

**COUNCIL OF EUROPE**

**THE EUROPEAN SOCIAL CHARTER**

**UNITED KINGDOM'S TWENTY SIXTH REPORT**

**MARCH 2006**

## **Article 2, Paragraph 2**

### **United Kingdom**

#### **QUESTION A**

1. The position remains as previously described.

#### **QUESTIONS B - C**

2. The position remains as previously described, with the following additional comments.
3. At present, everyone covered by the UK's Working Time Regulations, whether full time or part time, is entitled to 4 weeks' paid annual leave – a person working a 5-day week is entitled to 20 days leave. Most full time employees now receive 20 days or more paid leave (not counting bank holidays) and the same is true for those working part time who receive an equivalent, pro rata, entitlement.
4. The UK Government is committed to extending the current, statutory entitlement to 4 weeks' annual leave, making it additional to time equivalent to bank (and public) holidays - again on a pro rata for those working part time. As a first step the Government has proposed a power in the recently introduced Work and Families Bill<sup>1</sup> that would allow this commitment to be put into effect. The Committee's attention is drawn to Clause 13 of the Bill that covers Annual Leave aspects.
5. Preliminary analysis shows that the sectors most likely to be affected by this change include hotels and restaurants and retail and leisure industries. Further analysis into the impact on different sectors will need to be carried out as there are varying contractual arrangements for staff that work on bank holidays.\_

### **Northern Ireland**

6. In Northern Ireland the Management of Health and Safety at Work Regulations (Northern Ireland) 1992 have been consolidated as the Management of Health and Safety at Work Regulations (Northern Ireland) 2000 No. 388<sup>2</sup>.

### **Isle of Man**

#### **QUESTION A**

7. Practice in the Isle of Man in respect of public holidays is generally consistent with that in the UK, except that there are some additional local holidays. There are normally ten public holidays, observed by banks and most businesses and services.

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<sup>1</sup> <http://www.publications.parliament.uk/pa/cm200506/cmbills/060/06060.i-ii.html>

<sup>2</sup> [www.opsi.gov.uk/sr/sr2000/20000388.htm](http://www.opsi.gov.uk/sr/sr2000/20000388.htm)

**QUESTION B**

8. No rules apply to either entitlement to public holidays or to pay for public holidays. However, practice in the Isle of Man in respect of payment for public holidays is generally consistent with that in the UK.

9. The only rules that apply regarding daily and weekly working hours are limits in respect of shop workers' hours. These do not have an impact on rules pertaining to public holidays with pay.

**QUESTION C**

10. There has been no change and the position remains as previously described.

## **Article 2, Paragraph 3**

### **United Kingdom**

11. The UK's previous Report explained that the Working Time Regulations 1998 were to be amended so as to extend coverage to the 10% of UK workers who were not covered at the time. The Working Time (Amendment) Regulations 2003 SI No 1684<sup>3</sup> duly extended the scope of the Regulations, with effect from August 2003, to cover all non mobile workers in road, sea, inland waterways and lake transport, all workers in the railway and offshore sectors and all workers in aviation, who are not covered by the sectoral Aviation Directive. Additionally, the Committee may wish to note that, from 1 August 2004, junior doctors are also now included.

#### **QUESTION A**

***In Its Conclusions XVI-2, the Committee again requests information on the situation of seasonal workers, temporary workers and workers on fixed-term contracts.***

12. The Working Time Regulations 1998<sup>4</sup> implementing the Working Time Directive (2003/88/EC) ensure that workers are entitled to a minimum of 4 weeks' paid annual leave. This includes seasonal workers, temporary workers and workers on fixed-term contracts who are entitled to exactly the same rights as permanent employees.

#### **QUESTIONS B - E**

13. The position remains as previously described.

***The Committee asks whether workers are entitled to take holidays "lost" due to illness or accident at another time so as to ensure that they benefit from at least two weeks annual holiday.***

14. When a worker falls ill or suffers an accident during a period of holiday or leave it is a contractual matter, between employer and employee, whether or not the worker receives an entitlement to take the holiday considered "lost". The Government does not have detailed information about whether the majority of workers receive this as an entitlement.

### **Isle of Man**

#### **QUESTION A**

15. Entitlement to holidays is agreed between employers and employees both by collective agreements and other forms of agreement. Whilst no specific studies have been carried out regarding the length of annual holidays on the Isle of Man, the overall pattern of entitlement to holidays is broadly similar to that in the UK.

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<sup>3</sup> <http://www.opsi.gov.uk/si/si2003/20031684.htm>

<sup>4</sup> Separate legislation deals with specific sectors such as civil aviation and sea fishers

16. The Employment Bill 2005 is presently in the Legislative Branches. The Bill contains enabling powers for the Department of Trade and Industry to bring forward Regulations providing for all workers to have a right to four weeks paid annual leave.

**QUESTION B**

17. This is presently a matter of contract.

**QUESTION C**

18. This is presently a matter of contract.

**QUESTION D**

19. No information on this is available.

**QUESTION E**

20. No information on this is available.

## **Article 2, Paragraph 4**

### **QUESTIONS A – C**

#### **United Kingdom**

***In its Conclusions XVI-2, the Committee finds that the situation in the United Kingdom is not in conformity with Article 2, Paragraph 4 of the Charter as there is no provision in legislation for reduced working hours or additional holidays for workers in dangerous or unhealthy occupations coupled with the fact that no evidence is given demonstrating that such measures are provided by collective agreement or by other means.***

21. There is no significant change from the previous report, except that the Management of Health and Safety at Work Regulations 1992 have been consolidated as the Management of Health and Safety at Work Regulations 1999 SI No. 3242<sup>5</sup>.

22. As explained above, in respect of Article 2, paragraph 3, the scope of the Working Time Regulations has been extended to cover all employees and currently apply across all sectors of industry and business, with the exception of the Armed Forces. In law employers have a general duty to ensure the health, safety and welfare at work of all employees<sup>6</sup>. Health and safety law<sup>7</sup> requires employers to carry out risk assessments as far as the health and safety of their employees is concerned. This is a general requirement and there is, therefore, no specific or exhaustive list of industries to which it applies. All industries are covered, including those that involve particular health and safety hazards and risks.

23. Apart from complying with working time requirements, employers must fulfil legal health and safety responsibilities for the health and safety of employees. Occupational hazards and any consequent risks should therefore be identified by the risk assessment. The risks need to be controlled in order for the employer to comply with the general duties under health and safety law. The relationship between working hours and the nature of the work, such as its mental and physical demands, are factors that have to be taken into account in the risk assessment. As a consequence, employees undertaking work requiring high levels of concentration, particularly of a safety critical nature, can work fewer hours or take more breaks than other workers. The Government remains of the view that this risk-based approach, which is entirely consistent with the principles of the EC Framework Directive<sup>8</sup> that applies to all EU Member States, remains the correct one.

#### **Isle of Man**

24. There are no occupations in the Isle of Man, such as deep mining, asbestos manufacture or chemical processing operations, that the Health and Safety Inspectorate would categorise as being particularly dangerous.

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<sup>5</sup> [www.opsi.gov.uk/si/si1999/19993242.htm](http://www.opsi.gov.uk/si/si1999/19993242.htm)

<sup>6</sup> The Health and Safety at Work etc. Act 1974 Section 2

<sup>7</sup> The Management of Health and Safety at Work Regulations 1992

<sup>8</sup> EC Directive on the introduction of measures to encourage improvements in the safety and health of workers at work (89/391/EEC)

## **Article 2, Paragraph 5**

### **QUESTION A**

#### **United Kingdom**

### **QUESTION A**

***The Committee asks for an explanation of the circumstances under which it may be possible to work more than twelve consecutive days.***

25. It may be possible to work more than 12 consecutive days, but only in specified circumstances. The Working Time Regulations (and the Working Time Directive) permit weekly rest periods to be deferred in the following cases, provided the worker is entitled to a period of compensatory rest to make up for the rest he has missed, where:

- a worker works far away from where he or she lives (this includes offshore work). Or he or she constantly has to work in different locations, making a set pattern of work difficult to achieve; or
- the work involves security or surveillance to protect property or individuals; or
- the job requires round-the-clock staffing as in hospitals, residential institutions, prisons, media production companies, public utilities, and in the case of workers concerned with the carriage of passengers on regular urban transport services or in industries where work cannot be interrupted on technical grounds; or
- there are busy peak periods, such as may apply seasonally in agriculture, retail, tourism and postal services; or
- an emergency occurs or something unusual and unforeseen happens; or
- where the work involves rail transport and the activities are intermittent; with working time spent on board trains or the activities are linked to transport timetables and to ensuring the continuity and regularity of traffic.

In exceptional circumstances, where it is not possible to grant such a period of compensatory rest, adequate protection should be granted.

***The Committee requested up-dated information on the extent of Sunday work.***

26. Information on persons who usually work on a Sunday is collated annually, in the Spring of each year, and is as follows:

Table 1

**Total number of people in Great Britain who normally work on a Sunday**

	Usually work on Sunday	Total in employment	Total Working Age Population	% of all in employment	% of total working age population
Spring 2001	2,988,509	25,908,204	34,755,378	11.5%	8.6%
Spring 2002	3,046,549	25,981,569	34,947,434	11.7%	8.7%
Spring 2003	3,075,557	26,174,772	35,092,583	11.8%	8.8%
Spring 2004	3,062,056	26,321,609	35,237,102	11.6%	8.7%

Source: Labour Force Survey,  
ONS

Note:

Only spring quarters are available for this variable. Spring covers the months March-May

### **Isle of Man**

#### **QUESTION A**

27. There is no legislation that provides for a weekly rest period. However, the practice in the Isle of Man is broadly similar that in the UK, in that most workers have a rest period on Saturday and Sunday, except workers in the retail and certain service sectors. Where workers have to work on Saturdays or Sundays they will often have a contractual right to take time off on one or more other days in the week.

#### **QUESTIONS B & C**

### **United Kingdom**

28. The position remains as previously described.

### **Isle of Man**

29. These matters are usually dealt with through collective or individual agreements between workers and employers. However, unemployment is very low in the Isle of Man which militates in favour of workers being able to secure favourable agreements.

30. The proportion of workers not covered by such provisions is not known.

31. There are presently no special rules for atypical workers. However, the Employment Bill 2005, which is presently in the Legislative Branches, contains enabling powers for regulations to provide for part-time workers and limited-term employees to be treated no less favourably than full-time workers and permanent employees respectively.



## **Article 3, Paragraph 1**

### **QUESTION A**

#### **Great Britain**

1. The following new health and safety legislation has come into force during the reference period covered of the report:

Biocidal Products Regulations 2001 SI No.880 [www.opsi.gov.uk/si/si2001/20010880.htm](http://www.opsi.gov.uk/si/si2001/20010880.htm)

Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres (Amendment) Regulations 2001 SI No.3766 [www.opsi.gov.uk/si/si2001/20013766.htm](http://www.opsi.gov.uk/si/si2001/20013766.htm)

Health and Safety at Work etc Act 1974 (Application outside Great Britain) Order 2001 SI No. 2127 [www.opsi.gov.uk/si/si2001/20012127.htm](http://www.opsi.gov.uk/si/si2001/20012127.htm)

Notification of New Substances (Amendment) Regulations 2001 SI No. 1055  
[www.opsi.gov.uk/si/si2001/20011055.htm](http://www.opsi.gov.uk/si/si2001/20011055.htm)

Radiation (Emergency Preparedness and Public Information) Regulations 2001 SI No. 2975  
[www.opsi.gov.uk/si/si2001/20012975.htm](http://www.opsi.gov.uk/si/si2001/20012975.htm)

Railway Safety (Miscellaneous Amendments) Regulations 2001 SI No. 3291  
[www.opsi.gov.uk/si/si2001/20013291.htm](http://www.opsi.gov.uk/si/si2001/20013291.htm)

Chemicals (Hazard Information and Packaging for Supply) Regulations 2002 SI No. 1689  
[www.opsi.gov.uk/si/si2002/20021689.htm](http://www.opsi.gov.uk/si/si2002/20021689.htm)

Control of Lead at Work Regulations 2002 SI No. 2676  
[www.opsi.gov.uk/si/si2002/20022676.htm](http://www.opsi.gov.uk/si/si2002/20022676.htm)

Control of Substances Hazardous to Health Regulations 2002 SI No. 2677  
[www.opsi.gov.uk/si/si2002/20022677.htm](http://www.opsi.gov.uk/si/si2002/20022677.htm)

Dangerous Substances and Explosive Atmospheres Regulations 2002 SI No. 2776  
[www.opsi.gov.uk/si/si2002/20022776.htm](http://www.opsi.gov.uk/si/si2002/20022776.htm)

Genetically Modified Organisms (Contained Use) (Amendment) Regulations 2002 SI No. 63  
[www.opsi.gov.uk/si/si2002/20020063.htm](http://www.opsi.gov.uk/si/si2002/20020063.htm)

Health and Safety (Miscellaneous Amendments) Regulations 2002 SI No. 2174  
[www.opsi.gov.uk/si/si2002/20022174.htm](http://www.opsi.gov.uk/si/si2002/20022174.htm)

Health and Safety at Work etc Act 1974 (Application to Environmental Hazardous Substances) Regulations 2002 SI No. 282 [www.opsi.gov.uk/si/si2002/20020282.htm](http://www.opsi.gov.uk/si/si2002/20020282.htm)

Notification of Installations Handling Hazardous Substances (Amendment) Regulations 2002 SI NO. 2979 [www.opsi.gov.uk/si/si2002/20022979.htm](http://www.opsi.gov.uk/si/si2002/20022979.htm)

Notification of New Substances (Amendment) Regulations 2002 SI No. 2176  
[www.opsi.gov.uk/si/si2002/20022176.htm](http://www.opsi.gov.uk/si/si2002/20022176.htm)

Offshore Safety (Miscellaneous Amendments) Regulations 2002 SI No. 2175

[www.opsi.gov.uk/si/si2002/20022175.htm](http://www.opsi.gov.uk/si/si2002/20022175.htm)

Personal Protective Equipment Regulations 2002 SI No. 1144

[www.opsi.gov.uk/si/si2002/20021144.htm](http://www.opsi.gov.uk/si/si2002/20021144.htm)

Asbestos (Prohibitions) (Amendment) Regulations 2003 SI No. 1889

[www.opsi.gov.uk/si/si2003/20031889.htm](http://www.opsi.gov.uk/si/si2003/20031889.htm)

Biocidal Products (Amendment) Regulations 2003 SI NO. 429

[www.opsi.gov.uk/si/si2003/20030429.htm](http://www.opsi.gov.uk/si/si2003/20030429.htm)

Control of Substances Hazardous to Health (Amendment) Regulations 2003 SI No. 978

[www.opsi.gov.uk/si/si2003/20030978.htm](http://www.opsi.gov.uk/si/si2003/20030978.htm)

Management of Health and Safety at Work and Fire Precautions (Workplace) (Amendment) Regulations 2003 SI No. 2457 [www.opsi.gov.uk/si/si2003/20032457.htm](http://www.opsi.gov.uk/si/si2003/20032457.htm)

Pipelines Safety (Amendment) Regulations 2003 SI NO. 2563

[www.opsi.gov.uk/si/si2003/20032563.htm](http://www.opsi.gov.uk/si/si2003/20032563.htm)

Railways (Safety Case) (Amendment) Regulations 2003 SI No. 579

[www.opsi.gov.uk/si/si2003/20030579.htm](http://www.opsi.gov.uk/si/si2003/20030579.htm)

Control of Substances Hazardous to Health (Amendment) Regulations 2004 SI No. 3386

[www.opsi.gov.uk/si/si2004/20043386.htm](http://www.opsi.gov.uk/si/si2004/20043386.htm)

Export and Import of Dangerous Chemicals Regulations (EC) 304/2003<sup>9</sup>

***In its Conclusions XVI-2, the Committee asks about the measures used to ensure that temporary workers are afforded adequate protection.***

2. All employees, regardless of their employment status, are covered by the Management of Health and Safety at Work Regulations 1999. (The Management of Health and Safety at Work Regulations (NI) 2000 in Northern Ireland.) These Regulations place a legal duty on the employer to assess all risks and take measures to protect workers, including ensuring that they have the necessary information and instruction to be able to work without risk to their health and safety.

***The Committee asks also, in respect of the protection of domestic employees, about the scope and application in practice of contractual arrangements with the employer as well as via the tort of negligence and the Occupiers Liability Act 1957.***

3. The Occupiers' Liability Act 1957 applies the "common law" duty of care to the relationship between an occupier of any premises and anyone permitted to enter the premises which would of course include a domestic employee. The common duty of care is to "take such care as in all the circumstances of the case is reasonable to see that the visitor will be reasonably safe in using the premises for the purposes for which he is invited or permitted to be there".

4. A domestic employee would be able to claim compensation on the grounds that the employer had been negligent in failing to provide safe and healthy conditions of work. A damages claim could include a claim for compensation for pain and suffering as well as

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<sup>9</sup>[http://europa.eu.int/smartapi/cgi/sga\\_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=EN&numdoc=32003R0304&model=guicheti](http://europa.eu.int/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=EN&numdoc=32003R0304&model=guicheti)

economic losses. This claim could be made for breach of statutory duty under the Occupiers' Liability Act 1957. This applies equally to Northern Ireland under the Occupiers' Liability Act (Northern Ireland) 1957<sup>10</sup>

### **Isle of Man**

5. The following Regulations have been introduced, during the reference period, to contribute towards the promotion of safe and healthy working conditions:

- The Management of Health and Safety at Work Regulations 2003 – SD 877/03 (*Management Regulations*)
- The Construction (Design and Management) Regulations 2003 – SD 878/03 (*CDM*)

6. These Regulations came into force on 1<sup>st</sup> October 2004 and can be accessed via the Health and Safety website<sup>11</sup>. They are based on the equivalent regulations in force in the Great Britain with modifications to suit local needs.

7. All workers except domestic staff in private households are covered by the Island's health and safety legislation. The Island's health and safety legislation does not differentiate between workers under atypical employment contracts and other workers in an enterprise.

### **Great Britain**

#### **QUESTION B**

***The Committee asked for the next report to confirm that provisions on dose limits of ionising radiation in accordance with the recommendations of the International Commission on Radiological Protection (ICRP) have been introduced in domestic law.***

8. The Ionising Radiations Regulations 1999 No. 3232<sup>12</sup> introduced dose limits as a statutory requirement.. Regulation 11 and Schedule 4 outline the dose limitations.

### **Northern Ireland**

9. In Northern Ireland, comparable provision is made through the Ionising Radiations Regulations (NI) 2000, No. 375<sup>13</sup>.

### **Article 3, Paragraph 2**

#### **QUESTION A**

### **Great Britain**

10. The United Kingdom has ratified ILO Convention 81 on Labour Inspection. Reports on the application of this Convention during the period 1999-2005 are attached - see **Appendix**

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<sup>10</sup> [http://www.opsi.gov.uk/legislation/northernireland/nisr/yeargroups/1950-1959/1957/1957anip/c25\\_000.htm#SOD](http://www.opsi.gov.uk/legislation/northernireland/nisr/yeargroups/1950-1959/1957/1957anip/c25_000.htm#SOD)

<sup>11</sup> <http://www.gov.im/dlge/enviro/healthandsafety/welcome.xml>

<sup>12</sup> [www.opsi.gov.uk/si/si1999/19993232.htm](http://www.opsi.gov.uk/si/si1999/19993232.htm)

<sup>13</sup> [www.opsi.gov.uk/sr/sr2000/20000375.htm](http://www.opsi.gov.uk/sr/sr2000/20000375.htm)

### 3A.

11. There have been no significant changes in health and safety enforcement and the places subject to health and safety inspection in Great Britain since the time of the last report, except that the Health & Safety Executive (HSE) now adopts a more targeted approach to its enforcement and prioritises where its resources can be best used to improve health and safety outcomes. The Health & Safety Commission (HSC) February 2004 publication *A strategy for workplace health and safety in Great Britain to 2010 and beyond*<sup>14</sup> outlines this approach.

12. As an update to the last report, please see the following publications for the reference period of this report:

*HSC Annual Report* available at the HSE Website<sup>15</sup>

*HELA Annual Report 2004* (Health Safety Executive/Local Authority<sup>16</sup>)

Enforcement Committee ([www.hse.gov.uk/lau/hela/publications.htm](http://www.hse.gov.uk/lau/hela/publications.htm)).

