

EQUAL OPPORTUNITIES COMMITTEE

Tuesday 10 January 2006

Session 2

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EQUAL OPPORTUNITIES COMMITTEE

1st Meeting 2006, Session 2

CONVENER

Cathy Peattie (Falkirk East) (Lab)

DEPUTY CONVENER

*Nora Radcliffe (Gordon) (LD)

COMMITTEE MEMBERS

*Frances Curran (West of Scotland) (SSP)

Marlyn Glen (North East Scotland) (Lab)

*Marilyn Livingstone (Kirkcaldy) (Lab)

Mr Jamie McGrigor (Highlands and Islands) (Con)

*Elaine Smith (Coatbridge and Chryston) (Lab)

*John Swinburne (Central Scotland) (SSCUP)

*Ms Sandra White (Glasgow) (SNP)

COMMITTEE SUBSTITUTES

Bill Aitken (Glasgow) (Con)

Jackie Baillie (Dumbarton) (Lab)

Ms Rosemary Byrne (South of Scotland) (SSP)

Linda Fabiani (Central Scotland) (SNP)

Patrick Harvie (Glasgow) (Green)

*attended

THE FOLLOWING GAVE EVIDENCE:

Stephen Boyd (Scottish Trades Union Congress)

Roger Horam (Scottish Chambers of Commerce)

Des Loughney (Scottish Trades Union Congress)

Lesley McCallum (Scottish Trades Union Congress)

Howard McKenzie (Institute of Directors)

Paul Newman (Employers Forum on Disability)

James O'Rourke (Scottish Trades Union Congress)

Niall Stuart (Federation of Small Businesses)

Andy Willox (Federation of Small Businesses)

CLERK TO THE COMMITTEE

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SENIOR ASSISTANT CLERK

Zoé Tough

ASSISTANT CLERK

Roy McMahon

LOCATION

Committee Room 6

Scottish Parliament

Equal Opportunities Committee

Tuesday 10 January 2006

[THE DEPUTY CONVENER *opened the meeting at 10:03*]

Disability Inquiry

The Deputy Convener (Nora Radcliffe): Welcome to the first meeting of the Equal Opportunities Committee in 2006 and a happy new year to you all. We have apologies from Cathy Peattie, Marlyn Glen and Jamie McGrigor.

Agenda item 1 is the committee's disability inquiry. Today's meeting will be our third formal oral evidence session, which will be on the theme of work. Our first panel of witnesses are from the Scottish Trades Union Congress: Stephen Boyd, Des Loughney, Lesley McCallum and James O'Rourke. I welcome you all and thank you for contributing to our inquiry and for providing a written submission.

To maximise the time available for discussion, we will move straight to questions. The committee's inquiry focuses on removing barriers that disabled people may experience in accessing employment. Evidence suggests that support is crucial in sustaining and maintaining employment. How do the STUC and its affiliated organisations assist disabled members in the workplace?

Who would like to kick off?

Stephen Boyd (Scottish Trades Union Congress): I will answer in the first instance, but colleagues might want to chip in after me. Obviously, it is helpful to draw a distinction between the STUC and our affiliated trade unions. The STUC does not interface directly with members in the workplace; that is the role of our affiliates. The STUC's role is to support our affiliates in their wider work.

On disability, in addition to the range of support that our affiliated trade unions provide to all members in the workplace, the STUC deals with specialist disability work issues through our disabled workers committee and our one workplace equal rights project. The disabled workers committee was established in late 2004, so it is still in its infancy, but it has produced its first coherent and comprehensive work plan of the activities that it will take forward throughout the year. The one workplace equal rights project, which has been established for some two years, is focused not just on disability but on all six equality strands.

The aim of the one workplace equal rights project is to build up capacity within the trade union movement for taking forward equalities agendas and introducing them into the wider bargaining agenda. Up until now, the focus has been very much on pay, terms and conditions and pension rights—those are very much the bread-and-butter issues in which trade unions have always been involved. At the moment, we are identifying the things that we are not doing in relation to disability and the other equality strands so that we can introduce those issues into the STUC's work plan and into the activities of our affiliated trade unions. In that way, we aim to help members who have issues connected with disability at work.

Des Loughney (Scottish Trades Union Congress): As a trade union official who represents many people who have impairments or disabilities, I will divide my answer into three.

First, I try to influence the way in which employers recruit people so that they have a recruitment process that is disability friendly. That is a big issue. When I talked recently to trade union representatives at a big banking and insurance company in Edinburgh that employs 2,500 people, I discovered that they had never represented someone with an impairment or disability because their employer does not recruit such people. It gets away with that by weeding out people through sickness absence. As the employer has control over short-listing, in the process of selecting from the 100 or 150 job applicants the 30 people who can do the job and the 10 people who will be called to interview, the employer can, by adopting what it believes is the right approach, weed out everyone who has or may have a disability. The first part of my work as a trade union official is to try to improve that process as much as I can by raising awareness among employers and human resources recruiters about the right way of doing things.

Another important function that I carry out is induction. In our negotiations with employers, we always try to ensure that every new employee is allowed at least half an hour with either a lay or full-time trade union officer. If the employee has a disability, the trade union official tries to explain fully how we are able not only to support them through the probationary period but to help them to have a long-term career or presence with that employer.

Finally, we try to train ourselves to represent people professionally, which is perhaps a change from the way in which we used to deal with people with disabilities. As our submission mentions, we aim to take a person-centred approach that takes fully into account the nature of the person's

disability and provides them with proper representation.

Those are the sort of things that we are aiming for. If I had to list three priorities, the issues that I have mentioned are the areas on which I believe people should concentrate and try to make progress.

The Deputy Convener: Not every member of the panel needs to answer every question but, if they wish, they may add to the answers that have been given.

James O'Rourke (Scottish Trades Union Congress): If employers have staff who become disabled in any way—as can happen suddenly, with a click of the fingers—they are not always prepared to consider providing other training or another position for those staff. They would rather make their employees redundant than have the bother of trying to find out what their problems are. Some protection has to be given to people who are already established in their employment so that if anything like that happens, they are given every opportunity to be relocated in the firm.

Lesley McCallum (Scottish Trades Union Congress): As a senior representative and equality officer who works at the coalface, as it were, I would expect most employees with X years of employment to benefit from a robust redeployment policy. I do a lot of work on that and access such policies a great deal. I am also a trained trainer in the area of discrimination. It is important to have a culture in which any form of discrimination is unacceptable and in which everyone is treated equally and fairly.

In future, I would like a robust mechanism to monitor redeployment policies. I do not mean that we should force people into positions that they do not want; I mean that we should offer coaching and be creative in what we offer them, and that we should give them support to build up their skills.

The Deputy Convener: The committee is interested in the feedback that the STUC gets from its disabled members. Will you give us a feel for what percentage of your work in representing people involves disability issues? What issues to do with their employment most concern your disabled members?

Stephen Boyd: It would be difficult to give you a percentage, but perhaps I can give you a flavour of the STUC's activity at the moment. We have four main equalities committees: the youth committee; the women's committee; the black workers committee; and the disabled workers committee. All those committees are resourced as effectively as they can be within the STUC's constraints. It would not be fair to say what percentage of the STUC's activities is devoted to equalities, but it is a high priority for the STUC and

all its affiliates. Perhaps colleagues are better placed to answer the second part of the question.

Des Loughney: Disabilities that are classified under the Disability Discrimination Act 1995 happen rarely, although I have two or three on-going cases.

More common are what I call the disability and impairments of age. It is very common that my members who are in their 50s have not DDA-level disabilities but mobility problems caused by bad backs, heart conditions, controlled diabetic conditions and so on. I frequently negotiate minor adjustments to the workplace to allow those people fully to control their condition—minor adjustments are required if they have back problems, for example. That is quite a common issue for employees aged 45-plus. The impairments of age are therefore a big issue.

Lesley McCallum: I work in the national health service and believe that the public sector does not do enough. The public sector should be championing the employment of disabled people because we are meant to represent people. The public sector should lead from the front. Although I do not have the figures that were asked for, I am sure that we could do a lot more in the public sector.

The Deputy Convener: Have individuals come to you with particular issues? Do you get a lot of feedback about the concerns of disabled workers?

Lesley McCallum: I treat people as people, based on what they offer rather than focusing on their disabilities. It is a cultural thing—people look at others and put them in boxes, and that is all wrong. We have to get away from that and change the culture. That is what I hope to do.

10:15

James O'Rourke: Some disabled people worry that when they have to attend hospital or doctor's appointments to make sure that their disability is not getting worse, their employers seem to feel that allowing them time off to attend such appointments is not their problem. That must be addressed. An appointment might come up only once every six months, but people need to keep their appointments.

I am registered blind and diabetic, but I also have glaucoma. I need to go to the hospital every six months to make sure that my eyes are not getting any worse. If glaucoma gets worse, it cannot be reversed. Such things worry a lot of disabled people right across the range of disabilities.

John Swinburne (Central Scotland) (SSCUP): I was very impressed with the STUC submission. Very often, it is the simple things that make life

much easier for disabled people. James O'Rourke mentioned diabetes, and it was suggested in the STUC submission that flexible hours should be arranged to allow people to attend hospital appointments and so forth. Something simple such as that can make all the difference.

The Deputy Convener: How do the STUC and its affiliated members consult disabled members to get from the horse's mouth the particular issues that they face? How do you establish key priorities for your disabled members?

Stephen Boyd: The STUC does that through our disabled workers committee—Jim O'Rourke and Lesley McCallum are members of that committee—and through our disabled workers conference. We had our first annual conference in 2004 and we have just had the 2005 conference.

Some of the bigger affiliates, such as Unison and Amicus, have their own disability structures and use their consultation mechanisms to feed into the STUC. We tend to find that the key members from those disability structures will be nominated to sit on the STUC disabled workers committee. That is our main mechanism for consulting on disability matters. Colleagues might want to say more about their organisations.

James O'Rourke: As well as being on the STUC disabled workers committee, I am one of the two representatives of that committee on the STUC general council. All information is sent to me by electronic mail because I have a screen reader on my computer. I can also get information sent to me in 20pt print. When I go to a meeting, everything is in exact order and I can check the papers that I want to address.

I was president of the National League of the Blind and Disabled from 1997 to 2000 when we had the transfer of engagement to a community trade union. At the first union meeting, we sat down and looked at ways in which we could communicate with all our members. We made information available on tapes and compact discs and in Braille. We also looked at producing text on off-white—buff or light-yellow—paper with black writing for dyslexic people, as that makes them feel much more at home when they deal with written material.

People in trade unions realise now, and have done in the past few years, that it does not always take a lot of money to make information available to people, not only in the workplace, but all over. People are now attempting to ensure that disabled people are included.

Lesley McCallum: I am a member of the Transport and General Workers Union and sit on the national committee, which is chaired by Diana Holland. I am also active in the women's movement on disability issues. We have meetings

in Eastbourne every year and a portfolio is produced for political lobbying. However, my most important work is at the coalface, with members and colleagues. It is a big learning curve. We keep getting back to culture—if we cannot change the culture, we cannot change much.

I am involved in bullying and harassment awareness sessions, one of which is called "the odd one out". It relates to gender issues, but it could deal with race or any other equality issue. The Pace Theatre Company ran that session for us, and I found it a good way of going out with HR, the manager and myself from the staff side to speak to people. When you speak to people about the DDA, they really do not know about it. Many of the things that they say do not come from ignorance; it is just that they really do not know about the legislation. At the end of the session, folk often say, "I didn't realise that people say those things." It is important that we go out to people and achieve a cultural change. That is what I spend most of my time doing.

The Deputy Convener: That has been a strong message throughout the inquiry.

Elaine Smith (Coatbridge and Chryston) (Lab): I should perhaps have declared an interest at the outset. I am a member of the TGWU and the Co-operative Party.

My first questions are specifically for Stephen Boyd. In section 4.4 of your written submission, you mention that

"at a Scottish level, there is relatively little contact between what we call the world of disability and the trade union movement."

You go on to say that that lack of contact

"is also the responsibility of the world of disability"

and that it is

"contributed to by the disinterest or prejudice of employers, and the contradictory policies of local government and the Scottish Executive."

How could that contact issue be rectified? What are those contradictory policies? Does that lead us on to the area of procurement, for example?

Stephen Boyd: That section of the report refers to work undertaken by Des Loughney, so I will pass over to him for the substantial answer. The contact issue has already begun to be rectified. I sit on the Disability Rights Commission's employability strategy group. We are beginning to make contacts. One of the reasons for establishing the disability structures within the STUC is that they give us a focus for taking forward our work with other organisations. It is our responsibility to make those initial contacts, which we have already begun to do with the Royal National Institute of the Blind and the Royal National Institute for Deaf People. It is an on-going

process, which I hope will be built on in the coming months and years.

