Engaging individuals with learning difficulties and disabilities in workplace learning

A guide for Providers
September 2013

Acknowledgements

We are grateful to all those providers who have taken the time to contribute to our research and who have informed the development of this guide.

About this guide

This guide has been produced by the Institute for Employment Studies (IES) and The National Institute of Adult Continuing Education (NIACE) on behalf of the Skills Funding Agency. The guide forms part of a wider research project, 'Supporting learners with learning difficulties and disabilities to access European Social Fund Priority 2 provision' and more details about this research are provided in the Annex to this guide.

The aim of this guide is to highlight where and how providers can work to make their offer of workplace learning more inclusive for disabled employees.

It is based on the good practice, insights and experiences of a number of providers from across England which are working hard to deliver learning provision in an accessible and inclusive way, both inside the workplace and outside of it. This guide aims to share these insights more widely in order to add value to the existing good practice that many providers already have underway around the Equality Duty and their own equality and diversity commitments.

Who is this guide for?

This guide is for all providers who are interested in making their offer of workplace learning more inclusive for disabled employees. This includes providers such as further education colleges, private training providers, and providers in the voluntary sector. Most of the good practice examples that we uncovered and have cited in this guide have been drawn from provision aimed at employees with low skills levels (qualifications below Level 2) that has been funded under European Social Fund (ESF) Priority 2 and Priority 5. However, much of this practice cuts across levels of learning and is relevant to other levels of learning and types of provision.

Why is this guide needed?

While there is already a fair amount of good practice on how to engage disabled learners in mainstream learning provision, **there is very little guidance on how you might better engage disabled employees through workplace learning provision.** Many of you are already doing good work around the Equality Duty, and have been working to make core features of your mainstream provision, such as information, advice and guidance (IAG), more accessible to disabled learners. Our research has found that within this broader stream of good practice, there are many (often simple) changes which you can make to ensure that your offer of workplace learning is more inclusive for disabled employees. Few workplace learning providers that we engaged in this research were aware of, or active around these changes[1] so this guide aims to highlight these areas.

There is also a potentially important role for you to play in encouraging disclosure among disabled employees. Evidence suggests that disabled employees may be particularly reluctant to declare a learning difficulty or disability, either because they may fear the implications that this might have on their employment or because they have so far felt able to 'cope' with their disability in the workplace. In ESF Priority 2 programmes 2007-13 seven per cent of participants declared a disability, which was lower than for Priorities 1 and 4, suggesting that there may be particular issues around disclosure among those with a disability who are already in the labour market.[2]

Finally, **you can support employers to fulfil their equality duty**. In delivering workplace learning, it is more than likely that you will have to work closely with employers, particularly if the learning is being delivered in the workplace. Section 1 identifies some key areas in which you can support employers to meet their equality duty. Many of these areas may already form part of your strategy for employer engagement in which case this guide should either affirm the ways in which your current

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[1] Most of the providers engaged in this research were, or had been in receipt of ESF Priority 2 funding and are not a representative sample of all workplace learning providers.

[2] Department for Work and Pensions (2011), *European Social Fund Equality Impact Assessment (update).* Available at: http://www.dwp.gov.uk/docs/eia-esf-annex-1.pdf

practice is advancing a more inclusive offer of workplace learning, or highlight areas of your current practice that simply require more emphasis.

How to use this guide

Much of the good practice cited in this guide is structured around core features of mainstream provision which you will already have in place – for example, employer engagement (referred to as 'Working with employers' in section 1), and external marketing (referred to as 'Promoting the support you have on offer' in section 2) and IAG (section 3). However, within these sections, we have sought to identify where and how you can tailor these features of your existing mainstream provision to make your offer of workplace learning more inclusive and responsive to the needs of disabled employees in their workplace. These recommendations are summarised in the opening of each section as 'suggested actions' in recognition of the fact that some actions may not be relevant to your particular organisation. For ease of access, we have differentiated between actions which are relevant to the operational level staff in your organisation and those that are more relevant to strategic level staff.

Each section then goes on to elaborate, through a series of bullet points, what these 'suggested actions' might look like by outlining examples of how you may want to consider making changes to your current practice. While these are not a definitive list of possible changes, the bullet points can act as something of a checklist against which you may find it helpful to compare your current practice.

Where useful, we have included examples of good practice and case studies to illustrate the guide. However, these examples are not exhaustive.

