening across England. East Kent Hospitals University NHS Foundation Trust worked in partnership with Kent Supported Employment to employ more people with a learning disability as part of their Learning Disability Employment Programme (LDEP) pledge, which has resulted in two jobs being designed specifically for people with a learning disability, and has led to two successful job outcomes.

Read the full case study here:

https://www.ndti.org.uk/uploads/files/Kent_Supported_Employment.pdf

Once a job has been secured, supported employment, job coaches and IPS services will work with both the individual and employer to ensure the new worker learns their job to the employer's standards and integrates socially into the workplace. This may involve adapting standard training and induction processes or providing one-to-one support in the workplace. Some specific training for the employer before the person starts will help increase their confidence and understanding of how to work with their new employee.

With the right support, a new employee will settle in well, but it is important to recognise that few people stay in the same job for the whole of their working lives. Supported employment should encourage career development by making sure that people have good training and development opportunities and the chance to increase their responsibility at work. Supported employment will work with employers to ensure this works well at no cost to an employer.

Case Study: Wandsworth Council

Wandsworth Council wants to increase the number of disabled people they employ. This began as an initiative in 2010 specifically to employ people with a learning disability and / or autism and has since been widened out to include all disabled people who are residents of Wandsworth. This has resulted in over 80 people gaining employment opportunities with more than 20 people employed by the council and more than 10 people employed with external employers following their work experience with the council.

Read the full case study here:

<https://www.ndti.org.uk/uploads/files/WorkRight.pdf>

Further information about helping people with a learning disability to work in public bodies can be found at: <https://www.base-uk.org/knowledge/valued-public>

Supported Internships

Many employers have found that offering supported internships and traineeships have helped them develop inclusive recruitment and retention policies. Supported internships are a structured study programme based primarily with an employer with the aim of getting a paid job. They enable young people aged 16-24 with a learning disability and / or autism who have an Education, Health and Care Plan to achieve sustainable paid employment by equipping them with the skills they need for work, through learning in the workplace. Supported internships are unpaid, and last for a minimum of six months, and young people and their employers get support from a job coach. Alongside their time with the employer, young people complete a personalised study programme which includes the chance to study for relevant qualifications required by the employer, which can include English and maths.

Supported internships can be a good opportunity for young people to demonstrate their skills, abilities and talents to an employer. The extended work placement can act as an extended working interview, giving employers an increased chance of getting the right person to fill their vacancies, and bringing new skills to their workforce.

Project SEARCH

Project SEARCH is a leading example of a supported internships programme used in a number of NHS Trusts in England. The Project SEARCH model was first developed in Cincinnati Children's Hospital to support people with a learning disability into work. The Director of the Children's Emergency Department felt that as they treated children with a learning disability, it made sense to employ people from this group. She also wanted to see if it was possible to train people with a learning disability to fill some of the high-turnover, entry-level positions in her department and formed a partnership with a special education director.

Project SEARCH now runs in over 200 organisations throughout the world and the DFN Charitable Foundation ¹⁷ is delivering Project SEARCH in the UK. Project SEARCH plans to expand and create a major talent pool for employers by ensuring that individuals with Special Educational Needs and Disability (SEND) get the opportunity to train for and achieve employment.

Further information about supported internships can be found at:

<https://www.preparingforadulthood.org.uk/downloads/supported-internships>

¹⁷ The DFN Charitable Foundation, a UK registered charity established in 2014 by David Forbes Nixon to promote programmes which significantly improve the employment prospects of young people with a learning disability and / or autism

Project Choice

Project Choice is another example of a supported internship programme for people with learning disabilities, difficulties or autism (LDDA). Led by Gateshead College, internships take place in City Hospitals Sunderland, Newcastle upon Tyne Hospitals NHS FT, York NHS FT, Tees Esk and Wear Valley NHS FT. The focus is matching skills to paid job roles.

The HR project team leads ensure there are placements across the Trust looking specifically at entry-level jobs to make sure the right learner is allocated to each role. They also work closely with managers to confirm that tasks are clearly understood.

In addition, the programme offers training to staff to become work-based mentors, working alongside and supporting learners. Over 160 staff have been trained to support LDDA, developing unique teaching techniques and skills, which can be transferred across the organisation.

Traineeships

A traineeship is an education and training programme with work experience that is focused on giving young people the skills and experience that employers are looking for. Traineeships can last up to a maximum of 6 months and will include:

- Work preparation training
- English and maths support as appropriate
- A high-quality work experience placement with an employer

In addition to these elements, training providers can add flexible additional content to meet the needs of the employer's business and the local labour market.

At the end of their traineeship, each young person is guaranteed a job interview with their employer if a role becomes available, or an exit interview together with meaningful written feedback to help them secure an apprenticeship or employment elsewhere.

Further information about traineeships can be found at <https://www.gov.uk/government/publications/traineeships-referral-sheet-employers>.

Case Study: Employability

EmployAbility – Let's Work Together is a supported internship programme for people aged 17 - 22 with learning disabilities that National Grid set up in partnership with Round Oak School in 2013. The interns are placed in National Grid offices for an academic year with the support of job coaches funded by the Government's Access to Work scheme. This year the programme has expanded to 24 interns and links have been developed with eight schools catering for children with special needs in the Midlands. [Cont...](#)

The cost to the taxpayer over the lifetime of each student who isn't able to find paid employment is more than £1m, according to Government data. This means helping someone with learning disabilities find work when they first leave education is valuable to society as well as to the individual student. Graduates at National Grid were put in charge of some elements of the internships and those who were involved reported a huge increase in their confidence around working people with learning disabilities.

Further information can be found at <https://www.bitc.org.uk/resources-training/case-studies/national-grid-employability-let%E2%80%99s-work-together> and <https://www.preparingforadulthood.org.uk/downloads/employment/employability-lets-work-together.htm>.

Apprenticeships

Hiring an apprentice is a productive and effective way for any business to grow talent and develop a motivated, skilled and qualified workforce. An apprenticeship is a genuine job that is supported by a skills development and assessment programme. It is a way for individuals to earn while they learn gaining valuable skills and knowledge in a specific job role. The apprentice gains skills and knowledge through a combination of learning in the workplace and off-the-job training. Apprenticeships benefits employers and individuals, and by boosting the skills of the workforce they help to improve economic productivity.