*HELA National Picture* ([www.hse.gov.uk/lau/hela/publications.htm](http://www.hse.gov.uk/lau/hela/publications.htm))

*Health and Safety Statistics* and *Health and Safety Statistics Highlights* ([www.hse.gov.uk/statistics/books.htm](http://www.hse.gov.uk/statistics/books.htm))

13. For 2001 to 2003, information on the number of inspections and regulatory contacts carried out by HSE inspectors per annum can be found in the HSC Annual Reports for these years, under the Output and performance analysis Annexes. The Reports for each year available on the website.

14. Since 2003, this information has been discontinued from the HSC Annual Report. For 2003 to 2004, information on the number of inspections and regulatory contacts carried out by HSE inspectors per annum is as follows:

- Field Operations Inspectorate:

2003/04:	Total regulatory contacts <sup>17</sup> :	180,161
	Inspection contacts <sup>18</sup> :	67,987
2004/05:	Total regulatory contacts:	150,763
	Inspection contacts:	55,195

The decrease in 2004/05 from the previous year reflects HSE's increased move to programme working, concentrating on outcomes rather than outputs, and the abandonment of numerical targets for contacts.

- Nuclear Safety Inspectorate:

2003/04:	Site inspection visits:	731
	Emergency exercises:	46
2004/05:	Site inspection visits:	829
	Emergency exercises:	54

<sup>14</sup> [www.hse.gov.uk/aboutus/hsc/strategy.htm](http://www.hse.gov.uk/aboutus/hsc/strategy.htm)

<sup>15</sup> <http://www.hse.gov.uk/aboutus/reports/index.htm>

<sup>16</sup> [www.hse.gov.uk/lau/pdfs/hela04.pdf](http://www.hse.gov.uk/lau/pdfs/hela04.pdf)

<sup>17</sup> 'Contact' does not necessarily equate to 'visit'. 'Total regulatory contacts' is the figure for the total number of inspections, enforcement, investigations, complaints follow-up, advice/education/promotion and standard/product contacts made by the Field Operations Directorate in the relevant year.

<sup>18</sup> 'Inspection contacts' are those contacts where the main activity was 'inspection', i.e. an assessment of a dutyholder's ability to manage health and safety, and of the standards they achieved.

- Railways Inspectorate:

2003/04:	Total regulatory contacts:	8,340
	Total inspection contacts:	3,751
2004/05:	Total regulatory contacts:	6,736
	Total inspection contacts:	2,963
- Hazardous Installations Inspectorate:

2003/04:	Total regulatory contacts:	9,329
	Preventative inspection visits:	6,157

15. Information on the number of visits by Local Authority inspectors can be found in the inspection and enforcement sections of each annual *HELA National Picture*.

***The Committee notes that in England the number of inspection visits by the HSE inspectors has risen whereas the number of local authority inspections has decreased. In order to assess the situation, the Committee asks the next report to indicate the total number of workplaces under the supervision of HSE and local authorities and/or the number of workers covered by visits.***

Under British law, all workplaces in Great Britain are subject to health and safety supervision either by the HSE or their local authority (except domestic employment). Therefore all workers are covered by visits in their workplaces as required (except domestic employees).

16. The best estimate HSE has on the number of workplaces in Britain is 4.2m enterprises / businesses in 2004. This figure excludes public employers and charitable organisations. The latest 2004/05 employment estimates indicate around 29.5m workers in Great Britain.

### **Northern Ireland**

***In it's Conclusions XVI-2, the Committee finds the situation in United Kingdom not to be in conformity, with Article 3§2 of the Charter, because of the manifestly insufficient number of inspections carried out in Northern Ireland.***

17. The decrease in the absolute number of inspections/visits from 7,107 in 1995/1996 to 2,872 in 1999/2000 is not disputed.

18. Two key factors that contributed to this decrease were put forward to the Committee in the UK's 22<sup>nd</sup> Report, namely the retirement of a number of long-serving and very experienced (25+ years) senior inspectors and the necessary redeployment away from field work of inspectors to help build the support infrastructure of the then newly created Health and Safety Executive for Northern Ireland (HSENI)<sup>19</sup> that was established in April 1999 (see website).

19. However, added to these short-term factors is the more long-term effect of the significant change in the approach to inspection, which began to emerge in the mid 1990s on foot of the European Directive that introduced the concept of risk assessment. Quite simply, applying a risk assessment approach means that inspection takes longer to complete and for a given number of inspectors the consequence is a reduction in inspection numbers. HSENI would strongly hold to the view that inspections must always be quality driven not quantity driven.

20. It would also point out that the UK health and safety at work regulatory regime places the responsibility on duty holders, i.e. in the main employers, to ensure safe and healthy

<sup>19</sup> <http://www.hseni.gov.uk/index.cfm>

working conditions - those that create the risk must manage the risk.

21. Therefore, in the UK, enforcement is not solely about supervision but also about ensuring that duty holders discharge their duties effectively; that serious risk is identified and dealt with; that compliance with the law is effectively promoted and achieved and that those who breach the law are held to account.

22. Whilst inspections/investigations will always have an important part to play in securing the right to safe and healthy working conditions, it is increasingly recognised that a more synergetic approach to workplace health and safety is required if real and sustainable improvements are to be gained. Such an approach, which implies a more diversified use of instruments, has been voiced in a number of European Commission documents including the Communication entitled "Scoreboard on implementing the social policy agenda" (COM 2003 57) and the European health and safety strategy "Adapting to change in work and society: a new Community strategy on health and safety at work 2002–2006" (COM 2002 118).

23. HSENI, following its establishment in 1999, deliberately set out to deploy a range of interventions viz. raising awareness through promotional activities; the provision of timely and appropriate information and advice and improving compliance through inspection and investigation. This multi-faceted work is seen as vital if HSENI is to meet its overall aim of controlling risk effectively and thereby ensure the health, safety and welfare of those at work and those affected by work.

24. Such a multi-faceted approach has led to some very successful and innovative initiatives being undertaken by HSENI since it was established. For example, during the four year period covered by this report, initiatives undertaken by HSENI include:

- a. a campaign, "Managing Risk: A Key Investment", aimed at putting health and safety firmly on the business agendas of CEO's and senior managers;
- b. the establishment of a Small Business Advisory Service to focus on the health and safety needs of in the main micro enterprises and business start-ups by providing in a business friendly advice and support in a non-threatening way through a separate non-enforcement arm of HSENI;
- c. the development of a cross-cutting, long term strategy and the subsequent establishment of implementation structures aimed at reducing the incidents and impacts of work-related ill health in Northern Ireland, particularly in relation to stress, MSD and asbestos related diseases;
- d. the establishment of a purpose designed Information and Advice Centre to provide easy access to health and safety information and advice to employers, employees and members of the public;
- e. special initiatives and campaigns aimed specifically at the high risk sectors of Construction (Buildsafe NI), Agriculture (Health and Safety Awareness Days and Child Safety on Farms campaign), and Quarries (Hard Targets initiative);
- f. developing means by which excellence in health and safety management can be properly recognised and rewarded in Northern Ireland such as the introduction of a special award category in a high profile annual business awards ceremony and the establishment of a pilot project aimed at examining how the US Voluntary Protection Programme might be transposed Ireland North and South; and

- g. the running of high profile annual events aimed at raising the profile of health and safety at work in Northern Ireland such as the Annual Health and Safety Lecture and the Annual Health and Safety Conference.

25. However, as stated earlier, it is nevertheless recognised that inspections and investigations have an important part to play in securing the right to safe and healthy working conditions. HSENI is, therefore, pleased to be able to report that following the reference period of the UK's 22<sup>nd</sup> Report, there has been a very significant improvement in the numbers of visits undertaken in Northern Ireland, as is illustrated in the table below.

26. Table: HSENI visits to workplaces 2000/01 to 2004/05

Year	Inspections	Investigations	Total Visits
2000-01	3128	925	4,053
2001-02	2,485	1,045	3,530 <sup>20</sup>
2002-03	2,891	1,310	4,201
2003-04	3,692	1,357	5,049
2004-05	5,039	1,446	6,485

27. This improved situation has been brought about by the fact that HSENI was successful in attracting additional funding, permitting the recruitment of 10 trainee inspectors between 2000 and 2002 – 6 to replace vacancies created by the retirement of senior inspectors and 4 representing actual growth. Added to this, HSENI has also recruited 3 compliance officers during 2004 to assist inspectors in the inspection of the high risk construction sector.

28. It should be noted that trainee inspectors undergo a two year probationary period during which they undertake a postgraduate qualification in occupational health and safety. It is only after this period has elapsed that they are in a position to undertake the full range of duties of an inspector. This largely explains why the growth in the number of visits over the period covered by this Report has been gradual rather than sudden.

29. Given the increased number of visits being undertaken by HSENI, together with the multi-faceted approach to improving health and safety standards in Northern Ireland outlined earlier, it is felt that HSENI is doing all within its powers to ensure the health, safety and welfare of those at work.

30. As is the case in Great Britain, health and safety at work in Northern Ireland is also regulated by local authorities (District Councils), which work in partnership with HSENI. Together, both HSENI and the 26 District Councils cover all workers in Northern Ireland. The number of visits undertaken by the District Councils in Northern Ireland are set out in the table below:

31. Table: NI District Council visits to workplaces 2000/01 to 2004/05

Year	Inspections	Other Visits	Total Visits
2000-01	N/A	N/A	N/A
2001-02	4618	2356	6974
2002-03	5020	2783	7803

<sup>20</sup> the slight downturn in 2001-02 was due to the suspension of some inspection activities because of the outbreak of Foot and Mouth disease.

2003-04	4805	3342	8147
2004-05	5038	3860	8898

32. It should be noted that figures for NI District Council visits were not provided in the UK's previous 22<sup>nd</sup> Report as they were not being routinely compiled. The District Council figures are therefore only available from 2001 onwards.

33. It is estimated that the employment sectors, for which HSENI is responsible, accounts for about 60% of the 686,500 (approximate) total of employed persons covered, as at December 2004, whilst the employment sectors for which the District Councils are responsible account for the remaining 40%. The higher overall visit totals by the District Councils may be due to the fact that they have, in proportion to the number of employees covered, twice as many field inspectors as HSENI. Another factor to bear in mind is that District Council Inspectors deal only with low risk work sectors, such as offices and shops.

### **Isle of Man**

34. The Department of Local Government and the Environment appoints inspectors from its Environment, Safety and Health Division to enforce health and safety law in workplaces. In commercial premises and private sector offices, this is done by Environmental Health Officers. In all other premises, officers of the Health and Safety at Work Inspectorate (HSWI) are responsible for enforcing the legislation.

35. The HSWI has four inspectors reporting to the Chief Inspector. They respond to complaints and requests for advice from all sectors of the Island's economy as well as carrying out accident investigations and pro-active inspections. Targeted campaigns on topics of concern are also run annually, both to raise awareness of a hazard on an advisory basis and to address risks on an enforcement basis. The HSWI produce information documents, downloadable from the Inspectorate's web-site<sup>21</sup>. The documents provide practical advice on how to comply with aspects of health and safety law. The HSWI use these documents, international, European and British standards and other relevant valid standards as means of demonstrating reasonably practicable compliance with the Island's legislation.

a. The numbers of workplaces registered under the Treasury rating database (2002 figures, latest available) liable to inspection are as follows:

SHOP	1247
OFFICE	869
FACTORY	392
LICENSED PREMISES	303
PUBLIC ASSEMBLY	132
SCHOOL AND NURSERIES	109
WAREHOUSE	276
HOSPITAL	6
RESIDENTIAL/CARE HOME	42
Total from the Treasury	3376

In addition:

HOSTELS	6
HOTELS	174
SHELTERED ACCOMODATION	17

<sup>21</sup> [www.hswi.gov.im](http://www.hswi.gov.im)



COLLEGES	2
FARMS OVER 20 Ha	465
TOTAL PROPERTIES LIABLE TO INSPECTION	4080

Employment by sector (Source: Treasury 2002):

AGICULTURE AND FISHING	543
MANUFACTURING	3185
CONSTRUCTION	2512
UTILITIES	515
TRANSPORT/ COMMUNICATIONS	2970
WHOLESALE AND RETAILING	4372
FINANCE	8959
ICT	361
PROFESSIONAL SERVICES	7296
TOURIST ACCOMMODATION	743
ENTERTAINMENT/ CATERING	2116
MISCELLANEOUS SERVICES	2373
PUBLIC ADMINISTRATION	3105
TOTAL	39050

b. **Regulatory activities of the Inspectorate** (April 2003 to March 2004):

36. Proactive visits and meetings mainly to provide advice and information on how to comply with the law and guidance on standards needed to ensure compliance:

233 Inspection visits to workplaces;

150 Meetings and advisory visits;

16 Educational and promotional visits and events.

37. **Reactive visits** to investigate accidents and follow up complaints:

393 Investigation visits;

43 Enforcement visits.

## QUESTION B

### Great Britain

There have been no significant changes in the system of enforcement and powers of sanction available to inspectors. Information on the number of violations, sectors in which they occurred and action taken is contained in the Health & Safety Executive's (HSE's) annual report *Health and Safety Offences and Penalties* (the reports for 2001-2004 are attached; the reports for 2004/05 and 2003/04 are also available at the HSE website<sup>22</sup>).

### Northern Ireland

38. The penalties for health and safety at work offences in Northern Ireland are the same as those applicable in Great Britain. The courts system in Northern Ireland is also broadly similar

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<sup>22</sup> [www.hse.gov.uk/enforce/index.htm](http://www.hse.gov.uk/enforce/index.htm)

to the Great Britain system. Most health and safety at work offences are prosecuted through the Magistrates' Courts but more serious offences can be taken in the Crown Court.

39. Statistics of violations and penalties imposed in Northern Ireland are contained in Appendix 3 of the Health and Safety Executive's Annual Report for 2004/05<sup>23</sup>.

### **Isle of Man**

40. The penalties for contraventions of health and safety law are in line with those in Great Britain and consist of a maximum penalty of an unlimited fine for the majority of offences with the option of an additional prison term of up to 6 months in the most serious cases.

41. Four prosecutions were successfully completed:

Section 2(1) of the Health and Safety at Work etc Act 1974 for exposing workers to isocyanates in vehicle painting work.

Section 2(1) of the Health and safety at Work etc Act 1974 for exposing workers and members of the public to asbestos fibres in domestic property repair work.

Section 3(1) of the Health and Safety at Work etc Act 1974 and Regulation 55(1) of the Construction (Health and Safety) Regulations 1985 for a collapse of scaffolding during property maintenance.

Construction (Health and Safety) Regulations 1985 for the use of inadequate scaffolding.

42. 30 enforcement notices were served for contraventions of health and safety law, 27 prohibition notices required work to be stopped immediately and 3 improvement notices were served. Two Official Cautions were accepted by employers for admitted contraventions of health and safety law.

## **QUESTION C**

### **Great Britain**

43. Statistical information on occupational accidents (workplace injuries) and diseases (work-related ill health) is available in HSE/C's annual *Health and Safety Statistics* and *Health and Safety Statistics Highlights*<sup>24</sup>. These statistics also include figures on injuries and ill health by industry sector.

44. HSE uses several data sources for these statistics, including the Labour Force Survey (LFS). The LFS is a quarterly household survey consisting of about 55,000 responding households in GB and a further 2,000 in Northern Ireland and is intended to be representative of the UK Population. Responses to the LFS are weighted on the basis of subnational population totals by age and sex to give estimates of for the entire population. Further information can be found at the HSE's statistics webpages<sup>25</sup>.

### **Northern Ireland**

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<sup>23</sup> [http://www.hseni.gov.uk/corp.cfm?Resource\\_Cat\\_ID=40&Uploaded\\_In=0&Parent\\_Id=0](http://www.hseni.gov.uk/corp.cfm?Resource_Cat_ID=40&Uploaded_In=0&Parent_Id=0)

<sup>24</sup> [www.hse.gov.uk/statistics/books.htm](http://www.hse.gov.uk/statistics/books.htm)

<sup>25</sup> [www.hse.gov.uk/statistics/sources.htm](http://www.hse.gov.uk/statistics/sources.htm)

In Northern Ireland the relevant statistics can be found at the link below<sup>26</sup>.

### **Isle of Man**

46. Occupational injuries from all occupational sectors reported to the Health and Safety at Work Inspectorate under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1985 as applied to the Island are given in the table below. The actions to ensure preventative measures are as described above in the response to Question A:

Table – Occupational Injuries in the Isle of Man

	2002	2003	2004
Cases of fatal injury	0	0	0
Serious injuries	29	15	17
Over 3 day injuries	136	134	142
Dangerous occurrences	26	20	16
Disease	2	0	0

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<sup>26</sup> [http://www.hseni.gov.uk/corp.cfm?Resource\\_Cat\\_ID=40&Uploaded\\_In=0&Parent\\_Id=0](http://www.hseni.gov.uk/corp.cfm?Resource_Cat_ID=40&Uploaded_In=0&Parent_Id=0)

### **Article 3, Paragraph 3**

#### **Great Britain**

***In its Conclusions XVI-2, the Committee asks what percentage of companies have appointed trade union safety representatives in accordance with the Health and Safety (Consultation with Employees) Regulations 1996, in which any employees not in groups covered by trade union safety representatives must be consulted by their employers either directly or through an elected representative.***

47. According to the 2005 Workplace Health and Safety Surveys<sup>27</sup>, in Great Britain an estimated 64 per cent of workplaces with 25 or more workers have appointed health and safety representatives, including 52 percent being part of a joint committee of managers and workers. Where health and safety representatives have been appointed, an estimated 25 per cent of these are appointed by trade unions, with a further 48 per cent appointed by workers directly and not by management. Eighty-five per cent of employers in workplaces with fewer than 25 employees regularly discussed health and safety issues with their workforce.

#### **Northern Ireland**

48. There is no change to the information previously supplied.

#### **Isle of Man**

49. There is no change to the information previously supplied.

### **Article 4, Paragraph 1**

#### **QUESTION A**

#### **Great Britain**

#### **QUESTIONS A- B**

***In its Conclusions XVI-2, the Committee found the Minimum Wage to be too low and asked for information on the value of the minimum wage as well as of the national average wage after deduction of any taxes and social security contributions, the effects of tax alleviation measures for single workers on the minimum wage and on any other measures (e.g. income and housing supplements) which improve the situation for this category.***

1. The following covers events to date, going beyond the reference period, as the Government believes the latest information would be of interest to the Committee and in light of the fact that the minimum wage continues to have a very high profile in the UK.

2. As mentioned in the UK's previous Report, the Government set up the independent Low Pay Commission in 1997 and set it the task of recommending an initial rate at which a national minimum wage should be set in April 1999. The Government considered that this approach, involving six Commission members drawn equally from both sides of industry as well as three independent Commissioners, with an academic background, was likely to produce a minimum wage that would be more widely acceptable than one decided by Government alone and imposed on industry. This approach has proved successful and all sides of UK society now

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<sup>27</sup> [www.hse.gov.uk/statistics/sources.htm#whass](http://www.hse.gov.uk/statistics/sources.htm#whass)

support the principle of the minimum wage.

3. Whilst the minimum wage rose broadly in line with average earnings during the first four years, the adult rate increased by around 8% in both 2003 and 2004, about double the rate of increase in average earnings. The increases recommended by the Commission for October 2005 represented a further 4% – broadly in line with average earnings - increasing the adult rate to £5.05 an hour and the development rate to £4.25 an hour. In its 2005 Report the Commission also proposed a further rate increase, to take place in October 2006, to £5.35 for adult workers (a further 6% rise). With effect from 1 October 2004 the Government also introduced a rate of £3.00 an hour for workers, aged 16 and 17, over compulsory school leaving age, to rise to £3.30 in October 2006 (a 10% rise). The following table sets out minimum wage rates since April 1999.

Table 2

**UK NATIONAL MINIMUM WAGE RATES SINCE APRIL 1999**

	Main Rate (Workers aged 22+)	Development Rate (workers aged 18-21)	Workers aged 16 – 17
	£ per hour	£ per hour	£ per hour
1 April 1999	3.60	3.00	--
1 June 2000	3.60	3.20	--
1 October 2000	3.70	3.20	--
1 October 2001	4.10	3.50	--
1 October 2002	4.20	3.60	--
1 October 2003	4.50	3.85	--
1 October 2004	4.85	4.10	3.00
1 October 2005	5.05	4.25	
1 October 2006	5.35	4.45	3.30

4. As part of a complimentary strategy to assist those on the lowest wages the Government has also introduced a number of reforms to the tax and benefit system to reduce the burden of taxation on the lowest paid workers, thereby allowing them to

keep more of their earnings. The main reforms to income tax and employee's National Insurance Contributions (NICs) have been:

removing the "entry fee" element of employee's NICs in April 1999;

increasing the point at which employees start to pay NICs and aligning it with the point at which they start to pay income tax, over two stages in April 2000 and April 2001; and

introducing a new 10p starting rate of income tax in April 1999.

