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SPICe Briefing

Scotland Bill: Employment Support

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The Smith Commission proposed further devolution of employment programmes. The Scotland Bill, as introduced, would in effect, devolve the Work Programme (which is aimed at those at risk of long term unemployment) and Work Choice (for disabled people). This briefing sets out the current provision for employment support in reserved and devolved areas before summarising the progress of proposals for further devolution.



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EXECUTIVE SUMMARY

There is a complex mix of provision, including both reserved and devolved programmes, to help people who need extra support to get a job.

The Scotland Bill provides for further devolution of such programmes. While there is on-going debate about the exact scope of the Smith Commission's recommendations, both administrations agree that two current Department of Work and Pensions (DWP) programmes will be devolved from April 2017. These are: the Work Programme for the long term unemployed and Work Choice for disabled people.

The Scotland Bill does not provide for the devolution of benefits conditionality and sanctions requirements. This would mean that, where a claimant refuses to take part in the Scottish replacement for the Work Programme, their benefit could be cut by DWP.

There are already a number of programmes supported by the Scottish Government with the general aim of assisting people into employment, with a particular focus on youth unemployment. A wide range of organisations is involved in funding and delivery, including charities, local government, training and qualification providers, Scottish Government and the European Union.

There is a range of partnership arrangements at national and local level. Often these include representatives of Jobcentre Plus or DWP as well as devolved organisations. Partnerships include the Scottish Employability Forum and the National Delivery Group which bring together representatives at a national level and Local Employability Partnerships which oversee local delivery.

In terms of participation, the Work Programme is the largest of the employability programmes covered in this briefing. The next largest is a devolved programme - the Employability Fund the majority of which is administered by Skills Development Scotland.

The Scottish Government is currently consulting on how it will re-shape the Work Programme and Work Choice in the context of existing employment support in Scotland.

WHAT IS EMPLOYMENT SUPPORT?

There is a very wide range of policy areas that contribute to supporting individuals in obtaining and sustaining employment. Vocational education, careers advice and economic development support employability. However, there are more specific employment programmes aimed at helping adults not in work to gain employment through job matching, advice, personal development and work experience.

These types of programme are run at both devolved and reserved levels. The largest is the 'Work Programme' run by the Department of Work and Pensions (DWP). At a devolved level the largest is the Employability Fund, which is administered by Skills Development Scotland (SDS).

The Scottish Government has developed an 'employability pipeline' as a framework for policy. This has five stages from initial engagement activity, to support, to sustaining employment. The support offered by employment support programmes can be mapped to the different stages of the pipeline.

stage 1: referral and engagement activity for those furthest from the job market

stage 2: needs assessment. eg careers advice

stage 3: vocational activity, including confidence building and core skills

stage 4: employer management and job matching

stage 5: in-work/aftercare including supported employment and further career development.

LABOUR MARKET DATA

Employment programmes are designed for those who need extra help to get a job. In early 2015, there were 162,000 unemployed people in Scotland, around half of whom had been unemployed for less than six months. However, around a fifth (32,000 people) had been unemployed for 2 years or more.

Unemployment by duration, Jan to Mar 2015, Scotland:

up to 6 months	80,000
6 to 12 months	30,000
1 to 2 years	20,000
2 years +	32,000

(Table Q2, Scottish Government 2015a)

Some groups tend to have more difficulty than others in gaining employment, in particular disabled people and young people. In April to June 2015 the unemployment rate for disabled people in Scotland (using Equality Act definition of disability) was 12%, compared to 5% for non-disabled people (Table Q4, Scottish Government 2015b). In 2014/15 the unemployment rate for young people (16 to 24 year olds), excluding those in full time education, was 16.3% (Table Y6b, Scottish Government 2015b).

The Scottish Government has a particular focus on youth employment. See for example its [Youth Employment Strategy](#), published in December 2014 which responds to the 'Wood Commission' on developing Scotland's young workforce (Scottish Government 2014a).

