

Equality Commission for Northern Ireland Response to Department for Employment and Learning (DEL) and Department of Enterprise Trade and Investment's (DETI) consultation on "Enabling Success": A New Strategic Framework to Tackle Economic Inactivity in Northern Ireland – Driving Social Change Through Economic Participation 'Enabling Success Economic Inactivity Strategy'

April 2014

Introduction

1. The Equality Commission for Northern Ireland (the Commission)¹ welcomes the opportunity to respond to the Departments' consultation on "Enabling Success"- A New Strategic Framework to Tackle Economic Inactivity in Northern Ireland – Driving Social Change Through Economic Participation 'Enabling Success Economic Inactivity Strategy' – (hereafter abbreviated to the Economic Inactivity Framework – the EIF).

The Commission views the EIF as an important step to addressing inequalities for the two key target groups: those with family commitments and people with disabilities. In particular, we acknowledge the value of many of the key aspirations and commitments within the EIF, including:

- the overall strategic goal and associated objectives of the Framework, to support persons with disabilities and those with family commitments, in particular lone parents, into employment²;

¹ See Annex 1.

² Department for Employment and Learning/Department of Enterprise Trade and Investment (January 2014): 'A Consultation on 'Enabling Success' – A New Strategic Framework to Tackle Economic Inactivity in Northern Ireland – Driving Social Change Through Economic Participation', paragraph 1.17, pages 16/17 (Belfast: DEL/DETI). Available at: <http://www.detini.gov.uk/economic-inactivity-strategy-consultation.pdf>

- the aspiration to tackle disadvantage and the broader consideration of wider barriers/inequalities facing target groups³;
- the recognition given to the need for evaluation of current programmes and measures to assess what works effectively⁴;
- the undertaking of a comprehensive mapping exercise to highlight gaps in service provision⁵;
- the identification of international case studies to highlight best practice and the development of new innovative pilot programmes⁶;
- the acknowledgement that Government does not have all the answers and that the consultation exercise will engage a wide range of stakeholders to allow new and innovative solutions⁷.

Summary of Issues/recommendations

2. Whilst the Commission agrees, in principle, that the route out of social exclusion, dependency and poverty is through work⁸, we wish to highlight a number of concerns that the Departments need to address to ensure the EIF delivers tangible outcomes for the target groups:

Human Rights

- The need to consider human rights standards in the further development of the EIF;

- ***Language***

The language used in the Strategy should reflect the social model of interpretation of disability, rather than focus on the health related approach of the medical model;

Pan-disability issues

- Whilst a strong focus on mental health issues is welcome, there is also a need to consider pan-disability issues;

³ DEL/DETI (January 2014): Op. Cit., paragraph 1.30, page 21. Figure 1.6 Factors affecting the employability of target inactive groups, page 22.

⁴ Ibid, paragraph 3.13, page 34. See also factors affecting the employability of target inactive groups, figure 1.6, page 22.

⁵ Ibid, paragraph 2.4, page 27. See also action plan, key action number 2, Annex A, page 55.

⁶ Ibid, paragraph 3.17, page 35. See also action plan, key action number 7, Annex A page 56.

⁷ Ibid, paragraph 7.6, page 53.

⁸ Ibid, paragraph 4, page 4.

Participation/Person-centred approach

- Any measures arising from the EIF should be underpinned by person-centered planning including the development of personal support packages;

Barriers to the labour market

- Consideration of barriers to the labour market should focus on priorities such as childcare provision, the potential of a 'living wage' to mitigate against in-work poverty (a phenomenon which is increasing across the UK⁹), the need to consider welfare benefit issues closely linked to improved access to quality employment opportunities e.g. lone parent conditionality¹⁰, permissible earnings disregard;

Supported Employment Model

- Consideration of the development of the supported employment model to include pre-employment and in-work support;

Partnership working

- At a strategic level, the Framework needs to be taken forward across a wider number of Government departments, including: the Office of the First Minister and the deputy First Minister (OFMdfM), Department for Education (DE), the Department for Health, Social Services and Public Safety (DHSSPS) and the Department for Social Development (DSD) in order to fully address the wide range of issues related to the Framework e.g. health and work outputs, social security issues etc;

Open competition – procurement model

- The need to take into account factors which constrained previous Government interventions to address unemployment e.g. the Department for Work and Pensions (DWP) Work Programme¹¹.