Des Loughney: When we were carrying out the research that is referred to in the paper, one of the big surprises—I should have been aware of it—was the lack of contact between the trade union movement and what I call the world of disability. I was surprised at how many specialists on disabilities issues were also trade union members. I talked to disability employment advisers at jobcentres, who were usually members of the Public and Commercial Services Union. I talked to access to work advisers, who were also members of the PCS. I talked to people in the disability units at the universities and the colleges, who are inevitably Unison members. I talked to people in specialist voluntary organisations, who are usually Unison or TGWU members. All those people in professional roles had a vast knowledge of disability issues and practical solutions for tackling them, but when I talked to them they were not feeding that into the trade union and labour movement. I thought that that was a shame. We ought to have a developmental process that encourages the sharing of experiences and allows such people to contribute to the formulation of policy in the movement. Some unions, such as Amicus, talk about disability champions, and the Association of University Teachers Scotland provides a mentoring service for disabled members. Such unions are showing the way forward. I hope that I and others can encourage that process.

What I said about contradictory policies flowed out of several fairly recent employment tribunal cases in which I have represented people employed by public sector organisations. Those cases exposed methods of working that I think are strange, given that they were funded not only by the Scottish Executive—with all its policies—but by local authorities that happened to be Labour controlled. I found that people were being dismissed because, for instance, they infringed health and safety policy—wheelchair users were dismissed because they were seen to be a danger to themselves and their clients. Examination of health and safety issues had been carried out without consultation with the fire brigade, for instance. Those issues arose out of fire evacuations. Health and safety and disability is a big issue for the public sector. Like other sectors, the public sector has what I call performance reviews or appraisals. I do not think that policies exist in the public sector that take into account disabilities within that process.

Another contradictory policy is the fact that, although we can have any legislation we like, it has little meaning unless people can enforce their rights. In my experience, local authorities have been cutting citizens advice bureau funding. That

may seem a bit removed from disability issues and the DDA, but it is an important issue. People are now less able to enforce their rights, whether through the trade union movement or, for non-union members, through CABx and other organisations, than they were five or 10 years ago. That is a big issue.

Elaine Smith: Lesley McCallum talked about the public sector leading the way, but there are examples of good and bad practice in all sectors. Would the STUC have the time, the ability or the inclination to supply the committee with examples of the kind of practices that Des Loughney mentioned? Could you direct us to those tribunal cases and perhaps even give us examples of good and bad practice? The public sector should be leading the way but I am not convinced that it always does. What has been said backs that up. What about procurement?

Des Loughney: I have no specialist knowledge of that area.

Elaine Smith: I had assumed that contradictory policies might be involved in that area as well.

Stephen Boyd: I am more than happy to pick up on procurement. I will try to be brief. As coincidence would have it, the draft regulations for implementing the new public sector and utilities procurement directives will today be laid in the Parliament. I understand that the Finance Committee will be the lead committee for the scrutiny of those regulations. We have two main concerns about them, one of which is to do with the process. Procurement is a devolved issue. At the moment, the Executive is simply replicating the Office of Government Commerce regulations, which we do not believe give full force to the additional scope included in the new directives, not only to achieve value for money but to assist in meeting important environmental, social and economic objectives. We have been doing a fair bit of work on that. A number of the important provisions in the new directives on subcontracting, information about taxation and so on have been implemented in Scotland—as on the United Kingdom—on an optional basis. We believe that implementation should be mandatory.

Our main complaint, however, is that the directives are being promoted in the UK very much on the basis that they clarify the ability of contracting authorities to introduce social and environmental objectives into public procurement. It is not simply a clarification process; the directives introduce additional scope. The draft regulations run to some 60 pages; I think that page 55 says something like “You can consider social and environmental criteria when you are introducing public procurement contracts.” That is not good enough. As they currently read, the draft regulations do not give full force to the additional

scope included in the new directives. That is important when we are considering disability. It is important for issues throughout the economy, but we would argue that it introduces additional scope for, for example, the employment of disabled people to be taken into account in the contracting process.

10:30

Elaine Smith: The committee has raised this issue in the past—for example, I raised it in relation to the women's agenda. Although we are in the middle of the inquiry, I suggest that we take a keen interest in the matter, given that it is happening at the moment.

Stephen Boyd: Perhaps I should have said that the directives have to be introduced and transposed into Scottish law by the end of January.

One of the main issues for the STUC is the very tight timescale for implementation. We have always believed that it does not allow sufficient time for consultation on and amendment of the regulations in the light of consultation responses. If the regulations are to be amended, the timetable for doing so is extremely tight.

We have been approached by the Scottish Executive's Scottish procurement directorate, which is more than happy to work with us on the guidance that accompanies the regulations. In an ideal world, the regulations should give full force to the directives. At the moment, they do not do that.

The Deputy Convener: We could take that up with the Finance Committee. We have an interest in the issue. Do you want to come in on the point, Sandra?

Ms Sandra White (Glasgow) (SNP): Yes. I have two points that I would like to pick up on, if Elaine Smith does not mind. The first is health and safety being used as a means of preventing disabled people from working and from using leisure facilities. That issue has been raised frequently at committee. The second issue is procurement. I believe that other European countries are using the directives for the benefit of disabled people and others. There is no reason why they could not be used in the same way in this country.

As Stephen Boyd said, the cut-off point for implementation is January. The committee will do anything it can to help the Executive to better implement the directives. There is no reason why the Executive cannot implement them in full. Perhaps the STUC can give us more information on its position on the matter.

Stephen Boyd: I am more than happy to circulate to the committee our lengthy consultation

response. It may not be the most interesting document, but the committee is more than welcome to have it.

The Deputy Convener: Thank you; that would be helpful. It would inform the way in which we take forward the issue within our remit.

Ms White: If I may, I will return to the issue of health and safety. As Elaine Smith said, the committee would be pleased to have any case studies or examples that the STUC can give us. Was the person who was dismissed a wheelchair user when they were first employed or did they become disabled during their working life? We need to be clear on that point.

Des Loughney: The person was a wheelchair user at the outset of their employment. The local authority had the best of intentions, but as time went on it began to see problems, which it said were insurmountable. I disagreed, but the person was eventually dismissed.

Elaine Smith talked about good practice. I have come across some shining examples of good practice in the public sector. The examples that most impress me are the university and college disability units. Recently, I had a long talk with the people at the University of Edinburgh's disability unit; I think that it is staffed by five people. The university has around 20,000 students, 1,500 of whom are clients of the unit. I was surprised to hear that 900 of those students are dyslexic. We have discussed other disability issues this morning, but dyslexia is a far bigger issue than all of us might imagine. Universities and colleges are big employers and their disability units provide a service to students and staff. I only wish that similar units existed in other parts of the public sector—in time they could form a network. We should be clear that good practice exists and that it can be studied.

The Deputy Convener: The trick is to share and disseminate it, is it not?

Des Loughney: Yes.

Elaine Smith: The point is important. That is why I asked whether the STUC could share its knowledge with the committee. The information would be helpful to us.

I assume that when you spoke about the university disability units you were referring to the recent research that was undertaken by the Edinburgh Trades Union Council. The research recommended the provision of disabilities officers and the development of good practice codes and checklists. Given that the DDA has been in force for a number of years, why are such measures being developed only now?

The question ties in with the point that I raised about the STUC's disabled workers committee. I

am surprised to hear that it has been in place only since 2004, as I would have thought that it had been in place for longer than that. Can you shed any light on that?

Des Loughney: The disability issue has been taken up only fairly recently. All equalities issues have a higher profile today than they did four or five years ago. Many factors, including political change, have contributed to raising awareness of the issue. The result of the 1997 general election was important; it changed the whole political climate, including the way in which policies are dealt with. A number of milestones have been reached since that time.

Some of the members' issues that we dealt with in the past would now be called disability issues; we simply did not call them that at the time. Ever since I have been a trade union official—which goes back to 1971—I have dealt with disability issues through the common process of collective bargaining.

There is no doubt that the trade union movement was weakened during the 1980s. The former bastions of trade unionism such as the mines, engineering factories and shipbuilding yards have all gone. At one time, the public sector was the weakest sector, whereas now it seems to be the strongest. There are many complicated reasons why issues were not taken up in the past. The trade union movement was under attack, which meant that we could do far less. All I can say is that, if any of us look back on the past, we criticise ourselves. I am pleased that there now seems to be upward movement. We are seriously tackling the issues and I hope that that will continue.

Elaine Smith: Since their inception, the trade unions have led the way in changing workplace practices and policies and conditions for employees. Using the law to do that is important. How can the DDA be used more effectively to improve the situation for employers and the disabled people in their employ? Lesley McCallum made a point about people not being aware of their rights and about employers and service providers not being aware of their responsibilities, including the responsibility to make reasonable adjustments. I think that she used the word "redeployment" when she spoke about changing the workplace. How effective is the DDA?

Des Loughney: I could write and say a lot on the subject. However, if I were to say one thing, it would be that a statutory obligation should be placed on public sector organisations to appoint a disabilities officer. I am talking about authorities employing not an equalities officer or a health and safety officer, but a disabilities officer. Trade union lay officers should mirror that work. They should have the right to a reasonable amount of flexibility

to work with the disabilities officer in raising awareness and changing how things are done in the workplace. If that were to happen in the public sector, we would create two resources: a network of disabilities officers and a network of specialised trade union officials. That would be a major step forward.

Elaine Smith: If I understand the situation correctly, trade union officials who deal with health and safety are entitled to time to do that. Is that correct? Are you suggesting that a similar situation should be created for trade union lay officers who deal with disability issues?

Des Loughney: Yes. The Scottish Parliament could legislate to create disabilities officers in the public sector and to place an obligation on employers to provide properly trained lay people with the facilities and time that they require.

Lesley McCallum: I want to raise two additional points: resources for the public sector and, of course, Crown immunity.

Elaine Smith spoke about health and safety. In my work as a health and safety officer, I try to turn the question round when I deal with disability. In the risk assessments that I have undertaken for my employer, disabled people have always come out well. My argument—perhaps I should not say this in public—is that if a situation is not safe for one person, it is not safe for everyone else.

I have had a number of good cases. All of us know that, if there is a fire, disabled folk have to deal with the lifts being shut down. There are ways around that. I always come back to the fact that we cannot just tick boxes. We have to be totally creative; we have to get out of the box and get thinking.

The public sector sees disability as an issue of resources, so it just gets stacked up beside all the other issues. I am sure that folk duck under their desks when they see me coming; if I am not talking about disability, I will be raising race or gender issues or something else. We just have to keep chipping away at it. It is like eating an elephant: we have to take a bit at a time. We make a difference, but it is hard going and we have to be persistent.

You asked about the DDA. I do not think that people are aware of it. If I mention the act, people ask, "What is this now? What do we have to do?" They do not say that they are looking forward to implementing it and want to make a difference. There always seems to be a ghost-at-the-feast atmosphere about the DDA, and I think that that is why folk hide when they see me.

James O'Rourke: As a disabled person who was involved in health and safety and who worked in the Blindcraft factory in Glasgow, I say that

disability should be taken into consideration along with the health and safety of able-bodied employees. The employer's book of standards should ensure that everybody is looked after. If fire alarms go off, there should be somebody to assist anybody who is in a wheelchair and ensure that they get clear of the building.

Employers who have a disabled member of staff tend to think that, when a health and safety matter comes up, they will have to make changes to sort out that member of staff, but they should consider more the person's ability to be an employee and to settle in with everybody else. Sometimes I feel that, if somebody is disabled, they are fighting from the day that they are born until the day that they die. That should not be the case. We used to sit down with the Health and Safety Executive and argue our points about certain things in the workshop. They would say, "No, this is what is done outside," and we would say, "This isn't an outside factory; this affects disabled people." When the fire alarms went off, we could clear the factory, which had 300 workers, in less than two minutes. If it is done properly, employing disabled people can be a success for the employer.

Ms White: Paragraph 4.1 of the excellent submission from the STUC mentions research that the Edinburgh Trades Union Council undertook into how trade unions as employers, organisations and health and safety bodies could improve their services to disabled people. The following paragraph also mentions that the STUC might not have enough resources to implement the report's recommendations. Is that report available to the committee or the general public?

Des Loughney: It will be, but we are still finishing off the full report.

Ms White: I was going to ask about the timescale, as the research was undertaken in 2004. Will the committee be able to get a copy of the report when it is available?

The Deputy Convener: Do you know when it will be published?

Des Loughney: We are finishing off the writing at present.

The Deputy Convener: So it is a work in progress. Will it be published fairly shortly?

Des Loughney: I would say that it will be published within a couple of months.

The Deputy Convener: It would be useful to keep an eye out for that.

John Swinburne: In evidence, we have heard that employers are unsure of employing disabled people for a variety of reasons, including a fear of the costs that are involved, the level of training that is required or the risk that will be involved if

things do not work out. How does the STUC assist employers to overcome those issues and demonstrate the business case for employing disabled people?

Des Loughney: In my experience, if employers can be convinced that, with reasonable adjustments or support from access to work, a disabled person can achieve 100 per cent, some are willing to go along with that. If one of our members is unemployed and disabled but I think that they could get back to work, we talk to potential employers, make them aware of all the support that is available and try to convince them that the person can work at 100 per cent. That is part of my job. Some employers will go along with that, but very few employers will employ people who cannot achieve 100 per cent. There is a huge barrier to employing a person who can work at only 80 per cent even with reasonable adjustments. It is difficult to think of a solution to that because, if an employer is taking on someone, they want them to work at 100 per cent and do not want to be faced with extra costs that they think might be incurred in supporting people at work.

That is a big problem. I have confirmed the scale of it by talking to disability employment advisers in jobcentres. When they are trying to place someone, there are sympathetic employers that they always try first, but those sympathetic employers are a small minority.