Case Study: John's Story

John has Asperger's Syndrome and started at BILD in 2014 as a learning services administrator. After a couple of years, John started to think about his long-term career, and decided he wanted to become an accountant. BILD were able to offer him an apprenticeship post whilst he was studying. John started as accounts apprentice in 2016, successfully completed his level three apprenticeship in 2017 and is now a member of the Association of Accounting Technicians (AAT).

After each study day, the head of finance would provide support and discuss the subjects he covered and go over any issues or problems he had with the course. John is still working for BILD as a Finance Assistant and is now applying to undertake the next level of finance qualification to support his continuous career development. BILD are in the process of recruiting a new finance apprentice who John will help support. John is highly competent at paying suppliers, invoicing for income, chasing non-payments. He is a highly valued member of the BILD team and the quality of his work is excellent.

Key Facts

Employers can offer apprenticeships to new recruits or use them to grow talent within their current workforce. Apprenticeships equip individuals with the necessary skills, knowledge and behaviours they need for specific job roles, future employment and progression.

There must be a genuine job available with a contract of employment long enough for an apprentice to complete their apprenticeship. Employers have to pay the apprentice's wages and the role must help them gain the knowledge, skills and behaviours they need to achieve the apprenticeship with support from the employer. Employers can select a training provider from the Register of Apprenticeship Training Providers and the total price for the cost of training and assessment.

If employers have a wage bill over £3 million a year, they have to pay the apprenticeship levy from the 6th April 2017. The levy will give employers control of their training, and agree a total price for each apprenticeship, which includes the costs of training and assessment.

Employers can attract a payment of £1000 when they train a 16-18 year-old, or a 19-24 year old who had previously been in care or who has an Education, Health and Care Plan.

Recent legislation has come into effect which changes the minimum English and maths requirements needed to complete an apprenticeship for people with a learning difficulty or disability. The changes lower the English and maths requirements for these apprentices to an Entry Level 3 qualification. It will make completing an apprenticeship more achievable for those who are able to meet all the occupational requirements to be fully competent in their role, but who may struggle to achieve English and maths qualifications at the level normally required.

Further information about apprenticeships can be found at <https://www.gov.uk/government/publications/apprenticeships-guide-for-employers> and <http://www.employer-toolkit.org.uk/>.

Case Study: Little Gate Farm

Following recent legislative changes lowering the English and maths requirements needed to complete an apprenticeship for people with a learning difficulty or disability who have an Education, Health and Care Plan (EHCP), Little Gate Farm, a supported employment provider in East Sussex, were keen to see how they could use these changes to offer inclusive apprenticeships. In partnership with training providers, Heathercroft Training Academy and Dynamic Training, they overcame funding challenges, enabling the local authority to review and up-date EHCPs to ensure that apprenticeships were included as appropriate.

To date, 1 young person with an EHCP started their apprenticeship in health and social care in November 2017 with another due to start in the summer 2018.

Cont...

Apprenticeships offer many young disabled people an effective pathway into paid employment as they provide an alternative to traditional forms of learning in a classroom. A successful partnership is an important factor bringing together training and supported employment providers to best meet all the additional needs of young people to ensure success.

Read the full case study here:

https://www.ndti.org.uk/uploads/files/Inclusive_apprenticeships.pdf

Resources

Guides available on recruiting and retaining disabled staff.

- Business Disability Forum - https://members.businessdisabilityforum.org.uk/media_manager/public/86/Resources/Retention_Toolkit_Teaser_FINAL.pdf
- Gov.UK - <https://www.gov.uk/government/publications/employing-disabled-people-and-people-with-health-conditions/employing-disabled-people-and-people-with-health-conditions>
- British Association for Supported Employment (BASE) - <https://www.base-uk.org/sources-guidance>
- Channel 4, for the TV sector - <http://www.channel4.com/info/press/news/channel-4-introduces-tv-sector-guide-on-employing-disabled-talent>
- Disability Rights Commission, for small employers - http://www.smarttar.co.uk/wp-content/uploads/2015/12/top_tips_for_small_employers_-_a_guide_to_employing_disabled_people.pdf

Resources on the recruitment and retention of people with mental health conditions.

- Mindful Employer line manager's resource, previously SHIFT line manager's guide - http://www.mindfulemployer.net/files/1714/3764/4224/MINDFUL_EMPLOYER_Line_Managers_Resource_Revised_2014.pdf
- Business in the Community - <https://wellbeing.bitc.org.uk/all-resources/toolkits/mental-health-employers>
- Mental Health Foundation - <https://www.mentalhealth.org.uk/publications/how-support-mental-health-work>
- Mind - <https://www.mind.org.uk/workplace/mental-health-at-work/taking-care-of-your-staff/useful-resources/>

- Mental health first aid - <https://mhfaengland.org/>
- Mencap has a guide on the recruitment and retention of staff with a learning disability
- <https://www.mencap.org.uk/learning-disability-explained/resources-employers>

Chartered Institute of Personnel and Development has a guide on the recruitment and retention of autistic people.

<https://www.cipd.co.uk/knowledge/fundamentals/relations/diversity/neurodiversity-work>

Action Points

- Review your recruitment practices and introduce inclusive practices which includes accessible application forms and working interviews
- Consider offering supported internships and traineeships
- Consider employing an apprentice with a mental health condition, learning disability and / or autism
- Work in partnership with supported employment, job coaches and / or IPS services



4. Implementing Reasonable Adjustments

“We think that employers are scared of employing people with learning disabilities because it will cost them more money and people will need more support.”

Focus group participant

“Reasonable adjustments can be about appointing a buddy or mentor, using literal language and being precise about what you mean, and establishing clear work routines with checklists.”

Focus group participant

There is often confusion with the costs associated with employing people with a mental health condition, a learning disability and / or autism. The majority of adjustments needed when employing individuals are easy to implement and low cost. Many adjustments are about doing things a little differently. The average cost, in 2015, was found to be £75.¹⁸ Reasonable adjustments are a legal requirement and can often be funded by Access to Work.