⁹ Mac Innes, T., Aldridge, H., Bushe, S., Kenway, P. and Tinson, A. (2013): 'Monitoring Poverty and Social Exclusion' (York: Joseph Rowntree Foundation/New Policy Institute). Available at: <http://www.jrf.org.uk/sites/files/jrf/MPSE2013.pdf>
See commentary opening paragraph, page 26, also Indicator 7A Graph, page 27.

¹⁰ DEL/DETI (January 2014): Op Cit., paragraph 1.25, page 21.

¹¹ House of Commons Committee of Public Accounts (13 February 2013): 'Department for Work and Pensions: Work Programme Outcome Statistics, Thirty-third Report of Session 2012-2013, report together with formal minutes and written evidence, conclusions and recommendations', pages 3-6. Available at: <http://www.publications.parliament.uk/pa/cm201213/cmselect/cmpublicacc/936/936.pdf>

Specific Commentary

Human Rights

3. The Commission notes the absence of any consideration within the EIF of human rights obligations such as the United Nations Convention on the Rights of Persons with Disabilities (CRPD) and the Convention of the Elimination of all Forms of Discrimination. (CEDAW).
4. The UK, which ratified the CRPD on 8th June 2009, is required to promote, protect and ensure full and equal enjoyment of all human rights by all persons with disabilities. The CRPD confers a wide range of rights including those concerning education, employment, training, living standards, social protection, equality and non-discrimination. In addition to a requirement to consider subject specific rights (e.g. independent living, adequate standard of living and social protection etc.), there is also a requirement to consider over-arching issues such as the rights concerned with accessibility and awareness raising and the multiple identities of persons with disabilities such as women, ethnic minorities and persons with dependants.

Language

5. The CRPD recognises that many of the challenges facing disabled people today are as a result of attitudinal discrimination and environmental barriers rather than as a result of the nature of a specific impairment or disability and promotes the social model interpretation of disability rather than the traditional historical medical model¹². The Commission therefore recommends that Departments refer to 'disabled people/persons with disabilities' in preference to 'long-term sick and disabled'¹³.

¹² The medical model interpretation of disability portrayed disability and impairment as the main obstacle to disabled people living full lives and failed to recognise the wider societal barriers such as attitudinal discrimination manifest in the built environment, the lack of universal design to deliver accessibility to goods, facilities and services and the failure to mainstream disabled people's right to participate fully in the life of the community and society.

¹³ DEL/DETI (January 2014):Op. Cit. paragraph 1.17 bullet point 1, page 17.

Pan-Disability Issues

6. We note the strong focus within the consultation document on support for people with mental health issues in recognition of the fact that they represent a significant number of those people who are economically inactive¹⁴. Whilst we welcome this consideration care needs to be taken to ensure that all people with disabilities receive appropriate support to access employment, education and training opportunities. The Preamble to the Convention makes clear the need to recognise the diversity of persons with disabilities, with regard to pan-disability issues and multiple identity considerations¹⁵.

Participation/Person centered approach

7. We welcome the decision to convene a number of focus groups with individuals from the target groups, in order to provide an insight into the specific barriers to engagement with the labour market experienced by economically inactive groups¹⁶.
8. The measures developed under the EIF should be underpinned by the ethos of a **person-centered** approach, such as the development of **individual** support packages to assist people on their own personal employment options.
9. The CRPD places great importance on the proper inclusion and participation of disabled people in the development of policies and measures which directly or indirectly impact on their lives.
10. Indeed, the first principle set out in Article 3, General Principles, of the CRPD requires consideration of the need for respect for inherent dignity, individual autonomy, including the freedom to make one's own choices and the independence to enable that choice to be made. Further, within the same provision the CRPD

¹⁴ DEL/DETI (January 2014): Op. Cit., paragraphs 1.21–1.23, pages 18 & 19. See also Annex A, action plan, key action 10, page 56.

¹⁵ Preamble, (m), (p). Available at: <http://www.equalityni.org/archive/pdf/UNCRPDOptionalProtocol.pdf>

¹⁶ E-mail update/advice, 15 April 2014, from DEL/DETI to Northern Ireland Council for Voluntary Action for dissemination among consultees, including research that DSD undertook to examine issues affecting lone parents, as well as the customer segmentation analysis of benefit and tax credit customers, along with information concerning the impact of welfare reform. Available at: http://www.dsdni.gov.uk/index/stats_and_research/asu-welfare-reform-briefing.htm

calls for the **full and effective participation** and inclusion in society of disabled people.