10:45

The Deputy Convener: There is quite a lot to change.

John Swinburne: Are there any financial inducements for employers to employ disabled people?

Des Loughney: There are inducements through access to work and other schemes, but some employers have told me that it is not about the money. If a disabled person can work at 100 per cent with financial support, a door is open for that to happen but, even with financial support, employers find it of doubtful use to employ someone who can work at only 75 or 80 per cent. It is for society as a whole to decide whether we are prepared to subsidise employers to allow that to happen. It would mean subsidising not only the employee, but the support and back-up that the employer can provide. It would be possible, but it would cost money.

The Deputy Convener: We might hear more about that when we speak to the next panel of witnesses, who represent the employment side of the equation. As Lesley McCallum said, much of the problem comes down to attitudes. Frances Curran's question follows neatly on from that.

Frances Curran (West of Scotland) (SSP): We have taken a lot of evidence in the disability inquiry, and I find Des Loughney's evidence an interesting contrast to what we have heard in other parts of the inquiry. Lesley McCallum mentioned the need for cultural change; she mentioned the bullying and harassment awareness sessions called "the odd one out", which Pace Theatre Company ran. We have been told that staff training in disability equality is seen as a way of combating negative attitudes towards disabled people. Do you agree with that assumption? What other ways are there of combating negative attitudes towards disabled people?

Lesley McCallum: My biggest problem is with mental health issues, perhaps because I was a mental health nurse in a previous life. There is tremendous ignorance about mental health issues. The most difficult part of my job is speaking to managers about people who have been in work but have become acutely mentally ill, or about those for whom stress and anxiety have led to other mental illness. That is difficult because people cannot understand why an employee has become mentally ill; they cannot catch on. There have been great campaigns recently, and I hope that that work will continue.

Will you repeat the other part of your question?

Frances Curran: What ways are there, besides disability training, of combating negative attitudes towards disabled people in the workplace?

Lesley McCallum: I have a great problem with ticking boxes; I am not a person who does that. If an organisation stands up and says that it will sign up to something, it looks great on paper, which is fine, but I expect the organisation to live that commitment. I expect the person at the very top—the chief executive—to say exactly what the organisation is doing, not to say that, because they have ticked the box, they are disability friendly, can put the matter aside and do not have to monitor their performance. I am not saying that that is what goes on, but I want the person at the top to state that the organisation is a zero-tolerance area and that nobody will be treated less favourably, which is the law.

The culture change has to be led from the top. If problems arise as that change feeds down, they must be dealt with right away and severely. It cannot be allowed to be a tick-box exercise. We cannot allow people to rest on their laurels and think that, because they have their two ticks, they are fine and do not have to work at being disability friendly.

Stephen Boyd: I would like to make a couple of general points about staff training. They are entirely anecdotal, but they have been fed back to me by a number of people who feel that some of

the staff training that is being implemented can be counterproductive when it comes to equalities work in general. People often feel that they are dragged into a room and told that they are anti-this, that and the other thing, perhaps because they are not using the appropriate language; that can be quite self-defeating, because they do not come away enthused about what other people can offer in the workplace. They feel that it is all about them being told, for a variety of reasons, that they are bad people. A number of people are working on more positive staff training programmes. There is a disability theatre company in the STUC building called Birds of Paradise, and the main focus of its work at the moment is on developing staff training programmes using theatre as the medium. It tries to keep the training positive by focusing on what disabled people can bring to the workplace.

In general, combating negative attitudes starts at the macro level. The message is getting across to most sections of society that we need to make the most of everyone in our country. Our population is aging and we have a demographic deficit, so there is general agreement that we have to make best use of everyone in our society. Part of that means employing people with disabilities. Statistics for economic inactivity in Scotland remain persistently high. Of the 600,000-odd people who are currently economically inactive, more than a third say that they want to work. We must first get the message across at the macro level that we have to make the most of that resource if we are to continue to prosper in the 21st century. If we can do that, that should start feeding down into the workplace and people will recognise the important contribution that disabled people can make.

Des Loughney: The most difficult cases that I deal with concern mental health disabilities. In my experience, there are two critical areas. Someone could be off ill with depression or schizophrenia and could be completely incapable of work. However, they could be almost recovered and feeling 95 per cent better, and their doctors or other medical people might think that what would aid their recovery is a reintroduction into the world of work. However, a phased return to work involves quite complex negotiations and a bit of enlightenment among fellow workers as well as among HR and management. It is common for people to return to work after an illness, whether physical or mental, therefore training in that area is critical.

Awareness is important for us all. I have been greatly disappointed by the way in which society in general treats what I call bereavement depression. If someone's mother or partner dies, people expect them to take three or four days off and then get back to work. That seems to be the general expectation, but as a trade union official I have

had to negotiate for people to take weeks or even months off because of the nature of their relationship with the deceased person. We cannot generalise about how people feel when a close relation dies, and society has to tackle that issue. It is not just a matter of training HR, management or fellow workers; how we deal with the aftermath of a car crash or a bereavement, for example, is a big issue for society.

Frances Curran: I would like to follow on from the point that Lesley McCallum made and address my next question to her. You said that people duck under their desks as you approach. When you approach those people, you need to have a lot of confidence in how you will win them round to the issues that you want to raise. To what extent is equality training available, and how do your affiliated trade unions provide that training for their reps? Is there training in the workplace for HR, for management or for line managers that corresponds to what the trade unions are doing?

Lesley McCallum: I am quite lucky, because I come from an enlightened NHS organisation in Tayside, where I did a lot of my training. I am a trainer for training on race and disability, so I am allowed to go out and train people in the workplace. It is not like a trade union person going into the workplace; I go in as part of the team that trains people, which is good.

We have to be careful, which is why I look to my training for guidance. When I go into the workplace to speak to people, I have to bring them with me and empower them. I cannot go in and say, "Because a person is like this, you have to like them." From the training that I have done through my organisation, the STUC, where I did a lot through the women's movement, I know that it is important not to isolate people. As Stephen Boyd said, it is no use teaching people about discrimination if, in doing so, we stigmatise them; that could make matters worse.

I know that it is an old-fashioned notion, but I would like to see welfare officers back in the workplace. I know that the Scottish Ambulance Service has welfare officers, and we are trying to get a job remit from that service. I do not think that it is HR's job to fulfil that role; HR people are totally stacked up with about 100 things to do.

We have to be passionate about the work that we do. I am passionate about it and I am sure that Jimmy O'Rourke is too. We love what we do—that is probably why I do not mind folk hiding from me. However, there needs to be a dedicated person on site. I do not think that the job can be part of another big agenda; it has to be done by somebody who is trained in that kind of work and who is able to speak to people and has trust. I would like there to be a dedicated named person in the workplace to deal with those issues.

Frances Curran: What makes people defensive? What are the main reasons why people are defensive as you approach their office and what are their main fears?

Lesley McCallum: I said that rather flippantly, of course, but the thing is that I do not give up. That is probably what it is; I just do not take no for an answer. If somebody can do 85 per cent of a job, I do not want to hear excuses. I want the management to do what they can. Sometimes the solution is simple, such as putting somebody on the ground floor. It is not rocket science. As Jimmy O'Rourke said, it might simply be a matter of taking the stairs out of their job. Sometimes the solution does not even have a monetary impact. It is just a question of getting people to think creatively, but a large part of the problem is that people do not think.

James O'Rourke: People have to talk to other people, not over their heads but looking them in the eye and talking to them as equals. That is important, and I am sure that Lesley McCallum would agree with that. How many times have you found that, in workplaces or elsewhere, people speak over the heads of other people? I remember a case in London, when we were trying to go into the General Federation of Trade Unions and one of our committee members was in a wheelchair and had to go upstairs. The doorman was talking over that person's head saying, "Well, what can we do?" and he said, "I'm down here. Look at me. Speak to me." That is what people want. They want somebody to recognise that they have a problem and to try to sort it out. It is as simple as that.

Ms White: We have heard evidence that people have certain attitudes towards particular disabilities and that there is a clear perception that people with certain disabilities are more employable than others and are employed more quickly. What are your views of such perceptions? Do you come across them quite a lot? What can you do about the fact that people with certain disabilities and impairments seem to be perceived as more readily employable than others?

11:00

Des Loughney: Two examples struck me when I was doing the research. One involved a young woman who was a chemistry student at the University of Edinburgh. She had a condition that meant that she used a wheelchair. She graduated as a chemist after four years, then applied for a job. She tried for three years between 1998 and 2001 to get a job in her profession, but found it impossible. She works now as a disability rights officer. She said that she applied for hundreds of jobs, but no one would employ her because no one believed that she could work in a laboratory.

Even though she produced certificates from the University of Edinburgh that said that, for four years, she had worked for extensive periods in laboratories, no employer would believe her.

One might think that wheelchair users are treated sympathetically because there is a tradition that they should be, but if an employer thinks that a wheelchair user cannot do certain things, they simply do not get employed. That situation applies to a number of disabilities. No matter what disabilities people have, they are ruled out completely for certain jobs.

Another example of prejudice has been touched on. If someone has an obsessive compulsive or bipolar disorder and has been off work for three or four years, their curriculum vitae or job application form will show that. If an employer found out that that absence was the result of a mental health problem, I do not believe—I would be pleased to be told that I am wrong—that the person would be shortlisted for the job. I just do not think that that would happen. Of course, I welcome campaigns that try to change that, such as the see me campaign. They are important and can change attitudes. However, there is still prejudice at the present time.

James O'Rourke: If an employer is really disability minded and wants to employ a disabled person, that person can be trained to do a job. I have an example that involves a young lad with learning difficulties who came to work with us. When he came in we were looking to assess him so we put him on the shop floor. He had full sight and was carrying beds down to the tape edger, but he was getting exasperated because there were about 10 people on the benches making the mattresses who were shouting and all the rest of it. He came into the office and the chargehand came in with him. She said to me, "Look, let me take him to the two tape edgers. He can bag the stuff and put it on pallets and we'll see how he settles down." The lad came complaining to us again a week later. He said that one of the tape edgers was always going for a smoke and that he did not have enough work to do. However, that was about 10 years ago and that lad is still working away in the factory. He works a border machine now, running borders for the mattresses.

That example shows that employers have got to encourage disabled people. If they are willing to employ disabled people without being forced into it, they have got to be prepared to give a wee bit and encourage disabled people so that they can do the job. I can give lots of instances of people like that young lad who have come into the factory. We can produce bedding that can sit in shops and be sold alongside bedding from the top people in the bedding world. Really and truthfully, if that can be done in a supported disabled workshop, it can

be done anywhere. People have a particular idea about supported workshops. For example, somebody said one day at dinnertime, "Is that you finished for the day when you've had your game of dominoes?" They simply have the wrong idea of what goes on in those workshops. They are run in the same way as any factory or business.

The Deputy Convener: That is a useful point—thanks. That leads in quite nicely to Marilyn Livingstone.

Marilyn Livingstone (Kirkcaldy) (Lab): I declare an interest as a member of the Co-operative Party, of Unison and of the Educational Institute of Scotland.

Analysis of the jobs in which disabled people are engaged shows more often than not that they are in entry-level positions. Many disabled people to whom we spoke could not see how their careers could progress, which is quite disheartening. What is your experience of that?

Des Loughney: As a trade union official, I deal more often with what is called the disability of age, to which I referred earlier. There is an issue about people entering work and being at the bottom level because of disability, but as a trade union officer it is far more common for me to deal with disabilities—such as heart problems and back problems—that arise when people are in their 40s and 50s. Such issues usually involve people who have worked for some time in a local authority, a bank or wherever and who have deteriorating conditions, which means that they are not able to perform as they used to do. That causes resentment among other staff and management because, for example, a person with such a condition is no longer a team player. We have to start dealing with such issues—they are by far the biggest problem or challenge that I have.

Young people who have disabilities that either developed when they were youngsters or which they have had from birth would not enter jobs in the areas in which I am involved in organising or representing people.

The Deputy Convener: Do Lesley McCallum or James O'Rourke have anything to say on that?

Lesley McCallum: None of us can do everything and I find it utterly amazing that we always expect disabled people to do everything. If there was a case in which a disabled person was being treated less favourably, I would take it through the route that we used for equal pay. I would ensure that I built the case on whether the person had been treated less favourably. I would get all my facts together and get my percentages and everything. I would build my case through the equality route to ensure that the disabled person was not being disadvantaged. Again, it is a cultural thing. Why should anybody who appears—I stress

“appears”—to be less advantaged be paid less or be in a lesser job? It is obscene to do that and I would not for one moment expect it in any workplace. It would be appalling if it happened and I would be the first one to make a robust case against it.

James O’Rourke: I agree with that. Everybody should be treated as equals. I have seen men and women who are totally blind using high-powered air guns and they can use them every bit as well as people in Stoddard’s or other places. In 1967-68, our union—the National League of the Blind and Disabled—achieved equal pay for men and women. We were one of the first trade unions in this country to achieve that in supportive employment. Everybody should start off equal and should be assessed from that position. People should not start out at lower grades because they are disabled.