Terminology

Both the terms 'employee' and 'learner' are used in this guide. We use 'employee' to refer specifically to a participant of workplace learning provision, while the term 'learner' indicates someone in mainstream learning provision, for example at a further education college. It has

been necessary to use both terms in this guide because the examples of good practice are drawn from both mainstream learning provision (where it is appropriate to refer to participants as learners) and from workplace learning (where it is more appropriate to refer to participants as employees). The term 'disabled' and 'disability' are used in this guide to refer to people with a learning difficulty and/or disability.

1. Working with employers to make your offer of workplace learning fully inclusive

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Summary of suggested actions

- Highlight to employers the business case for including disabled employees in workplace learning.

- Work with employers to promote an inclusive offer of workplace learning.

- Raise employers' awareness around supported employment and signpost to sources of advice, support and good practice.

- Tailor provision around the individual.

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Highlight to employers the business case for including disabled employees in workplace learning

Stressing the business case for workplace learning is likely to be something that many of you are already actively doing in your engagement with employers. However, the following benefits might be particularly useful to emphasise when talking to employers to ensure that the offer of workplace learning includes disabled employees:

○ Improves employee retention rates

○ Provides motivated employees who are committed to the company

○ Enhances company reputation, both externally and internally

○ Demonstrates corporate social responsibility

○ Retains talent and keeps recruitment costs low.

Work with employers to promote an inclusive offer of workplace learning

○ Include information about the support available for disabled employees in your offer of workplace learning.

○ Make employees aware of the opportunities to disclose in confidence or privately discuss any concerns they may have about workplace learning, either to yourselves or to their employer.

○ Ensure your offer to participate in workplace learning, both on and off site, is open to all employees.

○ Clearly communicate to employees the potential benefits of participating in workplace learning, such as formal accreditation or in-work progression, in order to encourage participation.

Raise employers' awareness around supported employment

○ Discuss reasonable adjustments with employers as well as what this might mean for them, both in terms of cost and in practical terms.

○ Promote the Access to Work scheme, if relevant.

○ Signpost employers to the range of existing sources offering advice, good practice and support around supported employment.

Tailor provision around the disabled employee

○ Work closely with employers to ensure that employee support needs are met and identified.

○ Place disabled employees at the heart of any planning process and subsequent provision and involve them throughout.

○ Work in partnership with relevant/external organisations which can provide specialist/discreet support.

2. Promoting the support you offer to disabled employees

> **Summary of suggested actions**
>
> - **Use marketing material** and your website to give clear information on the support available for employees and their employers.
>
> - **Promote available support early on** in the recruitment and employer engagement phases.
>
> - **Stress the benefits** of utilising available support to employees.

Use marketing material and your website to promote available support for disabled employees

○ Clearly communicate support options, the availability of support and the benefits of disclosure in your marketing material and website.

○ Use your organisation's prospectus, website, leaflets and other marketing material as opportunities to provide clear information on the support available for disabled learners.

○ Display material in key areas, such as a reception desk or in a prominent location on an online application form.

○ Include equality and diversity statements and commitments to indicate that diversity and disabled people are valued and supported. For example: 'We are committed to equal opportunities, both in the provision of our services and as an employer.'

○ Ensure your marketing material is inclusive and features support for all disabled people and not just those with physical and sensory disabilities.

○ Ensure material is available in accessible formats.

" **Case study 1**
Promoting equality and diversity policies on marketing material

One provider included a prominent statement in their promotional leaflet for a 'Redundancy Support Workshop' which was aimed at employees who had recently been made redundant. The leaflet says that they support a policy of equal access and treatment regardless of race, religion, sex, age, sexual orientation, marital status or disability. The statement goes on to say that the provider recognises the need for an equality and diversity policy and is fully committed to the active promotion of equal opportunities for all.

Staff believe that placing such a statement upfront on marketing material is important in making employees aware of the organisation's equality and diversity policies and in increasing the take-up of available support for disabled employees. Staff also recognised that such a statement might be reassuring to those people who might be embarrassed to declare their impairment or who lack the confidence or assertiveness to ask for help. "

Promote available support early on

❍ Promote information about available support options as early as possible in the 'recruitment' stage of engaging disabled individuals.

❍ In the case of workplace learning, communicate available support for disabled employees in the early stages of employer engagement to ensure that workplace learning does not exclude anyone on the basis of their disability.