11. In terms of understanding the collective experience of disabled people and their situation, General Obligations Article 4(3) of the CRPD requires public authorities to closely consult and **actively involve disabled people, including young people** through their representative organisations in the development and implementation of legislation and policies and in decision making processes related to them.
12. The Commission is aware that the Department for Employment and Learning (DEL) is in the process of developing a Disability Employment Strategy. The Strategy will be informed by a series of consultation workshops to (i) identify the barriers to employment and (ii) examine the existing range of disability employment service specialist programmes e.g. Workable Northern Ireland, Work Connect, Access to Work, Job introduction Programme, the Condition Management Program, and the Occupational Psychology Service¹⁷.
13. The consultation exercise gave strong emphasis to the views from people with disabilities about the barriers they face accessing employment and the likely support arrangements needed to address these concerns¹⁸. The Commission strongly urges the Departments to take into account this feedback in the future development of EIF. It is our understanding that DEL is intending to publish a report on this consultation exercise in May 2014.

Barriers to the labour market

14. The Commission acknowledges the recognition within the consultation document¹⁹, of the factors affecting the employability of target inactive groups, including: educational disadvantage, attitudinal discrimination, inflexible working arrangements, and poor quality services to support people back into employment. In particular, we would like to emphasise the absence of childcare provision as a significant barrier for people with family

¹⁷ Department of Employment and Learning (DEL)/Northern Ireland Union of Supported Employment (NIUSE) (November 2013): Disability Employment Service Consultation Workshops, St Columb's Park House, Londonderry/Derry.

¹⁸ Ibid.

¹⁹ Summarised on page 22, in figure 1.6.

commitments.

Childcare Provision

15. The Commission's recent submission on compliance in Northern Ireland with the United Nations Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) included specific recommendations that the number of childcare places in Northern Ireland be increased and that such provision be responsive to need, taking account of evening and weekend working patterns of women as well as cost and availability²⁰.
16. An overarching observation highlighted in the paper was that "improvements to childcare provision in Northern Ireland are long overdue, and central to economic prosperity, poverty reduction and other Government aims, and should be treated as a priority. The further the Government can progress along the recommended direction of change, the closer they will be to achieving the more equitable labour market participation of mothers"²¹.
17. One of the key conclusions within the paper was that the most effective combination of family and childcare policies for encouraging female labour market participation is one that offers a combination of well-compensated maternity and parental leave for the period immediately following birth and in the following years offers flexible work arrangements (including part-time work, flexible working hours, and job-sharing) and adequate provision of affordable childcare facilities. This combination is provided in countries (such as Denmark, Sweden, France, Belgium and Norway), where mothers' labour market participation rates are high and the negative effects of the presence of children on women's career and income prospects are relatively low²². The

²⁰ Equality Commission for Northern Ireland (March 2008): CEDAW Report – United Nations Convention on the Elimination of all forms of Discrimination Against Women, paragraph 2, first bullet point, page 29. <http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/ECNIUK41.pdf>

²¹ McQuaid, R., Graham, H. and Shapira, M. (February 2013): 'An expert paper on the type, extent and delivery of childcare provision necessary to maximise the economic participation of women within Northern Ireland', Section 5.3 Conclusion, final paragraph page 88 (Belfast: Employment Research Institute, Napier University for Equality Commission for Northern Ireland). Available at: <http://www.equalityni.org/D970EE65-19CF-440E-8FA7-2E348E3CE455/FinalDownload/DownloadId-FAD4583011B0ACA4B6AAA5AE5FD03B2B/D970EE65-19CF-440E-8FA7-2E348E3CE455/ECNI/media/ECNI/Publications/Delivering%20Equality/MaximisingChildcareMainReport2013.pdf?ext=.pdf>

²² McQuaid, R. et al. (February 2013): Op. Cit. See Executive Summary pages vi and xi, penultimate and concluding paragraph, page 88. (Belfast: Employment Research Institute, Napier University for

Commission understands that whilst European targets for provision of childcare in 2000 was around 33%, provision in Northern Ireland today is around 14% and is ten years behind other regions within the UK²³.