“I have accessed the Access to Work scheme and been awarded some funding to obtain equipment which has helped my employee maintain their job and function well in the workplace.”

Employer focus group participant

There is often the view that providing reasonable adjustments is just about removing physical barriers and providing aids and adaptations. Reasonable adjustments can be much more than this. It can include changes to recruitment and selection processes and allowing working interviews. Jobs can be designed around the strengths of individuals ensuring that teams work effectively to each of their individual talents. Additional support can be provided by a buddy or mentor to support them developing their skills in people management. In addition, through Access to Work, you can get additional support from a job coach if this is needed.

¹⁸ http://www.smarttar.co.uk/wp-content/uploads/2015/12/top_tips_for_small_employers_-_a_guide_to_employing_disabled_people.pdf

Case Study: Jenny's Story

Jen was successful in getting a job as an Administrator with Forterra, a supplier of heavy building materials for the construction industry in the UK. Before starting her job, she and Forterra were supported by Employment and Disability Service (EADS) to agree reasonable adjustments to ensure that her autism and mental health condition would not have a negative impact at work. Adjusted lighting so that she did not have lighting above her head, and a special headset so she wouldn't have anything in her hair were agreed and put in place prior to her starting her new job. Her work hours were also adjusted so she could avoid peak hour travel to work and to fit around her counselling appointments. She has recently passed her probationary period with her line manager recognising the strong work ethic she brings to her job, both hard-working and accurate.

Case Study: Xen's Story

Xen was successful in getting a job as a Homelessness Support Worker at Midland Heart, which is a leading housing organisation, delivering homes and services across the Midlands that enable people to live independently. Employment and Disability Service (EADS) supported the employer to carry out a Stress at Work risk assessment, and also provided mental health awareness to ensure Xen was given the reasonable adjustments she needed to do her job well.

“Employers fear employment tribunals by saying or doing the wrong thing, Sometimes, it only needs small interventions such as a conversation about individual needs; unless that can be had it may feel huge.”

Employer focus group participant

“Employers fear employment tribunals by saying or doing the wrong thing, Sometimes, it only needs small interventions such as a conversation about individual. needs, unless that can be had it may feel huge.”

Employer focus group participant

“Employers are worried if the get things wrong which will get them in trouble with their reputation and legally.”

Focus group participant

Some people, particularly with a mental health condition, may have fluctuating needs for additional support, or reasonable adjustments to gain or maintain a job. It is good practice to ensure that all workplaces recognise and support those with either short term or longer term mental health issues, through a positive approach to wellbeing and good management support. In some cases, collaborations between local support organisations and employers can have a positive impact.

Case Study: Oxfordshire Mental Health Partnership

Oxford Health NHS Foundation Trust are part of the Oxfordshire Mental Health Partnership (OMHP), which includes Oxford Health, and the charities and community organisations Response, Restore, Connection Floating Support, Oxfordshire Mind and Elmore. This partnership not only allows their local community to receive joined up mental health care regardless of where they are in their recovery journey but also has had a positive impact on supporting individuals into employment.

The charities refer potential employees to the Trust, who work closely with the Occupational Health Department to ensure that the right support is in place.

Support includes detailed assessment of workplace settings, additional training and development, and information about Access to Work provision.

Oxford Health is now working in partnership with Activate College and the Oxfordshire Learning Enterprise Partnership to introduce supported internships for the City of Oxford's students with a learning disability.

Read the full case study here:

<https://www.ndti.org.uk/uploads/files/OMHP.pdf>

When organisations get it right with appropriate workplace adjustment processes it can help to focus them to ensure all their employees are productive and successful at work. It will also protect them from reputational damage and the financial costs of prosecution or litigation. Organisations that are recognised for implementing fair and equal policies rather than “just saying the right thing” can find it not only supports them to gain a reputational advantage but improves the image of the organisation, making it an “employer of choice”.

Access to Work

Access to Work is a publicly funded employment support programme that aims to help more disabled people start or stay in work. It can provide practical and financial support disabled people and those with a long term physical or mental health condition. Support can be provided where someone needs help or adaptations beyond reasonable adjustments.

Employees with mental health conditions, a learning disability and / or autism can get help paying for support they may need because of their disability and these include:

- Aids, equipment and adaptations in the workplace
- Travel to, from and in work
- Communication support at interviews
- Support workers
- Job coaches
- Interpreters

A new Tech Fund was launched by Access to Work at the end of April 2018. As part of the government's drive to ensure disabled people can benefit from the latest advances in technology, employers are no longer required to make a mandatory contribution towards the costs of assistive technology required by disabled employees.

If the member of staff has a mental health condition, they can also receive assistance to develop a support plan. This may include steps to support them remaining in or returning to work with suggestions for reasonable adjustments in the workplace.

Some examples of assistance in support plans can include:

- Flexible working patterns to accommodate changes in mood and impact of medication
- Providing a mentor to give additional support at work
- Arranging additional time to complete certain tasks
- Providing additional training
- Regular meetings between employers and employees to talk about their concerns
- A phased return to work, such as reduced hours or less days

Access to Work does not provide the support itself but provides a grant to reimburse the cost of the support that is needed.

The Mental Health Support Service through Access to Work can also give advice and guidance to employers to help them better understand mental ill health and how they can support their employees.

Further information about Access to Work can be found at

<https://www.gov.uk/government/publications/access-to-work-guide-for-employers/access-to-work-factsheet-for-employers>

As mentioned in relation to recruitment, internships can be an excellent method for bringing people into jobs outside of a standard application process. Young people with mental health conditions, learning disability and / or autism on or about to start the work experience placement of a supported internship or traineeship can apply for additional funding through Access to Work, which can pay for:

- Additional travel costs to and from their work experience placement due to their disability
- Job coaches
- Specialist equipment for days that a young person is at the employer's premises

Further information about how Access to Work can be used for supported internships and traineeships can be found at

<https://www.preparingforadulthood.org.uk/downloads/supported-internships/access-to-work-fund.htm>.