Marilyn Livingstone: Following that, I am interested in the support that is currently available to disabled people. We have taken a lot of evidence across the country from many different groups, ranging from groups that deal with physical disabilities to groups that deal with mental health issues. One of the issues that has arisen is the support that disabled people get from different organisations, such as Jobcentre Plus, Scottish Enterprise, Highlands and Islands Enterprise and Careers Scotland, particularly to get from school and from further and higher education into paid employment. There are schemes such as access to work, modern apprenticeships and pathways to work. What is your experience of those and how effective do you think they are? I am interested in their flexibility and in how person-focused they are. I know that that is quite a difficult question.

The Deputy Convener: Who would like to start with that one?

James O’Rourke: Marilyn Livingstone talked about Jobcentre Plus and all the rest of it. Funnily enough, we formed a charity just over a year ago to try to create for registered blind and partially sighted people whose mental health is good a centre of excellence to get them back into work. About 83 per cent of visually impaired people in the employable bracket cannot get into employment.

At the moment, we are talking to Glasgow City Council; tomorrow I will meet Councillor John McKenzie and someone from the social work department to discuss taking over the cell-block area in the old Partick marine station, which is now the Centre for Sensory Impaired People. We are trying to get funding to turn the block into a training centre. We have talked to Jobcentre Plus and Scottish Enterprise Glasgow, we have talked to job brokers such as the Shaw Trust and Action for Employment, and we have talked to national

charities such as the Royal National Institute for the Blind and Action for Blind People. We have laid all the foundations for equal access and we are trying to set up a pilot scheme in another part of the centre. I know about the problems of visually impaired people; the project involves 12 visually impaired people who are in employment, have been in employment, or have retired. We hope that we will get the help of all the organisations that I mentioned in getting visually impaired people back into work.

We have been doing that work for only 18 months, but we have made great progress. Many of the organisations that Marilyn Livingstone mentioned are really interested in our work and want to know how we can push the project along towards success. In another year or so, we should start to see results. Private and public employers are already involved.

Des Loughney: In October, the STUC in Edinburgh agreed to work with the City of Edinburgh Council on an employability project as part of its wider work on social inclusion. Some people with disabilities have been off work for a long time; the project will assist them to get back into the world of work. Although the project has been running for only a few months, certain themes are emerging. For example, many people—probably hundreds—in Edinburgh are employed in helping other people get back into work. One of the first tasks for trade union officials is to train those people to deal with workplace issues that they may not have experienced.

We also focus on how people apply for jobs and how, in interviews, they can negotiate with employers about flexible working arrangements or minor adjustments to the workplace, for example. If a person has not worked for three or four years—or even for only six months—it can be very difficult for them to negotiate with employers. Through training, we are trying to empower people.

We also support people during probationary periods. People will say to us, “I’ve got three months to get through. How do I do it? How can I ensure I don’t make mistakes? If a problem arises, how do I negotiate with my supervisor, my manager or with people in HR?” I am pleased that the City of Edinburgh Council has put resources into such work—it is important and trade unions can make a real contribution to it. Such projects are part of the solution to helping disabled people back into work.

Stephen Boyd: I will briefly touch on the three programmes that Marilyn Livingstone mentioned. It is fair to say that we look on access to work and pathways to work as being very positive programmes, although there has been a lot of anecdotal feedback about access to work being

quite slow and cumbersome, with support not being available in the workplace when a person starts a job. However, overall, it is a positive development.

Pathways to work could make a real difference in Scotland in tackling persistently high levels of economic inactivity. It is difficult to discuss the matter at length while we await the white paper on welfare reform, but we hope that substantially increased funding will be available—if not for pathways itself, then at least for programmes of its type, which would provide individually tailored support. Cross-agency working has proved to be especially important.

I do not know about the experience of disabled people in modern apprenticeships, but I know that it is not helpful when the chair and the chief executive of the organisation that delivers the programme seek to draw a distinction between economic development and social inclusion. We strongly believe that helping disabled people into work is as pure a type of economic development as you can get.

11:15

Marilyn Livingstone: I agree. I am particularly interested in how modern apprenticeships are helping disabled young people. It is a national scheme and we have to ask how it is working across the country. If you have done any research on the programmes and if you know what is working well, it would be good if you could share the research with us. I would be very interested.

Stephen Boyd: A well-reported problem has been that of young people not seeing programmes through. We believe that that usually happens because the pay is low and people can get more money by working in other places. However, working in those other places may not be to people's benefit in the long run, so rates of pay have to be addressed. I agree that it would be interesting to analyse the programmes.

Marilyn Livingstone: I am particularly interested in flexibility. As Lesley McCallum said, we cannot put everyone in the same box and say that they will be job-ready in six weeks. People are individuals.

Lesley McCallum: We will be starting a health academy in Tayside later this year, on which I was going to bring a briefing paper with me, but I did not receive it in time because of the Christmas holiday. I do not like using the word "deprived", so I will say that we are working in areas where many families have not been in full-time employment for many generations. The academy will target people who might not consider coming into the health service. I mean the whole health service—I am not talking only about clinicians, but about porters,

domestics and so on. The NHS has had funding for the work and I would like to be involved in it. It could be a great step forward; what we are trying to achieve is new and—dare I say it?—revolutionary. We will be going out to areas that are not so fashionable, shall we say, and bringing people into the NHS. I hope that there will be access for people who might not have been considering that. I am excited about the work and, as I say, I had hoped to have a briefing paper on it. I hope that the work will be a gateway for people.

The Deputy Convener: We would be grateful to receive that paper when it is ready. That would be useful.

We have heard about inconsistencies in services to support disabled people into work. It has been suggested that there should be some sort of national framework to support disabled people into employment, to sustain that employment and—to pick up on what Des Loughney has spoken a lot about—to assist people to maintain employment if they acquire a disability. Do you see merit in having a national framework?

Des Loughney: A national Disability Employment Advisory Committee has been established at Westminster; Sally Witcher, who lives in Edinburgh, is the chair. I do not know about all the work of the committee, but there are trade union representatives on it. It may be that a similar body could work in Scotland; the Equal Opportunities Committee may want to look into the advisory committee's remit and workload. I am sure that Sally and the other Scots on the committee could inform you of its work.

The Deputy Convener: Is that committee effective?

Des Loughney: I think that its members were appointed by a minister specifically to offer advice on changes. You would have to ask the Westminster Government how useful the feedback has been. However, I understand that it has been effective.

Stephen Boyd: Are you asking about a Scottish body?

The Deputy Convener: Yes—although perhaps one that is more than an advisory body.

Stephen Boyd: The STUC has not had the opportunity to discuss that, but it sounds like an idea that we could support and would like to be involved in.

Lesley McCallum: I get a wee bit jittery when I hear about strategic planning and strategic bodies because I think that they sometimes forget to ask the folk who are actually going through things. I will support any initiative that helps, but I make a

plea to ensure, please, that you are not just asking folk whether something is being done and accepting the answer. Please talk to the people who are at the grass roots, and to disabled people. Folk in the Isle of Lewis do not need what people in central Glasgow need and vice versa. People need different things, but we sometimes presume that we speak for other folk. I will support anything that helps—whether it is strategic management or whether it is operational—as long as it empowers people at the coalface to become part of the procedure.

The Deputy Convener: That is a useful pointer.

James O'Rourke: We have to start at the beginning when the person is trying to get into employment, and we must ensure that people can advise them on the benefits situation. Many disabled people are shy about going into employment because they think that they might lose out on benefits if it does not work out. If the person needs to use the access to work programme, assistance must be in place when they start the job—not after a fortnight, two months or longer, as sometimes happens.

If there is a problem with the employer, we need to ensure that the situation is monitored, that advice can be given to the employer and the employee and that the two parties can be brought together. Employers often say that they have employed a certain number of disabled people, but if we go back to them six months or a year later we find that those people are no longer in employment. We must make sure that people stay in employment so that they and their employers get as much benefit as possible. Work is a team effort. We have to start at the beginning and make sure that people stay in employment.

The Deputy Convener: I thank you all for coming along this morning and for giving us so much of your time. The professional knowledge and expertise that you have shared with us are useful. Do you want to make any brief comments before we terminate the session?

Stephen Boyd: We are more than happy to provide the committee with a response on the Executive's recent consultation on procurement directives. It might also be helpful if I circulate the resolutions that were adopted by our 2005 disabled workers conference.

If I may, I will touch briefly on an issue that has been mentioned a few times this morning. We are becoming increasingly interested in the link between mental illness and flexible labour markets. In the UK, mental illness started to increase in the early 1980s and has risen exponentially ever since. We believe that there is a clear link between the growth in mental health issues and insecure and low-paid employment. I

am happy to acknowledge that we do not have an evidential base for that at the moment, but we are examining how to develop one. If we can find the resources and the time, we will work on the matter this year; we would be more than happy to share our findings with the committee.

The Deputy Convener: Thank you.

Des Loughney: The final thing that I would like to mention is that, later this month, we will start for the first time to negotiate with employers and union members about partnership work in equalities and disability. We hope to have half a dozen partnerships, which will focus on specific matters and raise awareness. There are many opportunities for joint working. We are at an early stage, but I hope that by the end of this year or early next year we will be able to show the committee and others the agreements that have been reached. Those agreements might be fairly modest—for example, there might be an agreement that a shop steward can spend a half day per week working on disability and equality issues—but if small steps are taken in many organisations, that will produce real progress.

The Deputy Convener: James, do you want to add anything?

James O'Rourke: No—I have said everything I want to say.

The Deputy Convener: Thank you very much for your contribution.

Lesley, do you have anything else to say?

Lesley McCallum: We get too hung up on folks' disabilities and we do not think about their abilities.

The Deputy Convener: That is a good point on which to end. I thank the witnesses again for their input, which is much appreciated.

We will have a short break to change the panel of witnesses.

11:25

Meeting suspended.

11:28

On resuming—

The Deputy Convener: I welcome our second panel of witnesses. Paul Newman is from the Employers Forum on Disability, Niall Stuart and Andy Willox are from the Federation of Small Businesses, Howard McKenzie is from the Institute of Directors and Roger Horam is from the Scottish Chambers of Commerce. Thank you very much for coming, gentlemen. I apologise for keeping you a bit longer than we had expected to do before taking your evidence.

I have a question for the Employers Forum on Disability, which is described on its website as “a ‘self-help’ club” that brings together employers to share best practice on disability issues. How many employers do you represent? Is the forum fairly representative of employers in Scotland or could representation of certain types of business be increased?

Paul Newman (Employers Forum on Disability): I will tell the committee a little bit about the forum. We have about 400 employer members, who employ 20 per cent to 25 per cent of the United Kingdom’s working population. Just under 25 per cent of our members have activities that are centred on or take place in Scotland. To achieve focus in particular areas, we have certain networks that meet to consider issues of common interest.

For example, we have a broadcasting network because there are particular issues associated with broadcasting, and we have a police network because there are particular issues to do with the police. We also have regional networks, one of which is the Scottish network. Services are provided from our London office—such as a helpline and access to our publications and events—but we also run two or three events in Scotland, which are hosted by member employers. The agendas of those events are agendas in which Scottish employers are particularly interested.

The organisation’s members employ a significant percentage of people in the United Kingdom, but because the organisation is a national organisation, we tend to attract larger rather than smaller organisations. As a consequence, we have in the past two years run a project that has advised the Department for Work and Pensions on engaging employers—I now regret that that project has not had a particularly Scottish flavour. Only about 30 per cent of the employers to whom we have talked are members of the organisation. We made a conscious effort to have events involving small and medium-sized enterprises in order to get their perspectives on employing people who have disabilities.

11:30

The Deputy Convener: Thank you. That is useful. I was going to ask you about the take-up of information by non-members, but that take-up seems to be quite healthy.

Paul Newman: Yes. Non-members can come to our network meetings. We see their being able to do so as a marketing opportunity and an opportunity to get information out there.

The Deputy Convener: Of course. There can be mutual benefits.

Paul Newman: Absolutely.

The Deputy Convener: Such benefits are always a good thing.

Elaine Smith: I want to ask about barriers to employing disabled people. Most members of this panel listened to the questions that we asked the previous panel and their evidence. From that and from evidence that we have taken previously, it is clear that employers can for a variety of reasons be unsure about employing disabled people. Those reasons include the fear of the costs that are involved and the level of training that is required, possible negative attitudes towards disabled people among colleagues and the risks if things do not work out. What barriers do you think employers face in employing disabled people?

Niall Stuart (Federation of Small Businesses): We would simply reinforce what the committee has been told so far. There are multiple and complex barriers to employing disabled people, which is why we discuss the matter constantly. Those barriers interact, which is why the problem is so difficult to solve.

Supply factors—which members heard about in the previous evidence session—and demand factors are involved. Employers do not understand all the different types of disability and the different needs of people who have different disabilities. There is still a perception that a disabled person is a person who uses a wheelchair. Organisations that offer employers support are good at talking to one another, to public sector agencies and to voluntary sector agencies, but I have yet to come across an organisation that has cracked how to contact individual employers to say, “We’ve got people who can do a job for you. Would you be interested in meeting them and taking them on?” Those organisations are good at talking about disability and employment in their widest senses, but the only way to crack the problem is by their making direct links with employers, telling those employers that they have people who can do a job for their business and asking whether they would like to meet, interview and shortlist the people in question.