18. The paper also emphasised the importance of higher rates of female employment and measures to protect the employment rights of working mothers (through job security, flexibility, quality, equal pay, and adequate childcare facilities) in the struggle against child poverty²⁴.
19. A recent study by Barnardos and the Northern Ireland Council for Ethnic Minorities (NICEM) of the childcare needs of ethnic minority communities concluded, inter alia, that the high cost of childcare and low levels of local provision in Northern Ireland were significant factors for BME parents in choosing to rely heavily on informal arrangements with family and friends to assist with childcare support²⁵. While the authors of the study acknowledged that informal childcare does not always equate to unpaid childcare and can involve both monetary and/or reciprocal payments, they point out that those parents who avail of informal childcare arrangements are often not entitled to claim any cost they may incur through Working Tax Credit or a Childcare Voucher Scheme. Further observations from the study indicate a concern regarding variations in quality and safety associated with informal childcare

Equality Commission for Northern Ireland). Available at: <http://www.equalityni.org/D970EE65-19CF-440E-8FA7-2E348E3CE455/FinalDownload/DownloadId-FAD4583011B0ACA4B6AAA5AE5FD03B2B/D970EE65-19CF-440E-8FA7-2E348E3CE455/ECNI/media/ECNI/Publications/Delivering%20Equality/MaximisingChildcareMainReport2013.pdf?ext=.pdf>

²³ Committee for the Office of the First and deputy First Minister: 'Childcare Strategy OFMdfM Briefing', Hansard, Official Report, March 2013. Available at: <http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Committee-Minutes-of-Evidence/Session-2012-2013/March-2013/Childcare-Strategy-OFMDFM-Briefing/>

²⁴ McQuaid, R., et al. (February 2013): Op. Cit., Section 2.2.1 'Family Policies and Female Labour Participation', penultimate paragraph, page 21 (Belfast: Employment Research Institute, Napier University for Equality Commission for Northern Ireland). Available at: <http://www.equalityni.org/D970EE65-19CF-440E-8FA7-2E348E3CE455/FinalDownload/DownloadId-FAD4583011B0ACA4B6AAA5AE5FD03B2B/D970EE65-19CF-440E-8FA7-2E348E3CE455/ECNI/media/ECNI/Publications/Delivering%20Equality/MaximisingChildcareMainReport2013.pdf?ext=.pdf>

²⁵ Kernaghan, D. (March 2014): 'Believe in Childcare? Believe in Children – Investigation into the Childcare Needs of ethnic minority Communities in Northern Ireland', conclusions, paragraph 3, page 51 (Belfast: Northern Ireland Council for Ethnic Minorities/Barnardos). Available at: <http://nicem.org.uk/wp-content/uploads/2014/03/Believe-in-Childcare-NICEM-and-Barnardos-NI-Dr-Donna-Kernaghan.pdf>

arrangements²⁶. Key findings arising from the study included:

- the increasing need to review the current childcare infrastructure and develop a childcare model which incorporates the needs of BME parents working outside traditional working hours. The study draws attention to the fact that while this issue is particularly relevant to BME workers, a changing economy and job market has led to an increase in parents across the wider population employed through zero-hours contracts and working atypical hours;
- nearly two thirds of BME parents reported some level of difficulty with being able to access information with regard to some form of financial assistance with childcare support.
- the study recommended that provision of childcare services in Northern Ireland be on a statutory basis to ensure there is enough childcare to meet the needs of working parents in their local area²⁷.

20. In response to the Office of the First and deputy First Minister, OFMdFM consultation on 'Bright Start - The NI Executive's Strategy for Affordable and Integrated Childcare', some consultees expressed a view that childcare should not simply be for the children of working parents or parents who wanted to train or study. Quality childcare, with a developmental and/or educational ethos was also seen as potentially beneficial for children whose parents were unemployed or economically inactive. Some consultees believed that these children might benefit most from quality childcare provision²⁸.

21. Research by Contact a Family Northern Ireland, a leading UK Charity providing support to families and carers of disabled children indicates that families are at more risk of poverty and going without basic necessities in recent times²⁹.

²⁶ Kernaghan, D. (March 2014): Op. Cit., paragraph 4, page 16. Over half the parents who participated in this study relied to some degree on informal childcare arrangements, through the support of family and friends while 36.7% of BME parents involved in the study relied only on this type informal care arrangement. See study table 9 and associated explanatory paragraphs page 16.

²⁷ Ibid, pages 51-53.