5. In addition, the Government introduced the Working Tax Credit (WTC) in April 2003. WTC fundamentally changed the structure of financial support for working people with low incomes. For the first time, low-income working people without children or a disability could receive a net tax payment from the government. For example, a couple with one earner working full-time and paid at the NMW receives gross wages of £176.75 and pays income tax of £13.35 and NICs of £9.10 each week. This produces a net tax rate of 13%. The WTC award of £46.15 more than offsets the income tax and NICs, so that the household receives a net tax payment of £23.70. Taking account of WTC, the household's net tax rate falls to minus 13%.

6. As a result of the minimum wage and tax and benefit reforms the Government guarantees a minimum level of income for people with and without children. Some sample minimum income guarantees (MIGs) are set out in Table 3. The table also shows how these MIGs have increased in real terms since 1999.

Table 3

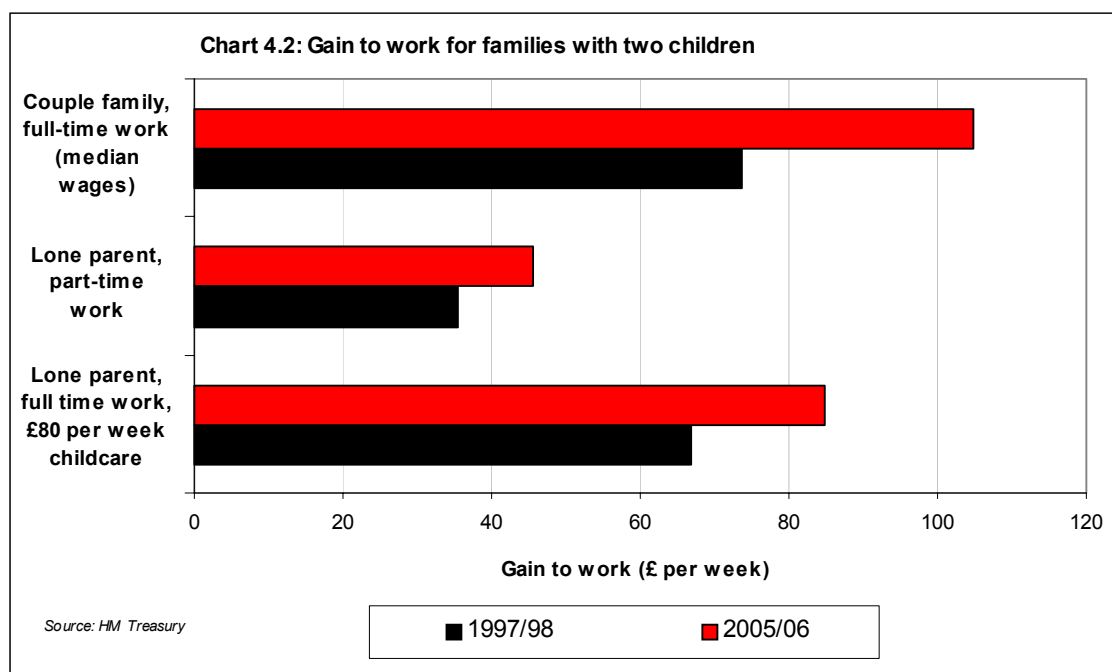
<b>Weekly Minimum Income guarantees (MIGs)</b>			
	<b>April 1999</b>	<b>April 2006</b>	<b>Percentage increase in real terms<sup>2</sup></b>
Family <sup>1</sup> with one child, full-time work	£182	£265	22%
Family <sup>1</sup> with one child, part-time work	£136	£206	27%
Single person, 25 or over, full-time work	£113	£172	28%
Couple, no children, 25 or over, full-time work	£117	£203	45%

1. Assumes single earner household, the prevailing rate of NMW and that the family is eligible for Family Credit/Disability Working Allowance and Working Tax Credit/Child Tax Credit. Full-time work is assumed to be 35 hours. Part-time work is assumed to be 16 hours.  
Applies to lone parent families and couples with children alike.

2. RPI growth is taken from HM Treasury's economic forecast.

7. The overall impact of the changes since 1997 on incentives to work for single people has been strongly positive. The chart below (Table 4) shows the increasing gains to work for a couple family in full-time work on median earnings as well as that for lone-parents both part-time and full-time. The gain to work for those on the minimum wage has improved still further since October 2005 when the minimum wage rose by more than 4% to £5.05 per hour.

Table 4



8. The Low Pay Commission concludes, in its 2005 Report<sup>28</sup>, that the overall economic situation and employment levels remain robust and to date has not found any significant adverse impact resulting from the minimum wage. Unemployment is at a record low and a record 28 plus million people are now in work.

### Isle of Man

9. The Minimum Wage Act 2001 extends to most workers in the Isle of Man. The minimum wage rates are reviewed annually.

Age	2004-05	2005-06
16	£4.05	£4.20
17	£4.60	£4.90
18+	£5.10	£5.25

10. Favourable labour market conditions and the low level of unemployment on the Isle of Man also have a positive effect on workers' wage levels.

11. The Minimum Wage Committee is constituted under the Minimum Wage Act 2001. The Committee consists of an independent Chairman, 2 side members representing employers and 2 side members representing workers. The Committee advises the Department of Trade and

<sup>28</sup> <http://www.lowpay.gov.uk/lowpay/lowpay2005/>



Industry and the Treasury as to the rate of the minimum wage.

## **QUESTION C**

### **United Kingdom**

12. The national minimum wage provides protection for the entire UK workforce of some 28 million workers. However, only low paid workers are directly affected. The increase, which took place on 1 October 2005, will have benefited around 1 million workers. About 70 per cent of the beneficiaries of the minimum wage have been women.

13. There are no exemptions or separate rates by sector, occupation, region or size of organisation. The fact that workers aged 16-21 have lower minimum wage rates reflects the importance the Government attaches to the training and development of young people and to ensuring that they can secure jobs. International research has shown that where there are adverse employment effects from minimum wage legislation these tend to impact disproportionately on young people. That is why most countries which have minimum wage legislation, also have lower rates for young people.

14. The majority of employees are, of course, paid more than the minimum rates and rates of pay above the minimum are agreed between employers and their employees (or their representatives) in light of local circumstances or market conditions. Minimum terms and conditions of employment of agricultural workers are set by the Agricultural Wages Boards. They may set rates greater than the national minimum wage but not lower.

## **QUESTION D**

15. The following information about minimum wage rates may be of interest to the Committee.

- The adult rate has increased by 40.2% from the outset (April 1999- April 2005).
- In real terms, deflated by the Retail Price Index, the adult rate of the minimum wage has risen by 13.4% since April 1999 to October 2005
- Deflated by actual and forecast Retail Price Index, in October 2006 the adult rate of the national minimum wage is planned to rise by 17.5% in real terms since April 1999.

### **Isle of Man**

## **QUESTIONS C- D**

16. See table below :

Table 5

### **Isle of Man - Net Wages 2001 to 2004**

	National net average wage £ per hour	National net minimum wage £ per hour	National net average wage Index	National net minimum wage Index	National net average wage percentage change	National net minimum wage percentage change	Estimated without protection
2001	8.92	2.00	100.0	100.0			98%

2002	9.74	3.91	109.2	195.5	9.2%	95.5%	0%
2003	10.32	4.27	115.7	213.5	5.9%	9.2%	0%
2004	10.41	4.70	116.8	235.2	0.9%	10.2%	0%

The lowest recorded pay rate has been used for 2001.  
The national minimum wage was introduced on 1 January 2002.  
Full-time employees only.

## **Article 4, Paragraph 2**

### **QUESTION A**

#### **United Kingdom**

***In its Conclusions XVI-2, the Committee found that the situation not to be in conformity with the Charter because the determination of rates of payment for overtime work is left to the negotiation between employers and their staff and the surveys provided by the Government alleging that, in practice, workers do receive an increased rate of remuneration for overtime work, do not constitute sufficient evidence.***

17. The Government would expand on its previous responses on this issue as follows. The relationship between employer and employee is governed by English law of contract. UK Employment legislation lays down minimum standards below which employers must not fall, such as the minimum wage or minimum period of notice. The employee or the representative or trade union is free to, and often does, negotiate better terms for inclusion in the contract.

18. The English law of contract is not subject to any overriding duty of good faith. The basic principles of such contract law are the right to freedom of contract within the law and the need for certainty. The ability to contract is subject to the Unfair Contract Terms Act of 1977 (as amended to comply with related EC Directive).

19. Provided the contracting parties agree the terms of the contract without undue influence or duress, they are bound by the terms of it, unless circumstances arise that are beyond the control of either and that fundamentally alter the nature of the agreement or contract.

20. Furthermore, in cases of doubt as to what was intended by the contracting parties, the meaning of the contract is to be construed against the party seeking to rely on the particular provision in dispute. This “contra preferentem” rule is considered particularly useful in cases where there is no equality of bargaining power.

21. For a contract to be enforceable, an offer of acceptable terms must be made by one party to the other. It can be made orally or in writing and must contain the terms of the contract. It is completed when accepted in its entirety by the other party. An offer can be withdrawn up until acceptance, but once accepted the contract is binding.

22. Voluntary contracts are not recognised in law unless they are made in the form of a solemn deed indicating an intention to be bound. Most contracts are subject to the doctrine of consideration and as a consequence would only be enforceable if something were to be given in return for the promise to perform, which in itself could be another promise.

23. If a contract were to be induced by misrepresentation, the party misled may withdraw and treat the contract as null and void which is to say a “voidable contract” provided this is done immediately on discovery of the misrepresentation and nothing is done indicating that the

contract has been adopted. In cases where misrepresentation is made innocently, there must be proof that it was unreasonable for the party making the contract to have made it in order for the contract to become voidable. This is covered by the Misrepresentation Act of 1967.

24. Remedy for breach of a contract in common law lies in damages with the injured party receiving a sum by way of compensation for the loss or damage suffered. If the breach concerns a fundamental term – a condition – of the contract, the injured party can in some cases rescind or treat the contract as terminated or concluded. The injured party should ensure beforehand that they are entitled to rescind the contract as unwarranted rescission or withdrawal from the contract could lead to the injured party being in breach of contract. As a general rule both parties are obliged to adhere to and perform to the terms of the contract even in situations where the other party may be in breach.

25. Where it is shown beyond doubt that a party does not intend to perform their duties or obligations under a contract, common law allows the other party to treat the contract as being at an end. A claim for damages can then be made before the time for the performance of the duties or obligations has elapsed. This is known as a claim for anticipatory breach.

26. Overtime pay is negotiable in a contract of employment. Department for Trade and Industry guidelines on best practice on the subject<sup>29</sup> include the following advice:

## **"Overtime and employment contracts**

If you expect employees to work **regular overtime**, it's a good idea to state this clearly in the employee's contract, together with:

- whether overtime is compulsory or voluntary
- rates of overtime pay
- when overtime becomes payable
- any notice arrangements for overtime working
- the authorisation process, e.g. overtime must be agreed in advance and in writing by the employee's manager

### **Overtime payment rates**

Overtime rates are for you to agree with your employees. There are no minimum statutory levels but rates may be fixed by an industry-wide agreement.

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<sup>29</sup>

<http://www.businesslink.gov.uk/bdotg/action/detail?r.l3=1074414310&r.l2=1073858926&r.l1=1073858787&r.s=sc&type=RESOURCES&itmId=1074415298>)

Overtime pay varies from business to business. Typical rates are:

- weekdays and Saturday mornings - time-and-a-half
- Saturday afternoons, Sundays and public holidays - double-time (Sunday shop workers may be an exception)
- Christmas Day and New Year's Eve - double-time and above

### **When does overtime become payable?**

It's important to define the point at which overtime becomes payable. Many employers expect employees to be reasonable in finishing a task without demanding overtime payment. This may be 15 minutes for manual workers or as long as an hour for supervisory or management posts.

Other organisations vary premiums according to the length of time worked, eg time-and-a-third for the first two hours and time-and-a-half after that.

### **Call-out payments**

Employees who are called out from home to perform urgent duties normally receive call-out allowances or guaranteed hours at overtime rates. As call out is likely to occur at nights, weekends or statutory holidays, it's usually paid at the relevant overtime rate. Many organisations pay agreed travelling time as well as actual hours worked. Usually employees are paid for being on standby ready to respond to any call outs. You may decide to pay at different rates for time on standby or pay a separate fixed allowance.

.....

Employers are free to make their own arrangements concerning overtime rates for part-time staff. You can insist that part-time workers work the normal full-time hours at basic rates before being entitled to an overtime premium. Otherwise, they could earn more than their full-term counterparts.

However, once a **part-time worker** has worked more than the **normal full-time hours**, you must pay them the same hourly rate of overtime as a comparable full-time worker. A good rule of thumb is to pay overtime when an employee is working outside normal working hours.”.

### **Isle of Man**

27. No legislation covers the payment of overtime. All these matters are left to individual and collective agreements between employers and workers. However, practice in the Isle of Man is broadly similar to practice in the UK so that most workers will enjoy overtime in appropriate circumstances.

28. Favourable labour market conditions and the low level of unemployment on the Isle of Man also have a positive effect on the ability of workers to command overtime.

### **QUESTION B**

There is no change to the information previously given.

### **Isle of Man**

21. There are no special cases.

22. With the exception of shop workers there is no legislation regarding daily and weekly working hours.

### **Article 4, Paragraph 4**

### **QUESTIONS A – B**

### **United Kingdom**

23. The position remains as previously described.

***In its Conclusions XVI-2, the Committee found the situation not to be in conformity with Article 4§4 of the Charter because notice of termination of employment for workers with less than three years' service is too short.***

24. The Government notes the Committee's concerns on this issue, but retains the view that the current UK statutory right to a minimum period of notice of termination of employment strikes the correct balance between fairness for employees and flexibility for employers, and that increasing notice rights for employees with less than 3 years' service would risk upsetting that balance. However, a period of notice is a contractual matter and as such can be, and often is, negotiated above the statutory minimum.

### **Isle of Man**

### **QUESTION A**

25. Statutory notice by an employer to an employee with at least one month's continuous

employment is:

- not less than one week's notice if the employment has lasted less than 2 years;
- not less than one week's notice for each year of continuous employment if the employment has lasted 2 years or more, but less than 12 years; and
- not less than 12 weeks' notice for 12 or more years' continuous employment.

26. If contractual notice is greater than the statutory minimum then the contractual notice prevails.

27. The statutory minima may be exceeded in practice and, for example, a monthly paid employee might well be given a month's notice even though he or she did not have the necessary period of continuous employment required by the Employment Act 1991.

28. It is also not uncommon for persons in senior or professional positions to be offered longer periods of notice than are statutorily required (perhaps 3 to 6 months or even longer). Notice periods are not usually provided for in collective agreements.

29. Under the Employment Act 1991 part-time employees working from 8 to 16 hours a week have to wait 1 year before being entitled to receive notice whilst part-time employees working less than 8 hours a week have no entitlement to receive notice. However, the Government recognises that these rules are not fair to part-time employees and the Employment Bill 2005 would provide them with the same rights as other employees.

30. The right to notice extends only to employers and does not cover the case of home workers.

31. Dismissal without notice (summary dismissal) is lawful for conduct amounting to repudiation of the contract; that is gross misconduct or gross incompetence and neglect.

32. Persons on contracts made in contemplation of performance of a specified job which is not expected to last for more than twelve weeks are not presently entitled to notice unless the employee has been continuously employed for a period of more than twelve weeks. However, this exception will be removed by the Employment Bill 2005. Other fixed-term contract employees have the same entitlement to notice as other employees.

## **QUESTION B**

33. If an employer dismisses an employee in breach of his contractual obligations or of his statutory obligations to give the employee notice, and the employee suffers a loss, the employer may become liable to pay the employee damages for wrongful dismissal. Examples of wrongful dismissal are:

- summary dismissal by the employer without the employee's agreement and without the employee being in fundamental breach of contract; or
- dismissal on inadequate notice; or
- dismissal in breach of a contractual disciplinary procedure; or
- in the case of a fixed-term contract, premature dismissal in breach of the contractual terms.

34. Under Section 19 of the Employment Act 1991 'any amount owed in lieu of notice' falls within the definition of 'wages'. As non-payment constitutes a deduction, an employee who does not receive all or part of pay due in lieu of notice may bring a complaint of unlawful deduction from wages to the Employment Tribunal in order to recover any such amount.

35. An employee may also take action in the ordinary courts for damages for loss in respect

of any sum to which he or she would have been entitled to if he had been given the correct period of notice (not only those sums encompassed by the definition of 'wages', but also others, such as benefits in kind, pension benefits, and any expenses owed etc.).

## **Article 4, Paragraph 5**

### **QUESTIONS A - B**

#### **United Kingdom**

36. The position remains as previously described.

***The Committee takes the view that determination of deductions from wages shall not be left to the mere negotiation between the parties to an employment contract but rather to precise statutory provisions, case law, government regulations or collective agreements.***

37. The Government notes the negative conclusion reached by the Committee on this. However, it retains the view that general terms and conditions of employment, including any circumstances in which deductions may be made from employees' wages, are best left to negotiation and agreement between employers and employees, or their representatives. Furthermore, the Government does not accept that the position in UK law and practice, as described below, amounts to a breach of its Charter commitments in this respect.

38. The Government would reiterate that there are restrictions on the circumstances in which deductions can be made and that such deductions cannot reduce wages below the level of the national minimum wage. This provides a wide-ranging protection for the most vulnerable in the workforce.

39. The Government would also draw the following to the Committee's attention. Whilst UK employment legislation imposes no requirement on an employer to pay an employee's wages at any particular time, in any particular form or by any particular method such as cash, cheque or credit transfer, these issues, as with other terms and conditions of employment, remain matters for negotiation and agreement between the parties concerned. If certain payment arrangements have been agreed between the parties and the employer subsequently departs from these, then the employee may be entitled to make a breach of contract claim if he or she suffers a measurable financial loss as a result.

40. Legislation does, however, provide specific protection for individuals against having unauthorised deductions made from their wages (including complete non-payment of wages). This protection extends not only to employees but also to:

- individuals who work under a contract of service or apprenticeship or under any other type of contract (written or otherwise) by virtue of which they have agreed to perform work or services personally (but not including independent contractors or freelance agents);
- Crown servants, including those employed by Government departments (but not including members of the armed forces); and
- anyone who works on board a ship registered in the United Kingdom (but not including individuals who: work wholly outside Great Britain; are not ordinarily resident in Great Britain; or are employed under a crew agreement within the meaning of the merchant shipping legislation).

#### **Circumstances in which deductions are lawful**

41. One of three conditions has to be met for an employer lawfully to make deductions from a worker's wages or to receive payments from a worker. These are that the deduction or payment is:

- required or authorised by legislation (for example income tax or national insurance contributions); or



- authorised by the worker's contract - provided that the worker has been given a written copy of the relevant terms or a written explanation of them before it is made; or
- agreed to ***in writing*** by the worker before it is made.

### **Circumstances in which the protection does not apply**

42. The conditions set out above do not have to be met where a deduction is made or a payment received:

- to recover an earlier overpayment of wages or expenses by the employer to the worker; or
- as a result of disciplinary proceedings provided for in legislation (for example, police disciplinary proceedings); or
- a consequence of the worker taking part in a strike or other industrial action; or
- to satisfy a court order or a tribunal decision - provided in the case of a deduction that the worker has given his or her prior written agreement to it.

43. In addition, where a deduction is made under an arrangement agreed to by the worker in writing for the employer to pay to a third party amounts notified by that third party, the deduction is always lawful under the legislation on unlawful deductions if the employer deducts the amount that has been notified.

44. Where a deduction is made because of a *statutory requirement* on the employer to deduct and pay over specified amounts to a statutory authority (for example, PAYE income tax payments to the Inland Revenue), the deduction is lawful under the legislation on unlawful deductions - provided that the employer deducts the amount specified by the authority. Any questions as to whether or not the authority has correctly calculated the amount due should be followed up with the authority itself.

45. The rules governing payments by a worker to his or her employer do not apply where the employer is receiving the money in a different capacity (for example, on a social occasion).