In Scotland in November 2014 there were around 78,000 Job Seekers Allowance (JSA) claimants, and around 67,000 claimants of Employment and Support Allowance who were in the 'work related activity group' (ESA-WRAG) (DWP Tabulation tool). These are the main groups subject to DWP mandatory employment programmes.

KEY ORGANISATIONS

A wide range of organisations is involved in the delivery of employment support. The following lists some of the key organisations and partnerships.

- **Jobcentre Plus** is part of the DWP. It is the frontline administrator of welfare benefits, provides job search support and advice as well as a recruitment service for employers. It provides some employment support directly (eg advice and assistance with job search) and refers clients to other, contracted out provision.
- **Skills Development Scotland (SDS)** is an executive non-departmental public body which provides a range of careers advice and skills development. Its two largest programmes are Modern Apprenticeships and the Employability Fund. Their total grant in aid from the Scottish Government is £184m for 2015/16 (Scottish Government 2014b). They also access European Union Funding. A recent Scottish Government discussion paper stated that: "SDS will play a leading role in developing and implementing Scotland's future employability services." (Scottish Government 2015c)
- **Scottish Funding Council** is a statutory public body which funds further and higher education on behalf of the Scottish Government. Its funding for further education includes funding colleges to make provision for courses aimed at improving employability skills.
- **Scottish Qualifications Agency** is a statutory public body which develops, administers and approves qualifications in Scotland. Its catalogue includes qualifications aimed at improving employability skills.
- **Local Authorities** deliver both DWP, SDS and European Union funded provision, as well as making their own provision. They lead local employability partnerships.

Many employment programmes contract out their provision, and sometimes also sub-contract. As a result there is a large range of different organisations involved in the actual delivery of support including small and large private, voluntary and public sector providers.

For a more in depth discussion on the different types of employability support available in Scotland and the issues involved in developing estimates of spend see Cambridge Policy Consultants 2014.

The need for partnership working is well recognised and there is a variety of partnership arrangements including:

- [Scottish Employability Forum](#), chaired by representatives from the DWP, Scottish Government and COSLA, aims to bring together government and delivery bodies.
- [National Delivery Group](#) brings together local authorities, their partners and national organisations.

- [Local Employability Partnerships](#) involve local authorities, Jobcentre Plus, SDS, local colleges, the third sector and the NHS. They oversee local delivery of employment support. This includes programmes funded from a range of sources such as DWP, SDS, Scottish Government and the European Union.
- [Third Sector employability forum](#) meets twice a year and works to develop the capacity of the sector in relation to both policy development and the delivery of employability services funded by the Scottish and UK Governments. There are an estimated 400 third sector organisations active in the employability agenda in Scotland (employability in Scotland web site)
- [Welfare Reform, Health and Employability Delivery Group](#) brings together NHS policy staff with an interest in employability.

The next section of this paper gives a short summary of the main reserved and devolved employment programmes before considering proposals in the Scotland Bill.

DWP PROGRAMMES

Mandatory Work Activity

This contracted programme consists of a four week unpaid work placement for Job Seekers Allowance (JSA) claimants. A claimant can be referred to the programme by Jobcentre Plus and once referred, participation is mandatory. It is intended to help people: "move closer to the labour market by helping them re-engage with the system, refocus their job search and gain work-related disciplines, whilst also contributing to the local community" (DWP policy description in MWA statistics). The contractor for MWA in Scotland is Learndirect Ltd. Between May 2011, when the scheme started, and February 2015, over 10,000 people in Scotland undertook Mandatory Work Activity (DWP 2015a).

Youth Contract

This programme provides help and support primarily targeted at 18- to 24-year-olds. There are currently two elements: work experience and sector based work academy. Until recently it also included a wage incentive scheme. Once a person is referred to the programme, attendance is mandatory.

- Work experience placements last from 2 to 8 weeks and are designed for those with little or no work experience. It is organised by Jobcentre staff. In Scotland, 18,280 18 to 24 year olds undertook these placements between April 2012 and November 2014.
- A Sector Based Work Academy offers pre-employment training, work experience and a guaranteed work interview. It is designed for those on JSA and ESA (Work related activity group). Between April 2012 and November 2014 8,550 18 to 24 year olds in Scotland have participated. It is also available to people over 24, outwith the youth contract.
- Wage incentive payments finished in 2015. These were available to employers if they employed someone who had been claiming JSA for at least 6 months.