Elaine Smith: Are the barriers that you mentioned real or perceived? I ask that question partly because the Confederation of British Industry’s submission states:

“Employers taking on disabled people for the first time are often surprised to discover that adjustments are generally very simple and cheap.”

A person might simply need to be let off work to keep their medical appointments, for example.

Niall Stuart: The barriers are both real and perceived. That takes us back to a point that I made earlier—employers, like the general population, do not understand all the different

types of disability and all the types of need that exist. In the past hour, we have heard about dyslexia, mental health, people in wheelchairs and visually impaired people. Small employers do not understand all the different things that they need to do to equip a workplace for an individual who has any of those impairments or disabilities.

I have said that the organisations that help employers are not very good at going out to talk to the employers. I include the issue of access to work in that criticism. Typically, our members employ four or five people and very few of them have heard of access to work, so they do not know that the adjustments that are needed to the way in which people work are often inexpensive and insignificant. Normally they know how small those adjustments are, but they do not appreciate that financial support and advice are available to them.

Elaine Smith: You are saying that direct contact with employers is crucial.

Niall Stuart: Yes.

Elaine Smith: You talk about employers not understanding different types of disability. Overall, about 50 per cent of the disabled population is in employment. However, across Britain only 6 per cent of people with autism are in full-time employment. The National Autistic Society has an employment initiative that is focused on speaking to employers and providing them with support. Should the Scottish Executive and Parliament take that kind of approach with all employers?

Niall Stuart: We ran a series of seminars with the Disability Rights Commission and were disappointed by the turnout at them. The DRC is great at putting on conferences that are attended by 300 people, but very few delegates are taking a day away from their private business to hear about disability. Employers are interested in taking on people who can help their business, so we need to sell to them individuals who are looking for work, training or supported work placements. If we talk to them about disability, they will say, "That's not really what we do. We make or sell things, and we're looking for someone who can help us do that." We have to approach employers in a very direct and tangible way.

Howard McKenzie (Institute of Directors): Ironically, one barrier has been the inclusion of the reasonable adjustment process in the DDA. That has worried many employers. I represent the Institute of Directors, but my day job is as principal of a college. The difficulty with the reasonable-adjustment process is that many human resources people use that as an issue for people in employment. There are considerable risks that people will lose employment as a result.

I agree with Niall Stuart that there is a great deal of clutter when it comes to people getting advice,

in respect of who should be doing what and where. We have heard about 30 or 40 different initiatives—there is an initiative running for every disability. All colleges, universities and government organisations have initiatives running. I agree with Niall Stuart that we should proceed on a personal basis. When people get into employment, employers are amazed to discover that there is a reserve army of labour into which they have never thought of tapping. We in Scotland are trekking around the world with fresh talent initiatives in order to bring people here, but we have a huge pool of people here who are itching to get into work and for whom only slight adjustments are needed. We could focus initiatives on individuals and individual employers.

Elaine Smith: If you do not mind, I would like to ask you about something that one of my colleagues intended to consider later. Given what you have said, do you think that a national framework to support disabled people into, and to sustain them in, employment would be useful?

Howard McKenzie: It would be useful provided that it did something and did not just wander around the place.

Elaine Smith: We should not just write a national framework and put it in a drawer.

Howard McKenzie: Yes. We should end up with someone doing exactly what Niall Stuart suggested; we should approach employers. If I put a job advert in *The Scotsman*, I am approached by a series of agencies offering people whom they have on their books. Why cannot we have an employment agency that asks employers whether they have thought about employing a person who uses a wheelchair or who has another disability to work in reception for them? There is no reason why they should not employ such people. The agency could tell employers what reasonable adjustments would be needed and it could say whether grants are available. That would be useful. A national framework would have to do what I have suggested, instead of just being a strategic approach that merely talks about the problem. There are already too many committees and initiatives and we do not need an initiative on initiatives.

Roger Horam (Scottish Chambers of Commerce): I endorse both those statements. When one speaks to the people who are involved in this work—the area-based intermediaries who assist people into employment—they say that they struggle to know what is available and what it is all about. If they are struggling, the man on the street, especially at SME level, is really going to struggle.

This works when groups of people come together: a good example is the joined up for jobs initiative in Edinburgh, which brings together the

area-based intermediaries and people from the Edinburgh Chamber of Commerce, for example. The initiative allows the Lothian Employers Network on Disability to talk to people from the local chambers of commerce who do not, therefore, simply go off and try to find their own people in their own way. Such initiatives work on the local and even the smaller local basis. Obviously, if someone is based in a city, they can contact their local Tesco, Morrisons or other such company. Often, the matter stands or falls on the enlightenment of individuals in an organisation.

When we talk about employing disabled people, we talk only as if we are bringing people into the workplace. It is very often the case that a disability develops when someone is in the workplace. The issue for the employer then becomes the way in which they deal with the employee, who may have a mental, rather than a physical, disability.

Elaine Smith: We heard from the previous panel that that is an issue. Obviously, a national framework should address it, too.

Roger Horam: We also have to think about the Scottish Executive's employability framework. The two cannot sit separately; they will have to overlap.

Paul Newman: One of the interesting things that has come out of the work that we have been doing over the past two years is that we now look at the barriers from the other side of the fence, so to speak. We asked ourselves why we do not look at the disabled people who are in employment. I was knocked sideways when I realised that one in eight people in work have a disability as defined by the DDA—more than 12.5 per cent of employees have disabilities. The labour force survey reveals an enormous amount of information about what disabled people can do.

One of the questions the committee asked our trade union colleagues was about entry-level jobs. It is said that disabled people are to be found only in such jobs, but the facts show that that is not the case: disabled people are to be found throughout the strata of jobs, from the top to the bottom. They might not be as well represented as we might expect in some of the professional roles, but there is a huge amount of information about disabled people who have got through the barrier. We can learn a lot from that.

I know that it is not for me to pose the questions, but I have one for the committee. When I ask about disabled people who are unemployed—and therefore economically inactive—I do not get much information. What do we know about them? The labour force survey provides a lot of information about those people's disabilities: it gives us the percentage of people with mental health problems, with learning disabilities and so on. But when my

colleagues look for people to employ, the question should be, "What is the person capable of?"

Someone said that we should stop thinking about disability and start thinking about capability. There is only a small amount of information on what the people who are unemployed can do. Whereas employed disabled people are defined by their capability, unemployed disabled people are defined by their disability. We could start to turn that around by getting to know a lot more about the people who are unemployed. That information would make it easier for us to engage employers to employ them.

11:45

Andy Willox (Federation of Small Businesses): I agree with almost all that has been said. As a UK organisation that has about 190,000 members, of whom about 19,000 are in Scotland, the FSB has been trying to raise awareness of the issue through our newsletters, monthly magazines and website, including by means of website links to organisations such as the Advisory, Conciliation and Arbitration Service. It has not been easy, though: many of our members simply do not read the stuff we give them. Many of their organisations are very small and some are located in very remote rural areas, including island areas. It is not easy to get the message out.

I have done several things in relation to the DDA, with Sally Witcher and others. We have arranged a lot of branch meetings, seminars and events, and not only our members, but guests representing other businesses, have come along to them. Sometimes, people end up going away almost more confused than when they came. Among the issues that have been highlighted is the lack of a definitive list of conditions and disabilities. It is never ending—people will not go away thinking that they know all about it.

People have simple questions, for example on the correct form in which to advertise. What should they include in adverts and application forms? Even that was confusing—Lynn Welch could not give straight answers on some issues. If the legal people cannot give straight answers, businesses will get even more confused. Legislation scares businesses in any case.

Having spoken with members over the past two to three years, I have been surprised to find that a lot of people simply employ the best person for the job. When I returned to my workplace, I found that, unknowingly, I had four or five people with disabilities there. Most of the people who were around me when I discussed the matter also had someone with some sort of disability at their workplace. They were always the best person for

the job. Job applicants are hard to find, and having a big choice is obviously better for us. Many small businesses take on this issue because those who lead them are very much on the front line. They might have just three or four employees. They will be meeting them every day, and they will know their family situations and so on. Many of them deal with these issues quite well.

I think we are getting there, but for goodness' sake we have a lot to do to raise awareness. The more people try to find out about the issues, the more confusing it can get. There are no clear lists. Much can be done simply through getting the people who have applied for a job around the table and being fair and balanced in making choices.

Howard McKenzie: This relates to one of the issues the previous panel discussed. Colleges and universities are quite good at dealing with disability because it is part of our mission. If we were not, you could probably drag us before a committee and ask us why we were not. It is part of our job.

We must be aware that the mission of business is to make money. That is its role. I support what Andy Willox said. What people are really looking for are the best people to do the job. It really does not matter whether they are disabled, what colour they are or how old they are. People want the best people to do the job because they are the ones who will have the most impact on the bottom line. That runs true whether organisations are in business for profit or not necessarily so, as is the case with my business.

Niall Stuart: I will pick up on the point about the national scheme.

At UK level, we had the new deal for disabled people. We heard that the targets kept moving, and that it did not prove to be as much of a success as the other new deals had been. Reed in Partnership and local authorities seem to have successful models for making links with employers and with local disabled people, getting them the training and qualifications they need to make them attractive as employees. A lot of good work is going on at a local level, and there is a risk of losing that by having a national strategy or agency.

Having said that, we now have the pathways to work scheme, which may or may not be rolled out nationally. Preliminary figures show that it seems to be successful in getting into work—and supporting in work—people who have been claiming incapacity benefit. I do not think it matters whether programmes are national or local. The key is that disabled people should be given the training and support they need to be attractive employees, and that links are made with employers to let them know that those people are available for work.

Ms White: I have a couple of questions that I was going to ask later, but they might fit in here. They relate to pathways to work, as well as to access to work.

You mentioned pathways to work—as did the STUC—which I believe is quite successful. Others have mentioned access to work and have said that Scottish Enterprise, Highlands and Islands Enterprise and Jobcentre Plus are not giving employers the information to help disabled people get into work. You have said that pathways to work has been successful, but Howard McKenzie and others have said that access to work has not been successful. How successful do you think the agencies have been at facilitating people getting into work? You can take each point separately if you want.

Niall Stuart: The big problem for our members, which typically have four or five employees, is that they do not know where to go for advice or assistance. The Disability Rights Commission offers advice to employers, but there is still a nervousness among employers about asking the DRC in case it starts asking them awkward questions about how they recruit and support people in employment.

Most small businesses simply have not heard of access to work. I do not know much about pathways to work, other than the figures that the Department for Work and Pensions has released about the beginning of a decline in claimants of incapacity benefit.

The work that Scottish Enterprise is doing is the wrong model. It is a body that will sit at a distance from business and will not make direct contact with business or disabled people who are looking for work. All it will do is send out generic messages to the effect that employing disabled people is good for businesses. I am not saying that that is not true; I am saying that that message does not hook in employers and start them thinking about employing the people we are talking about.

Howard McKenzie: One of the issues is that some agencies start by asking to see a business's equal opportunities policy, which small businesses do not necessarily have. The bureaucratic process is not supportive, so small businesses do not ask for help. It is as simple as that. They really want to be able to say, "I have an issue that I don't know how to deal with. Somebody come and tell me what I'm supposed to do to make it better or to get me over it."

There was a discussion with the first panel about redeployment policies. If the responsibility is changed to a duty, we will probably see employers shirking the duty, whereas a lot of them would take on the responsibility. It is not clear where to go for

advice. We had an issue with one of our members of staff who is profoundly deaf. We needed to take advice. It was incredibly difficult to get advice about what we needed, to enable our employee to use the technology we were using. We eventually managed to track something down through the university sector, but it was difficult. If I had a small business, I would have given up.

Roger Horam: On the pathways for getting people into employment, some agencies are working too close to those whom it is easy to get into employment. Agencies such as Scottish Enterprise want to work at that end, to get the quick wins. The people further down the line, or the pathway, are important. They are the ones with whom the agencies do not work so easily; agencies work better with the ones who are closer to employment anyway.

Ms White: That is quite a worry.

Andy Willox: I sat on the welfare to work task force. The point about quick wins is worth making. There are quick wins, but by going for them first, things become depleted. It is better to work the other way and let the system work itself.

A lot of people are coming to Scotland from abroad. They need a lot of help because of language: for example, they need guidance on accommodation and health and safety in their own language. That is not too much of a problem for employers, who go on to the internet and get it done. Similarly, it is not difficult for employers to get something in larger print for someone with a sight impairment, once they are shown how simple that is.

Legislation sometimes appears stunningly complex. Colleagues of mine have made huge adjustments for fresh talent people who have come from the Baltic states. We have gone with committees through the local authorities. Someone said that local authorities may be the organisations that can lead well on these things, which are simple if people can fit into the business environment. But if someone is outside looking in, it is a lot more difficult for them to get into the everyday working of business.

Ms White: Is that what you mean by "compliance", which came up a lot in your report; compliance with the DDA rather than compliance with the legislation? You do not like too much legislation. I wonder whether it would be easier to have a one-stop shop where people can access information for small businesses.

Niall Stuart: At the risk of being contradictory, can I say that the advantage of having a national service is that it is a brand that people recognise and they know to go there for advice. At the moment, people are very unsure, as many organisations do slightly different things.