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Case study 2
Including information about available support on application forms

One provider has included information about the support available to disabled individuals on their online application form. When an individual ticks a box to say that they have a particular impairment, another box automatically appears detailing the kind of support that is available. The provider has found this to be a useful way of informing individuals about the support available to them at the point of declaration, while also gathering information about their impairment.

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Stress the benefits of utilising support

○ Draw on, and promote, the testimonials of previous individuals who have benefited from the support on offer for disabled learners.

○ Discuss any wider implications of non-disclosure, such as health and safety and the legal obligations of employers under the Equality Act, while also respecting an individual's right not to disclose.

○ Stress the benefits of support, such as individuals achieving the best of their ability and increased support and progression in the workplace.

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Case study 3
Using the 'learner voice' to promote available support

One provider used case studies in promotional material to tell short 'stories' about the positive experiences that previous disabled learners had had as a result of drawing on available support. Other examples of drawing on learner testimonials include using disabled learners as 'ambassadors' and using online podcasts featuring disabled learners.

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3. Offering high-quality IAG

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Summary of suggested actions

Operational level

- Offer IAG on a **one-to-one basis** with personalised, in-depth discussions focusing on supporting needs, particularly at the initial stages of 'recruitment', application and enrolment.

- **Ensure confidentiality** and provide a private and 'safe' environment to encourage disclosure.

- Discuss the **support options** available and the benefits of declaring a disability with disabled employees.

Strategic level

- **Train staff** to understand the issues surrounding disclosure and their responsibilities under the Equality Act.

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Offer IAG on a one-to-one basis

Offering IAG on a one-to-one basis recognises that many disabilities are 'unseen' and therefore, may not be immediately apparent. It also maximises the opportunity to disclose by offering personal, face-to-face interaction and greater privacy. One-to-one interaction also provides greater opportunity to discuss individual needs and the available support in more depth. It also allows staff the opportunity to tailor a personalised response or package of support if needed.

Ensure Confidentiality

○ Give individuals the opportunity to discuss their disability with you in confidence, particularly at the application and enrolment stages.

○ Provide private spaces for people to disclose and discuss requirements.

○ Ensure your staff understand their responsibilities under the Data Protection Act and an employee's right to confidentiality.

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Case study 4
Three different approaches to ensuring confidentiality

Provider 1 was concerned with issues of confidentiality during the busy enrolment process so they created a quiet and private space for confidential discussion. All learners were informed about the availability of this space by staff involved in the enrolment process.

Provider 2 included a question on their application form which asked 'Please indicate whether you would like to talk to someone in confidence about how we can support you in your learning'.

Provider 3 was in the process of trialling the use of an SMS service whereby learners could text the organisation to indicate that they needed additional support.