(DWP 2015b)

The July 2015 budget included proposals for a Youth Obligation. From April 2017, young people will participate in "an intensive regime of support from day 1 of their benefit claim, and after 6 months they will be expected to apply for an apprenticeship or traineeship, gain work-

based skills or go on a mandatory work placements to give them the skills they need to move into sustainable employment." (HM Treasury 2015).

New Enterprise Allowance

This provides help for JSA and ESA-WRAG claimants who want to start their own business. Between April 2011 and March 2015 in Scotland 12,830 people received mentoring under this programme, and 6,580 started their own business. The scheme provides participants with £1,274 in total over 26 weeks (DWP 2015c).

Help to Work

This programme was introduced from April 2014 for those who were still unemployed after completing the Work Programme. It provides

- Mandatory Community Work Placements for up to 6 months.
- Daily signing on at the Jobcentre until they find work; or
- For claimants with more complex barriers to work, such as literacy or numeracy issues, to take part in "intensive support to address their problems".

The contractor in Scotland for the Community Work Placement element is Learn Direct Scotland Ltd.

Access to Work

Access to Work is a fund for disabled people for assistance with work related costs. A range of support can be applied for, such as adapting premises to meet an individual's needs, or paying a support worker. It can also pay towards the cost of getting to work if an individual cannot use public transport. Across Great Britain as a whole, nearly 37,000 people were supported through this scheme in 2014/15 (DWP 2015d). In March 2015 the UK Government announced changes to this scheme, including capping the maximum available award (DWP 2015e).

Work Choice

This is a voluntary scheme for disabled people who need extra help to find and sustain employment. There are three levels of help:

- Work Entry Support – advice and guidance for up to 6 months.
- In-work support – help to start and stay in work for up to 2 years
- Longer-term support – moving towards working without support. This is not time limited.

People are referred to Work Choice by a Jobcentre Plus Disability Employment Advisor who then works with contractors for the area. Since it was introduced there have been nearly 12,000 referrals to Work Choice in Scotland, leading to 9,510 starts on the programme and 4,370 job outcomes (i.e moving into supported or un-supported employment) (DWP 2015f).

The main contractors in Scotland are Momentum Skills and Shaw Trust who in turn sub-contract to 19 suppliers (Scottish Government 2015c).

Providers receive a service fee for each individual who starts Work Choice. They receive a further payment if that individual obtains a job and a final payment if that job is sustained unsupported for at least 6 months.

Work Programme

This is the largest contracted employment support programme run by the DWP. Between June 2011 and March 2015 around 39,000 people in Scotland have been supported into work through the Work Programme out of 167,000 referrals (DWP 2015g).

The elements of support provided in the Work Programme vary, but typically include regular contact with an adviser, an assessment of the employment needs of the individual, help with searching for suitable jobs and preparing for interview, and IT support and training.

The Work Programme is delivered in Scotland by Ingeus and Working Links. These prime contractors sub-contract to 49 suppliers. The Work Programme is based on payment by results. The detail of provision is decided by the contractor, and they get paid for achieving certain outcomes (Scottish Government 2015c).

Current Work Programme contracts throughout Great Britain expire in March 2017. In addition to the planned devolution in Scotland, the UK Government has committed to working with a number of areas through [City Deals](#)¹. For example, there is an agreement that Greater Manchester will co-commission the next iteration of the Work Programme with DWP (Greater Manchester Combined Authority 2014).

Other Jobcentre support

Jobcentres also have flexibility to vary the timing, length and number of more in-depth, work-focused interviews in which advisers offer support and advice and can refer claimants to external sources of support where appropriate. They can also use the 'flexible support fund' to help clients with expenses and refer them to training as part of skills conditionality.

Flexible Support Fund

This Jobcentre Plus fund can be used to cover expenses such as travel and childcare costs of attending job interviews, and to purchase external provision, such as education and training courses. Payments are made at the discretion of local Jobcentre Plus managers.

