

Consultation Response - Draft Social Partnership and Public Procurement (Wales) Bill – 23.04.2021

Your name: Grace Krause

Organisation (if applicable): Learning Disability Wales

Is this a collective response on behalf of your organisation / group of organisations (please specify):

This is a response on behalf of the Engage to Change Project.

Funded by the National Lottery Community Fund, Engage to Change sets out to find employment for young people with a learning disability, autistic spectrum disorders, or specific learning difficulties aged 16-25 in Wales. It uses a supported employment methodology and job coaching. Project partners are:

Learning Disability Wales, a national charity representing the learning disability sector in Wales. Learning Disability Wales works with people with a learning disability and their families, Welsh Government, local authorities, disabled people's organisations and the voluntary sector to create a better Wales for all people with a learning disability. Learning Disability Wales is the lead partner for the Engage to Change project.

Other project partners are: two supported employment agencies, Agoriad Cyf and Elite Supported Employment; All Wales People First, a self-advocacy organisation for people with a learning disability; and the National Centre for Mental Health (NCMH) at Cardiff University, our evaluation partners.

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Our response:

Why the Bill is required

Question 1: Do you agree with the reasons set out regarding the need for the Bill? Do you have any comments concerning the case for change?

We agree with the overall reasons set out in the Bill. In particular, we support a change to public bodies to place more emphasis on social value outcomes and less on financial savings. We also believe in improving contract management and due diligence to increase focus on social value outcomes from supply chains, in particular delivery of fair employment for disabled people.

Key provisions of the draft Bill: Social partnership

Question 2: What is your view on the social partnership duty set out in the draft Bill?

We are in strong support of the social partnership duty. The strong focus on trade unions is a positive step. However, it is important to stress that consultations with trade unions are not automatically going to lead to fair work in terms of disability rights. Instead, it is important to make sure different groups are included in these processes. In terms of people with a learning disability, this means talking to self-advocacy groups, for example All Wales People First. We would like to draw attention here to All Wales People First's [2021 Manifesto](#) that states:

- We call on Welsh Government to support more paid employment opportunities for people with learning disabilities in Wales.
- We call on Welsh Government and local authorities to work with people with learning disabilities when writing or reviewing employment policy.

In this spirit we encourage Welsh Government to engage specifically with people with a learning disability in creating fair and inclusive working conditions.

Key provisions of the draft Bill: Fair work

Question 5: What is your view on the proposed duties on Welsh Ministers concerning fair work objectives?

We would like to see monitoring reports on progress made to achieve fair work objectives contain information on how these have impacted on disabled people, including people with a learning disability, and are fed through the social partnership system into the SPC. Any detailed work that is conducted within organisations should highlight the potential of, and requirement to, pursue fair work with disabled people and those with learning disabilities in particular.

Question 6: What is your view on key challenges and priority areas for pursuing and promoting fair work?

We are glad to see a strong focus on fair working conditions and particularly on creating a healthy, safe and inclusive environment within Welsh Government policy. We would like to underline that inclusivity in working environments must include the environment to welcome and support people with a learning disability and/or autism as well as classic attempts to make physical environments more accessible. This applies to legal protection as well.

We hope that this would extend specifically to people with a learning disability and/or autism who may need additional accommodation in the areas of recruitment, interview practice, supervision and in-house training if equality is to be achieved for them alongside other disabled people.

Under point 72 of the consultation document, Welsh Government sets out devolved fair work objectives:

- a. Action on public sector pay – for example, to improve transparency or to address identified pay gaps.
- b. Pursuing the universal application of the Partnership and Managing Change Agreement amongst public bodies in order to ensure workers are able to collectively influence significant organisational change.
- c. Improving and supporting opportunities for employees to work remotely and flexibly across Wales.
- d. Increasing access to vocational training opportunities for young workers as well as wider work-based learning opportunities.
- e. Improving access to mental health and occupational health support in the workplace.
- f. Increasing awareness among the workforce of employment rights and duties.

If we take these 6 items above as the basis for the actions in supporting the universal application of the Partnership and Managing Change Agreement amongst public bodies, we urge Welsh Government to ensure that any consultation processes with workers include appropriate Easy Read materials to

allow access for people with a learning disability and that the views of disabled workers are canvassed effectively.

In promoting improvement and support for employees to work remotely and flexibly, Welsh Government will need to understand and reflect the fact that people with a learning disability and/or autism cannot always work as flexibly, or as remotely, as other workers. While people with a learning disability and/or autism are fully capable of working independently in jobs that are matched to their abilities, not all can deliver this in their home setting. Appropriate support needs to be available to assist people with a learning disability to adapt to new working methods. We urge Welsh Government to facilitate access to skilled job coaching nationally to assist public sector employers in this work.