Action Points

- Give consideration to Access to Work at the job offer stage
- Consider and use the Access to Work scheme
- Consider in-work reasonable adjustments



5. Ensuring Good Communication and Positive Interaction with Disabled People

The Importance of Communication and Social Interaction

Many individuals from the focus groups reported to us that employers find communication and social interaction with people with mental health conditions, a learning disability and / or autism problematic. By establishing an environment where disabled staff feel able to start conversations about disability, employers will be better placed to support their staff to reach their potential. Sharing information also allows employers to gather information about the experiences of disabled staff and helps them to develop a picture of how effectively they are recruiting, retaining and developing a diverse workforce.

**“It is important to speak to the individual and find out what they need.
Employers are often too scared to ask.”**

Employer focus group participant

Why Staff May Not Disclose Their Disability

Research carried out by Scope¹⁹ found that over 48% of disabled people they talked to have concerns about telling employers about their impairment or condition.²⁰ In particular, several participants expressed concern that sharing this information could limit their opportunities at work. For some people, this concern was based on previous experiences where they perceived they hadn't been hired because they had referred to their disability during recruitment.

Resources to Encourage Positive Conversations About Disability

There are a range of resources on how best to establish positive conversations with employers about their impairment. Having a disabled staff network can also help, ensuring all staff understand the importance that this will make. It is important that there is senior

¹⁹ <https://www.scope.org.uk/Scope/media/Documents/Publication%20Directory/Let-s-talk-improving-conversations-about-disability-at-work-Scope.pdf>

²⁰ Scope polling of 1004 disabled adults 25–31 July 2017

commitment to the network, allowing sufficient time for disabled staff to meaningfully participate and make a difference to the organisation. Staff from the disabled staff network can have representation on other decision-making groups and having a board level champion can ensure that the voice of disabled staff is heard.

“The ‘SHIFT line manager's resource to managing mental health issues in the workplace’ was helpful, and I also found the ‘Time to Change organisational health check’ useful in that it helped identify further areas of good practice in respect of mental health that we could embed organisationally.”

Employer focus group participant

The SHIFT line manager’s resource is now called Mindful Employer – Line Manager’s Resource and can be found at:

http://www.mindfulemployer.net/files/1714/3764/4224/MINDFUL_EMPLOYER_Line_Managers_Resource_Revised_2014.pdf

There is also a guide published by the Business Disability Forum on best practice approaches to working with disabled colleagues which can be found at:

<http://businessdisabilityforum.org.uk/media-centre/newsletter/members/july-2016/ey-sponsor-business-disability-forum-s-line-manager-guide-series>

Action Points

- Managers should establish an environment where disabled staff feel able to start conversations about disability, autism and mental health
- Encourage the development of a network for disabled staff and/or other mechanisms for staff to address issues positively



6. National Disability Equality Programmes

As well as a range of approaches commissioned locally which aim to support people into work, there are also a number of national initiatives which provide an impetus and the support for employers to employ people with a mental health condition, a learning disability and / or autism. There are opportunities for all employers to get involved locally and this is encouraged.

Disability Confident

Disability Confident is a Charter Mark from the Department of Work and Pensions (DWP) which has replaced the Two Ticks symbol. Disability Confident supports employers to make the most of the talents that disabled people can bring to the workplace.

The Charter Mark helps employers think differently about disability, and improve how they attract, recruit and retain disabled workers. Disability Confident helps businesses:

- Draw from the widest pool of talent
- Secure and retain high quality staff who are skilled, loyal and hard-working
- Save time and money on the costs of recruitment and training by reducing staff turn-over
- Keep valuable skills and experience
- Reduce the levels and costs of sickness absences
- Improve employee morale and commitment by demonstrating that they treat all employees fairly

The DWP are introducing specialist themes of activity run by Disability Confident Leaders to support those employers who have signed up to the Charter. The first theme was mental health in the workplace, and a successful programme of activity ranging from blogs to webinars and events ran throughout October 2017 to coincide with World Mental Health Awareness Day. Going forward, they are looking to develop themes around autism and neurodiversity, learning disability and workplace adjustments.

NHS England and NHS Employers are working jointly with the DWP to encourage NHS Trusts and Foundation Trusts, and NHS organisations more broadly, to be Disability Confident.

Further information about Disability Confident can be found at:

<https://disabilityconfident.campaign.gov.uk/>.

Case Study: Croydon Council

Croydon Council signed up to the Disability Confident Charter Mark that supports employers to realise the benefits of a diverse workforce. They developed a Disability Confident Action Group made up of public, private and voluntary sector organisations with the aim of increasing the number of disabled people in employment by providing a coherent offer to employers. They ran a series of events for employers and disabled people, the most recent one being a 'reverse jobs fair' where employers approached potential candidates. Twenty employers attended the event and five job offers were made on the day, one of which was an apprenticeship as well as offers of interviews and work experience.

Read the full case study here:

https://www.ndti.org.uk/uploads/files/Disability_Confident.pdf

The NHS Learning Disability Employment Programme and NHS Learning Disability Employment Pledge

NHS England and NHS Employers developed and launched the NHS Learning Disability Employment Programme in 2015. This programme is currently funded until the end of 2018/19. The programme is designed to support and encourage NHS organisations to develop local and national solutions to remove barriers facing, and increase the employment of, people with a learning disability in the NHS. The programme includes a pledge that NHS organisations sign up to.

As of August 2018, 119 NHS organisations and one local authority had signed the NHS Learning Disability Employment pledge to support the employment of more people with learning disabilities in NHS organisations. Organisations are encouraged to make a three-step pledge consisting of step 1 commitment, step 2 readiness and step 3 success. Readiness is about having created an action plan to employ more people with a learning disability. Success is about having employed people with a learning disability.

An [interactive map](#), on NHS Employer's website, shows which organisations have made the pledge and which step has been reached.²¹ Key elements of the programme include identifying how to remove employment barriers, identifying how to accelerate employment opportunities, facilitating local networks and peer-to-peer learning, developing practical tools and providing advice and guidance. The NHS Employers' website includes a range of resources targeted at NHS organisations and employers and the portal for making the pledge.