### **Special protection for individuals in retail work**

46. The legislation on unlawful deductions from wages gives individuals in *retail work* special protection additional to that already described. An individual is in retail work for the purposes of this legislation if the work involves:

- selling or supplying goods or services directly to members of the public, to fellow workers or to other individuals in their personal capacities; or
- collecting money in connection with the sale or supply of such goods or services.

47. Workers covered by the additional special protection include:

- those who undertake selling activities to the public or to fellow workers not on a regular basis but on odd occasions;
- those who collect or receive money in connection with retail transactions with the public or fellow workers but are not themselves involved in the sale or supply of goods or services (for example, rent collectors and cashiers who do not serve customers).

48. Workers not covered by the additional special protection include:

- those who sell or supply goods or services only to companies (for example, lorry drivers or warehouse personnel who supply goods only to other depots).

49. The special protection relates to deductions or payments made because of *cash shortages or stock deficiencies*, including:

- non-payments of any bonuses to which workers become entitled if there is no loss of

- stock or cash, or a loss that falls short of a certain allowable level;
- deductions or payments made because of dishonesty or other conduct that results in a shortage or deficiency (regardless of whether the amount of deduction or payment equals the value of the shortage or deficiency).

50. It is unlawful for an employer to deduct *more than 10 per cent* from the gross amount of any payment of wages to a retail worker if the deduction is made because of shortages or deficiencies. Accordingly, where deductions can be made from a retail worker's wage to pay for shortages or stock deficiencies, the sums owed may be recovered in instalments of no more than 10 per cent of the worker's gross wages.

51. The 10 per cent limit does not however apply to deductions from the final payment of wages - that is, the wages due to a retail worker for his or her final period of work or, if paid later, a payment in lieu of notice.

52. A deduction of *any size* from the wages of a retail worker is unlawful if made more than twelve months after the cash shortage or stock deficiency to which it relates was (or ought reasonably to have been) established by the employer, *unless*:

- the deduction is one in a series resulting from a particular shortage or deficiency; and
- the first deduction in the series was made less than twelve months after the shortage or deficiency was (or ought reasonably to have been) established.

53. The provisions governing payments received by an employer from a retail worker because of shortages or deficiencies are similar to the general provisions governing deductions from wages. However, payments received by an employer from a retail worker in these circumstances are unlawful unless certain additional conditions are met. These conditions are:

- that the employer must, before receiving the first payment for any particular shortage or deficiency, let the worker know in writing the full amount that he owes;
- that the employer must on one of the worker's pay days make a written demand for payment;
- that a demand for payment (or the first in a series of demands) relating to a particular shortage or deficiency must be made no earlier than the first pay day after the day on which the employer informs the worker of the full amount owed (or, if the worker is informed on a pay day, no earlier than that day);
- that any such demand must not require the worker to pay more than 10 per cent of the gross amount of wages payable on that pay day; and
- that the payment (or payments) demanded on a pay day, added to any deductions made on the pay day because of shortages or deficiencies, must amount to no more 10 per cent of the gross amount of wages payable.

54. A demand for payment can be given or posted to the worker, or left at his or her last known address, on a pay day. If the pay day is not a working day of the employer's business, the demand may be made on the first working day following the pay day.

55. If an employer goes to court to recover money that he or she has asked a retail worker to pay because of shortages or deficiencies, the court must ensure that payments do not exceed instalments of 10 per cent of gross wages. This does not apply however to any amounts paid by workers from their final payment of wages or sums paid by them once they are no longer working for the employer.

### **Complaints about unlawful deductions and payments**

56. Any worker who considers that he or she has suffered an unlawful deduction from wages or been required to make an unlawful payment may seek redress by presenting a complaint to an Employment tribunal. This applies regardless of the worker's length of service.

Such complaints must normally be made within three months of the date on which the wages were due to be paid (or, if that is not reasonably practicable, within such further period as the tribunal considers reasonably practicable). In the case of a payment by the worker to the employer, the three months runs from the date on which the payment was received by the employer. In the case of a series of deductions or payments, the three months runs from the last deduction or payment in the series. However, from 1 October 2004, with the introduction of statutory dismissal, disciplinary and grievance procedures, the normal three month time limit is extended by a further three months, for claims made by employees, in specified circumstances connected with those procedures.

### **Meaning of 'deductions'**

57. Disputes as to whether or not the employer has correctly calculated the gross amount of wages due are matters to be settled under the law of contract in the civil courts or alternatively, if the employment has ended, in the employment tribunals. However, if the employer makes a *deliberate decision* not to pay some part or all of the gross wages due under the worker's contract, then this counts as a deduction and the worker can complain to an employment tribunal under the legislation on unlawful deductions from wages.

### **Retrospective consent to deductions from wages**

58. An employer might ask a worker to agree to a change in the terms of his or her contract, or to give his or her consent, to allow for deductions to be made on account of certain conduct. However, if the employer makes a deduction in respect of any instances of such conduct that took place before the contract was varied or the consent obtained, this remains unlawful. The same principle applies to payments by workers to employers.

59. For example, an employer might obtain a worker's consent to allow for deductions to be made on account of lateness. The employer would then be entitled to make deductions on account of any future incidents of lateness, but would not be entitled to make reductions on account of any such incidents that occurred before the worker's consent was obtained.

### **Isle of Man**

#### **QUESTION A**

60. There is no change to the information previously provided with the following exceptions:

- the Employment Bill 2005 will consolidate existing provisions on deductions of wages;
- the existing rules as to deductions and payments are extended from "employees" to all "workers";
- the deduction of payment of an employment agency's fees from a worker is made illegal; and
- the Tribunal is given power to award a worker up to 4 weeks' pay (in addition to ordering repayment of the unlawful deduction) if it finds that the employer has made or received an unauthorised deduction or payment.

#### **QUESTION B**

61. As indicated in the answer to Question A above, the Employment Bill 2005 will extend protection from "employees" to all "workers", which term includes fixed term contract employees

and part-time workers. It is not known how many atypical workers are not covered by this definition.

## **Article 9**

### **QUESTION A**

1. Access to services in the United Kingdom and the Isle of Man continues to be free of charge.

## **England**

### **Young people**

2. Provision of vocational guidance for young people is part of the remit of the Connexions Service.

3. The Connexions Service was established in 2001 with the aim of providing a comprehensive service to meet young people's needs for support and guidance through a Personal Adviser (PA). Connexions was designed to help all young people, with a particular focus on those at risk of not being in education, employment or training (NEET), or of being socially excluded. The Service sought to bring together existing services, ie youth services, careers services, education, health services, social services in partnership to support the PA in their work. The focus for Connexions was making sure young people stayed engaged in learning or work after the statutory school leaving age of 16.

4. The National Audit Office (NAO) report [\*Connexions Service – Advice and guidance for all young people\*](#)<sup>30</sup> published on 31 March 2004 looked at: the extent to which Connexions was making progress towards meeting its objectives; the extent to which Connexions was meeting its wider objectives of providing a good quality advice and support service for all 13-19 year olds; and whether Connexions had built effective partnerships with the other agencies that service young people.

5. The Report concluded that Connexions has made good progress in improving the way that young people receive advice and guidance. It reported that the Service provides good quality advice to young people who are seen by PAs and works well to build strong partnerships with other agencies.

6. Connexions has had a number of successes in providing better support for young people not in education, employment or training. It has high levels of customer satisfaction and a strong inspection record. It achieved its key target to reduce the proportion of 16-18 year olds who are not in education, employment or training (NEET) by 10 per cent between November 2002 and November 2004.

8. The Connexions Service specification is consistent with the fundamental principles of [\*Every Child Matters\*](#)<sup>31</sup> and will play an integral role in the delivery of the proposed agenda for reform on services for children and young people.

9. Careers occupational information is accessible via the Connexions Direct Service

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<sup>30</sup> [http://www.nao.org.uk/publications/nao\\_reports/03-04/0304484.pdf](http://www.nao.org.uk/publications/nao_reports/03-04/0304484.pdf)

<sup>31</sup> <http://www.everychildmatters.gov.uk/>

website. Access is provided through schools and Connexions Resource centres. In September 2005, the Connexions Direct website, on which this information sits was awarded the RNIB's See it Right status.

10. Careers choice information is provided to young people in Year 9 and Year 11 in published workbooks made available to young people via schools and Connexions partnerships and web versions on the Connexions Direct website. Braille and Audio versions are also made available.

11. Information provided for Parents and Carers of Year 9 students is made available in printed, Braille and audio versions. In addition a web version is available on the Connexions Direct website. The booklet is also produced in the recommended 10 alternative languages.

12. . The Connexions Service's primary target was to reduce the proportion of 16-18 year olds not in education, employment or training (NEET) by 10% between 2002 and 2004. This was achieved, and the lessons learned will be built into the Department of Education and Skill's strategies to raise participation and reduce the proportion of young people NEET by 2 percentage points between 2004 and 2010".

13. In July 2005 the Government published the Green Paper 'Youth Matters' as a consultation document. The proposals it set out include proposals for improving information, advice and guidance (including vocational guidance). The Government will be producing its response to the consultation early in 2006.

***The Committee asks if students are obliged to follow the advice received through guidance.***

14. There is no obligation to follow the advice given.

### **Adult Guidance**

15. From 2001 the responsibility for the funding and planning of adult IAG services was passed to the LSC. The 2003 Skills Strategy created a 'no wrong door' service for the public through the integration of the **learnirect** national telephone helpline and on-line advice service and local information and advice services branded **nextstep**. There are 47 **nextstep** information and advice services across England, one in each LSC area. These provide a free universal entitlement to information and advice, with specific targets to help adults who have not yet achieved L2. Depending on local need **nextstep** they are able to allocate up to 10% of their budget to the provision of "enhanced services" to selected client groups.

16. Union Learning Representative training includes referral of members to providers of Advice and Guidance. Union Learning Fund has also been used to establish a network of union learning centres, some on union premises and some on employers' premises, some of these centres are already providers of IAG.

### **Scotland**

17. Careers services are provided throughout Scotland by Careers Scotland, which was established by the Scottish Executive in April 2002. Careers Scotland delivers information, advice and guidance in schools based on accurate, up-to-date information about the labour market, including job opportunities, and the full range of vocational and academic learning and training opportunities available.

***The Committee asks to be informed about the practical follow-up to Careers Service Review Committee and the Beattie report***

18. Careers Scotland has 4 key targets:

- to increase the number of disadvantaged young people continuing in post-compulsory education or training;
- to increase the proportion of school leavers with a positive approach to the world of work;
- to increase the number of disengaged adults actively engaged in learning and training; and
- to reduce the number of young people not in education, employment or training.

19. Implementation of the Beattie Report recommendations has resulted in additional services being added to the mainstream suite of Career Scotland services. The new services include the key worker service for young people (with additional support needs aimed at improving post-school transition, offering intensive one-to-one support, client liaison with other appropriate agencies and a focus on employability development); and a supported employment service for young people with additional support needs (offering vocational profiling, employer/employee engagement, job coaching and in-employment/employer aftercares support until a young person is able to 'go-it-alone'.

## **Wales**

20. Careers Wales was established on 1 April 2001 as the first all-age careers information, advice and guidance service in the United Kingdom. The National Assembly for Wales contracts with Careers Wales companies (six as at 1 April 2005) to provide the following services:

- Impartial careers information, advice and guidance for those in secondary and further education;
- Support for schools and colleges in the delivery of careers and work related education, including teacher training, work experience placements, business and enterprise awareness, teacher placements, employer mentoring programmes and employer support for the curriculum;
- Impartial careers advice and guidance, plus a placing and referral service for mainly 16 and 17 year olds who are not in education, training or employment. More in depth assessment and support is available to clients with additional needs through the Youth Gateway;
- Impartial information and advice on learning opportunities for all those of working age through the freephone learndirect helpline.
- Impartial careers, information, advice and more in-depth guidance to adults aged 19 or over that are not participating in the New Deal.

21. Careers Wales's remit also includes the promotion of life-long learning and contributing to the National Assembly for Wales's social inclusion agenda – in particular through:

- helping young people make a successful transition from education to employment;
- re-engaging young people and fostering a positive approach to learning throughout life; and
- encouraging more people at all stages of their lives, to enhance their skills and knowledge.

## **Careers Wales structure**

22. The Careers Wales companies are private companies, Limited by Guarantee. Board

members are drawn from the local authorities and the business, voluntary, education and training sectors. They are chosen for their expertise and not as sectoral representatives and are subject to fixed term appointments. No non-executive Director receives any remuneration from the company. Any generated surpluses are re-invested in services.

23. The Careers Wales Association Ltd (CWA Ltd), a company wholly-owned by the boards of the 6 Careers Wales companies, provides a vehicle for a range of all-Wales services such as marketing, co-ordination of European Social Fund bids and project-management of major schemes. Moreover, partnership working is very much embedded into day-to-day company operations and the CWA component complements rather than supersedes the need for individual companies to engage actively with partners at all levels.

### **Staff qualifications**

24. The Assembly's contract stipulates that all careers guidance services and Youth Gateway services should be delivered by staff possessing, or working towards, qualifications equivalent to NVQ Level 4 in guidance. Support staff, for example, telephone helpline advisers and careers assistants are also required to hold or be working towards qualifications equivalent to NVQ Level 3 in guidance.

### **Careers Wales support for Learners and Educational institutions**

25. Career education and guidance is a universal entitlement for all young people in Wales. Careers Wales companies negotiate an annual Partnership Agreement with each school and college in their operational area. In most cases support for individuals consists of a mix of one to one guidance interviews and group sessions with students. But the integration of education business links into the Careers Wales remit provides an important opportunity to link the advice and guidance support given to individuals with wider experiences of the world of work so that young people develop the skills and knowledge to plan their futures effectively.

26. Careers Wales supports school and colleges in their delivery of careers and work related education programmes, through curriculum support, teacher training, and support for careers libraries. The Careers Wales Quality Award is being used to improve the quality of careers and work related education

### **Careers Wales support for young people in the Labour market**

27. All Careers Wales companies operate careers centres in high street locations that are accessible on a drop-in basis to all ages. For unemployed 16-17 year-olds Careers Wales provides a referral and placing service into education, training and employment. Additional support is provided through the Youth Gateway which offers young people intensive assessment, mentoring and support so that they can progress to good quality training, education or other options.

28. More recently, Careers Wales companies have been adapting the Youth Gateway to target 14 and 15 year olds that are identified as lacking motivation and in danger of exclusion from school.

### **Careers Wales services to Adults**

29. Providing an all-age service is an integral part of the Welsh assembly Government's lifelong learning agenda. Services are provided through the Careers Wales centres and using outreach facilities in a wide variety of community settings, some using a mobile facility, some by telephone, and increasingly through Careers Wales online. Careers Wales also operates an on-site service to businesses to assist those facing redundancy. The range of services provided

include:

- **Learning and Opportunities** – information on a range of learning, careers and training opportunities available locally and nationally throughout the UK, or via distance learning.
- **Funding** – information on local and national initiatives – including information on Individual Learning Accounts (ILAs)
- **Childcare facilities** – details of providers - all of whom have been checked and approved by the appropriate local authority.
- **Careers guidance**– for those who need additional help in reaching decisions on all the options open to them. Specialist help is at hand with professionally qualified careers advisers, who will help clients review their current situation, assess the levels of qualification they might already have, take account of their interests and advise a course of action suited to them.

### **Careers Wales Online**

30. Careers Wales Online ([www.careerswales.com](http://www.careerswales.com)) is the world's first all-age, bilingual virtual careers information, advice and guidance service. It provides individuals with the opportunity to create a path for lifelong learning, from primary school, through working life and into retirement.

31. The online service offers a comprehensive list of education, training and job opportunities for school and college leavers in Wales. It has a unique 'e-portfolio' that allows people to establish and maintain their own progress record online for the first time, making it accessible at any time from any location. The new 'e-portfolio' aims to become a lifelong tool, helping people to develop the skills to manage their own career development and learning by recording their learning achievements over the years and charting their progress against individually agreed targets.

32. As well as hosting tools to create and store CVs and application letters, it also offers interactive features on preparing for job interviews, work experience and careers advice, and information on over 600 different careers.

### **Careers Wales Quality Award for Careers and Work Related Education**

33. The Careers Wales Quality Award for Careers and Work Related Education enables schools and colleges to develop a whole establishment approach to the planning and delivery of careers education. The Award is based on the ACCAC frameworks for Careers and Work Related Education with their focus on achievement of agreed learning outcomes for young people.

34. The Award provides schools and colleges with the tools needed to develop, deliver and evaluate their Careers and Work Related Education provision. In addition, it provides a clear sense of purpose and clarity for students and teachers; evidence of achievement and a flexible base for developing cross curriculum support for careers and work related education.

### **Measures to improve Careers Wales services**

35. The quality of Careers Wales services are independently inspected by Her Majesty's Inspectorate for Education and Training in Wales (Estyn). Full company inspections are carried out at regular intervals as well as an agreed programme of thematic inspections that identify good practice for dissemination across Wales. Companies are required to produce action plans to



address recommendation made by Estyn and progress is monitored through follow up visits to the companies.

36. More recently, Careers Wales companies have been working towards the development of performance indicators that can identify the impact of services on clients. This development will facilitate benchmarking of performance and help improve the consistency of service delivery across Wales. The intention is to pilot a small number of performance indicators in 2006-07

### **Northern Ireland**

37. In June 2003 the Policy Development Branch with responsibility for Careers Information, Advice and Guidance (CIAG), moved from the Employment Service to the Skills and Industry Division of the Department for Employment and Learning. The new Careers and Guidance Services Branch then set about preparing to fully restructure the Careers Service within the Department. Restructuring was formalised on 2 February 2004 with the launch of a new Careers Management team and the transfer of all 175 Careers staff to the new Branch. The effects of restructuring include the following:

the agreement of new levels of service with schools, colleges and training providers;

a priority focus on 14-19 year olds who are vulnerable to social exclusion;

ongoing commitment to embedding quality standards and formal inspection processes;

the development of initial training (Qualification in Careers Guidance) at the University of Ulster; and

the provision of continuous professional development for all staff.

38. Northern Ireland's newly structured Careers Service has a threefold responsibility:

- (i) the development of CIAG policy;
- (ii) the operational delivery of all-age CIAG services; and
- (iii) the procurement of educational guidance and learning opportunity information and advice to adults.

39. Access to these services is free of charge.

40. Restructuring has offered the Careers Service in Northern Ireland the opportunity to business-plan in a more sophisticated and focused way. The Service's business-plan, along with a commitment to quality standards and inspection accountability, has provided a clear framework for improving service delivery, resource provision and policy development.

### **Isle of Man**

41. The Isle of Man Careers Service provides careers advice and guidance to those in full time education and adults of any age who may be seeking a career change or assistance with job-hunting skills:

- a) Access to services is free of charge;
- b) Vocational guidance is carried out in both private and public sectors;
- c) There is a well stocked careers library at the careers centre and schools and the Isle of Man College has its own careers libraries;

- d) All careers advice is given with background information on employment opportunities;
- e) Improvements can only be made effectively with an expansion in staffing. There have, however, been recent improvements in a number of areas including moves to ensure better communication with parents;
- f) No special measures are in place to assist disabled persons as the service has a policy of inclusion and advice is given to all irrespective of any disability.

## **QUESTION B**

### **England**

42. The Committee's attention is drawn to information under Question C below. It is part of the role of a Connexions Personal adviser to raise aspirations of young people and challenge gender stereotyping

### **Scotland**

43. One of the goals of Scotland's lifelong learning strategy '*Life Through Learning; Learning Through Life*' is 'A Scotland where people are given the information, guidance and support they need to make effective learning decisions and transitions'

44. As part of the funding for Learners Review, an Information, Advice and Guidance (IAG) Delivery Group was established to address the issue of IAG on funding for learners. The emphasis of the group is on improving what already exists and making it work more effectively for the learner, rather than propose new initiatives that require new funding. The IAG Delivery Group developed proposals and recommendations for a national service to provide information on funding to existing learners, potential learners and intermediary organisations. The group also secured funding for a handbook on 'Benefits for Students in Scotland' and a redesign of the funding for learners website.

45. The Delivery Group has since agreed to broaden its remit to look at issues across the wider IAG landscape. At its last meeting, the Delivery Group agreed to look more closely at the area of IAG to those currently in employment and to consider how the organisations represented on the group can work together to ensure more comprehensive and consistent provision of IAG to those in the workplace and those seeking to enter employment.

### **Wales**

46. The Committee's attention is drawn to information previously provided as well as to information under Question A above. Careers Wales companies have to comply with all equal opportunities legislation. Careers Wales Advisers, working closely with staff in schools and colleges, work to widen or raise the career aspirations of students, including challenging gender stereotypes in choice of jobs. The Youth Gateway provides additional support to individuals in danger of dropping out of formal education or lacking motivation to re-engage in further learning or employment. Careers Wales is required to provide ongoing support to young people with disabilities until they are settled in their career intention.