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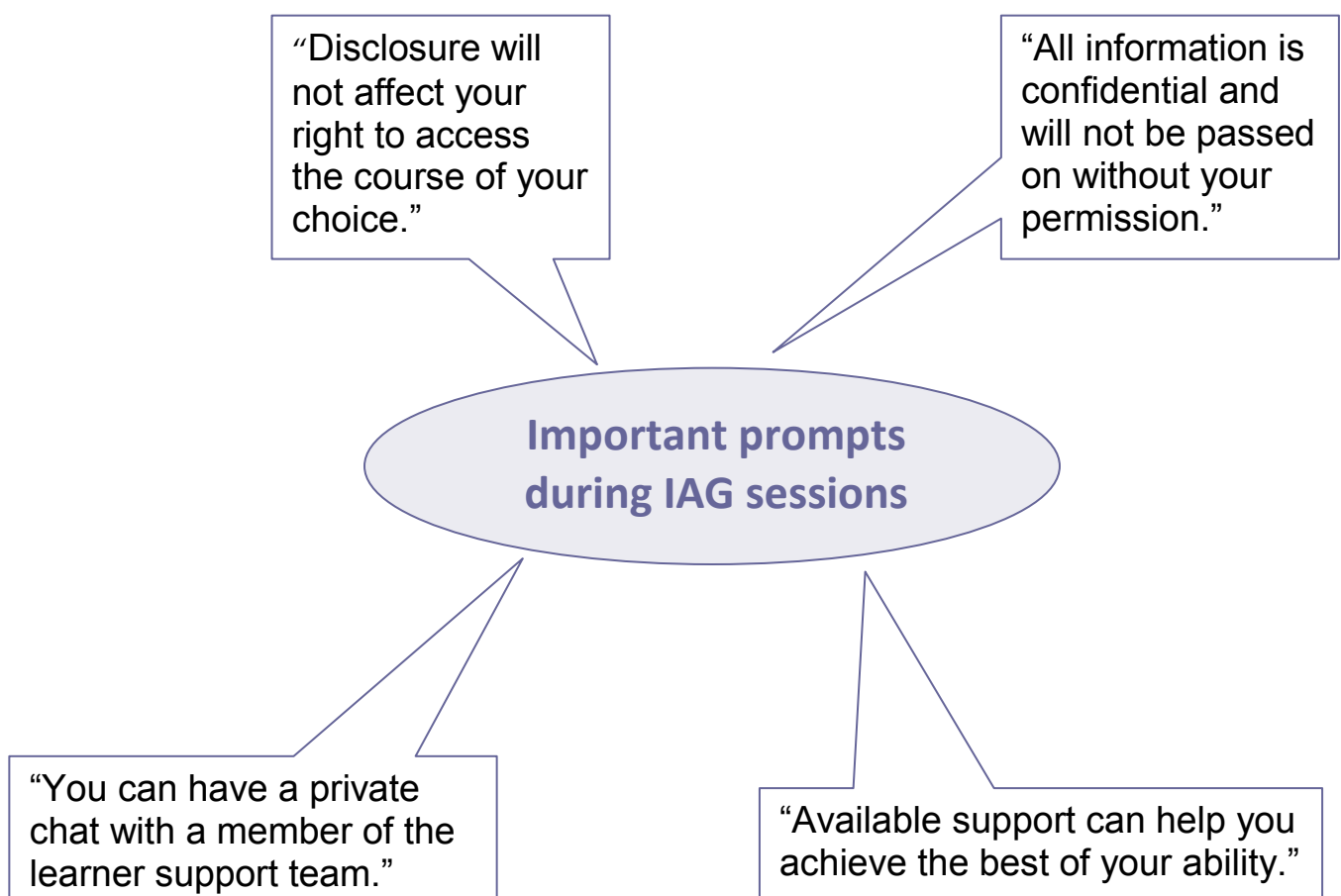## Discuss the support options available and benefits of declaring a disability

Ensure that:

○ Staff are aware of the support available to both employers and disabled employees and how it can be accessed.

○ Support options are routinely discussed and identified with all individuals, and opportunities are provided for disclosure.

○ Staff give individuals a reason for disclosing and explain why it is in their own interests.

○ Individuals are given the opportunity to discuss the support available and any concerns they might have.

Ensure staff are appropriately trained

○ Staff should be accredited to the Matrix standard in order to ensure quality and consistency.

○ Staff need to be aware of their responsibilities under the Equality Act and the implications for their role.

○ Staff need to understand the issues around encouraging disclosure and the importance of effectively passing on information to relevant colleagues.

Helpful prompts to use during IAG sessions

"Disclosure will not affect your right to access the course of your choice."

"All information is confidential and will not be passed on without your permission."

Important prompts during IAG sessions

"You can have a private chat with a member of the learner support team."

"Available support can help you achieve the best of your ability."

4. Encouraging disclosure

Summary of suggested actions

Operational level

- Provide **ongoing opportunities for disclosure**, from induction sessions and enrolment right through to tutorial sessions and post-assessment results.

- **Discuss disclosure with disabled employees participating in workplace learning who have not disclosed** their disability to their employer.

Strategic level

- Focus the **language on paperwork** (application, enrolment and initial assessment paperwork) on the support that can be provided and the benefits of disclosure, and not on what is 'wrong' with the learner or on medical labels.

- Create **an inclusive learning environment and culture**, supported by:

  - Whole organisation policies on health and well-being and/or equality and diversity.

  - Mainstreamed learner support functions that are offered to all learners.

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Case study 5
Providing ongoing opportunities for disclosure

A learning provider reported a number of reasons why, in their experience, people did not disclose. First, a person may not have disclosed to their employer for fear about the consequences. Second, a person may feel that their impairment has had little impact on their employment, or that they have developed adequate 'coping' strategies to manage their impairment in the workplace. Third, they may have concerns that colleagues attach a negative stigma to particular impairments, such as mental health difficulties.