²¹ <http://www.nhsemployers.org/your-workforce/plan/building-a-diverse-workforce/need-to-know/creating-a-diverse-workforce-learning-disability/pledge-functionality/pledge-map>

Further information about the NHS Learning Disability Employment pledge with useful resources for employers can be found at <http://www.nhsemployers.org/your-workforce/plan/building-a-diverse-workforce/need-to-know/creating-a-diverse-workforce-learning-disability>.

The NHS Workforce Disability Equality Standard

The Workforce Disability Equality Standard will introduce a set of specific measures that will help NHS organisations to compare the experiences of disabled and non-disabled staff. The Workforce Disability Equality Standard has been included in the NHS Standard Contract and the plan is that it will be launched towards the end of 2018. In the first year, the Standard will apply to NHS Trusts and Foundation Trusts. The Standard is being developed by NHS England, working with the NHS Equality and Diversity Council, NHS Employers and a wide range of partners including NHS Trusts and Foundation Trusts.

The Workforce Disability Equality Standard, in the first year, will assist NHS Trusts and Foundation Trusts, to recognise disability as an asset, celebrating diversity and difference. Broadly, a 'Disability as an Asset' approach values the skills and experiences of disabled people, implements co-production as 'business as usual', supports disabled people to reach their full potential, and recognises the benefits that disabled staff bring to an organisation.

By using this approach, NHS employers will:

- Engage with disabled staff in different ways
- Create, develop and support disabled staff networks to be integral to their organisation
- Initiate conversations and discussions led by disabled staff, which will impact on changes and priorities within the NHS as an employer and how their services are delivered to disabled people.

Action Points

- Understand and consider the local, regional and national initiatives and programmes
- Check whether your organisation is already involved any of the above and identify how you can contribute
- Suggest and work with others to develop an action plan which clearly identifies the steps already being taken to employ, retain and support the progression of disabled people including people with a learning disability, a mental health condition or autistic people
- If you are an NHS employer, encourage sign up to the Learning Disability Employment Programme and use the resources designed to help pledged organisations

Appendix 1: Summary of action points

- **Ensure all staff understand the social model of disability** and the concept of disability equality and this is embedded in your equality and diversity policy
- **Provide disability awareness training and guidance for your staff** based on the social model of disability and the legislation
- Ensure that **appropriate recruitment training and guidance** is provided to those involved in recruitment process and in developing HR guidance
- Use a **strength-based approach to managing staff**, ensuring that you capitalise on the skills of your staff to meet your business needs
- **Review your recruitment practices** and introduce inclusive practices which includes accessible application forms and working interviews
- Consider **offering supported internships and traineeships**
- Consider **employing an apprentice** with a mental health condition, learning disability and / or autism
- **Work in partnership** with supported employment, job coaches and / or IPS services
- Give consideration to **Access to Work** at the job offer stage
- Consider and use the **Access to Work Scheme**
- Consider in-work **reasonable adjustments**
- Managers should **establish an environment** where disabled staff feel able to start conversations about disability, autism and mental health
- **Encourage the development of a network** for disabled staff and/or other mechanisms for staff to address issues positively
- Understand and consider the **local, regional and national initiatives** and programmes
- **Check whether your organisation is already involved** any of the above and identify how you can contribute
- Suggest and **work with others to develop an action plan** which clearly identifies the steps already being taken to employ, retain and support the progression of disabled people including people with a learning disability, a mental health condition or autistic people
- If you are an NHS employer, encourage **sign up to the Learning Disability Employment Programme** and use the resources designed to help pledged organisations

Appendix 2: Glossary

Sources for the definitions and webpages have been cited where this may be helpful and/or allow readers to explore the issues further if they wish.

Autism

Autism is defined by the National Autistic Society (NAS) as a “lifelong developmental disability that affects how people perceive the world and interact with others.”²² Autism is a spectrum condition and affects people in different ways. Autistic people see, hear and feel the world differently. Many autistic people feel that their disability is a fundamental aspect of their identity. There are approximately 700,00 people on the autism spectrum in the UK, which equates to more than 1 in 100 people.²³

Some autistic people also have a learning disability, mental health problem or other conditions, meaning they will need different levels of support. With the right support, autistic people can live a full and rewarding lives, which includes having a job.

Corporate Social Responsibility (CSR)

CSR aims to ensure that companies conduct their business in a way that is ethical. This means taking account of their social, economic and environmental impact, and consideration of human rights.²⁴

Disability

A person is disabled under the Equality Act 2010 if they have a physical or mental impairment that has a ‘substantial’ and ‘long-term’ negative effect on their ability to do normal daily activities. ‘Substantial’ is more than minor or trivial. ‘Long-term’ means 12 months or more. The Act also makes it clear that people who have a diagnosis of cancer, Multiple Sclerosis or HIV infection are defined as disabled.²⁵ Associated guidance from the Office for Disability Issues provides detailed statutory guidance on the definition of disability.²⁶

Impairment

An impairment is a cause of disability and is any loss or abnormality of psychological, physiological or anatomical structure or function.

²² <http://www.autism.org.uk/about/what-is.aspx>

²³ <https://digital.nhs.uk/catalogue/PUB05061>

²⁴ University of Edinburgh, What is Corporate Social Responsibility, <https://www.ed.ac.uk/careers/your-future/options/occupations/csr/what-is-csr>

²⁵ Equality Act 2010, schedule 1. <https://www.legislation.gov.uk/ukpga/2010/15/contents>

²⁶ Equality Act 2010 Guidance on matters to be taken into account in determining questions relating to the definition of disability, 2011, <https://www.equalityhumanrights.com/en/publication-download/equality-act-2010-guidance-matters-be-taken-account-determining-questions>

Individual Placement and Support (IPS)

IPS supports people with severe and enduring mental health difficulties into employment. It involves intensive, individual support, a rapid job search followed by placement in paid employment, and time-unlimited in-work support for both the employee and the employer.²⁷

Job Coach

A job coach is one of the job titles used to describe people who provide supported employment or IPS.

Job Carving

Jobs can be carved by selecting and combining duties from one or more existing jobs into a new position.