Skills Conditionality

Jobcentre staff have discretion to refer clients to training which includes basic skills (English, numeracy, literacy), occupational skills, employability skills and the English Language Requirement. Once referred, participation is mandatory and applies to JSA claimants and ESA claimants that are in the 'work related activity group'. Between June 2012 and February 2015, 5,130 people started training under 'skills conditionality' in Scotland (DWP 2015a).

There is a separate scheme in Scotland which is not mandatory – English for Speakers of Other Languages (Scottish Government personal communication).

The table below provides information on various DWP employment programmes, indicating whether they are:

- mandatory or voluntary,
- contracted or non-contracted, and
- how long they last.

¹ These are agreements between the UK Government and cities/regions see:

<https://www.gov.uk/government/policies/city-deals-and-growth-deals?page=1> In Scotland, the Scottish Government is also part of the agreement. There are City Deals in [Glasgow and Clyde Valley](#) and [Inverness](#)

Scheme	Clients	Participation	Contract	Length
Mandatory Work Activity	JSA, some UC	Mandatory	A4E	4 weeks
Youth Contract:	JSA, ESA-WRAG, some UC, focus on 18 to 24 yr olds	Mandatory once referred	n/a	2 to 8 weeks for work experience
Work Programme	JSA, some ESA, IB and IS	Mandatory for JSA and some ESA, voluntary for IB and IS.	Ingeus and Working Links	2 years
Work Choice	Disabled people	Voluntary	Shaw Trust and Momentum	Work Entry Support up to 6 months. In-work support up to two years or longer.
Help to Work	Unemployed work programme completers	Mandatory	Community placements contracted to learndirect	Up to 6 months
Access to Work	Disabled people	Voluntary	n/a	n/a
New Enterprise Allowance	JSA, ESA-WRAG, some IS and UC	Voluntary	n/a	26 weeks

JSA: job seekers allowance

ESA-WRAG : Employment and Support Allowance Work Related Activity Group

IS: Income Support

UC: universal credit

IB: incapacity benefit

SANCTIONS AND CONDITIONALITY

Although the Work Programme will be devolved, the sanctions regime remains reserved. Claimants who fail to attend a mandatory programme have deductions made to their benefits. Around 110,000 sanction referrals were made in Scotland in 2014. Around a third of these related to the Work Programme (37,775). However, not all of these referrals resulted in a sanction being applied. In Scotland in 2014, a total of 55,864 'adverse sanctions' were applied to JSA claimants of which around 16% were due to failure to participate in the Work Programme without good reason. In addition, there were 8,745 sanction referrals for those on ESA for failure to participate in work related activity resulting in 2,566 sanctions being applied² (DWP statXplore, Scottish Government 2015d, Scottish Government 2015e).

DEVOLVED PROGRAMMES

Through the existing devolution of education, training and skills, the Scottish Government has been able to develop a range of programmes that assist people in finding and sustaining employment. While it could be argued that all vocational education and training meets this aim, the following focuses on programmes for those who need extra help in securing employment. It therefore does not include mainstream provision such as the Careers Service or Modern Apprenticeships.

None of the devolved programmes are mandatory, or form a condition for receiving welfare benefits. The devolved programmes are a mixture of:

² Only those in the Work Related Activity Group are required to take part in job search activity. Around 27% of ESA claimants are in this group.

- core skills training, personal development and support to further training
- work experience – paid and unpaid
- recruitment incentives

In practice a local provider might access funding from a range of sources – DWP, European Union, Scottish Government and charities. For example, a training provider might be a subcontractor for the Work Programme as well as a contractor to SDS for the employability programme and provide services on behalf of the local authority. This creates a very complex mix of provision.

Employability Fund

This programme is administered mainly by SDS and the type of activity support includes:

- core skills development, personal and life skills
- work experience
- vocational training linked to the local labour market
- industry specific qualifications

Broad eligibility is people who have been unemployed for 13 weeks and those under threat of redundancy.