In the provider's experience, it was important to provide ongoing opportunities to disclose because some impairments may not be picked up till a later stage. In their experience, it is not uncommon for learners to disclose during their training, either because their impairment changes or because they form stronger, more trusting relationships with staff. Individuals may also disclose as they learn more about the support available to them, or if they start to struggle with the demands of the training.

In the light of these experiences, the provider encouraged disclosure at the recruitment stage, through open evenings and during the student induction process.

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Case study 5 (continued)
Providing ongoing opportunities for disclosure

Opportunities to disclose were also provided in the application process and the initial in-depth interviews with learners, when all applicants were asked about their learning support needs and made aware of the facilities and support services available. The provider's Learning Support Team also worked with tutors to ensure that there were opportunities to disclose while on the training.

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Ongoing opportunities to disclose

STAGE	POTENTIAL OPPORTUNITIES FOR DISCLOSURE
Recruitment	Engaging employers, referrals, open days, marketing material
Induction	Enrolment forms, one-to-ones, IAG, initial assessments
Training	Tutorial observations and meetings, exam and assessment results
Post-training	Course evaluations, post-training reviews, workplace assessment

Regular review of support needs

Informal ways to share information and concerns anonymously

Discuss disclosure with disabled employees participating in workplace learning who have not disclosed to their employer

○ Respect an employee's confidentiality but…

○ discuss their options and the implications of their decision not to disclose.

○ Make employees aware of their legal rights and give them information on when and how they should disclose to their employer, should they decide to do so.

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Case study 6
Encouraging employees to disclose

One specialist employment support provider works with employees who are often reluctant to disclose their impairment to their employer. One of the strategies they have found useful is discussing the implications of non-disclosure with the employee. Specifically, they have found it useful to work through 'what if' scenarios, discussing what would happen if a situation or circumstance arose in which their impairment became an issue in the workplace. For example, what if they were asked to undertake a particular task which they would struggle with? Or what if they were missing out on available support in the workplace, such as reasonable adjustments?

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Use of language on disclosure forms

Limitations to the 'tick box' approach

Questions which are unhelpful on disclosure forms tend to take a labelling, medical model approach, focusing on the impairment of the individual, rather than focusing on the adjustments that the provider or employer could make to meet the needs of the individual.

This could take the form of a question asking 'Do you have a disability or learning difficulty?', followed by 'yes' and 'no' tick boxes. While there is nothing wrong with this format (or variations of it), this approach limits the amount of potentially useful information that an individual might disclose.

One provider preferred to ask the question 'Is there anything you would like us to know about that could affect your learning or the learning of others?' because it was an open question that tended to yield more useful and detailed responses.

There are other difficulties with closed questions and tick box options. First, this format may lead learners to think that the information they disclose will count against their offer of a place since there is no explanation of why the organisation is collecting this information. Second, this format does not provide any information of the benefits of disclosure, i.e. the adjustments the provider or employer could put in place to ensure an equitable service. Finally, this format does not state what will happen as a result of disclosure.

> "Open questions give us the 'bigger picture' rather than the limited information provided by tick boxes." (Provider)

Create an inclusive learning environment and culture

An inclusive learning environment and culture is critical for encouraging disclosure of learning difficulties and disabilities. Differentiated delivery, catering for the needs of different groups, needs to sit within whole organisation policies on health and well-being and/or Equality and Diversity. These policies, and the active promotion and monitoring of them:

❍ Help create and sustain an inclusive environment and culture in which people feel able to declare, confident in the knowledge that their needs will be met.

❍ Commit the whole organisation – staff as well as all learners – to meeting a diverse range of needs.

❍ Utilise the more inclusive language of 'health and well-being' and/or 'equality and diversity', rather than 'special needs' or 'disability', to encourage individuals to disclose their disability.

Similarly, mainstreaming learner support functions so that they are available and offered to all learners can:

❍ Encourage disclosure through making people feel part of a broader support system that is not necessarily labelled or designated 'for' disabled learners alone.

❍ Embed equality and diversity policies in practice and better ensure that information about learners' needs is passed on to the relevant staff, such as tutors.