Job Design

Jobs can be designed or customised based on an individualised match between the strengths and interests of a job seeker and the identified business needs of an employer.

Learning Disability

People with a learning disability find it harder to learn life skills. This can include difficulties with learning new things, communication, managing money, reading, writing, or personal care. Some people are born with a learning disability, whereas others may develop one as a result of an illness or accident in childhood. Approximately 930,400 people aged 18 and over have a learning disability in England.²⁸

A learning disability is defined by the Department of Health as a “significantly reduced ability to understand new or complex information, to learn new skills (impaired intelligence), with a reduced ability to cope independently (impaired social functioning), which started before adulthood.”²⁹ Learning disability does not include those who have a learning difficulty such as dyslexia or dyspraxia. Mental health problems are more common amongst people with learning disabilities, and some people may also have autism.

Although people with learning disabilities do not learn certain skills as quickly as other people, with the right support they can live full and meaningful lives, which includes having a job.

Mental Health

Mental health is defined by the World Health Organisation as “a state of well-being in which every individual realises her or her own potential, can cope with the normal stresses of life, can work productively and fruitfully, and is able to make a contribution to her or his

²⁷ Centre for Mental Health, <https://www.centreformentalhealth.org.uk/what-is-ips>

²⁸https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/613182/PWLDIE_2015_main_report_NB090517.pdf

²⁹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/250877/5086.pdf

community.”³⁰ It is defined by the Department of Health as a “state of well-being in which the individual realises his or her own abilities, can cope with the normal stresses of life, can work productively and fruitfully, and is able to make a contribution to her or her community.”³¹ Sometimes people with mental health conditions find that their symptoms, the side effects of some treatments or the stigma of mental health can affect their ability to do some of these things.

In many ways, mental health is just like physical health. Everybody has it and we need to take care of it.

Good mental health means being generally able to think, feel and react in the ways that you need and want to live your life. But if you go through a period of poor mental health, you might find the ways you are frequently thinking, feeling, or reacting become difficult, or even impossible to cope with. This can feel just as bad as a physical illness or even worse.

Mental health problems affect around one in four people in any given year. They range from common problems such as depression and anxiety to rarer problems such as schizophrenia and bipolar disorder. In England, 1 in 6 people report experience a common mental health problem in any given week.³² 20% of adolescents may experience a mental health problem in any given year. In addition, 50% of mental health problems are established by age 14 and 75% by age 24.³³

Occupational Requirement

In some cases having or not having a protected characteristic may be a requirement for being employed. This is called an occupational requirement and the relevant conditions are set out in schedule 9, part 1 of the Equality Act 2010. An employer would need to demonstrate that a person with a particular impairment was required for a job. An example, relevant to this guide is requiring, someone to have a learning disability and / or autism, or a current or previous mental health condition.³⁴

Positive action

The 2010 Act allows employers to take positive action measures to improve equality for people who share a protected characteristic. An employer may take any action which is proportionate to address under-presentation or low levels of participation, different needs or disadvantages, where the employer reasonably thinks that people who share a protected characteristic: a) experience a disadvantage connected to that characteristic; or b) have needs that are different from the needs of persons who do not share that characteristic; or

³⁰ http://www.who.int/features/factfiles/mental_health/en/

³¹ <http://www.mentalhealthpromotion.net/resources/makingithappen.pdf>

³² <http://digital.nhs.uk/catalogue/PUB21748>

³³ <https://www.mentalhealth.org.uk/statistics/mental-health-statistics-children-and-young-people>

³⁴ Source: Employment Statutory Code of Practice, chapter 10.34. EHRC 2011, <https://www.equalityhumanrights.com/en/publication-download/employment-statutory-code-practice>

c) have disproportionately low participation in an activity compared to others who do not share that protected characteristic.³⁵

Positive Discrimination

These are actions which involve preferential treatment to benefit members of a disadvantaged or under-represented group who share a protected characteristic, in order to address inequalities which are not covered by the positive action provisions set out in the Equality Act 2010. However, it is important to note that it is not unlawful for an employer to treat a disabled person more favourably compared to a non-disabled person. There is a specific employment provision, often called the tie-break clause. The tie break clause allows an employer to recruit someone because they have a protected characteristic in very limited circumstances. This provision can only be used if candidates are equal in all respects.³⁶

Public Sector Equality Duty

Section 149 (1) A public authority must, in the exercise of its functions, have due regard to the need to— (a)eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; (b)advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c)foster good relations between persons who share a relevant protected characteristic and persons who do not share it. (2)A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).³⁷

Protected Characteristics

Protected characteristics are the nine groups protected under the Equality Act 2010. They are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation. Disability differs from the other protected characteristics because it is the only protected characteristics where positive discrimination (i.e. discriminating in favour of disabled people) is not generally unlawful.³⁸ According to the EHRC, it is always lawful to treat a disabled person more favourably than a non-disabled person.³⁹

³⁵ Source: Employment Statutory Code of Practice, chapter 12.11. EHRC 2011, <https://www.equalityhumanrights.com/en/publication-download/employment-statutory-code-practice>

³⁶ Source: Employment Statutory Code of Practice, chapter 12.11. EHRC 2011, <https://www.equalityhumanrights.com/en/publication-download/employment-statutory-code-practice>

³⁷ Equality Act 2010, section 149 (1) (2), <https://www.legislation.gov.uk/ukpga/2010/15/section/149>

³⁸ EHRC, <https://www.equalityhumanrights.com/en/equality-act/protected-characteristics>

³⁹ EHRC, <https://www.equalityhumanrights.com/en/equality-act/protected-characteristics> and <https://www.equalityhumanrights.com/en/advice-and-guidance/disability-discrimination#lawful>

Reasonable Adjustments

The term reasonable adjustments comes from the Disability Discrimination element of the Equality Act 2010 and refers to the actions required by employers, whether organisations or individuals whether small or large, need to make in order to alleviate or remove the effects of a 'substantial disadvantage.' In practice this means doing things differently if the usual way would substantially disadvantage a disabled person. It can mean providing additional services or equipment. Reasonable adjustments in employment could include changing recruitment procedures, altering the physical environment to make it more accessible, or changing training to meet a person's needs.