The Employability Fund has been £52m annually since it began in 2013/14. Of this, £18m is provided through the Scottish Funding Council for college places and £34m is administered through contracts by SDS. The £34 million SDS tranche delivers 17,150 individual training places in each year. The £18m is allocated by the Scottish Funding Council to college regions to deliver employability training with a particular focus on 16 to 19 year olds (Scottish Government personal communication).

The majority of the fund, administered by SDS, is delivered by a range of organisations under contract to SDS and payments are made when a participant:

- starts on the scheme (£750)
- achieves an outcome or an output

Outputs relate to completing certain levels of training and attract payments of between £200 and £850 depending on the stage in the skills pipeline and the type of qualification achieved.

Outcomes include

- registering as a Modern Apprentice (£1,000)
 - achieving a job/self-employment, sustained for 4 weeks (£600), and then for 26 weeks (£400).
 - progressing to the next stage of the 'Skills Pipeline' or more advanced learning (£100).
- (SDS 2015).

Scotland's Employer Recruitment Incentive (SERI)

In July 2015, the Scottish Government announced that it will provide up to £10m to support over 2,000 young people into employment and to support small employers to recruit Modern Apprentices. The recruitment incentive will offer employers a payment of up to £3,963 over the first 12 months to offset the additional costs of recruiting and employing a young person. This could be used to pay additional supervisory costs, training, initial travel to work costs or wage, but actual use of the incentive is not prescribed. An additional £500 supplement is available to encourage employers to pay the living wage. SERI replaces the Youth Employment Scotland

Fund which ran from 2013 to June 2015 and which supported 10,000 jobs (Scottish Government personal communication). SERI is administered on behalf of the Scottish Government by SDS and delivered by Local Authorities.

In addition, up to £500 per person is available for additional support for young people with a disability, care leavers, carers and young people aged 16 to 29 years with criminal convictions. This support will include: accredited training; enhanced monitoring and in-work support; job coaching and workplace reviews; purchase of basic workplace clothing; mentoring employers and their staff in support strategies; and benefit checks. Skills Development Scotland have contracted out the delivery of the programme to an expanded 'Open Doors' consortium which includes Action for Children, Barnardo's, Young Carers Trust, Workers Educational Association and Cornerstone on delivering the support (Scottish Government 2015f, Scottish Government personal communication August 2015).

Community Jobs Scotland

The Scottish Government fund SCVO to provide work based training for disadvantaged 16-24 year olds. It provides at least £5,000 per person to create a job training placement in a third sector organisation. These are for up to 25 hours a week, for a minimum of 6 months and are paid at the National Minimum Wage. There is the option of paying the Scottish Living Wage where the employer already pays this for similar work and where this is affordable. Since August 2011 it has arranged nearly 6,000 placements (Community Jobs Scotland online).

Inspiring Scotland 14:19 Fund

The programme funds projects which support vulnerable young people, aged 14 to 19 years, who are struggling to make a successful transition from school into employment, education or training. The fund supports a variety of different projects, mainly in the third sector with a few local authority projects. Over its first six years, projects funded by the organisation have supported 16,981 young people into employment, education or training (Inspiring Scotland online).

Opportunities for All

This policy targets those at risk of not making a successful transition from school to employment. All 16 to 19 year olds are guaranteed an offer of either education, training or employment. It is monitored by SDS, and a range of organisations is involved in ensuring it is provided - in particular schools, colleges and local authorities. It includes Activity Agreements which are individual learning and employability programmes for those young people at risk of not progressing into learning, training or employment.