Frances Curran: Paul Newman said that we should ask what people's capabilities are. Andy Willox said that in his workplace the best person for the job was chosen. Several people nodded in response to that. I am interested in that, because if the issue is about people presenting their capabilities and about finding the best person for the job, what are the questions about disability on an application form for and what are people being asked to reveal in a CV?

The STUC's story about the young chemistry graduate who could not get an interview for four years is a clear example. Getting to interview and being able to present themselves as something other than a piece of paper is the biggest problem for many of the people who have given us information in this inquiry. I wonder to what extent employers ask about disability. What are disabled people expected to put on the application form? So far as discrimination is concerned, should they be expected to put anything?

Howard McKenzie: Colleges have to ask candidates whether they have a disability and, if they do, to describe what it is because the Scottish Executive monitors the process. We also have to ask candidates to tick a series of boxes on a standard form, stating whether they are a student or an employee. We have to do that as part of our funding recognition. It does not help very much. Other employers may or may not ask, depending on their particular activity, but we are forced to do so.

Candidates do not always declare their disability, because they can non-declare. Some people declare their disability at interview stage. That is mirrored to some extent in colleges and universities. In colleges, if you declare that you have a disability, a range of support mechanisms, some of which are financial, are available. The same may happen at a university, but it depends on the disability. Universities have a lot of problems with declarations of disability: students do not declare they are dyslexic because they think that they will not get on their course if they do, so they struggle because they are dyslexic. In colleges, however, if you declare that you have dyslexia, a range of support is available. College students know that, so they tend to declare more.

The same tends to happen in employment. We ask all our employees whether they are disabled, but when you work in the public sector you do not see that form because it is used for monitoring purposes only—as is the form for race. You do not necessarily know the information. I cannot speak for my colleagues, but having to declare disability may put a lot of people off. Furthermore, I am not entirely sure how robust the procedure for keeping the forms separate is across the economy.

12:00

Andy Willox: I will not sound so posh, because I sometimes do not understand the complexities of interviews and application forms.

Many of our members will get someone by putting an advert in the window or in the paper. An applicant will phone in and they will be asked whether they can come in for an interview. If there are two or three applicants, Jobcentre Plus might phone and offer to provide an interview room. In the small business sector, the different procedures that are used mean that the first step of getting an interview is not so much of a hurdle, especially as there is sometimes an urgent need to get staff.

Generally speaking, the application form is not so much of an issue in my sector, which is made up of semi-skilled and unskilled people. Normally, an advert would be put in the paper and Jobcentre Plus would work quite hard for a small business. There has been quite a big improvement in the facilities that Jobcentre Plus offers, which include the provision of free telephone calls and interview rooms. I do not think that that first part of the process is as much of a hurdle as has been suggested.

Jobcentre Plus seems to do its job quite well on the new deal and disability. The only thing is that there is sometimes a nominated person to deal with such matters, and they suddenly get moved. People with small businesses get into a relationship with people who help and know their business. There is nothing worse for a busy businessperson than waiting all day for five people to come from the job centre and no one turns up. Businesses want a better system than that. The question was about application forms, but I think that the small business sector does things rather differently and uses a variety of methods to recruit people.

Paul Newman: I noticed that members declared their interests when they asked questions, so I suppose that I had better declare my background: I am an HR director.

Monitoring and selection are incredibly important and still seem to be more confused in the public sector than they are in the private sector. Many large private sector organisations have taken out references to disabilities or health conditions on application forms. I can remember a time when, if one applied for a job, one had to fill in a health declaration. That was before the DDA came in. Many private sector—and some public sector—organisations have stopped that practice.

I can believe the example the committee was given. I would guess that the issue was to do with monitoring rather than selection, but telling that to a disabled person who is applying for a job is hard. They perceive inquiries about disability as

something to do with selection. Even though an employer might say that they want to find out such information to help them make adjustments, that is not what the applicant hears—they hear something altogether different. The issue is significant.

One bit of information that came out of our work was that small and medium enterprises appear to employ a higher percentage of disabled people than do large organisations. To a certain extent, that is because, as a company gets larger, it gets more complex and, as it gets more complex, it gets more experts. Everyone seems to want to put their penny's worth into the selection process. We found that in some large organisations it can take in excess of three months to go through the selection process and that such a lengthy process can easily disadvantage disabled applicants, particularly those who have a history of unemployment.

If someone has gaps in their employment record, that does not help when they apply for a job in the financial services sector, especially given that there is a Financial Services Authority requirement that says that an applicant must have five years' curriculum vitae provenance that can be mapped. I guess that there are some personnel officers who would say that it is too difficult to find out what someone has been doing in the past three years and will move the application to one side. I believe that the declaration of disability is more of an issue in the public sector than it is in the private sector.

Niall Stuart: Small businesses recruit in highly informal ways. They often operate by word of mouth or by putting a notice in the window. Small businesses can be the best employers of disabled people. In some cases, they are extremely flexible and make significant alterations to the recruitment process to give a disabled person an opportunity. On the other hand, small businesses are often the worst employers of people with a disability.

Big businesses often set a minimum qualification level, such as five standard grades or three higher, but research shows that disabled people are less likely to have as many qualifications as people who do not have a disability. They are also less likely to have experience and, similarly, big businesses often have blanket rules such as a requirement for a minimum of two years' experience. Small businesses do not have those rules because they recruit in an informal way.

John Swinburne: How do your organisations support your members, as employers, to employ, and sustain the employment of, disabled people and to maintain that employment if a person's circumstances change? Do you encourage your members to go beyond the requirement to provide reasonable adjustments? Do you have any

examples of good practice to share with the committee?

Niall Stuart: As we have already discussed, we have done a lot of work with the DRC and we mail our members and put updates in our newsletters to try to make them aware of where they can get advice and support.

Any business that decides that minimal compliance with the Disability Discrimination Act 1995 will be adequate is being short-sighted. As Andy Willox said, the law is very much open to interpretation. What counts as a reasonable adjustment will, ultimately, be decided in the courts, which is why we would always push our members to err on the side of caution if they are unsure about what a reasonable adjustment is. That would ensure that they do not end up in court or involved in a disciplinary procedure that might be brought by a disabled employee or applicant.

Andy Willox: About a year ago, someone asked me, "Why wasn't I told about this Disability Discrimination Act 1995 thing?" He was a member and had probably simply not looked at the website or taken the brochures out of the plastic. Since the late 1990s, around 20 or so of our newsletters, particularly those that were published in the run-up to last year, contained something about the DDA. The edition of our magazine that came out yesterday had nothing about the DDA in it, but it had a bit about the free online ACAS learning course for bullying and harassment. Put together, our magazines are like an encyclopaedia. They might not be bed-time reading but they contain important information for our members. We try to keep it short and use bullet points as we try to raise awareness of the issues among our members. We expect that our members will be better informed about these issues than other businesses will be, but, especially in rural areas, the information rolls out to other local businesses, trade organisations and so on.

Paul Newman: Having knocked the public sector slightly, I will now give some examples of good practice in the Scottish public sector. I do not know whether you are aware of the good work that North Lanarkshire is doing to support people with learning disabilities and mental health problems in terms of vocational profiling, coaching and so on. Strathclyde police has also addressed the issue of employing people with disabilities. It has been running a programme with Jobcentre Plus or the Wise Group, which has resulted in people getting jobs with the police.

Another example of good practice relates to retention. People always think about recruitment and forget about retention. A number of police forces worked out how much it was costing them to retire officers medically rather than redeploy them. One non-Scottish police authority

discovered that it was spending £30 million a year on medical and early retirements. It was able to save just about all that through an effective redeployment programme, which allowed it to fund a rehabilitation facility. It would not have been able to fund such a facility before and decided to do so only because it became aware of the benefits of retaining people with enormous experience and of not having to recruit and train people to do those jobs.

Roger Horam: Andy Willox made the point that membership organisations can get through only to their members. We have done some work on the issue—there are about 29 membership organisations for employers in Scotland plus some sectoral ones. We also have Scottish Enterprise, which, through programmes such as the business gateway, works with many businesses, but only a proportion of them. The issue is how we get information to everybody. We must rely on every organisation taking its share of that work. We also have organisations that split, such as the Scottish Chambers of Commerce, which is an umbrella organisation within which each chamber works autonomously. That is different from the FSB, which is more Scotland-wide and which gives out information to its members. The fact that we have a real mishmash of organisations is difficult. I suppose that I include my organisation among those that are not operating as well as they could do, although some chambers operate very well.

The onus should fall much more on the public sector and organisations such as Scottish Enterprise, which work with businesses day in, day out, to try to help economic development. The disability issue fits within that, but the work must be for everybody, not just for some people.

Andy Willox: As a business organisation, supporting disabled people is a journey that we are on; it is not something that we have to do and then leave. In the United Kingdom, we recruited more than 36,000 new members last year, many of whom are self-employed, although they may start employing people down the line. We must constantly remind our members of their responsibilities. Self-employed people or family businesses in which two or three family members work may start employing other people. We are on a journey. We can use only the tools that we have, but we will use them.

Elaine Smith: I want to tie together some of what has been said so far. In the evidence that we have had throughout our inquiry and in our consultation exercises, we have heard that disabled people want a seamless transition between school, college or university and employment, and that people's experience is that that is not being achieved. Do you have any ideas on how that could be achieved and on how

organisations such as the FSB could assist their members to achieve it?

Andy Willox: Along with many of my colleagues, I employ a lot of people from school. To leave the disability issue aside for a minute, I interview many people who have not been to school or who have been at school one day a week during secondary 2 and S3. If that problem was sorted out, the disability part of what you ask would sort itself out. The problem is more general than just the seamless transition to work for disabled people. There is a secondary education issue that does not help us when we try to find people at the unskilled or lower skilled end and get them into work.

Elaine Smith: That is interesting.

Frances Curran: We are stunned by that. How do people get access to you to be interviewed or considered for a job? Is it through Jobcentre Plus?

Andy Willox: It is normally through the Jobcentre and the new deal. We constantly employ through the Jobcentre. Many small businesses, especially in the property maintenance sector, are constantly looking for people.

Frances Curran: Have they usually been through a preparation for work course before that? Sorry, I know that we should be discussing disability.

Andy Willox: To move away from the disability issue, there is a more general problem. If it was sorted out, that would help to address the problem that I was asked about.

12:15

Howard McKenzie: I am probably in a reasonable position to say something about the issue that Andy Willox has raised, as we screen all our students for core skills. About a third of our students come from various different stages of the school-leaving process, but about 70 per cent of them do not have the core skills for which they are certificated. Different groups of school leavers have different issues—including behaviour, work ethic, attendance, core skills and reading and writing ability—depending on when they left the school system. The further up the system they are when they leave, the better. Students who have attended a preparation for work course in a college are considerably more employable. I notice that Andy Willox is nodding in agreement. That transition is difficult, but we are trying to tackle that.

On whether disabled people experience seamless transitions, I know that such transitions are difficult for them. For instance, when my daughter, who is dyslexic—I am dyslexic as well—

left school, her computer was taken away from her because it belonged to the school and she lost all her software. At university, she was given another computer, which the university got through the Student Awards Agency for Scotland. However, that computer arrived three months late. When she left university, she had to return the computer, so she would have had none of her notes from university had she not copied them. The whole process is far from seamless.

Such transitions could be made easier, especially for the disabled, if student funding and bursaries were linked to the individual institution or further education college, which could then link the funding to the individual student. To achieve a seamless transition, we need a transition process that is based on individuals rather than on mapping things out. The system needs to enable and support individuals by providing continuity of support throughout the process, including into employment.

Many of our students who are dyslexic take their computer support to work so that they can use all the mechanisms that they have in the workplace. At the end of the process, employers come back to us and say, "That was good. Can I have another one?" That is the sort of thing that we want. On numerous occasions, employers who have employed disabled students from my college have turned around and said to me, "That was good. Do you have any more?" They are surprised at how capable—I use that word intentionally—disabled people can be. To an extent, because disabled people have had to fight to overcome their disability, they can be more adaptable and have more core skills than other students.

As Andy Willox has mentioned, transitions are difficult, but the root cause of the difficulty is that our schools are not turning out people who are competitive. Students are entering a competitive world but they do not have the work ethic and skills to make the transition as smooth as it should be. If the student also has a disability, that just makes things much worse.

Elaine Smith: Is truancy a huge issue among the young people whom you employ? That question is particularly for Andy Willox.

Andy Willox: Truancy is obviously an issue, as the people whom I interview tell me quite openly what they have done during the previous six to 18 months. If my child was truanting, I would be worried about what they were doing during the other four days if they attended school only one day a week. We have tried to say this to all the right people for years now. We need people who have the right attitude and soft skills and who have reading and writing skills—or literacy and numeracy as they are called. Such skills seem to

be in short supply among many of the people we see when we are trying to recruit.

John Swinburne: In previous evidence sessions, the committee has heard that there is a perception that people with certain impairments find work more easily than others. In other words, employers are more willing to take on some disabled people than others. Will you comment on that perception?

Howard McKenzie: You are absolutely right. Employers have the perception that some disabilities are more disabling than others or that people with certain disabilities have less capability than others. However, the same idea holds true for issues other than disability. For example, employers might have certain perceptions or prejudices depending on whether the candidate is a man or a woman or is old or young. If they want an experienced solicitor, they might choose someone who is older rather than the youngest-looking person. Such perceptions are already present in our society.