### **Northern Ireland**

47. There is no change to the information previously provided with the exception of the following addition:

48. The newly structured Careers Service has a clear Mission Statement which is "*To assist economic and social development in Northern Ireland by enabling clients to make informed, realistic and sound decisions about their futures.*"

## Isle of Man

49. Careers guidance is also available to those already in employment who wish to enhance their skills to advance in employment, education or training.

## **QUESTION C**

### England

#### **Young people**

50. As part of its statutory duty DfES is required to provide all young people with access to impartial careers advice. The provision of Careers information by DfES for young people became part of the Connexions remit, and this year has become part of the wider agenda of Children, Young People and Families Directorate. Careers information is provided, free of charge on two levels; occupational information and choices information.

51. Occupational information is provided to young people and guidance practitioners in schools and Connexions Resource centres. Since 2004 the delivery of this information has been provided via the web through the Connexions Direct Service website. Directgov also links to these. By providing a web based product changes to information can be easily implemented. Access is provided through schools and Connexions centres.

52. Choices information for young people is provided in the form of two publications. In Year 9 to help them choose their subject options for Years 10 and 11 and in Year 11 providing information on options after post-compulsory education. Updated annually, these publications are very popular with schools and careers professionals take up is very high. Since 2003 web versions of the publications have been produced for young people to access via the Connexions Direct website. Directgov also links to these.

53. In response to demand for more information from Parents and Carers to support their children, a Guide for Parents and Carers has been produced since 2003. The publication helps Parents and Carers to understand the key decision their child needs to make from Year 9 onwards and what options are available. A web version is also available via the Connexions Direct website, the Parents centre and Directgov sites. .

54. All the careers information produced challenges stereotypes to ensure a balanced representation by gender, ethnicity, disability and geographical spread. Care is taken to include up to date photographs, displaying young people in 'non traditional' roles.

#### **Adults**

55. Adults have access to a wide range of information from face to face interview through **nextstep** services, voluntary sector providers, Jobcentre Plus, learners support in Higher Education and Further Education and in the work place via the Union Learning Reps and employers. Web sites such as Worktrain provide information on jobs, training, learning and career profile searches and related information, the national **learn**direct telephone information and advice service which is supplemented by on-line information and advice service and a national database of learning opportunities, Learndirect.

56. Working with the Department for Work and Pensions, Jobcentre Plus and the LSC the role of Worktrain will be enhanced as a medium for dissemination on-line labour market information for advisors. The National Guidance Research Forum website also has sector specific LMI information which has been developed by Sector Skills Council and is available to all

careers advisors and guidance practitioners. The DfES has developed a guide “LMI Matters” for IAG advisors and practitioners to help develop awareness of LMI and to show how it can be used effectively to help adults explore opportunities for work or learning.

## **Wales**

57. Careers Wales is required to provide careers and labour market information that is readily accessible, well organised, accurate, unbiased, comprehensive and up to date. It uses a variety of means to achieve this, including information sheets available in careers centres and school careers libraries and information packs for young people at key points of transition. Careers Wales Online provides access to a full range of information on learning and employment opportunities. The freephone learndirect telephone helpline run by Careers Wales provides information on learning opportunities in Wales and associated support.

## **Scotland**

### **Guidance**

58. In Scotland the provision of guidance services is a feature of all educational institutions both in the public and private sectors and in both schools and post-school educational institutions. In every type of school, all teaching staff are responsible for the care and guidance of pupils.

59. Throughout the secondary years, however, pupils in all schools also have the extra support of specially trained guidance staff. These specialists provide a service in three broad areas: personal guidance, curricular guidance and vocational guidance

60. Guidance staff have regular one-to-one meetings with pupils and play a significant role in helping them with subject choices as they move from S2 into Standard Grade courses and from S4 into the upper secondary school. In addition, such teachers usually make a major contribution to a school's social education programme, which often takes the form of a series of lessons mixed with talks from outside speakers. It is through the guidance system that other forms of support and advice from outside the school are channelled, such as the careers service, the psychological service and the social work service.

61. The role of the Careers Scotland staff is important in advising school pupils on appropriate vocational opportunities and in assisting them to assess their own potential and plan their career. In many schools, a deputy head teacher or member of the guidance staff co-operates with Careers Scotland staff in ensuring that pupils receive appropriate careers guidance and acts as a link with local industry and with further and higher education. Many institutions of higher education have a school liaison service. In every case the final decisions about career or further study rest with the pupil, assisted by his/her parents and the guidance teacher.

62. Further and Higher Education Institutions should provide information on the courses they offer, entry requirements for these courses, how to apply for courses, services for students and sources of financial help. They should also supply information on the aims and structures of their courses, on their policy on equal opportunities, on their facilities for students with disabilities or learning difficulties and on access by students to guidance on career opportunities. Institutions have high standards in dealing promptly and efficiently with enquiries and applications as well as in their teaching, supervision of research and assessment procedures, in providing students with access to advice and guidance, in the opportunities which they can give to students to express their views and in the way in which they deal with complaints.

### **Learndirect Scotland**

63. In February 2003 the Scottish Executive set out a new strategy to promote lifelong learning in Scotland. It looked at a culture change to bring about a genuine culture of lifelong learning. The Scottish University for Industry (SUfi) was established in 2000 as Scotland's one-stop-shop for encouraging people to get into learning and to make learning available *when, where* and *how* it best suits their needs.

### **Northern Ireland**

64. The Careers Service in Northern Ireland launched its interactive website<sup>32</sup> in October 2004. This website has become the main vehicle for providing occupational information and career planning resources for young people and adults. The Careers Service Support Unit within the Department for Employment and Learning has responsibility for developing the website in conjunction with employer representative bodies and labour market researchers. Careers Service Support Unit also provides a wide range of careers resources in printed format and in CD and DVD format.

### **Isle of Man**

65. Careers libraries are available as mentioned above. In addition a number of Information Technology (IT) programs are used to assist in the guidance process.

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<sup>32</sup> [www.careersserviceni.com](http://www.careersserviceni.com)

## QUESTION D

### England

#### Young people

66. Figures for England are as follows:

**a) *Total expenditure from public funds on the Careers Service/Connexions Service***

The Careers Service budget for England in 2000-01 was £240m.

The Connexions Service budget (for England) was £324m in 2001-02, £429m in 2002-03, £455m in 2003-04 and £470m in 2004-05. We do not identify within that the amount for separate aspects of Connexions Service delivery (e.g. vocational guidance)

**b) *Number of professional staff engaged***

Figures for England as at 1 April 2005:

10,527 management and delivery staff (shown as a head count)

3,143 other staff (shown as a head count).

NB – this covers all Connexions staff, dealing with the full Connexions remit, not just vocational guidance.

**c) *Number of interventions with young persons in England for the years 2001 – 2004***

***The Committee asked for more figures on the number of young persons assisted as a percentage of the age cohort in to assess the coverage of the vocational guidance service more precisely***

67. We cannot supply the number of people assisted – statistics are maintained on the basis of interventions rather than the number of persons involved.

The interventions in each year were as follows:

	2001	2002	2003	2004
Total Interventions	1,786,786	3,360,428	3,655,579	3,907,592

of which the proportions with each client group were:

	2001	2002	2003	2004
With those in compulsory education	43%	32%	42%	40%

With those in Further/Higher education	12%	13%	14%	15%
With those in Government Supported Training	5%	6%	6%	6%
With those in employment	4%	5%	7%	8%
With those not in education training or employment	34%	44%	31%	30%

68. So, for example, in 2003 42% of all interventions were with those of school age and 31% were with the NEET group.

69. This represents only a small fraction of the contact with young people. Only 'significant contact' is recorded. Many young people are helped through attendance at group sessions, the Connexions website and Connexions direct.

70. The figures jump for 2002 onwards - this reflects the build up of the Connexions Service from Careers, where the Services became responsible for all young people in the area, not just those seeking Careers Advice.

#### ***d) geographical and institutional distribution of vocational guidance services***

71. The Connexions Service is delivered through 47 local partnerships covering the same geographical areas as the Learning and Skills Councils. Support to young people is provided by Connexions Personal Advisers who work in a range of settings including schools, colleges, one-stop shops, community centres and on an out-reach basis.

#### **Adults a – d**

72. Funding for 04/05 is £55m (which includes both *nextstep* services and learndirect).

73. During 02-03 in excess of 350,000 people received face-to-face advice about their learning and work options with the learndirect national learning advice line taking more than 1 million calls.

74. The DfES in conjunction with the LSC have set the following targets for the year August 04 to July 05, 2.5 million information sessions access by individuals, 350,000 advices sessions for individuals below level 2 and 40% of those given advice participate in level 2 or above learning.

#### **Scotland**

***The Committee asks for more figures on the number of young persons assisted as a percentage of the age cohort in to assess the coverage of the vocational guidance service more precisely***

75. During 2004/5, Careers Scotland engaged with over 210,000 individuals on career planning activities. Of these, 63% were school pupils or students in FE/HE, 23% were unemployed and 14% were in employment or training. In addition, over 36,000 individuals registered on the Careers Scotland website.

#### **Geographical Accessibility in Tertiary Education**

76. Further education colleges (all with vocational guidance provision) are mainly situated in areas where there is a high concentration of population but there are some colleges which provide for more sparsely populated areas and over 90% of the population live within 30 minutes driving time of a college. In addition, all colleges now provide some form of outreach facility to make learning opportunities more accessible. To provide for students in areas more remote from a college, there have been considerable advances in the use of distance learning techniques. The rural colleges also receive recognition of their location in additions to their recurrent grant allocations.

77. Most of Scotland's higher education institutions are in or very near to the major cities – Aberdeen, Dundee, Edinburgh and Glasgow – although the University of St Andrews is situated in the town of St Andrews, the traditional home of golf, in Fife and the University of Stirling is located just outside the historic town of Stirling.

78. In the Highlands and Islands the UHI Millennium Institute offers higher education at all levels across an area stretching from the Shetland Isles to Perthshire, via contractual arrangements with locally based colleges of further education and other non-SHEFC-funded institutions.

79. In the Scottish Borders the Heriot-Watt University offers higher education from its campus in Galashiels, which enjoys a leading position in textile design and textile technology. In Dumfries and Galloway, in the south west, the Universities of Glasgow and Paisley, the Open University, Bell College and Dumfries and Galloway College have come together to form the pioneering multi-institution Crichton Campus.

## **Wales**

80. Details for a – d are as follows:

a) Total expenditure from public funds on Careers Wales in 2004-05 was £37.4m

**b) Number of professional staff engaged as at 1 April 2004 (Full Time Equivalents)**

121 Management staff

684 Delivery staff

202 Administrative staff

**c) Number of young persons assisted in Wales in 2004/2005**

15,484 placed into jobs and training;

209,288 interviews;

18,963 group sessions with young people;

81,064 career plans agreed.

**d) Number of adults assisted in Wales in 2004-05**

- 46,111 interviews



- 46,383 learndirect helpline calls

### **Northern Ireland**

81. In the period 1 January 2001 to 31 December 2004 approximately £20 million was spent on vocation guidance in Northern Ireland (£5M per annum). This figure includes staffing costs for the Careers Service and programme funding for careers resources, the National Learning Advice Line, and educational guidance services for adults.

82. The Careers Service has a client group of approximately 160,000 young people and 8,000 adults per annum. The Educational Guidance Service for Adults (EGSA) provided services to approximately 15,000 adults per annum in this period.

83. The Careers Service staffing for this period included a professional staff of 96 Careers Advisers, equivalent to 84 full-time posts, while EGSA has had a staffing of 12 Guidance Network Area Advisers.

### **Isle of Man**

84. The information requested is as set out below:

- a) £170,000;
- b) 4 careers advisers – all hold the Diploma in Careers Guidance;
- c) Approx 3000 per annum of whom approximately half will be under 18. There is a complete range of educational attainment; and
- d) The careers Service and Isle of Man College are based in Douglas. The five schools are located in major centres of population across the Island.

## **QUESTION E**

### **England**

85. The Connexions Service provides support to all young people age 13-19 and for young people with learning difficulties and disabilities up to their 25<sup>th</sup> birthday if needed. It is a requirement that Connexions Partnerships must ensure that young people have access to services wherever they live, and that those services are effective whatever their background, gender, religion, race, sexuality or ability or disability.

### **Scotland**

86. Vocational Guidance is available to all those who request it including nationals of other Contracting Parties to the Charter lawfully resident or working regularly in Scotland. Disabled persons and those with learning difficulties are a priority group for assistance.

### **Wales**

87. The National Assembly's contract with the six Careers Wales companies requires them to comply with all statutory duties in respect of equal opportunities. The companies are required to have an equal opportunities policy, an implementation plan and processes for evaluating achievement.

88. The companies are involved in a variety of activities at the local level to ensure equality in service delivery. Careers Advisors work closely with schools to develop classroom materials for Careers Education and Guidance. These pay particular attention to equal opportunities issues. Some Careers fairs are arranged to specifically target girls. Companies are required to comply with the requirements of the Welsh Language Act. Companies also provide support and materials to clients in the language of their choice as far as this is reasonably practical. Companies are required to review take up of services by ethnic minorities in their area and to include findings in planning future service delivery.

89. All companies employ careers advisors with specialist training to provide support for clients with special needs, including learning difficulties and disabilities. All clients with statement of educational need leaving compulsory education, have a completed Learning and Skills Plan by Careers Wales to support their transition to post-16 learning. There is no upper age limit for support to clients with disabilities. They receive support, including advocacy, until they are settled in their career intention.

90. All the companies undertake an annual destination of school leavers survey, which includes details of destinations by gender and by ethnicity. This is used in providing advice and guidance to young people on learning and career options.

### **Northern Ireland**

91. There is no change to the information previously supplied.

### **Isle of Man**

92. Equality of access is ensured for all persons.

### **Article 10, Paragraph 1**

1. The United Kingdom has accepted Article 15 of the European Social Charter. Services for the disabled are reported on and described under that Article.

2. The United Kingdom has ratified ILO Convention No. 142 (Human Resources Development). A Report covering the period 1/6/1998 to 31/5/2003 is attached at **Appendix 10 A**.

### **QUESTION A**

### **England**

*In its Conclusions XVI-2, the Committee asks for the next report to provide detailed information on the entire training system on the basis of the guidelines given and the Form for Reports. As the United Kingdom has accepted Article 15, the measures concerning training of people with disabilities are dealt with under that provision. The Committee also requested more information about secondary school vocational education.*

3. A comprehensive description of the system can be found at:

[http://www.refernet.org.uk/documents/thematic\\_overview.pdf](http://www.refernet.org.uk/documents/thematic_overview.pdf) (cedefop)

and at the relevant chapters in the Eurydice website at:

## **England**

### **Learning and Skills Council**

4. The LSC has received year on year increases in its budget. In 2001-02, the first full year of its operation, the LSC received a budget of £5.5bn. In 2002-03, it had an increase of £500m, plus £1.35bn for school sixth form funding, giving a total for 2002-03 of £7.3bn. In 2003-04 the LSC received a budget of over £8bn, rising to over £8.5bn in 2004-05.

5. The Learning and Skills Council is now in its fifth year of operation. A key aim has been to bring about greater participation and attainment in post-16 learning, so that by 2010 people in England have knowledge and productive skills that match the best in the world. Each year the LSC funds some 6 million learners. Provision is delivered through a network of some 410 further education (FE) colleges, 1,800 school sixth forms, and around 1000 work-based learning providers. Building on its statutory duty to increase demand for learning amongst adults, the LSC is playing a leading part in delivering the Government's national skills strategy, which is designed to ensure that many more adults obtain the platform of skills needed for employment. It is also leading the rollout of a National Employer Training Programme, and has led the establishment of a wide network of Centres of Vocational Excellence. The LSC is also responsible for funding personal and community development learning for adults.

### **Higher Education**

6. The description of the structure, funding and participation in higher education (HE) given in the last UK report on this Article continued to apply during the reporting period, with the following changes and additions.

7. The Higher Education Funding Council for England (HEFCE) administers and allocates funds to support education and research in HE institutions (universities and colleges of higher education) and HE courses provided by Further Education (FE) colleges, with the Training and Development Agency for Schools (formally the Teacher Training Agency) providing funding for ITT and INSET training in HEIs.

8. The Government has announced additional funding in higher education for 2005-06 of £255 million for teaching and an additional £133 million for research. Furthermore, funding announced in the HEFCE Grant Letter for funding during 2005-06 to 2007-08 will permit year on year increases of the planned totals by 33,000/25,000/24,000 students in each of the three years.

9. The Government is also committed to widening participation in HE for non-traditional groups, particularly individuals from low-income backgrounds. The National Aimhigher Programme has, since 2004, aimed to widen participation in HE and increase the number of young people who have the abilities and aspirations to benefit from it.

10. The provisional Higher Education Initial Participation Rate (HEIPR) for 2003/04 is 43%, representing no change in the final 2002/03 figures of 43%. Latest figures from UCAS show that 404,668 applicants have been accepted onto UK higher education courses starting in 2005 compared with 375,530 in 2004; an increase of 7.76%.

***The Committee asks for further information on the use of vocational qualifications and work experience to gain access to higher education.***

11. The UCAS tariff which came into effect for entry in 2002 is a points system used to report achievement for entry to HE in a numerical format, establishing comparability between different types of qualifications. The “*Aimhigher*” programme is working to widen participation in HE and to increase the number of young people who have the abilities and aspirations to benefit from it, and this includes supporting the consolidation of vocational pathways to HE.

12. Several *Aimhigher* partnerships have supported research looking specifically at the underlying inhibitors to the admission of those with vocational qualifications onto some degree courses. *Aimhigher* will continue to feed into the current development of Lifelong Learning Networks which will encourage progression into and through HE by bringing greater clarity and certainty to progression opportunities on a regional or subject basis.

13. The Department for Education and Skills is currently funding the development of a website which will provide information on the large number of non-traditional qualifications for university admissions staff. In addition the UCAS programme of development for university admissions staff includes vocational qualifications and their value as a tool for progression to HE.

***The Committee asks also whether non UK nationals of Contracting Parties to the Charter are granted equal access to education and training.***

14. Education and training is available to all those who request it, including nationals of other Contracting Parties to the Charter who are lawfully resident or working regularly in the United Kingdom. Disabled persons and those with learning difficulties are a priority group for assistance.

#### **Further Education**

***The Committee asks about participation in further education***

15. In the 2003/04 year, there were some 410 Colleges of Further Education and Sixth Form Colleges in England, which provided further education for 978,000 full time and 2,995,000 part time students. These Colleges employed 136,223 teachers/lecturers.

#### **Union Learning Fund**

16. The Union Learning Fund (ULF) was established in 1998 in support of the Government’s objective of creating a learning society by encouraging the take up of learning in the workplace

17. The ULF is a source of funding to help trade unions use their influence with employers, employees and others to encourage greater take up of learning at work, and boost their capacity as learning organisations

18. The network of Union Learning Reps (8,000 by 31 March 2004, 12,000 by 31 March 2005), promoting learning in the workplace, has been a major success of the ULF, particularly amongst those who are not typical learners and those with basic skills needs. Statutory Rights for Union Learning Representatives, broadly similar to those enjoyed by shop stewards, came into force on 27 April 2003.

19. A union academy is due to commence operations from 1 April 2006. This union academy will help unions develop and diversify their learning provision further and is intended to place learning and skills at the heart of trade unionism. It will put trade unions at the centre of the nation’s Skills Strategy.

## **Wales**

### **Training and Vocational Education**

20. The National Council for Education and Training for Wales is a counterpart to the Learning and Skills Council in England. It was established, as a result of the Education and Training Action Plan Report (ETAG, March 1999), under Sections 30 to 51 of the Learning and Skills Act 2000, and given the duty of providing proper facilities for education and training for those aged 16-19, and also reasonable facilities for those aged 19 and above. In discharging its duties under the Act the Council was required to have regard to the needs of persons with learning difficulties (section 41 of the Act). The National Council came into being on 1 April 2001. It gradually brought together funding of all post-16 non-HE education and training; work-based learning; and FE funding from 1 April 2001 (drawing upon the work of its predecessor bodies the four Training and Enterprise Councils and the Further Education Funding Council for Wales). From April 2002 it also took over the responsibility for Adult and Community Learning and funding for school sixth forms from the 22 local authorities. It produced a National Planning and Funding system establishing a common pricing system and a funding "level playing field". It also undertook a process of sectoral reviews of provision [first review completed Review of Training and Education in the Land-Based Sector, 2003] and Geographical Pathfinder reviews of provision in a given geographical area. The National Council has subsequently been absorbed back into the Welsh Assembly Government with effect from April 2006.