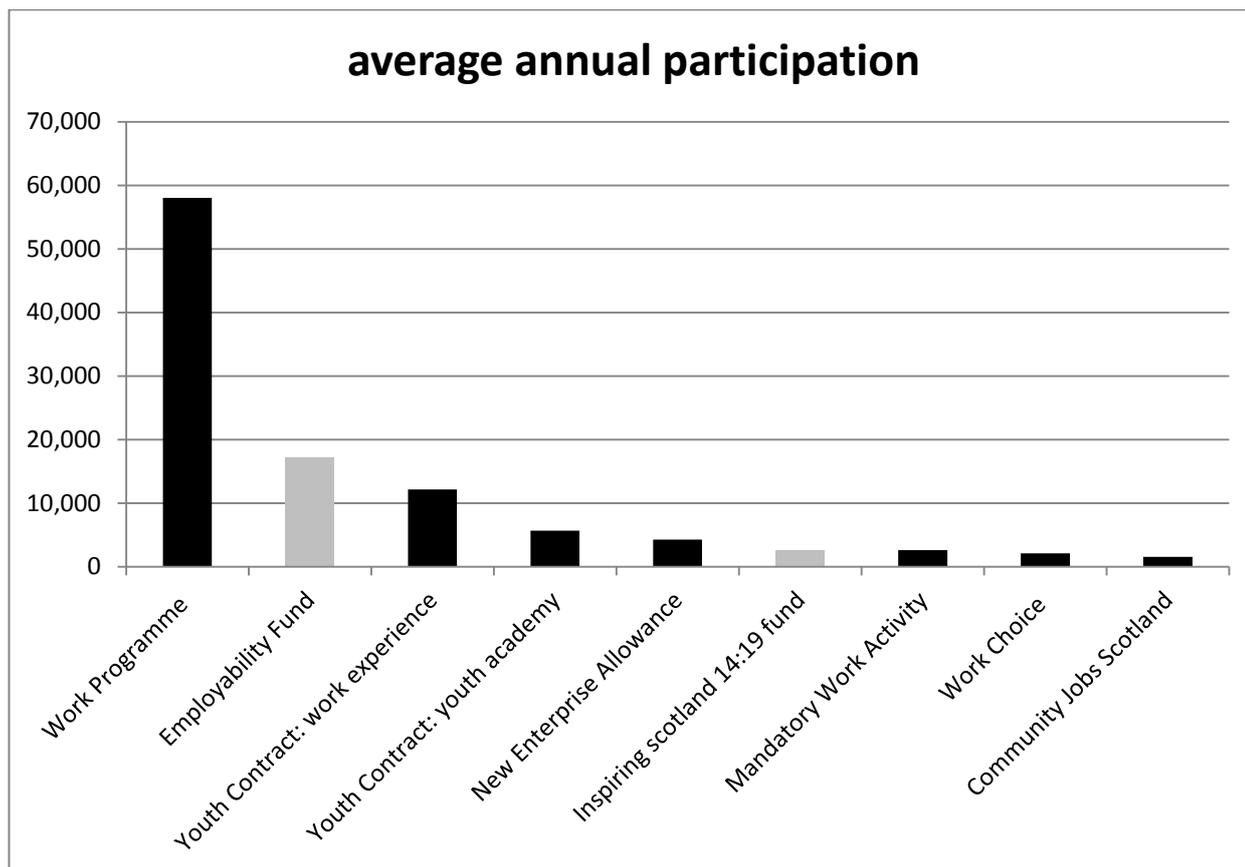
COMPARING SCALE OF RESERVED AND DEVOLVED PROGRAMMES

The above schemes provide a mixture of advice, personal development, training, work experience and recruitment incentives. Some of them, particularly the DWP schemes, are focused on getting people off benefit and into employment. Others consider progression in education and training to also be a successful outcome.

The chart below gives an indication of the scale of participation in different schemes and shows that the Work Programme is by far the largest scheme in terms of participation. The next largest is a devolved scheme - the Employability Fund which has similar numbers to the work experience element of the DWP's 'youth contract'. All other schemes, devolved and reserved, are much smaller scale.

There will also be a range of local and third sector provision not included here.

Statistics tend not to cover comparable periods, so the following takes an annual average. It does not therefore show actual participation in any particular year, but rather gives an indication of the scale of participation in the different schemes.



source and time period: see statistics under scheme descriptions above. n.b: Shows 'attachments' for the work programme, 'mentoring support' figures for new enterprise allowance and 'starts' for Work Choice. Participation statistics over time are not available for 'help to work' or the Scottish Government's Employer Recruitment Incentive.