Further, in any attempt to promote increased access to vocational training and work-based learning opportunities for young workers, Welsh Government should note existing policy recommendations from the Engage to Change project. This guidance highlights that people with a learning disability need job coach support to be able to take advantage of work-based learning opportunities (Inclusive Apprenticeships; Supported Internships and Work-Based Training). Welsh Government needs to provide this infrastructure to support public sector employers in this endeavour.

In promoting increased awareness among the workforce of their rights and duties, we would encourage Welsh Government to highlight the communication needs of workers with a learning disability, and to ensure that public sector employers have access to the means to deliver appropriate information to this group.

Question 8: In addition to what is set out in the draft Bill, what other levers could be used by Welsh Ministers to promote and achieve fair work?

Fair work includes access to work for all. To achieve fair work for disabled people, and in particular people with a learning disability, public sector employers need access to appropriate forms of support. This support is both to assist the employer in revising their recruitment strategies and human resource policies, as well as assisting potential workers with a learning disability to get, learn and keep a job that suits their abilities. The Engage to Change project has demonstrated that supported employment methodology is the best way to achieve that. Without suitable support, public sector employers will struggle to achieve fairness across all groups of disabled people. As we have argued elsewhere, the public sector is key to creating equality of opportunity for

disabled people, including those with a learning disability. Welsh Government needs to take this responsibility seriously alongside its efforts to produce fair work. We ask Welsh Government to implement recommendations for a national job coaching service, and a full supported internship offer across Wales. Further, Welsh Government needs to ensure annual reports to Senedd Cymru, and other published documents on progress in meeting fair work goals, should include the level of equal opportunities being created for different groups of disabled people.

The Social Partnership Council (SPC) is clearly crucial to the development of Fair Work in Wales. Membership of the SPC should include representation of disabled workers and links to third sector organisations representing the needs and rights of disabled people.

Equalities and impacts

Question 22: Concerning the Regulatory Impact Assessment, do you agree with the assessment of the likely costs and benefits associated with the provisions in the draft Bill? If not, please explain which specific element(s) you disagree with and why.

We support the development of clear consistent standards through new indicators and would like to see indicators that report on employment of people with a learning disability and/or autism, with particular emphasis on the public sector reporting efforts in leadership in the employment of these people in the next five years. Furthermore, we suggest developing clear targets to measure social value within procurement that should be linked to the Well-being of Future Generations Act in terms of job creation, inclusive workforce, workforce development and environmental standards.

Question 26: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

We would like to stress the importance of embedding equalities and inclusivity in the culture of Welsh Government as well as its partners. Often the problems that people with a learning disability encounter are in the attitude of people who believe them to be less capable than others. This means including people with a learning disability (and other disabled people) in every stage of policy making. We would also like to point out that fair working practices have to start with fair

hiring practices. Only 5.6% of people with a learning disability in Wales are in paid employment but we know that many more people would like to work. We therefore urge Welsh Government to implement supported employment projects and other measures to close the learning disability employment gap.

We also note that in our own project we have really struggled to place people with a learning disability and/or autism into jobs or paid work placements within the public sector. Making sure that workplaces and jobs are suitable for disabled people often requires changes to rules and flexibility from other staff members. We have found that the public sector is significantly less likely to make those changes. If Welsh Government is serious about closing the disability employment and pay gaps it will have to make sure that its own practices reflect this. Welsh Government cannot reasonably expect to further equality in society if it cannot incorporate equality into its own practices.

We welcome this opportunity to respond to this consultation. Engage to Change partners are also happy to offer further direct advice and input. Please do not hesitate to contact us via our Policy Officer Grace Krause at grace.krause@ldw.org.uk.

Further resources

All Wales People First Manifesto 2021 – Available online:

<https://allwalespeople1st.co.uk/wp-content/uploads/2021/02/Manifesto-2021-Website.pdf>

Steve Beyer, 2020: Engage to Change briefing: What policy changes are required to provide people with a learning disability or ASD equal access to the labour market in Wales? Available online: http://www.engagetochange.org.uk/wp-content/uploads/2020/08/National-Job-Coach-Briefing-6July20-V6_final.pdf

Steve Beyer, 2021: Engage to Change briefing: Jobs for people with a learning disability or autism - The role of the NHS. Available online:

http://www.engagetochange.org.uk/wp-content/uploads/2021/02/Engage-to-Change-The-role-of-the-NHS-Jan21_final_eng2.pdf

Further policy information from the Engage to Change project and Learning Disability Wales can be found on our policy page:

<https://www.ldw.org.uk/project/policy/>