### **Expenditure**

21. National Council Expenditure across the range of post-16 provision was as follows:

2000-2002	£374 million -plus administrative costs of £23 million
2002-2003	£489 million - plus administrative costs of £23 million
2003-2004	£462.5 million - plus administrative costs of £21.3 million.

### **Further Education (FE)**

22. Further Education was provided through 22 FE corporations and 3 FE institutions, with 245,035 learners enrolled in FE colleges and a further 1,235 learners at FE institutions enrolled on designated HE programmes.

23. Other relevant factors include:

58% of learners at FE institutions were female, 33% under 25.

17% of learners at FE institutions were full-time, 79% part-time and 4% work-based learners;

3.9% of learners at FE institutions were of a non-white ethnic origin;

6.9% of learners at FE institutions had a disability;

96% of learners at FE institutions were domiciled in Wales, and 24% of these were

domiciled in areas designated as deprived; and

there was a 12% increase in FE learner numbers between 1999/2000 and 2003/04<sup>33</sup>

(All figures 2003/04 – latest year for which figures are available.)

24. The total income of FE sector was as follows:

2001/02 - £314 million, 2002/03 - £334 million, 2003/04- £350 million,

of which ELWa grant accounted for:

2001/02 - £228 million, 2002/03 - £243 million, 2003/04 - £256 million.

25. In 2003/04 the Council grant as a percentage of total income by college ranged from 63.28% to 92.78%<sup>34</sup>

### **Staffing**

26. There were 14,865 members of staff directly employed by FE institutions during 2003/04, comprising 6,255 full-time and 8,610 part-time staff, of which 4,775 FTEs were directly involved in teaching and Learning in FE Institutions in Wales.<sup>35</sup>

### **Work-based learning (WBL)**

27. During 2003/04, 55,030 learners undertook a WBL programme with some 31,900 learners on a WBL programme at the end of March 2004.

28. Other relevant factors include:

78% of learners were under the age of 25 and 46% under the age of 19 (at the start of their WBL programme);

55% of learners were male;

1.8% of learners were of a non-white ethnic origin;

4.7% of learners had a disability;

69% of learners were on a Modern Apprenticeship or Foundation; and

overall there was a 32% increase in the number of learners on WBL programmes between March 1999 and March 2004

### **Modern Apprenticeship programme**

29. Under the Modern Apprenticeship programme:

58,090 qualification outcomes were achieved in 2003/04 by work-based learning learners;

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<sup>33</sup> Source: ELWa - Further Education, Work-based Learning and Community Learning in Wales Statistics 2003/04

<sup>34</sup> Source: ELWa circular NC/C/05/01FR - ANALYSIS OF THE FINANCIAL POSITION OF THE FE SECTOR 2003/04

<sup>35</sup> Source: SDR 101/2005 – Statistical First Release - Staff at Further Education Institutions in Wales, 2003/04

78% of qualification outcomes achieved were at a notional level of NVQ level 1 or 2; and

32% of qualification outcomes achieved were NVQs (or equivalent) and 55% were key skills<sup>36</sup>.

### Higher Education

30. The Higher Education Funding Council for Wales (HEFCW) administers and allocates funds to support education and research in HE institutions (universities and colleges of higher education) and HE courses provided by Further Education (FE) colleges. HEFCW is also responsible for accrediting providers of initial teaching training for school teachers and commissioning research to improve the standards of teachers and teachers training. HEFCW has been allocated funding of £386,777,634 for 2005-06.

### Reaching Higher

31. "Reaching Higher" is the Welsh Assembly Government's strategy for a competitive, robust and sustainable higher education sector in Wales. It sets out the vision for an inclusive and world-renowned sector and the steps required to achieve it. The purpose of the strategy is to chart a clear course for the Welsh HE sector to 2010. It was foreshadowed by "Putting Wales First: A Partnership for the People of Wales" (October 2000) and "The Learning Country" (September 2001). It also takes account of the extensive consultation and evidence gathering of the Education and Lifelong Learning (ELL) Committee's "Policy Review of Higher Education", published in January 2002.

32. Widening access is a key priority for the Welsh Assembly as set out in *Reaching Higher*, however, it should be noted that the focus is on widening access from low participation neighbourhoods. *Reaching Higher* sets out a commitment to increase representation of groups currently under-represented at HE. The Assembly has a target to increase the numbers of undergraduates enrolling from Communities First areas and is working to develop additional targets relating to ethnic minorities and disabled students.

33. **The Assembly has focused its widening access policy on increasing representation from the 142 communities identified under the Communities First programme, which form the core of such low participation neighbourhoods. The Assembly is committed to increasing representation from these communities from 8.9% in 2000/01 to 11.4% by 2010. The Welsh Assembly Government is adamant that higher education should not be the preserve of the elite.**

34. Communities First is the Assembly's flagship programme aimed at reducing poverty and helping to improve the lives of people who live in the poorest areas in Wales. A central plank of the programme is to encourage education and skills training.

### Achieving wider participation

35. **An additional £2 million pounds was made available by the Welsh Assembly Government in support of widening access in 2002-03, and each subsequent financial year. HEFCW allocated this funding between the four regional partnerships under Reaching Higher/Reaching Wider.**

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<sup>36</sup> Source: ELWa - Further Education, Work-based Learning and Community Learning in Wales Statistics 2003/04

36. To ensure Wales-wide coverage, the four partnerships were formed with the remit of: raising the educational aspirations of school-age students through targeted activity; encouraging progression to higher level studies post-school at further or higher education institutions; and supporting attainment raising activities to enable students to succeed at higher levels. Higher education institutions also have their own widening access initiatives that are supported via the Higher Education Funding Council for Wales (HEFCW).

### **Scotland**

37. The Scottish Credit and Qualifications Framework brings together all Scottish mainstream qualifications into one single unified framework to enable employers, learners and the general public to understand the full range of Scottish Qualifications, how they relate to one another and how different types of qualifications can contribute to improving skills of the workforce. The framework includes Scottish Vocational Qualifications (SVQs).

38. The Scottish Executive's established a Partnership Agreement that includes a commitment to enable 14 to 16 years olds to develop vocational skills through college courses. The development of new Skills for Work courses is one of the main ways of doing that. The rationale for these courses is set out in the Executive's strategy for school and college partnerships, *Lifelong Partners*<sup>37</sup>, which was launched in May 2005. These courses will develop skills and knowledge in broad vocational areas.

39. The vast majority of study at further education is regarded as vocational and admission to courses is determined by the further education colleges themselves. This includes non-advanced higher education delivered at the colleges for which the colleges determine entry requirements; this may include recognition of vocational qualifications such as SVQs and National Certificates.

40. Similarly higher education institutions are autonomous bodies that determine their own admission criteria to all types of course. This includes arrangements for articulation from sub-degree study at a further education college to a first degree at a higher education institution. Ministers are committed to ensure that all who are able have the opportunity to benefit from higher education and see articulation as an important element of achieving this. Recognition of professional higher education qualifications by professional bodies is a matter for the institutions and the bodies concerned.

41. The creation of the new Scottish Further and Higher Education Funding Council provides one strategic organisation for further and higher education in Scotland, thereby establishing a more integrated view of lifelong learning. By providing a single overview of the system, it will be able to provide a coherent linkage between the objectives of post-school education and Scotland's national economic objectives.

42. In 2003-04 completion rates for those studying higher education at a further education college was 81% for full-time students and 93 % for part-time. In 2002/03, the latest year for which projections are available, 72.1% of young full-time entrants to a first degree course at a higher education institution are projected to obtain a degree.

43. According to Annual Scottish Labour Force Survey the employment rate of people who hold a higher-education qualification is 86.7% as at 2004.

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<sup>37</sup> [www.scotland.gov.uk/Publications/2005/05/12141235](http://www.scotland.gov.uk/Publications/2005/05/12141235) - 18k



## **Legislation**

44. The Education (Scotland) Act 1996 includes provisions for: the establishment of a new examination authority - the Scottish Qualifications Authority (SQA) - to replace both the Scottish Examination Board (SEB) and the Scottish Vocational Education Council (SCOTVEC); the payment of grants to providers of pre-school education for children; some changes to the School Boards Act; and the granting of powers to the Secretary of State (now the Scottish Ministers) to introduce regulations concerning testing and assessment in the first two years of secondary education.

## **Further and Higher Education and Community Learning and development**

45. Further education and higher education are the subject of a separate Act, the Further and Higher Education (Scotland) Act 1992, which established a new structure for these sectors of education. Community learning and development is subject to Section 1 of the Education (Scotland) Act 1980 and the Further and Higher education (Scotland) Act 1992.

## **Other Acts dealing specifically with education**

46. A number of other Scottish Acts, currently in force, are concerned with education. The Teaching Council (Scotland) Act 1965 gave power to the General Teaching Council to keep a register of teachers in Scotland and established registration as an essential requirement for teachers in Scotland.

47. The Education (Mentally Handicapped Children) (Scotland) Act 1974 brought profoundly mentally handicapped children within the responsibility of the education service and made it possible to provide education for children who were previously thought unable to function in main-stream schooling.

48. The School Boards (Scotland) Act 1988 gave schools the opportunity of forming a School Board.

49. The Standards in Scotland's Schools etc Scotland Act 2000 gave every child in Scotland a right to education for the first time, outlined measures to modernise the teaching profession and enhance its status, and established a framework of improvement for school education. The framework includes a new set of National Priorities for school education (see above in this section).

50. The Great Britain Special Educational Needs and Disability Act 2001 gives students with disabilities the right to be included alongside their peers, on the same educational programmes, in the same institutions. The Education (Disability Strategies and Pupils' Educational Records) (Scotland) Act 2002 requires education providers to improve accessibility to school facilities and the curriculum for pupils with disabilities.

51. The Education (Additional Support for Learning) (Scotland) Act 2004, passed in April 2004 and due to be fully implemented in autumn 2005, gives education authorities and other agencies, such as social work departments and health boards, a duty to collaborate in providing whatever additional support beyond normal mainstream provision that any individual pupil needs to benefit from education.

52. Several of the above Acts also contain specific provisions for education other than the main provision mentioned here.

## **Other Acts with provisions affecting education**

53. Several Acts which are not primarily concerned with education, such as the Social Work (Scotland) Act 1968, the Disabled Persons (Services, Consultation and Representation) Act 1986, the Children Act 1989 and the Children (Scotland) Act 1995, also have implications for the Scottish education system and the organisation and administration of schools and colleges.

### **Vocational Institutions**

54. Scotland's 46 FE colleges provide much of the country's vocational education and training as well as a wide range of higher education courses, mainly at HNC and HND level, but also in some cases at degree level. Many colleges have also developed close links with particular universities or other higher education institutions to which some of their students may transfer after gaining their HND.

55. In accordance with the provisions of the Further and Higher Education (Scotland) Act 1992,<sup>43</sup> FE colleges became incorporated (i.e. self-governing) with effect from 1 April 1993. Since Bell College of Technology, Hamilton, was designated as a higher education institution in August 2001, however, the number of incorporated FE colleges is now 42. The FE colleges are governed by Boards of Management comprising up to 16 members. (The two colleges in Orkney and Shetland are under the management of the Islands' Councils, which receive 100% grant for them. Grant is also provided to two other colleges: Sabhal Mor Ostaig (the Gaelic college) and Newbattle Abbey College).

### **Higher Education**

56. Rates of participation in higher education in Scotland are high. The Age Participation Index for 2003-2004 shows that 48.9% of young people in Scotland now participate in higher education. The API measures the number of 17 year olds who participate in higher education by the time they are 21. The proportion of young people now studying at higher education as measured by the API has increased during the 10 years since 1993/4 when it was 40%.

57. There are 20 Higher Education institutions in Scotland plus the Open University. In addition around 20% of higher education (normally at sub-degree level) is delivered in further education colleges. Admission to universities and colleges is on merit, and whilst the institutions themselves are independent and are responsible for their own admission policies and procedures all are members of the Universities and Colleges Admission Service (UCAS) which operates and manages a centralised application system across the UK.

58. In 2003-4 the total number of Scottish domiciled Scottish students studying at a higher education institution anywhere in the UK was 165, 475, of these 92% chose to study in Scotland. However there is significant cross-border flow of students both from and to other parts of the United Kingdom. In 2003-4 the number of non-Scottish domiciled students at Scottish HEI's was 64,070 including many from out-with the UK. This figure includes 11,000 students enrolled at Scottish HEI's, but studying outside the UK, for example through distance learning.

59. Whilst the overall number of young people studying at higher education level is high the numbers from lower socio-economic groups is proportionally lower than their numbers in the population as a whole. For example only 5% of successful applications to UCAS from 17-19 year olds originated from the 15% most deprived areas of Scotland, despite these being home to 17% of young people from that age group. A key commitment of the Scottish Executive is to widen access to higher education to all those who can benefit irrespective of their background or personal circumstances. Ministers, after consultation with the sector have identified a basket of measures to improve access to these groups. It is working with the Scottish Further and Higher Education Council to develop strategies and monitor progress on these measures. All

Scottish universities are already committed to putting social inclusion, access and support at the heart of their institutional missions.

60. Additional investment in student support for students ordinarily resident in Scotland is being targeted on those from the lowest income backgrounds, with increases of up to 20% in living cost support and new bursaries worth up to £2,000 and new funding for childcare costs. Between 1999 and 2003, 2,800 additional full-time equivalent places in HEIs will have been created. At the same time, additional funding had been allocated to the Scottish higher education funding council (now merged with the further education funding council to form the Scottish Funding Council) to widen access. Projects are being funded to stimulate interest and raise aspirations among under-represented groups. Premium funding is available to institutions to enable them to provide additional support and materials for students with disabilities or those from under-represented areas, with the aim of improving retention. The institutions which are successful in leveraging in private sector investment for wider access are being rewarded with additional places.

61. The number of academic staff employed in higher education in Scotland in 2003/4 was 15,460; of those 12,625 were full time.

62. The public funding of both higher and further education is delivered through the Scottish Funding Council which was created in 2005 by the merger of the Scottish Higher Education Funding Council and the Scottish Further Education Funding Council. The Scottish Funding Council funds a number of initiatives to support higher education institutions to improve articulation from further to higher education and to widen participation in higher education and amongst students from under represented groups such as those from particular areas, those with disabilities and mature students who wish to study part-time.

### **Lifelong Learning Strategy**

63. The Scottish Executive Lifelong Learning Strategy '*Life Through Learning: Learning Through Life*' was published in February 2003 and set out the five people-centred goals for the following 5 years. The vision for Scotland is 'provide the best possible match between the learning opportunities open to people and the skills, knowledge, attitudes and behaviours that will strengthen Scotland's economy and society'.

A Scotland where people have the confidence, enterprise, knowledge, creativity and skills they need to participate in economic, social and civic life;

A Scotland where people demand and providers deliver a high quality learning experience;

A Scotland where people's knowledge and skills are recognised, used and developed to best effect in the workplace;

A Scotland where people are given the information, guidance and support they need to make effective learning decisions and transitions; and

A Scotland where people have the chance to learn, irrespective of their background or current personal circumstances.

64. Scottish Executive investment in learning in 2002-3 was £1.3 billion which will rise to £1.9 billion in 2005-6. The main lifelong learning targets are:

To reduce the proportion of 16-19 year olds not in education, training or employment;

To raise participation and retention rates in learning amongst 16-19 year olds from low income families;

To reduce the proportion of working age adults whose highest qualification is below Scottish Credit and Qualifications Framework (SCQF) level 5;

To reduce the proportion of 18-29 year olds whose highest qualification is below SCQF level 6; and

Increase the proportion of people in employment undertaking training.

### **Northern Ireland**

#### **Further Education**

65. The Department of Employment and Learning determines the framework for further education in Northern Ireland, sets strategic goals for the sector and provides funding. In the 2005/2006 financial year, the Department made available £130,000,000 (recurrent funding) for colleges in Northern Ireland.

66. Northern Ireland has 16 further education colleges. The total number of students on vocational courses in 2003-2004 was 140,574 (30,511 full-time and 110,063 part-time), compared with 138,077 students in 2002-2003 (28,109 full-time and 109,968 part-time).

67. In 2003-2004 some 1,703 full-time and 3,068 part-time staff were employed in the further education sector (compared with 1,770 full-time and 3,096 part-time in 2002-2003).

### **Isle of Man**

68. The Department of Trade and Industry (DTI) has a broad responsibility for vocational training in the Isle of Man, including a strategic approach in terms of the skills, needs of the economy and financial assistance to individuals and employers that is reflected by the following:

- a) it administers a number of Training Schemes, approved by Tynwald, that provide financial assistance to individuals and organisations in support of vocational training with access to such schemes being available to all individuals and organisations resident in the Isle of Man;
- b) in the financial year 2003/04 the DTI budget for its vocational training responsibilities was £2,053,900;
- c) it operates a single vocational training centre;
- d) it has a DTI Training Centre with 16 instructional officers involved in direct training duties; and
- e) in 2003/04 1150 separate individuals attended the Training Centre undertaking full-time or part-time vocational training.

## **QUESTION B**

### **England**

69. There were 4.114 million learners in Council-funded Further Education in 2003/04. Of these, 2.475 million (60%) were female. Additionally, 531 thousand people participated in

work-based learning. 237 thousand of (45%) of WBL participants were female.<sup>38</sup>

### **Centres of Vocational Excellence (CoVEs) and National Skills Academies (NSAs)**

70. Since 2001, the Learning and Skills Council has been developing CoVEs to meet employers' vocational skills needs. CoVEs work with employers to deliver craft, technician and supervisory level learning. They offer progression from entry level, which often involves schools, and to Higher Education. Over 85% of the network is in place. Most centres are based in general Further Education colleges. The rest involve work based learning providers. Recent Government education strategies highlight the importance of CoVEs, particularly their focus on meeting regional and local skills needs.

71. The National Skills Academies programme was announced in the Skills White Paper in March 2005. Employers are being asked to lead the establishment of National Skills Academies and invest their own funds in developing national centres of excellence for their sector. They will work in partnership with the public education sector to deliver high quality, responsive learning for young people and adults. Wherever possible, NSAs will build on the CoVE network and involve them in their proposals. The aim is to have 4 National Skills Academies operating by Autumn 2006, 12 in place by 2007-08 and, in the longer term, one for each major sector of the economy.

### **Sector Skills Councils**

72. Sector Skills Councils (SSCs) are licensed by Government and led by employers. They are leading the drive to significantly improve skills for productivity in industry and business sectors across the UK. SSCs have also been established in the public sector, to support the Government's ambitions for delivering world-class public services.

73. SSCs are experts on their sectors and understand the key drivers influencing the demand, supply and use of skills. They work with business and Trade Unions to drive up employer engagement and investment in skills. They have growing influence at a senior level with Government, the LSC, RDAs, HEFCE and other partners in shaping the qualifications and funding priorities for the public supply of skills in the Further and Higher education sectors.

74. Each SSC has four key goals to:

- Reduce skills gaps and shortages and increase the speed of development and transition by its sector;
- Develop specific actions that lead to improved productivity, business and public services performance;
- Take action leading to the development of everyone in the sector's workforce; and,
- Influence action that leads to improvement in learning supply.

75. A key part of the SSC role is to develop a Sector Skills Agreement. These are a key means of:

Encouraging employers to take ownership of skills issues and to offer a credible and coherent analysis of current and future skills needs

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<sup>38</sup> LSC Statistical First Release - ILR/SFR05 - December 2004

Developing sector strategies to address specific productivity/public sector delivery issues and associated skill needs, including plans for collective employer action

Developing skills development solutions with supply-side partner organisations across the UK to match sector needs in a regional, sub-regional and local context.

## **Wales**

76. Sector skills councils are influencing individual higher education institutions in Wales both directly and with the engagement of the Higher Education Funding Council. Similarly Foundation degrees are vocational higher education qualifications designed with employers specifically to meet both the employers needs and the interests of the students and these are provided in many Welsh institutions in direct response to local employers.

77. Opportunities such as the successful GO Wales operating in Wales, bring employers students and graduates together allowing employers and students to gain experience of what graduates can bring to businesses and what they need to develop - and help them to develop these skills through work placements while they are learning as well as employment after graduation<sup>39</sup>. Under Go Wales (to December last year), around 1500 companies benefited from work experience student placements or Continuous Professional Development activities and of the 1,644 students/graduates placed with SME's, some 60% found that their placement led to permanent employment with their host or another organisation. These businesses have already experienced the benefits that employing graduates can bring and believe that the students will have learned to develop their softer skills as part of their experience.