²⁸ Office of the First and deputy First Minister (2014): 'A Bright Start -The NI Executive's Strategy for Affordable and Integrated Childcare': Strategic Framework and Key First Actions, paragraph 11, page 27. Available at: <http://www.northernireland.gov.uk/bright-start-strategic-framework-key-actions.pdf>

²⁹ Contact a Family (May 2012): 'Counting the Costs 2012 - The financial reality for families with disabled children in Northern Ireland', key findings online, page 1, summary narrative, page 2. Available at: http://www.cafamily.org.uk/media/391038/counting_the_costs_ni_insert.pdf

22. Of those families with disabled children who participated in the research, 72% were working families. Only 14% used paid childcare, whilst 24% cared for more than one disabled child and 23% were lone parents. The findings showed that 85% of families have gone without something because of a lack of money, including, food (21%), heating (42%)³⁰, clothes (61%), days out/leisure (85%), specialist equipment/adaptations (25%)³¹. Furthermore, 61% of those who had participated believed that their financial situation would worsen in the next 12 months with 78% citing welfare reform as the main reason for this.

Despite the summary of evidence above, it remains the case that support services to assist families with dependents, in particular lone parents, into employment remain inadequate.

Welfare and Social Security

23. While The Commission acknowledge the merit of the argument underpinning the title of the framework 'Enabling Success' "that the most reliable route out of social exclusion, dependency and poverty is through work"³². It is not only those economically inactive people relying on benefits who are experiencing poverty and social exclusion. Statistics highlighted by the Department for Social Development (DSD) show that, in Northern Ireland, over two fifths of individuals living in low income households were part of a family where at least one adult was either in full-time or in part-time work³³.
24. The Department highlights evidence from the Institute for Public Policy Research (IPPR) and the Joseph Rowntree Foundation (JRF) that the situation of these 'working poor' is likely to get worse as a result of factors such as stagnant wage inflation, the continuing economic downturn and rising energy costs. DSD cite these findings as being of particular concern in relation to Northern Ireland, because their statistics also show that it has lower

³⁰ Compared with 21% in the UK.

³¹ Contact a Family (May 2012)

³² DEL/DETI (January 2014): Op. Cit. paragraph 4, page 4.

³³ Department for Social Development (June 2012): 'Discretionary Support Policy Consultation Paper', paragraph 3, page 10 (Belfast: DSD). Available at: http://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CDEQFjAA&url=http%3A%2F%2Fwww.dsdni.gov.uk%2Fprint%2Fdiscretionary-support-policy-consultation-paper.doc&ei=3BVHU_i4Ocrm7AbJ_IGoCg&usq=AFQjCNGnWL0OIM_pRi9HVajLQenBvA_mDA&sig2=ONqhoXlepU_n2_zp_8BykA&bvm=bv.64507335.d.ZGU

household incomes, a higher proportional spend on necessities and significantly higher rates of fuel poverty than the rest of the UK³⁴.

25. In light of the evidence above we are concerned that any new initiatives to tackle economic inactivity will potentially result in individuals entering into low paid and low skilled jobs which may result in an experience of in-work poverty.
26. The Departments may wish to consider mitigation against such **potential adverse** impact, including through the possible use of:
 - a living wage guarantee;
 - an increase in the earnings disregard for those in receipt of welfare benefits³⁵;
 - removing the freeze on Child Benefit³⁶.
27. In considering the above recommendations we encourage the Department's to consider their equality and human rights obligations. Article 28 of CRPD sets forth the right of persons with disabilities to an adequate standard of living and social protection and the obligation on state parties to take appropriate steps to safeguard and promote the realisation of this right. This includes ensuring access for persons with disabilities and their families living in situations of poverty to assistance from the state with disability related expenses, including financial assistance and appropriate support services such as respite care provision.

Supported Employment Model

28. The Commission notes the observation set out in the consultation paper that only “a form of temporary supported employment is often necessary” to support the relevant target groups into employment³⁷. As highlighted by stakeholders attending the

³⁴ DSD (June 2012): Op. Cit., paragraph 4, page 10.

³⁵ Its purpose to provide a 'buffer zone' which would allow a claimant's income to increase for a limited period without affecting their benefit entitlement.

³⁶ Kernaghan, D. (March 2014): Op. Cit., paragraphs 4 & 5, page 10. Concludes that a number of reforms have had a particular adverse impact on families with babies and children. The reduction in childcare tax credit from providing 80 percent to 70 percent of the childcare cost coupled with a freeze in the value of Child Benefit for three years has resulted in families with children, including those with disabilities, lone parents, being hit hard by welfare benefit cuts impacting on those in the severest poverty. Given that the proposed changes in the Welfare Reform Bill have yet to be implemented this is a matter of concern for a wide range of stakeholders.