Social Model of Disability

The social model of disability says that disability is caused by the way society is organised, rather than by a person's impairment or difference. It looks at ways of removing barriers that restrict life choices for disabled people.⁴⁰

Supported Employment

Supported employment is the term for high quality, personalised support for people with disabilities and/or disadvantages which enables them to seek, access and retain employment in the open labour market. It is a "place and train" approach that does not rely on long periods of pre-vocational training or a basic level of qualification or experience.⁴¹

Working Interviews

Working interviews are a means of demonstrating competency in the workplace as an alternative to formal interviews.

Work Trials

A work trial is a way of trying out a potential employee before offering them a job. If agreed with Jobcentre Plus, a prospective employer can offer a work trial if the job is for 16 hours or more a week and lasts at least 13 weeks. The work trial can last up to 30 days.⁴²

⁴⁰ Scope, the Social Model of disability, <https://www.scope.org.uk/about-us/our-brand/social-model-of-disability>

⁴¹ https://www.base-uk.org/sites/default/files/knowledge/National%20Occupational%20Standards/full_suite_supported_employment_nos_final.pdf

⁴² Jobcentre Plus help for recruiters: Worktrials, <https://www.gov.uk/jobcentre-plus-help-for-recruiters/work-trials>

Appendix 3: Resources

Understanding the Business Case for Employing Disabled People

These resources are equally helpful in understanding the business case for employers to employ disabled people.

- British Association for Supported Employment has a helpful summary of the business case for employing disabled people - <https://www.base-uk.org/business-case-diversity-management>
- Business in the Community (BiTC) provides extensive information and guidance on corporate social responsibility under the banner corporate responsibility - <https://www.bitc.org.uk/what-responsible-business>
- The Business Disability Forum has an advice service, technology taskforce and consultancy service. The website also includes links to further publications, research and blogs- <https://businessdisabilityforum.org.uk/why-bother>
- Chartered Institute for Personnel and Development (CIPD) - This factsheet explores what diversity and inclusion means in the workplace, and how an effective strategy can support an organisation's business objectives. <https://www.cipd.co.uk/knowledge/fundamentals/relations/diversity/factsheet>
- Evenbreak has a film that employers can use if they want to raise awareness about the business benefits of employing disabled people. There are other resources on the site and employers can post a vacancy and browse potential candidates -<http://www.evenbreak.co.uk/resources-for-employers>
- The Government provides guidance on Employing disabled people and people with health conditions -<https://www.gov.uk/government/publications/employing-disabled-people-and-people-with-health-conditions/employing-disabled-people-and-people-with-health-conditions>
- The Government explains its target of employing one million more disabled people by 2027 - <https://www.gov.uk/government/news/strategy-seeks-one-million-more-disabled-people-in-work-by-2027>

Understanding the Business for Employing People with a Learning Disability

This comprehensive resource brings together research evidence on employing people with a learning disability with reflections from employers on their experiences.

- Mencap - <https://www.mencap.org.uk/get-involved/learning-disability-week/benefits-employing-people-learning-disability>

Understanding the Business Case for Employing Autistic People

- People Management - https://www.peoplemanagement.co.uk/long-reads/articles/employers-hiring-neurodiversity?utm_source=mc&utm_medium=email&utm_content=cipdupdate_14022018.2/14/2018.457090.EdL1_PMNeurodiversity&utm_campaign=cipd_update&utm_term=

Addressing the Autism Employment Gap

This explains how employers can play their role in tackling the autism employment gap.

- National Autistic Society (NAS) - <http://www.autism.org.uk/get-involved/tmi/employment.aspx>

Employer Pledges

These outline two different pledges. One is from Time to Change on recruiting and retaining staff with a mental health condition. The second one is from NHS Employers on recruiting and retaining staff with a learning disability.

- Mental health, Time to Change Employer pledge and associated resources - <https://www.time-to-change.org.uk/get-involved/get-your-workplace-involved/employer-pledge>
- Learning disability, NHS employers pledge and associated resources - <http://www.nhsemployers.org/your-workforce/plan/building-a-diverse-workforce/need-to-know/creating-a-diverse-workforce-learning-disability>

Guidance on Recruitment and Retention of People with Mental Health Conditions

These resources are equally helpful in recruiting and retaining staff with a mental health condition.

- Mindful Employer line manager's resource, previously SHIFT line manager's guide - http://www.mindfulemployer.net/files/1714/3764/4224/MINDFUL_EMPLOYER_Line_Managers_Resource_Revised_2014.pdf
- Business in the Community - <https://wellbeing.bitc.org.uk/all-resources/toolkits/mental-health-employers>
- Mental Health Foundation - <https://www.mentalhealth.org.uk/publications/how-support-mental-health-work>
- Mind - <https://www.mind.org.uk/workplace/mental-health-at-work/taking-care-of-your-staff/useful-resources/>

- Mental health first aid - <https://mhfaengland.org/>

Information for Employers on Employing and Retaining Staff with a Learning Disability

- Mencap - <https://www.mencap.org.uk/learning-disability-explained/resources-employers>

There are also all the resources that were developed by the cross-government Valuing Employment Now team who worked at the Department of Health as part of Valuing People Now.

- Valuing Employment Now resource hub - [https://www.base-uk.org/knowledge-base?field_topics_tid=All&field_type_tid=All&field_publisher_tid=55&field_year_of_publication_value\[value\]\[date](https://www.base-uk.org/knowledge-base?field_topics_tid=All&field_type_tid=All&field_publisher_tid=55&field_year_of_publication_value[value][date)

Information for Employers on Employing and Retaining Staff with Autism

- Chartered Institute for Personnel and Development (CIPD) - <https://www.cipd.co.uk/knowledge/fundamentals/relations/diversity/neurodiversity-work>

Guides for Employers on Recruiting, Employing and Retaining Disabled People

These resources are equally helpful for employers on recruiting and retaining disabled staff.