## **Scotland**

### **Further Education**

78. In 2003/4, the number of vocational student enrolments in further education was 352,000, 86% of those on a part-time basis. 261,000 were enrolments by mature students (i.e. aged 19 plus). The majority of mature students are part time. The proportion of 16-18 year olds is around 25%.

79. In 2003-4 the three subject groups recording the highest level of activity were health, computing and social services. There is still a traditional gender focus on many courses, men account for more than 90% of enrolments in construction, engineering and transport whereas women are overwhelmingly represented on courses in the vocational areas of health, social work and office and secretarial services.

### **Training and Vocational Education**

80. Scottish Ministers have responsibility for education and training policy in Scotland. Scottish Enterprise (SEn) and Highlands and Islands Enterprise (HIE), the 2 economic development agencies, are responsible through their respective networks of local enterprise companies (LECs) for the delivery of Government training programmes. This includes Skillseekers, the young people's training programme and Modern Apprenticeships.

### **Scottish Vocational Qualifications (SVQ)**

81. Scottish Vocational Qualifications (SVQ) exist at five levels. These qualifications have been designed by employers for specific areas of employment and therefore relate to an

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<sup>39</sup> [www.gowales.co.uk/e/index.php](http://www.gowales.co.uk/e/index.php)

individual's ability to do a specific job, based on actual working practices in real workplace conditions. The SVQ is analogous to the National Vocational Qualification (NVQ) operating in the rest of the United Kingdom and both are recognised as valid qualifications across the European Union.

82. SVQs have been placed at various levels of the Scottish Credit and Qualifications Framework, and work continues on how to incorporate them fully by allocating credit points to them.

83. National Qualification units and courses wholly replace the former General Scottish Vocational Qualifications (GSVQs) and most National Certificate (NC) modules and bring together vocational and academic subjects to ensure that these are given equal status. A key aim of the new system is to allow students of all levels of ability to progress to the highest qualification of which they are capable by working through the tiers, although there is no requirement to study at every level.

### **Advanced Level Vocational Courses**

84. Advanced level courses offered by the further education colleges lead to the award of Higher National Certificates and Diplomas (HNC and HND) and, in some colleges, to degrees. HNCs and HNDs are long established vocational qualifications covering a diverse and growing range of employment sectors. Between 1995 and 1998 extensive consultations with employers and colleges on new design rules for Higher National Qualifications were carried out. As a result of these consultations, the new design rules were introduced in 1998:

- a) Without exception, the credit value of all HNCs and HNDs will be 15 and 30 credits respectively.
- b) All HNCs will include two mandatory Integrative Assessments, and all HNDs will include four mandatory Integrative Assessments. The purpose of Integrative Assessment will be to assess the candidate's ability to integrate and apply the knowledge and/ or skills gained in the individual Units to demonstrate that they have achieved the principal aims of the group award.
- c) All HNCs and HNDs will have a mandatory section which every candidate for a group award will take.
- d) All HN Units will be allocated a level appropriate to their position on SCQF.
- e) All HNCs and HNDs will have a recommended Core Skills profile for entry to the Group Award and a mandatory Core Skills profile of at least 3 Core Skills.
- f) The new HN Unit specifications will be used in all revised HNCs and HNDs.

85. Programmes of study in FE colleges include:

- programmes leading to Scottish Vocational Qualifications (SVQ); some of these qualifications have joint certification by the SQA and another awarding body such as City and Guilds or a professional body;
- programmes leading to national awards which prepare students for broad employment opportunities, including progression to further or higher education; these may also include credits towards Scottish Vocational Qualifications (SVQ); and
- programmes devised to suit certain needs. These programmes may match particular industry

or business needs, for example a programme designed in collaboration with a college for multi-disciplinary engineering technicians from a petro-chemical plant; or a re-training programme; or other programmes of employer-related training.

## **Union Learning**

86. Among other bodies providing adult education, the Scottish Trades Union Congress (STUC) offers courses in health and safety, employment law, technology and employee counselling as well as sponsoring a university Diploma in Industrial Relations.

## **Scottish Union Learning Fund (SULF)**

87. In Scotland the Scottish Union Learning Fund (SULF) was established in August 2000. To date the Fund has supported 54 projects from 23 unions with grants totalling £3.3m being awarded. The process for applications for Round 6 of SULF will be concluded by January 2006. There are no set targets for SULF – each project is individual and will have its own objectives and performance measures. The operation of SULF can be thought of as contributing to the Smart, Successful Scotland priority to “increase the demand for high quality in-work training”. An external evaluation on SULF Rounds 1 to 5 will report in January 2006. It was announced on 29 April 2005 that an extra £1.4m, over three years, would be provided to allow the STUC to develop its learning services in parallel with the development of the Union Academy in England and Wales and to help develop proposals for any proposed Union Academy in Scotland.

## **Northern Ireland**

### **Vocational Higher Education**

88. Foundation Degrees are intermediate, vocationally oriented higher education qualifications designed to address skills gaps at the associate professional and higher technician level. Another of the aims of Foundation Degrees is to increase participation in HE and stimulate lifelong learning.

89. A limited number of Foundation Degree pilot programmes in targeted occupational areas such as Information and Communications Technology, Construction and the Built Environment, and Hospitality and Tourism commenced in the 2001 and 2002 academic years.

90. 300 Full-Time Equivalent places were created for these Foundation Degrees pilot programmes and, in line with the Department's policy, a part-time mode of delivery for existing employees was encouraged. An additional 240 full-time Foundation Degree places were created in 2003.

91. In early 2003 the pilot programmes were evaluated jointly by the Quality Assurance Agency and the NI Education and Training Inspectorate. The evaluation was sufficiently positive to encourage further development.

92. The Department for Employment and Learning has invited the development of Foundation Degrees in any vocational discipline provided they, meet all the relevant criteria for a Foundation Degree and in particular that they meet the needs of employers as evidenced by engagement with the relevant Sector Skills Councils, meet National Occupational Standards and are flexible in delivery.

### **Further Education**

93. In Northern Ireland, Further education colleges provide a full range of vocational



courses on both a full-time and part-time basis. Of the 140,574 students attending vocational courses in the academic year 2003-2004, 61,067 were male and 79,507 were female; of the 30,511 students attending full-time vocational courses, 16,885 were male and 13,626 were female; of the 110,063 students attending part-time courses, 44,182 were male and 65,881 were female. Of the 140,574 students attending vocational courses in the year 2003-2004, 57,324 (approx. 40.8%) were aged 19 years and under, and 83,250 (approx. 59.2%) were mature students (i.e. 20 years and over).

94. Of the 57,324 students aged 19 years and under, 30,345 were male and 26,979 were female. 25,490 were attending full-time courses (of which 14,402 were male and 11,088 were female) and 31,834 were attending part-time courses (of which 15,943 were male and 15,891 were female).

95. Of the 83,250 mature students, 30,722 were male and 52,528 were female. 5,021 were attending full-time courses (of which 2,483 were male and 2,538 were female) and 78,229 (94.0% of the total number of mature students) were attending part-time courses (of which 28,239 were male and 49,990 were female).

96. The funding mechanism for the sector attaches a relatively greater weighting to students on vocational courses than to those on non-vocational courses. The Department for Employment and Learning is responsible for the financial monitoring of the FE sector.

97. The Department for Employment and Learning is strongly committed to equality of opportunity regarding its Education & Training programmes and actively seeks to widen access from under-represented groups through a range of funding initiatives. The Department currently monitors statistical information on seven of the nine Section 75 equality categories (Age, Gender, Ethnicity, Community Background, Disability, Marital Status and No. of Dependents) and utilises such information in conducting Equality Impact Assessments to guide Policy Development.

### **Isle of Man**

98. The DTI's responsibilities for providing training support are spread across all sectors of the local economy. Access to such support is related to a number of factors including, relevance to the local economy, local skills shortages and value for money.

99. In terms of direct training provided by the DTI at its Training Centre, the areas are restricted to mechanical engineering, construction, electrical engineering, office technology, and health and safety training.

## **QUESTION C**

### **England**

100. A full description is given in our response under Article 9.

### **Wales**

#### **Adult Guidance**

101. The National Assembly for Wales' Post-16 Education and Training Committee recommended that a national all-age guidance service be established to operate under a

common brand across Wales with a guarantee of services delivered to national standards.

102. Careers Wales was established on 1 April 2001, with a remit to deliver the Adult Guidance Initiative and learndirect helpline in Wales, as well as statutory careers services and work experience, employer mentoring and business awareness and enterprise strands of education business links.

103. Careers Wales offered an entitlement of impartial information and advice on learning, training and career opportunities to all adults; and in depth guidance to the unemployed (outside of New Deal), those under notice of redundancy and those looking to return to the labour market. From 1 April 2003, the National Assembly for Wales removed these restrictions to allow professionally qualified Careers Wales staff to determine the level of support appropriate to an individual.

## **Scotland**

### **Information, Advice and Guidance**

104. One of the goals of Scotland's lifelong learning strategy *'Life Through Learning; Learning Through Life'* is 'A Scotland where people are given the information, guidance and support they need to make effective learning decisions and transitions'.

105. As part of the funding for Learners Review, an Information, Advice and Guidance (IAG) Delivery Group was established to address the issue of IAG on funding for learners. The emphasis of the group is on improving what already exists and making it work more effectively for the learner, rather than propose new initiatives that require new funding. The IAG Delivery Group developed proposals and recommendations for a national service to provide information on funding to existing learners, potential learners and intermediary organisations. The group also secured funding for a handbook on 'Benefits for Students in Scotland' and a redesign of the funding for learners website.

106. The Delivery Group has since agreed to broaden its remit to look at issues across the wider IAG landscape. At its last meeting, the Delivery Group agreed to look more closely at the area of IAG to those currently in employment and to consider how the organisations represented on the group can work together to ensure more comprehensive and consistent provision of IAG to those in the workplace and those seeking to enter employment.

## **Isle of Man**

107. The Training and Employment Group within the DTI has a responsibility on the Island for both training services and employment services. The Department's priorities in terms of the provision of training support and training courses is largely driven by information from employment services as to current job vacancies, and known skills shortage areas.

### **QUESTION D**

## **England**

108. There is no change to the information previously given.

## **Scotland**

### **Scottish Credit and Qualifications Framework (SCQF)**

109. The Scottish Credit and Qualifications Framework (SCQF) is a framework which brings together all mainstream Scottish Qualifications. The SCQF builds on the Scottish Credit Accumulation and Transfer (SCOTCAT) scheme, agreed by all Scottish higher education institutions and further education colleges in 1992. The SCQF is now being progressed under the partnership of the Scottish Executive, The Scottish Qualifications Authority (SQA), The Quality Assurance Agency for Higher Education (QAA) (Scottish Office), and Universities Scotland.

110. The framework currently incorporates all the mainstream Scottish qualifications from Access level to Doctorate level. It includes both academic and vocational qualifications provided in schools, further education higher education, and the workplace. Qualifications are allocated credit points and placed at one of the twelve component levels of the framework. Individual academic qualifications are credit-rated according to their "size" in terms of notional learning hours (1 credit point for each 10 hours of learner effort, assuming a 1200 hour learning

year).

111. The SCQF is designed to make the Scottish qualifications system easier to understand for everyone, including employers, learners, and those involved in the provision of learning. It demonstrates the relationships between qualifications. It allows learners to plan progress towards their learning and career goals. Since it allows the transfer of credits from one qualification towards another in relevant subjects it avoids repetition of learning.

112. Current and future SCQF developments include work in community learning and development, in Scotland's Colleges and Schools, in the social services and health sectors, working with employers and the recognition of prior and experiential learning. The framework will continue to develop and expand to include other kinds of qualifications and learning. Further information can be found at the SCQF website<sup>40</sup>.

113. The Scottish Executive plans to introduce an Adult Learning Strategy for Scotland 2006. It commissioned relevant research in 2004, and undertook a consultation exercise during 2005.

### **Higher Education and Assistance for Students with additional needs**

114. In recent years institutions of higher education have recognised the need to make particular arrangements for students with certain disabilities to take their courses and to sit examinations. HEIs are required to comply with the Disability Discrimination Act, as amended by the Special Educational Needs and Disability Act, to ensure that disabled people are not discriminated against and that reasonable adjustments are made to ensure that disabled students are not placed at a substantial disadvantage. Many institutions are now modernising their buildings to ensure that they are accessible.

115. Under Executive proposals in the Further and Higher Education (Scotland) Bill, the Funding Council will be required, in carrying out its functions, to have regard to the support needs of those who have difficulty in learning or those who have difficulty participating in learning.

### **Northern Ireland**

116. In Northern Ireland, under the **learndirect** brand name, the University for Industry's ICT based learning services has been available since early 2001. An initial network of 32 local **learndirect** centres was operational by April 2002 and more were added progressively leading to 36 centres in total. By the end of the reporting period 7 organisations had left the programme leaving 27 centres involved at December 2004.

117. A National Telephone Helpline - "**Learning Direct**" - was launched in Scotland in September 1997 and in England, Wales and Northern Ireland in February 1998. It offers all adults an impartial and confidential advice on a wide range of learning opportunities, information on how to pay for learning and advice on related childcare opportunities. Calls to the helpline are free and in its first four months of operation, Learning Direct dealt with over 250,000 calls. A new Northern Ireland call centre was added to the re-named **learndirect** national free phone help-line in June 2000. In December 2004 the Department for Employment and Learning agreed with Ufi that the Helpline would be provided more cost effectively on the transfer of Northern Ireland calls to the Manchester call centre. This was effected in April 2005. Callers continue to have access to free and impartial information on learning opportunities in Northern Ireland and Great Britain and can also be referred for a more in depth guidance

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<sup>40</sup> [www.scqf.org.uk](http://www.scqf.org.uk)

intervention with a guidance adviser from the Educational Guidance Service for Adults.

### **Isle of Man**

118. There are presently no university facilities on the Isle of Man. Students who wish to undertake university level education apply for places in United Kingdom establishments through the UK's UCAS system. Isle of Man students must meet "A" level grade criteria for admission in the same way as UK students.

## **QUESTION E**

### **United Kingdom**

119. Vocational training is available to all those who request it, including nationals of other Contracting Parties to the Charter lawfully resident or working regularly in the United Kingdom. Disabled persons and those with learning difficulties are a priority group for assistance.

### **Northern Ireland**

120. In the period of the report work was undertaken to introduce legislation in NI to increase the rights of children with special educational needs to a mainstream education place and outlaw discrimination on the grounds of disability by schools, further and higher education providers and general qualifications bodies in Northern Ireland - the planned measures being similar to those introduced in England, Scotland and Wales by the Special Educational Needs and Disability Act 2001.

121. Although outside of the reference period, the Committee may wish to note that the Special Educational Needs and Disability (Northern Ireland) Order 2005<sup>41</sup> was made in April 2005 and came into full effect on 1<sup>st</sup> September 2005.

### **Higher Education**

122. Widening participation in higher education by students from groups who are currently under-represented is one of the key strategic goals of the Department for Employment and Learning.

123. Since 2000 the Department has been addressing this issue through a number of policy directions and a range of specific funding mechanisms including:

- Project funding specifically aimed at allowing the universities to test their strategies and approaches to making access to HE available to under-represented groups, and to develop partnerships with schools with traditionally low levels of participation in HE;
- Project funding aimed at assisting disabled students including a project to establish a register of support workers for students with specific learning difficulties, e.g. dyslexia support workers, readers and notetakers.
- A widening participation premium which is paid to the universities for students from disadvantaged backgrounds the allocation of which is based on non-fee paying students;
- A widening access premium for students with disabilities. This disability premium is paid to

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<sup>41</sup> [www.opsi.gov.uk/si/si2005/20051117.htm](http://www.opsi.gov.uk/si/si2005/20051117.htm)

institutions based on the number of full-time undergraduate students in receipt of Disabled Students Allowance.

- A requirement on the part of universities to produce widening participation strategies and action plans which detail activities, targets and performance indicators regarding the recruitment, retention and progression of students from under-represented groups.
- The introduction of the “Aim Higher” Roadshow in NI. The Department for Employment and Learning and the Department of Education have worked with the Royal Bank of Scotland to introduce a Roadshow which visits targeted schools and FE Colleges and aims to increase awareness of, and participation in, Higher Education amongst young people who may not have considered it as an option.

124. The Department also made Support Funds available to the H E institutions to fund students directly who found themselves in hardship. In the years 2001/02 to 2003/2004 the budget for HE was £6.034m.

### **Review of Policy / Initiatives**

125. In the course of 2003/04 the Department asked the Northern Ireland Higher Education Council (NIHEC) for its advice on the current policy approach to widening participation and to make proposals for the future direction which the Department’s policies and funding instruments might take.

126. The resulting NIHEC report made a number of recommendations including that Northern Ireland would benefit from the development of a regional integrated strategy for widening participation involving all stakeholders including senior management of the Universities, the University Colleges, FE Colleges Schools, all appropriate Government Departments and the NUS/USI.

127. The report also recommended that the future focus of the Department should be on setting challenging targets and outcomes for widening access and developing effective mechanisms to monitor the achievement of outcomes.

### **Isle of Man**

128. Access to vocational training opportunities is made available to all residents lawfully resident on the Isle of Man. There is established, within DTI Employment Services, a specialist Disability Employment Advisory section which actively promotes the provision of training and employment opportunities for disabled persons.

## **ARTICLE 10, Paragraph 2**

### **QUESTION A**

#### **England**

1. At the end of Oct 2004, a total of 105,900 young people were in training as Advanced Apprentices and 164,000 as Apprentices in England in 150 occupations.
2. Apprenticeship training in England is delivered as a partnership between employers, sector bodies, including Sector Skills Councils and the Learning and Skills Council (LSC), with Government support and contribution to funding.
3. All frameworks must include the requirement to achieve a National Vocational Qualification at at least level three for the Advanced Apprenticeship or level two for the Apprenticeship, for occupations at craft, supervisory and technician level. They also cover Key Skills in Communication, Application of Number and Information Technology as well as any additional elements required for the sector.

#### **Wales**

4. Apprenticeships and Skillbuild are the mainstream work-based learning programmes in Wales. Modern Apprenticeships (Level 3) and Foundation Modern Apprenticeships (Level 2) provide an integrated programme of learning both on and off the job, including key skills, to a structured learning framework developed by employers and Sector Skills Councils approved nationally (England/Wales level). The majority of learners are employed during the course of their apprenticeship. Skillbuild is a programme of preparatory learning for people who require this before they are able to enter the labour market. The programme is flexible in nature to suit the needs of the individual learner. All programmes are available for all ages. Until March 2006, the training was delivered through the National Council for Education and Training for Wales (ELWa - National Council) which replaced the four Training and Enterprise Councils in April 2000. In April 2006, ELWa (together with some other Assembly Sponsored Public Bodies) was merged with the Welsh Assembly Government and from that date the funding and management of work-based learning has been the responsibility of the Assembly Government.

#### **Scotland**

5. The Scottish system of post-school education is best described under three headings: training, further education and higher education. These headings correspond to different kinds of organisation and a different structure of responsibility. There is, however, considerable overlap between training and further education and between further education and higher education.
6. There is a range of Government funded national training programmes which are managed and delivered by Scottish Enterprise (SE) and Highlands and Islands Enterprise (HIE) through their networks of Local Enterprise Companies (LECs).

#### **Skillseekers**

7. All young people aged 16-17 are entitled, under the Youth Training Guarantee, to Skillseekers training. LECs also have discretion to fund 18-24 year olds. The main elements of Skillseekers are training leading to a recognised qualification up to SVQ Level III (SCQF 6), an individual training plan, and employer involvement. The programme has helped increase employer participation in training and 75% of Skillseekers participants are now employed while undertaking their training. Training provision for young people with additional support needs

was recently redesigned and the new model, Get Ready for Work, was introduced in April 2002.

### **Modern Apprenticeships**

8. Modern Apprenticeships were introduced in 1996 and offer paid employment combined with the opportunity to train at craft, technician and trainee management level. The training must lead to SVQ Level III or above and include core skills. Following removal of the upper age limit in March 2001, LECs have discretion to fund MAs for people over 25.