³⁷ DEL/DETI (January 2014): Op. Cit., paragraph, 4.10, page 39.

consultation engagement events³⁸ hosted jointly by the Departments in Belfast and Derry/Londonderry and elsewhere, the supported employment model would likely be more beneficial if the support provided was ongoing and not confined to a limited number of weeks/months at the pre-employment/initial employment stages.

29. The European Social Fund (ESF) has been the main sources of funding for supported employment projects. While DEL has provided matching funding for some ESF funded supported employment projects, long-term and mainstream funding for these has not been secured. We note the acknowledgement from DEL representatives to the Employment and Learning Committee in May 2013 in its Special Educational Needs Post 19 Briefing, that ESF funded projects were the main source of support for people with complex support requirements to access educational training and employment opportunities³⁹.
30. The briefing highlighted that projects such as the Orchardville Society, the NOW Project, and Stepping Stones considered as good practice examples, offered support through training, work placements or employment through their own social enterprise businesses⁴⁰.
31. The Commission is aware that the supported employment model, traditionally understood as a support mechanism to assist people with disabilities into employment, now delivers to a much wider target group of beneficiaries including lone parents and other economically and socially disadvantaged groups. The outcomes from this model should be properly evaluated as part of the mapping exercise of current service provision committed to in the Action Plan.

³⁸ DEL/DETI (18.03.14): Transcript from Londonderry/Derry Consultation Event. A representative from the Royal National Institute for the Blind and Visually Impaired highlighted the fact that “someone who is long term inactive and disabled is not going to find a job within six months to a year. It’s going to take years and is the investment going to be there to do that? So when you talk about outcomes and someone coming onto an employment programme is the set up going to be that that person could be working with an organisation for a number of years not months to get to their outcome. And how are the departments going to fund that and facilitate that? These are not outcomes which are going to be achieved in the short term”. Available at <http://www.delni.gov.uk/derry-event-18-march-2014.pdf>

³⁹ Department For Employment and Learning (2013): Briefing to the Committee for Employment and Learning Special Educational Needs Post 19: DEL Briefing. Available at:

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Committee-Minutes-of-Evidence/Session-2012-2013/May-2013/Special-Educational-Needs-Post-19-DEL-Briefing/>

⁴⁰ Ibid.

32. The Commission understands that, historically, supported employment programmes have not received direct government financial assistance⁴¹. Supported Employment programmes continue to be resourced on a short term basis through a variety of funding streams, such as the ESF and have not been properly mainstreamed within education and employment programmes.
33. The need for better resourcing of supported employment programmes was also identified and recommended in the Final Report of the PSI Working Group on Disability⁴².
34. Stakeholders have advised us that the current funding allocation for ESF supported projects will expire in early 2015⁴³ and existing promoters will have to submit new project bids to maintain their existing programs. This process may result in projects being discontinued with consequent adverse impacts for beneficiaries of current services catering for both target groups.
35. The Commission recommends that much furtherer consideration be given to the use of the supported employment model as a more permanent and long-term feature of the strategy to assist those who have experienced long-term disengagement from the labour market.

Partnership Working

36. The Commission acknowledges that there is a clear recognition in the Strategic Framework document of the need for partnership working as evidenced by the joint departmental approach to the Framework both in the drafting of the Framework and the cross-departmental representation at the consultation events.
37. However, we recommend that a number of other Government

⁴¹ Equality Commission for Northern Ireland (March/April 2011): Feedback from CRPD evidence gathering workshops, articles 27 & 28 (not published). Stakeholders from the Supported Employment sector have advised us that supported employment programmes are traditionally not funded by the state and service providers in this area are largely dependent on European funding programmes to sustain supported employment principles and practice.

⁴² Office of the First and deputy First Minister, (December 2009): 'Report of the Promoting Social Inclusion Working Group on Disability', paragraph 8.17, page 106. See also Annex to the Report of Promoting Social Inclusion Working Group on Disability: PSI Disability Subgroup Reports, bullet point 4, page 97. Available at: <http://www.ofmdfmi.gov.uk/index/equality/disability/disability-promoting-social-inclusion.htm>

⁴³ Equality Commission for Northern Ireland (March/April 2011): Op Cit.

Departments should also have a clear role in developing and taking responsibility for delivering the Framework. There are a wide range of issues associated with economic inactivity which are beyond the remit of DEL and DETI.