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Case study 7
Mainstreaming learner support

An FE college wanted to create a more inclusive learning environment by mainstreaming the delivery of learning support. The college restructured the way learning support was delivered so that the learning support team acted as consultants to staff on all mainstream vocational courses and not just when declarations were made.

In this way, the college developed a more inclusive learning approach and moved away from a 'deficit model' of offering discrete provision to learners with learning difficulties and disabilities. It also opened up the learner support offer to all and so provided greater opportunity for disclosure. Working with disabled individuals was subsequently regarded as a collective responsibility and not just the remit of 'specialist staff'.

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5. Useful links and further resources[3]

Information on employers' obligations under the law and good practice case studies

Lewis, T. *Proving disability and reasonable adjustments. A worker's guide to evidence under the Equality Act 2010.*
http://www.equalityhumanrights.com/uploaded_files/Questionnaire_guides/proving_disability_and_reasonable_adjustments_workers_guide_final.doc

Equality and Human Rights Commission, information on the Equality Duty and making reasonable adjustments for disabled employees.
http://www.equalityhumanrights.com/advice-and-guidance/guidance-for-employers/the-duty-to-make-reasonable-adjustments-for-disabled-people/

Access to work scheme

https://www.gov.uk/access-to-work/overview

Department for Work and Pensions (2013*), Employers guide to access to work.*
http://www.dwp.gov.uk/docs/employer-guide-atw.pdf

Supported employment

Remploy:
http://www.remploy.co.uk/

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[3]   Correct as of July 2013.

Scope:
http://www.scope.org.uk/services/employment-service/employers-disabled-people

British Association for Supported Employment:
http://base-uk.org/

United Response:
http://www.unitedresponse.org.uk/what-we-do/supported-employment/supported-employment-services/working-with-employers/

Progress:
http://www.progressemployment.org/employers/

Good practice on disclosure and confidentiality

Rose, C. (2006), *Do you have a disability – yes or no? or is there a better way of asking? Guidance on disability disclosure and respecting confidentiality.* Learning and Skills Development Agency.
http://usemyability.org.uk/resources/files/Do%20you%20have%20a%20disability_yes%20or%20no.pdf

Taylor, C. A. (2010), *Ticking the boxes to Entitlement.* National Institute for Adult Continuing Education.
http://mhfe.org.uk/sites/default/files/shared/Enabling%20Declaration%20checklist%20(2010).doc

Annex: Details of the wider research supporting this guide

About the wider research: aims and background

This guide forms part of a wider research project, 'Supporting learners with learning difficulties and/or disabilities to access European Social Fund Priority 2 provision.'[4] European Social Fund (ESF) Priority 2 and Priority 5 focuses resources on people in the workforce who lack basic skills or good qualifications (defined as qualifications below level 2), in particular, those who are least likely to receive training. Priorities 2 and 5 aim to help people gain relevant skills and qualifications needed for their career progression and for business growth and innovation in the knowledge economy. These Priorities also support training for managers and employees in small firms, as well as people made redundant or at risk of redundancy.

A recent Equality Impact Assessment (EIA) of ESF procurement examined representation of groups with protected characteristics on ESF. In ESF Priority 2 programmes 2007-13, seven per cent of participants declared a disability, which was lower than for Priorities 1 and 4, suggesting that there may be particular issues around disclosure among those with a disability who are already in the labour market.[5]

Given this, the research project aimed to:

❍ Better understand the reasons behind the apparent under-representation of employees with learning difficulties and disabilities on ESF Priority 2 provision.

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[4]   Marangozov, R. et al. (2013), *Supporting learners with learning difficulties and/or disabilities to access European Social Fund Priority 2 provision*. Institute for Employment Studies.

[5]   Department for Work and Pensions (2011), *European Social Fund Equality Impact Assessment (update)*. Available at: http://www.dwp.gov.uk/docs/eia-esf-annex-1.pdf

○ Support learning providers to address this apparent under-representation by identifying good practice in a guidance document for providers.

How the research developed

As the research progressed, we uncovered very little evidence of good practice around engaging disabled learners that was specific to ESF Priority 2 and Priority 5 provision/workplace learning provision. Most of the examples of good practice related to how providers had made core features of their mainstream provision, such as information, advice and guidance (IAG) or external marketing, more accessible to disabled people. As such, this guidance report draws on the wider evidence of good practice in mainstream provision and identifies opportunities within this for providers to make their offer of workplace learning more inclusive for disabled employees.