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Commentary - US Employment Policy: Lessons for the UK

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Review

Introduction

The paper *Employment for all: United States Disability Policy* calls for greater cross-cultural communication and collaboration around policy for people with intellectual disabilities (ID). The paper is a good advertisement for this approach as it contains insights into what has been achieved, and not achieved, in the US, a country that has often been held up as a model for action in the UK. Despite over 40 years of legislative intervention, policy development and investment, this paper highlights the limited impact on the employment of people with intellectual disabilities in the US and the inequalities they continue to face. Low expectations, limits on what people can earn before they lose health and other benefits, and lack of supports still affect employment rates for this group which remain stubbornly low compared to non-disabled, and other disability, populations.

Findings

From a UK perspective, rates of employment of people with ID in the US of around 15% or 23%, depending on the data source, are good. In the UK employment rates remain stubbornly low at 6-7% (Department of Health, 2014). There seems to be a considerable way to go to match the, admittedly inadequate, level reached to date in the US. So, what does experience in the US tell us that is relevant to the UK experience?

In the US policy has been hampered by a lack of accurate data on employment rates for people with ID. As a group they are more difficult to help into employment than some other people with disabilities. Policies that serve the many do not always help those with more complex barriers. To understand how legislation and vocational rehabilitation policies help people with ID specifically, we need data on their employment rates. We have data for England and Scotland, but none for Wales or Northern Ireland, apart from occasional survey data. Moreover, it is very difficult to obtain data on the outcomes delivered to people with ID from programmes such as *Work Choice*, the *Work Programme* and interventions such as *Access to Work*. Without this, we cannot hold these programmes to account for their effectiveness with people who have significant needs.

The US federal government has delivered a significant platform of legislation on disability and employment over the last 40 years. This has underpinned the right of people with disabilities to work and delivered a number of programmes of affirmative action to help level the playing field. Employment discrimination has been outlawed and the concept of “reasonable accommodation” coined to describe the actions needed by employers to open their workplaces to people with disabilities. In the UK we have a similar rights framework, an Equalities Act that attacks discrimination in employment, and requires employers to make “reasonable adjustments.” However, there are interesting and important differences between the US and the UK.

In the US there have been attempts to promote employment of people with developmental disabilities specifically by mandating that agencies receiving funding from the federal government take affirmative action to employ people with developmental disabilities. Not a guaranteed job, but a good step towards

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3 that. In the UK there is also equality legislation, including the *Public Sector*
4 *Equality Duty* that mandates public agencies to proactively eliminate unlawful
5 discrimination.¹ However, this stops short of a requirement of affirmative
6 action to employ people. Anecdotally, it remains especially difficult still for
7 people with ID to access public sector jobs in the UK.
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10 Another important difference is that the US defined and introduced supported
11 employment through legislation in the 1980s and have provided job coach
12 approaches that particularly suit the needs of people with ID through federal
13 Vocational Rehabilitation services. These have more recently been commonly
14 rolled up into “customized employment” approaches that provide, at best, a
15 very individualised approach to supporting disabled people into paid jobs.
16 Although flagship Department of Work and Pensions programmes such as
17 *Work Choice* can deliver job coaching, the UK lacks any legislative definition
18 of supported employment or job coaching as a service and any funding
19 dedicated to this approach. The review of US policy showed that, from FINDS
20 data², around two-thirds of 14.7% of people with ID in paid community jobs
21 were supported in some way through job coaching and supported
22 employment. This makes job coaching central to obtaining community-based
23 jobs.
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26 Still, the majority of those in paid work in the US are employed through
27 sheltered workshops. Here lies a further lesson. While much has been
28 invested in community jobs in the US, there has not been a quantum leap in
29 employment rates. Monteleone’s paper describes *Employment First Initiatives*
30 at State level which promote employment as the first priority outcome for
31 people with disabilities. This marks a significant shift towards community
32 rather than sheltered jobs as the target of transition to employment. There has
33 been a significant debate in the US over sheltered employment provision and
34 its premier place in funding. Some have argued (Wehman, 2012, p. 140) that
35 new investment has done all it can and that greater change in employment
36 rates will not come without a shift in funding away from sheltered workshops
37 to community support. In the UK there is a need to continue to debate the
38 evidence for outcomes from different forms of employment and day activity
39 as, in times of recession, community jobs and the support needed will only
40 come if resources are shifted away from approaches that do not deliver paid
41 jobs. In the UK, this includes reviewing training approaches that do not deliver
42 the required outcomes.
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46 Wage outcomes from employment are still fragile in the US, as they are in the
47 UK. In the US many people with ID are tied to minimum wage rates. Higher
48 quality jobs are an important goal for workers in both countries. While
49 regulations and welfare benefit rates are of course different, it is difficult for a
50 job to be life changing if National Minimum Wage is all that people can
51 achieve. Being “better off” in the UK is often still dependent on a complex mix
52 of wages and welfare benefits that can transfer into employment. Workers are
53 therefore vulnerable to regulatory changes in schemes such as *Personal*
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57 ¹ <http://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty>

58 ² Family and Individual Needs for Disability Supports (FINDS) www.thearc.org/FINDS
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3 *Independence Payment*, where becoming ineligible can make a job financially
4 unviable. Given the move to *Universal Credit* in the UK it will be important to
5 monitor its implementation to ensure that regulations, set with the majority in
6 mind, do not disadvantage the minority of people with an ID.
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9 The US has moved further than the UK in supporting transition from education
10 to employment. The *Workforce Innovation and Opportunities Act of 2014*
11 required Vocational Rehabilitation to divert 15% of its funding to transition
12 services. This must help more people with ID start careers. In the UK there is
13 still a jigsaw of funding, with many key parts of the puzzle missing, to provide
14 job coach and other practical assistance to people wanting to transition to
15 employment. Practical experience and on-the-job learning are key to people
16 with learning disabilities seeking employment and generally it remains unclear
17 whose responsibility it is to provide such supports while people are at school
18 or college. In England colleges can assist people with ID into the workplace
19 through *Supported Internships*³, and there is also flexible funding available
20 through mechanisms such as *Study Programme* funding.⁴ These are not
21 available in other parts of the UK. The US experience highlights that, without
22 clearer accountability for resourcing this area, and budgets dedicated to
23 practical, personal forms of support, similar to the US direction, then many
24 young people will be unable to make the first steps to a paid job.
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27 **Conclusions**

28 There is much to learn from the experience in the US and other developed
29 economies on the use of legislation and how this can promote the
30 employment of people with intellectual disabilities. It seems that the US has
31 not been fully successful in raising the employment rate or employment
32 outcomes for people with ID. However, they have tackled more
33 comprehensively issues of supporting young people with intellectual
34 disabilities' transition from education to work, defining and funding job
35 coaching, and promoting affirmative action in public agencies or employers
36 who receive funding from the federal government. There seems to be much to
37 learn, not least from the mistakes that the US has made along the way.
38 Where the UK invests its scarce resources will be crucial if significant
39 progress is to be made from the current low level of employment for people
40 with ID. We can no longer afford to invest in approaches that do not deliver
41 equitable employment outcomes with other citizens. The *UN Convention on*
42 *the Rights of Persons with Disabilities*⁵ provides a clear steer - that it is
43 community-based jobs that are required, and a place in the wider workforce.
44 It is to approaches that favour this outcome that we need to divert more of our
45 resources.
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49 **References**

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⁴ <https://www.gov.uk/guidance/16-to-19-funding-planned-hours-in-study-programmes>

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For Peer Review