38. The participation of the Office of the First and deputy First Minister (OFMdfM) is essential given its overall responsibility within the Executive for equality and human rights and its broader leadership obligations across government.
39. The Department of Education clearly has a role, through early intervention to address the educational deficits affecting the target groups, thereby reducing in-flow into the pool of economically inactive people.
40. The Department of Health and Social Services and Public Safety, (DHSSPS) also has key role in addressing the health and social care inequalities impacting on both target groups, in the context of greater integration of health and work outcomes⁴⁴.
41. Finally, there is also an important role for the Department of Social Development (DSD) given the close relationship between welfare reform and existing /proposed welfare to employment programmes and work measures.

Procurement Model – Open Competition

42. In adopting any new procurement model associated with the commitment to innovative solutions, the Departments should take into account recent evaluation of government interventions to deal with unemployment⁴⁵.
43. For example, the Commission is aware of the problems experienced by the Department of Work and Pension's (DWP) 'Work' programme in GB, a new employment/welfare measure, not unlike the 'Steps To Success', the new adult return to work programme to be introduced in Northern Ireland. DWP's own evaluation of the Work Programme earlier this year indicated that

⁴⁴ DEL/DETI (January 2014): Op. Cit. paragraphs 6.2 - 6.8, pages 49-50.

⁴⁵Ibid, paragraph 3.12, page 39. The factors which can constrain government interventions include: large centrally designed programmes, political capital resting on high profile initiatives, policy moving on before evidence has been gathered and a lack of evaluation of what works.

disabled people and claimants with complex support requirements were not being given adequate support to access employment opportunities⁴⁶.

44. Furthermore, the House of Commons Committee of Public Accounts' expressed concerns, acknowledged by DWP, that service providers were involved in what has been described as 'creaming' and 'parking' of disabled claimants⁴⁷. Specifically disabled people with high complex support requirements with little or no employment history were being given less support, compared to those disabled people who were considered more capable and job prepared and in many cases had some employment history.
45. Service providers tendering, through open competition, to deliver innovative projects must be subject to effective quality control. Employment subsidies for service providers must be tied closely to delivery of agreed outcomes which are subject to rigorous monitoring and evaluation. Evaluation of projects delivered by successful tenderers should take into account the views and experiences of the target groups.

Collection and monitoring of data

46. Stakeholders attending the Equality Commission's Article 27 workshops and stakeholder round-tables on the draft Disability Strategy pointed out that mainstream government programmes to support people with disabilities into employment did not include accurate statistics and targets for people with disabilities with complex needs⁴⁸. DEL's Briefing on SEN Post 19 provision to this Committee also highlighted that the Department does not monitor whether people with learning disabilities access

⁴⁶ House of Commons Committee of Public Accounts (13 February 2013): Department for Work and Pensions: Work Programme Outcome Statistics, Thirty-third Report of Session 2012-2013, report together with formal minutes and written evidence, conclusions and recommendations, pages 3-6. Available at: <http://www.publications.parliament.uk/pa/cm201213/cmselect/cmpubacc/936/936.pdf>

⁴⁷ Ibid.

⁴⁸ The Equality Commission for Northern Ireland hosted a series of evidence gathering workshops in March 2012 acting on behalf of the Independent Mechanism for Northern Ireland to assess what measures needed to be taken to address the states obligations under Article 27 the right to work and employment highlighted a range of concerns including the adverse impact of welfare reform taking into consideration a range of Convention articles including Article 7 the Rights of Children with Disabilities, Article 19 the Right to Independent Living, Article 20 Personal Mobility, Article 25 the Right to Health, Article 28 Adequate Social Protection, etc

employment/training opportunities after leaving further education⁴⁹.

47. **Article 31** of the CRPD requires public authorities and state funded agencies to undertake **the collection of appropriate information, including statistical and research data**, to enable the formulation and implementation of policies to give effect to the Convention.
48. The recent independent research commissioned by the Equality Commission⁵⁰, concluded that the availability of robust data, information and statistics is central to evidence-based policymaking and to an effective monitoring process under Article 33 of the UNCRPD.
49. The research found that it was *'currently extremely difficult to measure the effectiveness of public policy in relation to people with disabilities'* and this was *'due to a lack of co-ordinated and effective monitoring to quantify the impact of policy change'*⁵¹.
50. Furthermore, the research found that statistics on policies and programmes were very rarely disaggregated to give information on persons with disabilities or on the type of disability.
51. Any audit or mapping exercise of existing services or delivery of new innovative projects associated with the EIF should highlight the deficiencies and gaps in monitoring arrangements and identify key actions/targets to address these.