As I said, your point is absolutely right. People who have disabilities that can be seen face the hardest journey. However, unseen disabilities are not generally understood. For example, if you tell employers that you are dyslexic, they think that you are thick. Indeed, because I had an unseen disability, my father died thinking that I was thick.

People with unseen disabilities might have a lighter load to bear than people with other disabilities. People with physical disabilities will find things more difficult, which is why certain public institutions must work together to try to change employers' perception that people in wheelchairs would be no good at or could not do a job. When I spent some of my life in a wheelchair, I found that people's attitudes towards me were completely different. I would dearly have loved to have got some of the jobs that I applied for—some of which were with local authorities, I might add—but I did not because I was in a wheelchair.

Niall Stuart: I have said a lot about small employers' inability to cope with the different needs associated with the variety of disabilities. However, John Swinburne is undoubtedly right to say that more visible disabilities provoke stronger reactions in employers, who immediately begin to think of all the problems that they might create.

I slightly disagree with one of Howard McKenzie's comments. What do employers look for when they seek to employ someone? If an applicant has a physical disability, employers might be able to adapt premises, work schedules or transport aspects to work around it. They know what problems they are dealing with. However, they do not like unpredictability. For example, small employers with four or five people struggle

to cope with an employee who has a mental health problem that is under control only some of the time and who might not be in next week, who might be off for a month or who might need to go to hospital.

Ms White: On the point about agencies such as Scottish Enterprise and so on, I believe that Elaine Smith mentioned the National Autistic Society. People with autism have great strengths such as the ability to concentrate. Would it help employers if such groups were able to explain to your organisations the various positive influences that that illness or disability—if you want to call it that—might have for your profession? Might that come under the one-stop shop idea?

Niall Stuart: As I have said all the way through this evidence session, there is no substitute for matching individuals with disabilities to vacancies and for approaching employers directly. The organisations that you have mentioned could speak to Andy Willox or me; however, we would still have the job of speaking to our members about the matter. It would be far more effective to concentrate on employers who want to recruit people and who have vacancies that are suitable.

Paul Newman: That said, any remaining uncertainty can be minimised by having an expert organisation on hand to give help when it is needed. For example, I know of someone who, after employing an autistic person, put in place arrangements to take them home every day and so on. Everything was fine until, one day, the employee went berserk at a meeting because his routine had been knocked sideways. At that moment, the employer was able to consult an expert resource, who came up with a very practical solution to the problem. The small employer was still happy with the person's contribution.

We need people on the ground who are not bound to their offices, who know what the employer can do and who can provide support when it is needed. Such support might be required only once every six months, but it must be there. If it is not, the small employer will simply say that the matter is too difficult and stay away from it.

Niall Stuart: The most precious commodity for any small business is time. If it takes time to change the workplace and working practices, to contact people for advice and to chase up funding, that will ultimately influence the decisions that small business owners make. Time is a luxury for small businesses, as I know it is for members and their small offices. Things have to be made easy for employers, as they simply do not have the luxury of time to go around chasing different agencies for different kinds of advice and different pots of money.

Andy Willox: Alongside what John Swinburne asked about, there is sometimes a big difference between big and small businesses. I listened to some of the experts saying things about having a dedicated person on site. The health and safety person might have 100 things to do anyhow and so cannot be given the job, but for a small businessperson, all of that is their job. I sometimes listen to conversations and cannot think of any of our 19,000 members in Scotland who work in the relevant field. The effect on Standard Life, with its 800 employees, of having 400 employees off today would be the same as the effect on a small business with two employees of having one person off. Therefore, yes, the issue is more difficult, as is finding the expertise. If a business wants a new member to join a department that already has 50 people, that is a lot more simple than someone with three employees expanding their business to take on a fourth employee. There are different fears and challenges for small businesses.

John Swinburne: The Prime Minister's strategy unit report "Improving the life chances of disabled people" recommends that employers should lead a campaign of awareness to promote the benefits of employing disabled people. Do you know whether that recommendation is being implemented in Scotland? Are you involved in that? Incidentally, your submission comments on the fact that disabled people are more liable to come to their work and stay at their work and have less absenteeism than people without disabilities. I find that quite interesting.

Andy Willox: On your second point, because I have been in the position of employing people with disabilities, I can say that I think that you are right in one sense and neutral in another sense. Whoever you are talking about, they are subject to getting a cold, flu or something else, so I do not think that there is any difference there. However, what you say about disabled people's dedication to the job is true. There are differences health-wise and given different relaxations and things, but there is evidence on the ground of disabled people's dedication.

Howard McKenzie: Perhaps it is not about promoting awareness of the benefits, which is what we have been talking about. What employers are really after is the best worker, and perhaps we should be trying to tell them that that person might have a disability—rather than the other way round, if you see what I mean.

Frances Curran: I have a quick question, again about attitudes. What changes attitudes and what works? Do you have access to disability awareness training? I want to check that I heard correctly. I think that you said at the beginning of your evidence that the DDA was a problem for

attitudes and people who are already in the workplace—it is a negative influence rather than a positive influence.

Howard McKenzie: I believe that, overall, the DDA has not had as positive an influence as it was designed to have. It has made people concentrate on and look a lot harder at disability issues, which is partly what it was designed to do. However, they have looked and have said, "Oh—we've got to make reasonable adjustments. What's reasonable? I don't know. Oh dear." As Niall Stuart just said, time is the commodity that we are all trading in. In some cases, that has probably made people lose employment. Rather than make the reasonable adjustment, their employers have pushed them out of employment.

Frances Curran: Will that change in the longer term? The DDA has been brought to people's awareness only in the past year.

Howard McKenzie: Yes. I used to take my grandmother to the supermarket in 1960 or 1970-ish—early in the latter half of the 20th century—and they would not let her in because she was in a wheelchair. That attitude would be inconceivable now, yet that was only 10 years ago—sorry, maths is not my strong point. In the long term, the effect of the DDA will be different. When I first came into further education, apart from people in wheelchairs—the physically disabled—it was rare to find disabled people. Now it is common. Twelve per cent of my students have some sort of declared disability. If we go back four years, it was only 8 per cent. The DDA is having an effect, but it is also having side effects that we did not really expect.

12:30

Marilyn Livingstone: We were talking about seamless progression. One issue that has been raised with us is that of the barriers that people face getting from college into work. In some of the evidence, the revolving door—one course leading to another and another—has been mentioned. One of the barriers was work experience, which many people said was a prerequisite for employment but which they could not get in the first place. How can your organisations help to provide the work experience that is necessary? On a similar note, when recruiting, is the interview process the best way to assess what a disabled person can give an organisation? It was suggested to us in evidence that giving people a trial period of employment would be a better way of demonstrating their skills for the job.

Niall Stuart: A big part of what we are talking about here is risk. It is a risk for a disabled person who is on incapacity benefit, and all the benefits that go with that, to go into work. Equally, many

employers feel that it is a bit of a risk to take on someone who has been out of work for three or four years, who perhaps does not have exactly the qualifications that they are looking for and who has a disability. If we can create some sort of supported placement or work experience, that would take away a bit of the risk for the person who is coming off benefit and for the employer. It is a great idea, but it comes back to what I have talked about before. How can that be done within the time constraints that face a typical small business? A person who is on placement has to be productive very quickly for the placement to provide something for the business.

We are not necessarily the best people to broker such supported placements. Jobcentre Plus, the colleges and all the commercial agencies that are involved in welfare to work on behalf of the DWP have links with local businesses. They know where the vacancies are and which employers are likely to take people on. You are right: for an employer, work placements are a far more comprehensive way of assessing someone's abilities, their character, the way they get on with their workmates and their aptitude for the job—all that aside from their disability. However, how can work placements be fitted into the time constraints that face a small business?

Roger Horam: Work placement is one of the big issues for both disabled and able-bodied people. Schools and further education institutions struggle to get work placements for people. Research that we did showed that 96 per cent of businesses said that work placements are a great thing and that they believed that they helped to make people more employable and to move them along. However, only one in three businesses was prepared to consider offering them. There is a dichotomy there. That is a difficulty in the first instance, whether or not we are working with disabled people.

I disagree slightly with Niall Stuart about who should be setting up work placements. Further education colleges do not have links to as many businesses as they would like to have; therefore employer organisations, Jobcentre Plus, Scottish Enterprise and so on are the right bodies to set them up.

I have spoken with a lot of agencies about changing the recruitment process from an interview-based process to one based on trial work periods. A lot of people believe that, if you get the wrong person in place, all you are doing is delaying the decision-making process, and that you could have found that out by interviewing them. A lot of agencies that work with disabled people are not in favour of such schemes, so I would probably be against them as well.

Howard McKenzie: I shall talk first of all about work experience. I have regular meetings with head teachers, and they find that the cumulative effect of child protection legislation, health and safety legislation and employers liability insurance can make it difficult for young people who want to take part in work experience schemes to do so. In the case of employers liability insurance, the problem of adding someone who is undergoing training on to the insurance policy of a small business can make a work placement a daunting prospect.

I disagree with Roger Horam about colleges not having the necessary links. During the course of a year, the Edinburgh colleges deal with around two thirds of all businesses registered in the Edinburgh area in one way or another. We do not have any problem getting work placements, because the market for labour in Edinburgh is so tight that employers are keen to have trial work placements so that they can see whether they want to take a person on. In fact, our problem is that they nick people and employ them, which means that they do not finish their courses. That upsets our performance indicators, so I now make a contract with employers to ensure that they allow the person to complete their course before they employ them full time. I have to say that the number of people whom we send out to work placements and who end up working for those employers is extremely high—somewhere between 70 and 80 per cent. It is a useful way for employers to find staff.

That brings me on to my second point. If employers find that work placements are a good idea, because it enables them to test out a young person—or an older person—in employment, the same must also be true for disabled people. It is a tool that should be used fairly carefully—we would have to be careful about which employers we placed people with and ensure that they were aware of how to deal with the situation—but I do not think that it could do any harm. I do not think that there is any one solution. One of the things that has come over in this morning's evidence is the complexity of the process. There is not just one solution; there are probably myriad solutions, but if we can focus them in one direction we could actually get some of that reserve army back into the labour force, and good workers are what the employers really want.

Andy Willox: I am not surprised that the figure that Howard McKenzie gave is quite high, because there is a shortage of workers. Colleges and universities need to raise awareness about people being able to go out on work placements. By the time businesses find out about such schemes, given the complexity of the insurance issues, the students are normally all gone and an employer cannot find anyone. It is a reasonably popular

route into employment. The problem is not unlike the chicken-and-egg situation at graduate level, where students have qualifications but no work experience and therefore find themselves in difficulty. Some businesses will go down that route and others will not, but most routes should be tried and simplified.

Paul Newman: We have a fair bit of evidence that suggests that job trials can be a good way of supporting disabled people into work. We also have some experience of companies that have the job trial as part of the assessment of the individual. One person who had been through a job trial then had an interview, because the employer had to interview everybody, but got every single question wrong. She would not have been employed by that employer based solely on the interview, but the line manager who had worked with her during the job trial said, "No, I want her working for me." She is still working there and doing a fantastic job. We have to be a bit sceptical about interviews, but basically they are the only show in town for most employers' selection processes.

Marilyn Livingstone: I was interested in Paul Newman's answer to an earlier question on a disabled person's career progression once they have got into a job. The committee has taken evidence around the country, from the Highlands and Islands to the Borders. We have heard anecdotal evidence about the difficulty that disabled people have in progressing their careers beyond entry-level jobs. Young people in particular told us that they could not see how their careers would advance, although Paul Newman said that that was not his experience.

Paul Newman: Data based on the labour force survey say that disabled people are represented in the workforce at every level. That is not to say that there are not some disabled people who find that their careers have been blocked for no good reason. They may feel that their careers have been blocked because they have a disability—which may be the case.

Five years ago, I oversaw a quite extraordinary project with British Gas in which it recruited at the one time 34 disabled people in the north-west of England. We decided to find out where those disabled people are now, whether they had been retained by British Gas and, if they had not been retained, whether they are still in employment. We discovered that 70 per cent of them are still in employment and that about half of them are still with British Gas. When we asked why the others had left, we were told anecdotally that some of them had left because of changes in the organisation. However, others found that, having been unemployed for a long time, once they had got on to the basic rung of employment they could progress their careers. If they did not progress

them with British Gas, they progressed them with another organisation.

Nevertheless, there may be an issue with the younger entry-grade recruits around the qualifications that an organisation requires for someone to progress and which the young people may or may not have.

Andy Willox: I had a physically disabled manager who did an excellent job for me for about 12 years until she left last year. I also had a disabled employee who left to become my main competitor in business for quite some time—it must have been something in our training. Every month, I sit on a committee of eight, of whom two are disabled. Tomorrow, I will be in London for the FSB national council, and about five of the people at the table are disabled. Many disabled people have moved into their own businesses.

I have no experience of big companies, so I do not know how they work. Perhaps it is good to stay on in them for the pensions and so on. I know from my own experience that people with some types of disability have moved on and done very well in their own businesses and in several of the businesses with which I am involved.