SCOTLAND BILL

The Scotland Bill would result in devolution of the Work Programme and Work Choice, although the Scottish Government argues that the Smith Commission provided for more than this. The Smith agreement stated:

"The Scottish Parliament will have all powers over support for unemployed people through the employment programmes currently contracted by DWP (which are presently delivered mainly, but not exclusively, through the Work Programme and Work Choice) on expiry of the current commercial arrangements" (Smith Commission 2014).

Timing of devolution

There has been debate about both the timing and extent of devolution. The Scottish Government argued that DWP's decision to extend the Work Programme contracts to 2017 did not match the provision in Smith that devolution would happen at the expiry of the then, current contract. At the time Smith was agreed the DWP contracts lasted to April 2015, although the extension to April 2017 was in the process of being implemented (Carmichael, 2015).

Scotland Bill provision

The Scotland Bill, as introduced, provides for the devolution of schemes for:

- assisting disabled people to select, obtain and retain employment
- assisting people claiming reserved benefits who are at risk of long term unemployment to select, obtain and retain employment, where the assistance is for at least a year.

These provisions were unchanged from the draft clauses, which the Devolution Committee concluded: “do not fully implement the Smith Commission recommendations.” The Committee recommended that the restriction to programmes lasting more than a year should be removed. It also recommended that Access to Work Programme should be devolved (Scottish Parliament Devolution (Further Powers) Committee 2015).

The Scottish Government also argues that the Scotland Bill does not meet the Smith Commission agreement. In particular, it objects to the restriction to schemes which last for at least a year, thus removing from devolution a number of short term schemes contracted by the DWP, such as Mandatory Work Activity and Help to Work.

The Scottish Government published alternative clauses for the Scotland Bill which would provide for full devolution of job search and support (Scottish Government 2015g). More broadly, it would also like to see devolution of "the full range of services contracted by DWP, over welfare powers and over Jobcentre Plus" (Scottish Government 2015c).

Amendments put forward at Committee stage in June 2015 to extend the devolution of employment support were not successful (Hansard 30 June 2015). These sought to devolve:

- arrangements for employment support programmes
- employment programmes where assistance is for less than a year
- Access to Work scheme

The UK Government has argued that the Scotland Bill does meet the terms of Smith. In a letter to the Devolution (Further Powers) Committee the Secretary of State for Scotland explained the UK Government's approach to turning the Smith Commission recommendation into legislation:

Clause 26 does not differentiate between contracted and non-contracted support. Instead it sets out the “space” in which the Scottish Government will be able to create new support and does this by giving statements around the functions that are discharged by the Secretary of State or by a party acting on behalf of the Secretary of State. I therefore believe that clause 26 delivers a substantial transfer of powers to the Scottish Parliament and delivers on the Smith Commission Agreement.

This clause creates clear lines of accountability between those claimants that Scottish Ministers are able to create employment programmes for and those claimants that will continue to be supported through Jobcentre Plus. In particular, it makes it clear that the Scottish Parliament can only provide employment support for claimants who are at risk of long-term unemployment where the assistance lasts at least a year, or for those with disabilities that are likely to need greater support. Help for long-term unemployed and disabled people currently makes up 95% of DWP's budget for centrally contracted employment support delivered through providers. It therefore draws a line between such

schemes and the core functions of Jobcentre Plus. This enables the smooth delivery of an integrated benefit system, and will result in a better service for claimants.”
(Mundell 2015)

Planning for Work Programme and Work Choice Devolution

While discussions continue about the final extent of the Scotland Bill, the Scottish Government is starting to prepare for the expected devolution, in April 2017, of the Work Programme and Work Choice. In July the Scottish Government published a discussion paper on how the expected devolution of the Work Programme and Work Choice could be developed in the context of existing Scottish employment support provision.

The discussion paper asked for views on a wide range of issues including:

- scope for integrating services
- how to ensure services meet individuals' needs
- the balance between local and national provision
- scope for flexibilities in conditionality and sanctions regime in Scotland

(Scottish Government 2015c).

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