- British Association for Supported Employment (BASE) - <https://www.base-uk.org/sources-guidance>
- Business Disability Forum - [https://members.businessdisabilityforum.org.uk/media_manager/public/86/Resources/Retention Toolkit Teaser FINAL.pdf](https://members.businessdisabilityforum.org.uk/media_manager/public/86/Resources/Retention%20Toolkit%20Teaser%20FINAL.pdf)
- Channel 4, for the TV sector - <http://www.channel4.com/info/press/news/channel-4-introduces-tv-sector-guide-on-employing-disabled-talent>
- Disability Rights Commission, for small employers - http://www.smarttar.co.uk/wp-content/uploads/2015/12/top_tips_for_small_employers_-_a_guide_to_employing_disabled_people.pdf
- EHRC, Equality Act 2010, Employment Statutory Code of practice, EHRC, 2011, <https://www.equalityhumanrights.com/en/publication-download/employment-statutory-code-practice>

- Gov.UK - <https://www.gov.uk/government/publications/employing-disabled-people-and-people-with-health-conditions/employing-disabled-people-and-people-with-health-conditions>

Line Manager Guide - a Best Practice Approach to Working With Disabled Colleagues

- Business Disability Forum - <http://businessdisabilityforum.org.uk/media-centre/newsletter/members/july-2016/ey-sponsor-business-disability-forum-s-line-manager-guide-series>

Recruitment and Retention Guidance for Managers Working in The Care Sector

Skills for Care - <https://www.skillsforcare.org.uk/Documents/Recruitment-and-retention/Disability-and-employment-guide-for-managers.pdf>

Helping People With a Learning Disability Work in Public Bodies

BASE - <https://www.base-uk.org/knowledge/valued-public>

Apprenticeships and Disability

Learning and Work Institute - <http://www.employer-toolkit.org.uk/disability-3/>

Gov.UK - <https://www.gov.uk/government/publications/apprenticeships-guide-for-employers>

Supported Internships and Traineeships

- Preparing for Adulthood programme - <https://www.preparingforadulthood.org.uk/downloads/supported-internships> and <https://www.preparingforadulthood.org.uk/downloads/supported-internships/access-to-work-fund.htm>.
- Traineeships - <https://www.gov.uk/government/publications/traineeships-referral-sheet-employers>.

Disability and Work – Trade Union Guidance

This is a guide from the TUC on disability and law, a guide to the law and good practice.

<https://www.tuc.org.uk/sites/default/files/extras/disabilityandwork.pdf>

Disability Discrimination

- Chartered Institute for Personnel and Development (CIPD) - <https://www.cipd.co.uk/knowledge/fundamentals/emp-law/disability-discrimination/factsheet>
- CIPD - https://www.cipd.co.uk/Images/work-related-stress_2010-what-the-law-says_tcm18-10721.pdf
- EHRC, Equality Act 2010, Employment Statutory Code of practice, EHRC, 2011, <https://www.equalityhumanrights.com/en/publication-download/employment-statutory-code-practice>
- Gov.UK - <https://www.gov.uk/guidance/equality-act-2010-guidance>
- Government Equalities Office - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/85046/positive-action-recruitment.pdf
- The Office for Disability Issues has provided detailed statutory guidance on the definition of disability. <https://www.equalityhumanrights.com/en/publication-download/equality-act-2010-guidance-matters-be-taken-account-determining-questions>

Disability Confident

- Gov.UK - <https://disabilityconfident.campaign.gov.uk/>

Access to Work

- Gov.UK - <https://www.gov.uk/government/publications/access-to-work-guide-for-employers/access-to-work-factsheet-for-employers>

E-learning

Disability Matters is a free e-learning resource for the UK workforce. It consists of three programmes:

- Disability Matters – all Disability e-learning sessions;
- Disability Matters Learning Packages – e-learning sessions that have been grouped together to meet particular learning needs;
- Disability Matters Resources – face-to-face training resource packs.
- These can be found at <https://www.disabilitymatters.org.uk/> and <https://www.e-lfh.org.uk/programmes/disability-matters/>

Appendix 4: Sources of support

There are organisations that support the employment of people with mental conditions, a learning disability and / or autism into and in employment as well as support to employers. There is not a list of all those that provide support but information can be found by:

Using the website of the British Association for Supported Employment (BASE) to find a local organisation that is a member for the trade association representing the supported employment sector - <https://www.base-uk.org/find-member-organisation>. It shows you the locations of BASE members' offices in the UK. You can zoom in by clicking on an area of the map, and move around by dragging it with the mouse, or search for a list within a range of the given address. When you click on a marker, it will tell you more about that provider.

Using the EHRC's resources including its various guides on the recruitment and employment of disabled people: <https://www.equalityhumanrights.com/en/advice-and-guidance/guidance-employers>

Contacting your local Jobcentre Plus as to the provision they commission locally for disabled people and the support on offer to employers from these organisations;

Checking with your local authorities published Local Offer for young people with special educational needs and disabilities. A Local Offer is a local authority's publication of all the provision they expect to be available across education, health and social care for children and young people in their area to achieve good life outcomes in employment; independent living; friends, relationships and community participation; and good health.

Finding out who is providing the Work and Health Programme in your local area. The Work and Health Programme is a Department for Work and Pensions programme to support disabled people and those with health conditions into work. Further information can be found at <https://www.gov.uk/work-health-programme>

In the Greater Manchester combined authority, the Work and Health Programme is a devolved responsibility. Their programme is called Working Well. Further information can be found at <https://www.greatermanchester-ca.gov.uk/news/article/44/15000-more-people-in-greater-manchester-to-start-working-well>

Nacro has a Resettlement Advice Service and Employer Advice Service., which provides practical guidance on recruiting safely and fairly, providing free operational support through their employer helpline and delivering safer recruitment to employers in the construction industry. Further information can be found at <https://www.nacro.org.uk/training-and-consultancy/mind-gap-project/>



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The Mental Health Foundation and Association for Mental Health Providers

Part of the Mental Health Consortium

The Win-Win Alliance

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Nacro



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London Borough of Wandsworth
Manchester Mind
Mood Swings Network
Oxfordshire NHS Trust
Pure Innovations
Sharp Futures
Ways into Work CIC
42nd Street