Action Plan

52. The Commission acknowledges that the draft action plan set out in Annex A of the consultation document has yet to be finalised and that the key actions identified do not have SMART targets or appropriate performance indicators. However, we would welcome a revised action plan outlining more clear and specific commitments to be undertaken by each Department to deliver on the overarching themes within the framework. Departments may

⁴⁹ DEL (May 2013): Op cit.

⁵⁰ Harper, C., McClenahan, S., Byrne, B. and Russell, H. (2012): 'Disability programmes and policies: How does Northern Ireland measure up? Monitoring Implementation (public policy and programmes) of the United Nations Convention on the Rights of Persons with Disabilities in Northern Ireland', paragraph 4, page 252. (Belfast: Equality Commission NI). Available at: <http://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/UNCRPDmonitoringImplementationFullReport0112.pdf?ext=.pdf>

⁵¹ Ibid, page 253.

wish to consider their Section 75 audit of inequalities and the content of their disability action plans to inform and shape the future revised action plan.

53. As Departments will know, the Commission is keen to ensure that public authorities focus on their equality obligations in such a way that allows them to demonstrate that the actions they take have tangible positive outcomes, in this case, the aforementioned target groups.

Concluding Summary of issues and recommendations

Human rights

- The need to consider human rights standards in the further development of the EIF;

- ***Language***

The language used in the Strategy should reflect the social model of interpretation of disability, rather than focus on the health related approach of the medical model.

Pan-disability issues

- Whilst a strong focus on mental health issues is welcome, there is also a need to consider pan-disability issues;

Participation/Person-centred approach

- Any measures arising from the EIF should be underpinned by person-centered planning including the development of personal support packages.

Barriers to the labour market

- Consideration of barriers to the labour market should focus on priorities such as childcare provision, the potential of a 'living wage' to mitigate against in-work poverty (a phenomenon which is increasing across the UK⁵²), the need to consider welfare benefit issues closely linked to improved access to quality employment opportunities e.g. lone parent conditionality⁵³, permissible earnings disregard;

⁵² Mac Innes, T. et al (2013): Op. Cit. See commentary opening paragraph, page 26, also Indicator 7A Graph, page 27. Available at: <http://www.jrf.org.uk/sites/files/jrf/MPSE2013.pdf>

⁵³ DEL/DETI (January 2014): Op. Cit., paragraph 1.25, page 21.

Supported Employment Model

- Consideration of the development of the supported employment model to include pre-employment and in-work support;

Partnership working

- At a strategic level, the Framework needs to be taken forward across a wider number of Government departments, including: the Office of the First Minister and the deputy First Minister (OFMdfM), Department for Education (DE), the Department for Health, Social Services and Public Safety (DHSSPS) and the Department for Social Development (DSD) in order to fully address the wide range of issues related to the Framework e.g. health and work outputs, social security issues etc;

Open competition – procurement model

- The need to take into account factors which have constrained previous Government interventions to address unemployment e.g. the Department for Work and Pensions (DWP) Work Programme.

Annex 1: The Equality Commission for Northern Ireland

1. The Equality Commission for Northern Ireland (the Commission) is an independent public body established under the Northern Ireland Act 1998. The Commission is responsible for implementing the legislation on fair employment and treatment, sex discrimination and equal pay, race relations, sexual orientation, disability and age.
2. The Commission's remit also includes overseeing the statutory duties on public authorities to promote equality of opportunity and good relations under Section 75 of the Northern Ireland Act 1998 (Section 75) and to promote positive attitudes towards disabled people and encourage participation by disabled people in public life under the Disability Discrimination Act 1995.
3. The Commission's general duties include:
 - working towards the elimination of discrimination;
 - promoting equality of opportunity and encouraging good practice;
 - promoting positive / affirmative action
 - promoting good relations between people of different racial groups;
 - overseeing the implementation and effectiveness of the statutory duty on relevant public authorities;
 - keeping the legislation under review;
 - promoting good relations between people of different religious belief and / or political opinion.
4. The Commission, with the Northern Ireland Human Rights Commission, has been designated under the United Nations Convention on the rights of Persons with Disabilities (CRPD) as the independent mechanism tasked with promoting, protecting and monitoring implementation of CRPD in Northern Ireland.