Marilyn Livingstone: Our previous panel mentioned the positive about employing disabled people, or two ticks, scheme. You will have noticed that the scheme has been criticised in evidence that we have received. The Prime Minister's strategy unit's report, "Improving the life chances of disabled people", recommends that the scheme be reviewed. What are your views on the success or otherwise of the scheme? Should employers have other incentives to employ disabled people? If so, what should those incentives be?

12:45

Niall Stuart: I have worked for an employer representative organisation for the past three years and only when I prepared to give evidence to the committee did I learn what the two ticks symbol meant. I do not think that smaller businesses out there have much awareness of the two ticks symbol and its meaning.

I return to what I have said throughout the session. The most powerful incentive for a small employer to take on someone who is disabled is the thought that they will take on a member of staff who will contribute to their business and to its growth. There are awards for everything and I am cynical about how powerful an incentive they provide. The most powerful incentive is the idea that an employer will recruit someone who will fit in with the team that they have built up and help them to grow their business.

I had a quick look over "Improving the life chances of disabled people". It talks about matters that are big business orientated, such as investors in people status or having a champion in the workplace. Such measures work in big businesses but do not tend to work as well in smaller businesses.

Andy Willox: I agree with Niall Stuart. We must make easier a seamless transition from school, college or any organisation. However, the employer and the jobs must be there. When I did a piece with the former Minister for Disabled People at the Edinburgh International Conference Centre, I was amazed that only a handful of about 800 attendees were businesspeople. All the organisations said that it was difficult to get people into jobs, but their main aim did not seem to be going out and finding someone.

Several of my colleagues to whom I have spoken in the past couple of days employ people who they do not think are registered as disabled but who have learning difficulties or other difficulties, and those people work well. I spoke to two businesses that said that those people work well in teams. Someone who perhaps cannot read well, do their time sheets or do risk assessments does great work in a pair. An employer takes pleasure in seeing someone who is progressing and is happy in their job. The answer to John Swinburne's question is that people with whatever level of disability—whether it is 1 per cent or 99 per cent—are sometimes happier in their job than people who do not want to get out of bed in the morning.

Howard McKenzie: I asked the IOD what its policy on the two ticks scheme was, but it did not know what the scheme was. That supports what Niall Stuart said.

My college thought that it might go for the two ticks scheme as part of its equality and diversity strategy. We held a focus group with disabled students, who told us that they would not apply to an employer that was under the two ticks scheme, because they felt in general that it meant that they would be patronised. I cannot comment on whether that is right or wrong, but that is the perception.

We felt that the scheme would add nothing. If the perspective is that we want the best person for the job and that we do not care whether they are disabled, black, female, old, young or whatever, it is better to instil that idea than to use the two ticks scheme. The scheme needs reviewed. Somebody asked whether all the agencies and schemes are doing the job. The committee has the statistics, which show that they are not really doing the job, are they? We will obviously have to change things.

Paul Newman: Of the five requirements that are placed on an employer that signs up for the two ticks scheme, at least three simply say, "I obey the law"—they are DDA requirements. The only one that is not a legal requirement is the guaranteed interview. On that basis alone, the scheme needs reviewing.

The only strong argument that I have heard for the two ticks system is that it has enabled disability employment advisers to go out and talk to employers. Perhaps they should look for another reason to talk to employers, such as helping them to fill their vacancies. The scheme is probably past its sell-by date and needs to be replaced by something else. The forum has recently created a standard with 80 of its members, but that has a large-organisation orientation.

Roger Horham: The point came out in the previous session about people only paying lip service to the issue, and the approach is not working if they only tick boxes. The strategy must be reviewed and it must be workable.

The Deputy Convener: Perhaps the scheme does not have the right attitude anyway. The diversion of resources to more individual-centred, grass-roots work would perhaps be more effective. That is part of what is coming across from the evidence that we have heard.

I thank you all very much for the time that you have given to the committee this morning and for your evidence. It has given us a lot of good and useful pointers for how to move forward in our inquiry. Does anyone want to make a final comment or pick up on anything that you expected to be asked about but were not? Do you have anything to add, Roger?

Roger Horam: No.

Howard McKenzie: I hope that employers learn to understand that people with disabilities provide a great asset pool that they should start dipping into.

Niall Stuart: I cannot remember who it was, but one of the committee members was cut off when they were asking about attitudes. To me, that is the key. We can change the structure of a building, for example, but long-term changes require people's attitudes and perceptions to change. They will need to change for the barriers to work to be unlocked. I do not want to seem complacent, but that will inevitably take time, if we are being realistic. I do not think that we can change attitudes either by giving employers awards or two ticks for their application forms, or by selling the benefits of employing disabled people; we do it by selling the benefits of employing an individual to work in their workplace.

Andy Willox: I got some warm comfort from the conversations this morning because I thought that small business had all the challenges. While I am in the position that I am in just now and while I am in business, I will ensure that I work very hard to keep the policy going. I have heard this morning of the problems in the banks and local authorities and on shop floors and so on. I thought that they were the people who would have had everything sorted out in the disability area. We have felt a little embarrassed at being the ones who do not do training or this or that. However, I am warmly surprised to find that we are moving well in comparison, although we have an awful lot to do. The only experience that I, as a small businessman, recognised this morning was that on the Isle of Lewis, where we have 240 members. Everything else concerned the big stuff and I am surprised that they are having problems because I thought that it was us in the smaller sectors who were having the problems.

We have a long way to go, but I appreciate being here today and what I have learned—thank you.

Paul Newman: I thank the committee for its attention. I suppose a system that works is more important than a campaign.

The Deputy Convener: That is a good thought to end on. Again, I thank you all very much. Time is a valuable commodity and we appreciate your giving your time to us this morning.

Correspondence

12:53

The Deputy Convener: The final item on the agenda is correspondence. We have had a letter from the Equal Opportunities Commission, with a copy of its submission to the Department of Trade and Industry consultation, “Advancing equality for men and women: Government proposals to introduce a public sector duty to promote gender equality”. Do members have any comments on the EOC paper?

Elaine Smith: The paper raises important points. Obviously, the EOC will submit it to the Department of Trade and Industry’s consultation. Members might want to comment on particular issues to which the paper refers, such as equal pay, which is obviously a current concern in Scotland. The paper raises other issues. For example, the EOC says that it wants Scottish ministers to set targets and report progress in relation to the sectors that they lead, rather than just their own departments. That is important and it could tie up with the procurement issues that we were talking about earlier this morning in relation to a different subject. All those issues are very important. Do we have time to raise them with the Scottish Executive and ask it to respond in the first instance, before deciding whether we, as a committee, would like to submit a response to the consultation?

The Deputy Convener: The difficulty is that there is not time to do that, because the consultation closes at the end of this month. We can consider what the EOC has said, but what is coming out of this is what the Scottish ministers will have to do on the back of it. We have a locus to scrutinise what the Scottish ministers are doing, so perhaps we would be more use in scrutinising after the event than in making a submission as a committee. I would be nervous about making a submission on something on which we have not taken evidence; the submission would be based only on our opinions.

Elaine Smith: It is important to raise the issues with the Scottish Executive at this stage, rather than wait until the consultation result is a fait accompli and then say that we have some concerns.

The Deputy Convener: Perhaps we could do that by writing to the Scottish ministers, flagging up the issues that have been raised and asking for a response from them about how they propose to take the matter forward. Do committee members think that that would be the right way to take it on?

Ms White: I would be happy with that. I was going to raise issues that Elaine Smith has raised.

I was concerned about signing the correspondence off without raising those points. I am happy to support your proposal.

Frances Curran: I have no problem with the Equal Opportunities Commission's submission—it is good—but there is not enough Scottish information. The convener suggests that we raise the issues with the Scottish ministers; why not ask them to suppose what would have changed on equal pay in Scotland if the proposed duty to promote gender equality was already in place? I do not have much confidence that a simple duty to promote equality is enough if it is not statutory. Equal pay is the biggest issue on the gender equality agenda and it is an issue in local authorities throughout the country. I am frustrated that the Equal Opportunities Committee has been sitting impotent and the Scottish ministers are refusing to comment. They are washing their hands of it, including the funding for equal pay.

I would like to write to the Scottish ministers to ask them what their views are on the equal pay settlement for women workers and how that fits into equality proofing the budget. The committee should write to the Scottish ministers asking those specific questions—perhaps we should also ask the Equal Opportunities Commission. We should also ask what the Scottish ministers' response would be to the equal pay issue that we face at the moment, assuming that the duty was in place. The Scottish ministers will not have thought of that yet.

I do not want to vote for another load of paper. We need action and, at the moment, the Scottish ministers are inactive on the issue.

The Deputy Convener: We could write to the Scottish ministers and ask them to inform us what their actions would be in response to the duty. That would give us the opportunity to cross-examine them on the issue that you highlight. We should take a more general approach in the first instance and follow it up with more detailed questioning and scrutiny on the back of whatever their response is.

Frances Curran: Do any other members think that the committee should do something on the equal pay settlement that has been debated and discussed and that will be implemented in three months—well, councils are attempting to implement it—or should we sit here and watch it unfold? The Scottish ministers have access to part of the funding settlement for equal pay, but Tom McCabe has said that it is nothing to do with him and everything to do with the Convention of Scottish Local Authorities. I do not accept that argument, because the Scottish Executive has some responsibility on gender equality. We are the Equal Opportunities Committee and perhaps there is a case for us to write and question ministers on that. I do not know what other members think.

13:00

Ms White: I would like to do something about the issue, but we are not holding an inquiry into it. I am not saying that we should not be looking into it but, as the deputy convener said, it is a question of the timescale. I do not think that it is within the committee's remit to pick out a single issue such as equal pay just because it happens to have arisen now. Every MSP has the opportunity to question ministers on the matter, to lodge written questions or motions.

I agree with Frances Curran—I think that the Westminster Government should pay for the settlement because it introduced the legislation on equal pay. I do not think that local government should have to find the money from council tax payers. However, I do not think that it is within the committee's remit to pick out that particular issue. MSPs have the opportunity to lodge questions and motions and try to get it debated in the Parliament, but I do not think that the committee can raise the matter because we are not holding an inquiry or taking evidence from witnesses.

Marilyn Livingstone: We all have concerns around the equal pay agenda, but the Equal Opportunities Commission's letter also contains other, equally valid concerns. We should write to the Executive, as Elaine Smith and the deputy convener suggested, because that will allow us to find out the Executive's views. We should not isolate the issue of equal pay. To do the Equal Opportunities Commission's letter justice, we should write a broad-based letter, as has been suggested.

John Swinburne: This is the most agist document I have ever read in my life. It makes 113 points but we have to read as far as point 74 before we get to the most relevant point for my generation. In passing, it states:

"Currently women's retirement income is just over half (57%) of men's."

As members will remember, that is due to the small stamp issue. Because women wanted to take home a few pounds more in their pay packet, employers conned them into not paying the big stamp and, in later life, they find that they are totally disadvantaged. I deplore the Government putting out a document like this because it makes no mention of the fact that women in retirement get 50 per cent of their husband's pension.

Marilyn Livingstone: It is not the Government's document.

The Deputy Convener: The document is the Equal Opportunities Commission's response to the DTI.

John Swinburne: It is condoning the fact that women are being severely disadvantaged. We talk

about equality for women, but this is a basic thing. By the way, the Equal Opportunities Commission is a quango. Am I right? It does not even have a gender balance. There are 11 women and 4 men. I do not object to that, because the women have issues that should be pushed forward more than male issues, but if we checked out every quango in the country—there are about 38 of them—we would find a gender imbalance. I was at a health board meeting about an important issue and there were 11 men and 1 woman on the panel. The Government in Scotland should be able to enforce a better balance, surely. To try to put tripe like this forward as an acceptable document for the Parliament is absolutely out of order, because 20 to 25 per cent of the people are not even considered. The pensioners are not considered.

I could go on and on, but basically there is no way that we should condone anything like this document going out in our name. If it goes out in the majority's name, I will add a personal opinion at the end.

The Deputy Convener: I clarify that the document in front of us has been prepared by the Equal Opportunities Commission as its submission to a Government consultation, so—

John Swinburne: It is responding to—

The Deputy Convener: The document has been sent to us for our interest and comment.

John Swinburne: That is my comment. The consultation is called "Advancing equality for men and women: Government proposals to introduce a public sector duty to promote gender equality", but the Government is not promoting gender equality. It is getting the Equal Opportunities Commission to try to—ach. I never read anything as imbalanced and irrational in my life.

Elaine Smith: I think that we might all be reading different things, convener.

John Swinburne: I read the thing three times and I can assure you that it is totally agist.

Elaine Smith: I am sorry. I am a bit lost.

I accept what Frances Curran said, but I suggest that we send a letter to the Scottish Executive, as has been proposed. There is an opportunity to examine other issues as part of our work programme, but it is for members to bid for that and raise those issues. If we send the letter in the first instance, we can see what the response is and develop things from there. I accept that the committee would probably not want to put in its own response to the consultation.

The Deputy Convener: I do not think that we can do that because we have not taken any evidence on which to base such a response. Our locus is to scrutinise how the Scottish Executive

implements what comes out of the process. I think that, to get the ball rolling, it is appropriate for the committee to write to the Scottish Executive and invite the Scottish ministers to inform us how they propose to react to what emerges. Are members happy to do that?

Members indicated agreement.

Meeting closed at 13:07.

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