### **Training for Work**

9. Training for Work (TfW) is a vocational skills training programme targeted at individuals aged 25 and over who have been unemployed for six months or more and gives early entry for people of all ages on inactive benefits. The programme aims to help people move into work by improving their work related skills through the provision of appropriate training and structured work activity in line with assessed needs. Training is delivered by private training providers, voluntary sector organisations, local authorities, further education colleges and employers. The aim is to provide a wide range of job focussed training opportunities linked to local labour market vacancies. Trainees can have employed or non- employed status on the programme if the training is organised before employment begins.

### **Non-employed**

10. Trainees receive a training allowance equivalent to their benefit entitlement plus an additional £10 training premium. Employed status trainees receive a wage while in training.

### **Northern Ireland**

11. Jobskills, the Department for Employment and Learning's primary vocational training programme, guarantees all eligible 16 and 17 year olds the opportunity of a training place. Trainees with a disability can enter the programme up until their 22<sup>nd</sup> birthday. There is also some provision for young people aged up to 24. The programme over-arches three distinct but inter-linked strands, each addressing the needs of a particular group:

- the **Access** strand offers bespoke training to disadvantaged entrants including those with basic skills and/or special needs and provides enhanced duration funding support and training periods for approved qualifications up to NVQ Level 1. The Access programme lasts 1 year
- the **Traineeship** strand focuses on the delivery and attainment of NVQs at Level 2 and also specified key skills awards. Subject to the priority skill area Traineeships are funded up to 18 months.
- the **Modern Apprenticeship** (MA) strand is open to young people aged 16 and under 25 who are entering employment or meet specified criteria for existing employees. Apprentices follow a training framework developed with the relevant industry which includes attainment of NVQ Level 3, a technical certificate (where appropriate) and specified key skills. MA typically last between 2 and 4 years.

12. Funding for the Access strand and non-employed participants of the Traineeship strand are funded through a weekly training fee as well as output related funding paid directly to the Training Organisation. The trainee receives a weekly training allowance; Access trainees may be eligible for certain incentive bonus payments. For Modern Apprenticeships funding is on a mixture of starts, periodic stage payments and output related funding paid directly to the



Training Organisation. Since all apprentices are in full-time remunerative employment they do not receive a training allowance.

### **Isle of Man**

13. The DTI is responsible for the administration of a Training Scheme specifically for apprenticeships. The Scheme provides financial assistance to employers who enter into a formal training agreement with the DTI and the apprentice to achieve a recognised qualification. The training agreement is administered by the DTI and apprentices are visited by DTI staff in the workplace and off-the-job training to ensure training standards and general welfare are met.

14. Financial provision from Government is made in two ways. Firstly, costs of off-the-job training are met in full by Government whether at the Isle of Man College or other institution on or off the Island. Secondly, employers of apprentices are entitled to claim a training allowance to reflect their costs of on-the-job training and/or releasing apprentices for off-the-job training. This allowance averages 20% of the apprentices' basic wages.

## **QUESTION B**

### **England**

***The Committee asks about the adequacy of apprenticeship places and secondly, asked the next report to provide information on : length of the apprenticeship and division of time between practical and theoretical learning; selection of apprentices; selection and training of trainers; remuneration of apprentices; termination of the apprenticeship contract.***

15. The Learning and Skills Council (LSC) has a statutory duty to provide education / training for 16 to 18 year olds, which includes Apprenticeships, and has worked hard to meet this obligation.

- In 2004/05 in England, there were 188,396 Apprenticeship starts and a year average of 255,800 apprentices in learning.
- Employer demand for Apprenticeships is high. Around 130,000 employers are involved and we are encouraging more to take part, with employer-led Sector Skills Councils (SSCs) taking an important role in setting Apprenticeship training frameworks to meet sector needs.

16. On the second part of the question:

- Length of stay depends on the type of framework and guidance therein but we recommend a minimum of 1 year for Apprenticeships and 2 years for Advanced Apprenticeships.
- Division of time on and off the job varies by framework but all frameworks include an element of underpinning theoretical knowledge, most or all of which is learnt off the job.
- Recruitment of apprentices is undertaken by employers or by learning providers on their behalf. The LSC works with partners including Connexions advisers, SSCs and employers to promote Apprenticeships and to match candidates to appropriate opportunities.

- Remuneration is up to the employer. At present, employers are exempted from paying the National Minimum Wage to all apprentices under age 19; and to apprentices aged 19 to 25 in their first year. These exemptions are designed to avoid deterring employers from taking on apprentices and thus to protect Apprenticeship opportunities. However, the LSC introduced a contractually required minimum earning level for employed apprentices of £80 per week (reduced pro rata for those working part-time) from 1 August 2005. A survey published on 27 October 2005 found average net pay per week for an apprentice is £137 - this varies greatly by sector - lowest paid trainees work in hairdressing with take home pay of £90 per week - highest earning apprentices are in the Electrotechnical sector with average net pay of £183.
- Training plans are reviewed regularly. Termination of an Apprenticeship contract itself is covered by contract of employment legislation.

17. See also **Appendix 10B** with training statistics.

## **Scotland**

### **Modern Apprenticeships**

18. As explained above, Modern Apprenticeships were introduced in 1996 and offer paid employment combined with the opportunity to train at craft, technician and trainee management level.

### **Division of time between practical and theoretical learning**

19. Modern Apprentices (MAs) in Scotland follow a framework of training which sets out the qualifications to be achieved in order to complete their programme. The extent of practical and theoretical training is set out within this framework and the exact division of time will vary between sector and individual. We do not stipulate what this division in terms of time should be as we recognise that many candidates start their MA with an element of either practical or theoretical knowledge already.

### **Selection of apprentices**

20. As all MAs are employed from the start of their training, candidates are selected and recruited by employers or training providers acting on behalf of an employer. It is therefore for employers to set out their selection procedures, although we publicise best practice to employers through Sector Skills Councils, trade bodies and employer representative groups.

### **Selection and training of trainers**

21. Training providers who deliver the MA programme are audited on a range of indicators, including the procedures in place for the selection, training and competence of trainers. All organisations who deliver MAs must comply with the Scottish Quality Management System (SQMS) and over and above this; those who certificate Vocational Qualifications must be approved centres and are audited by the relevant awarding body. Trainers who certify these qualifications must be qualified to do so.

### **Remuneration of apprentices**

22. As all MAs are employed from the start of their training they receive a wage direct from their employer. Although there is no set wage (with market forces dictating the wage, which varies from industry to industry), it had to be set at a rate higher than £55 per week, during the reference period, as this was the amount a non employed trainee would have received on a

similar government programme. However, the LSC has subsequently introduced a contractually required minimum earning level for employed apprentices of £80 per week (reduced pro rata for those working part-time) from 1 August 2005.

### **Length of the apprenticeship**

23. The duration of the MA varies between each sector depending on the extent of the training required to be undertaken. Furthermore, the MA programme is not time based and the training is delivered at a pace dictated by the candidate. Therefore there is no definitive duration defined for any MA programme.

### **Termination of the apprenticeship contract**

24. As all MAs are employed, termination of the apprenticeship contract also entails termination of a contract of employment. Therefore all terminations must comply with the relevant employment legislation in place to protect an employee.

### **Northern Ireland**

25. The Jobskills Programme is delivered under contract by a network of approximately 80 Training Organisations (TO) that work in partnership with employers to provide qualifications. This includes Sector Training Councils and some large employers who have been awarded contracts for the delivery of Modern Apprenticeship training.

26. On 1<sup>st</sup> January 2001 there were 11,011 young people in training under the Jobskills programme (1,832 on Access, 5,802 on Traineeship and 3,377 Modern Apprentices). On 31<sup>st</sup> December 2004 there were 14,577 young people in training under the Jobskills programme (2,106 on Access, 6,479 on Traineeship and 5,992 Modern Apprentices).

### **Isle of Man**

27. In financial year 2003/04 approximately 400 apprentices were being supported under this Scheme.

## QUESTION C

### England

28. **Appendix 10B** includes also a breakdown monthly starts in Apprenticeships by sector for the period up to January 2005.

### Scotland

29. The Scottish apprenticeship statistics can be found at **Appendix 10C**, for the Scottish Enterprise administered region, and **Appendix 10D** for the Highlands and Islands area.

### Northern Ireland

30. Priority skill areas categorised as being essential to the development of Northern Ireland's economy attract a higher level of funding on the Traineeship and Modern Apprenticeship strands of Jobskills. Current priority skills areas are IT, Hotel & Catering and Food Preparation, Agriculture, Construction Industry, Engineering, Motor Vehicle Repair and Maintenance, Printing and Engineering.

31. Following a process of public procurement, contracts are awarded to Training Organisations to deliver training under the Jobskills Programme in particular vocational areas.

### Isle of Man

32. A breakdown of the latest figures for the various types of vocational activity undertaken is set out in the table below:

<u>Apprentice Occupation</u>	<u>Numbers</u>
Carpet fitting	5
Hospitality and catering	16
Electrical engineering	31
Electrical installation	48
Mechanical engineering	20
Welding and fabrication	2
Sea Fishing	3
Agriculture	9
Gardening and green-keeping	5
Butchery	2
Hairdressing	26
Information Systems	7
Motor vehicle repair	44
Motor vehicle body repair	3
Printing	4
Telecoms	1
Travel consultants	3
Plumbing	34
Carpentry	39
Painting and decorating	16
Brickwork	25
Scaffolding	16
Roofing	10
Plastering	16
Construction technicians	16

## **QUESTIONS D to F**

### **England**

33. The position remains as previously described.

### **Scotland**

34. The Modern Apprenticeships Implementation Group (MAIG) is responsible for the approval of MA frameworks delivered through public and private support and they are provided with secretariat support via Sector Skills Alliance Scotland (SSAScot). This activity is financed by the Scottish Executive. All Sector Skills Councils (SSCs) that have responsibility for developing Modern Apprenticeships frameworks are also supported by core funding through the Department for Education and Skills..

35. The above activity provides a framework for all individuals wishing to pursue a Modern Apprenticeship regardless of age or gender. Training for work is applicable to all people who are out of work aged 18 or over. Other programmes are available to those under 18. There are steps in place through both the approval process of MA frameworks and the contracting arrangements by the delivery agencies to ensure that equality of access is provided by all.

### **Northern Ireland**

36. The position remains as previously described.

## ARTICLE 10, Paragraph 3

### QUESTIONS A – E

#### England

1. Employers and individuals decide what investment to make in skills. Employers have developed a standard for effective investment in skills - The Investors in People Standard – that links investment in training to the needs of business. The Government encourages employers to commit themselves to achieving the standard. By the end of August 2005, throughout the UK 31,081 organisations were committed to achieving the Investors in People (IiP) Standard, and a further 38,685 organisations had achieved the Standard, with the involvement of over 9 million employees.

***In its Conclusions XVI-2, the Committee infers that the low activation rate with respect to training measures is probably the consequence of the UK labour market policy, where training intervenes only at a later stage (i.e. after the JSA device has been exhausted). Nonetheless, the Committee asks the United Kingdom confirmation of this interpretation and, if it is the case, to increase its effort in providing continuing training for unemployed people from the beginning of unemployment.***

2. The training provided to the unemployed in the UK is appropriate to the current labour market conditions and Jobseeker's Allowance regime, it is flexible in meeting the needs of individual claimants, and appropriately targets those who require training in order to move into work:

3. The UK's main unemployment benefit, Jobseeker's Allowance (JSA), is an active labour market benefit, paid only to people who are effectively engaged in job search activity. The success of this approach is reflected in the high levels of off-flow from this benefit; i.e. 80% of new claimants have ceased claiming by 26 weeks. For this reason most training does not start before the 26 week stage, for those whose lack of skills is preventing their return to work;

4. In addition to the training contracted for directly by Jobcentre Plus, all JSA claimants are permitted to study part time, up to 16 hours each week. This training or education may be funded by the Learning and Skills Council, or other outside organisation; people claiming JSA and studying part time must continue to be actively engaged in job search activity;

5. Training is provided through the New Deals depending on the needs of the individual, and the local labour market. Short courses are available in the Gateway period, and both New Deal for Young People and New Deal 25 plus have a full time training Option. Differing levels of training are also available through the other Options, for example a grant of £750 is available to people taking up the Employment Option;

6. Jobseekers who are at a disadvantage in the labour market, for example people with disabilities, have a basic skills need, or whose first language isn't English (or Welsh) can be referred to New Deal early, to receive the help they need to move into work. They can also be referred to learning and training courses not supported by Jobcentre Plus, where such courses meet their needs and circumstances. This includes courses supported through Department for Education and Skills funding.

***The Committee asks for the next Report to provide information on the existence of preventive measures against the deskilling of still active workers at risk of becoming unemployed as a consequence of technological and/or economic progress.***

#### **Skills Strategy**

7. In July 2003, the Government launched the national Skills Strategy, *21st Century Skills*. Its aim is to ensure that employers have the right skills to support the success of their businesses, and individuals have the skills they need to be both employable and personally fulfilled.

8. The Strategy created the Skills Alliance, which has brought together key partners with an interest in skills and productivity - four Government Departments, the Confederation of British Industry, Trades Union Congress, Small Business Council and the key delivery organisations led by the Learning and Skills Council. Its role is to oversee effective implementation of the Strategy.

9. The Strategy set out a broad agenda, designed to tackle long-standing weaknesses in both supply and demand for training, and so achieve a step change in the skills of young people and adults in England. A progress report on the Skills Strategy may be viewed at the website<sup>42</sup>.

***The Committee asks also about the impact of Government measures adopted for continuing vocational training.***

10. During the year 2003-04, colleges and other training providers have continued to expand the flow of young people and adults gaining skills, training and qualifications:

Basic Skills (Skills for Life) – Since 2001, a total of 3.7 million learners have taken up 7.8 million learning opportunities connected with basic literacy, language and numeracy.

Level 2 - the proportion of adults in the workforce qualified to Level 2 now stands at 73% compared to less than 70% at the end of 2000. This represents around 17.1 million adults from an economically active population of 23.5 million.

Apprenticeships – In July 2004, there was an average of 242,000 apprentices in learning. There have been over 1 million entrants to the programme so far.

Foundation Degrees – In spring 2004, 24,500 students were enrolled on Foundation Degree courses, with employers involved in both the design and delivery. Nearly 38,000 students studied for Foundation Degrees in 2004/05.

Union Learning - Since the establishment of the Union Learning Fund in 1998, 167,000 adults have been helped back into learning.

Evaluation of Education Maintenance Allowance pilots (piloted from 1999, a national programme since 2004) showed an increase in participation in learning at age 16 of 5.9 percentage points, increasing to 7.3 percentage points at age 17.

11. The range of provision outlined in the Skills Strategy is intended to provide a platform for progression to Level 2 and beyond or improved employment/advancement prospects.

12. However, adult skills provision for offenders has in the past been patchy and poorly co-ordinated. DfES, the LSC and other partners are agreeing a package of proposals to address this situation, for publication in December 2005, details of which will be included in the next Report.

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<sup>42</sup> <http://www.lsc.gov.uk/NR/rdonlyres/ekwkal7vnpm4ankdpczldz2wuxk6rgti3s2obeema4hr5hmvkiykpi256ngsiv4gjb64fkhir4xanp/DfESSkillsStrategyMAIN.pdf>

13. Nearly 3 million qualifications were achieved by adults in 2002/03
14. Special measures to assist adult women wishing to take up or resume employment include:

an entitlement to free tuition for all adults to get a full level 2 qualification where they do not already have one. This is to ensure that all those without qualifications can get a sound platform of skills to help them get a sustainable job and should be particularly beneficial to women wishing to get back into the labour market. This will be fully available from September 2006. In some areas they may also be able to get a means tested Adult Learning Grant to help with the general expenses involved in learning.

Funding for adults needing support with childcare costs in order to access learning training is provided through the Learner Support Funds, administered by the Learning and Skills Council (LSC) and made available to further education colleges on an annual basis.

Working parents on low incomes have access to the childcare element of the Working Tax Credit to pay for childcare. Parents receive help with eligible childcare costs.

### **New Deal for Skills**

15. The New Deal for Skills (NDfS), announced in the March Budget 2004, is a package of measures that build on the Government's Skills Strategy to improve support for the low skilled, particularly those moving from welfare to work - inactive benefit recipients and jobseekers for whom a lack of skills is the primary barrier preventing a return to sustainable, productive employment.

16. NDfS takes forward the recommendations of the February 2004 National Employment Panel (NEP) report: "Welfare to Workforce Development" and is a joint project between the Department of Work and Pensions (DWP) and the Department of Education and Skills (DfES), in close co-operation and involvement with the Learning and Skills Council (LSC) and Jobcentre Plus (JCP) and in collaboration with both the Department of Trade and Industry (DTI) and Her Majesty's Treasury (HMT).

17. NDfS comprises three main strands: Skills Coaching; Skills Passports; and the Adult Learning Option:-

Skills Coaching will be aimed at adults aged 20 and over (no upper age limit) for whom lack of skills is the barrier to sustaining and progressing in employment.

Skills Passports will help individuals identify, develop and validate their skills and qualifications, and will help individuals to present their skills to an employer.

The Adult Learning Option will aim to provide financial support to encourage low skilled individuals – particularly lone parents and incapacity benefit recipients – to take up their Level 2 entitlement as a route back to work and improve employment sustainability. DWP plan to pilot ALO from September 2006.

18. It is not a new "scheme" but will be achieved by creating a more coherent set of policies in which investment in learning provides an efficient and effective route to greater employability.

### **Basic Skills**

19. *Skills for Life* is the national strategy for improving adult literacy, language (ESOL - English for Speakers of Other Languages) and numeracy skills. It was launched in 2001. The



strategy caters for the literacy, language and numeracy needs of all post-16 learners, including those with learning difficulties or disabilities, from pre-entry level up to and including level 2.

20. The Government has set a challenging Public Service Agreement (PSA) target to measure the success of the Skills for Life strategy with a view to improving the literacy and numeracy skills of 2.25 million adults by 2010, with an interim milestone of 1.5 million by 2007. To July 2005, 1,130,000 learners are confirmed to have counted towards the Skills for Life PSA target by demonstrating an improvement in their basic skills level through the achievement of a nationally accredited qualification, exceeding the 2005 milestone of 1,000,000 achievements. Between April 2001 to July 2005, over 3.7 million learners took up 7.8 million learning opportunities.

21. DfES published the National Needs and Impact Survey of Literacy, Numeracy and ICT Skills on 30 October 2003. The survey dramatically highlights past decades of neglect in literacy and numeracy education with 15 million adults aged 16-65 lacking the numeracy skills, and 5.2 million lacking the literacy skills, expected at a lower grade GCSE. The survey underlined the need for the Government to continue its sustained drive to improve adult basic skills training.

22. The strategy outlined a number of key priority groups, which it aims to engage with, including jobseekers and other benefit claimants; low-skilled people in employment (including public sector workers); prisoners and offenders under supervision in the community; parents; refugees and speakers of other languages. The strategy has targeted these groups to enable them to access suitable and tailored provision by taking specific actions, including the creation of appropriate teaching and learning materials.

23. Through partnerships with Other Government Departments, the strategy has been reaching priority groups, for example, the DfES has worked with the Department for Work & Pensions (DWP), Jobcentre Plus and HM Prison Service to reach those seeking work and offenders.

24. A central tenet of the Skills for Life Strategy is to remove barriers to learning for adults. Consequently, all literacy and numeracy provision is free to the learner. We also expect that charges should not be made for any related or 'hidden' costs including exam fees, charges for materials, administration and registration fees. To ensure provision is consistent there are national standards and core curricular for adult literacy, language and numeracy. The standards provide the framework for the development of all adult literacy, numeracy and language screening tests, initial assessment, diagnostic tools, programmes of study and qualifications.

25. Other areas of work to further the reach of the strategy includes the Employer Training Pilots (ETP), which were introduced in September 2002 to encourage employers to invest in skills and qualifications, particularly for low skilled employees. In order to boost the uptake of literacy, language and numeracy training the DfES has produced a range of ETP guidance materials for employers, employees, business advisors/brokers and providers. Work is underway to ensure that Skills for Life is a key consideration when the programme is rolled out nationally (National Employer Training Programme – Train to Gain).

26. Skills for Families was a two year project (2003 – 2005) jointly funded by the DfES and LSC which worked with 19 local authority and local learning and skills councils partnerships to explore ways of embedding and extending family literacy, language and numeracy (FLLN).

27. English for Speakers of Other Languages - the Department for Education and Skills established a small group of officials and external partners to design an employment strategy to complement that produced by the Home Office. The lead later transferred to the Department

for Work and Pensions. Its core is targeted help for refugees, including employment opportunities and English for Speakers of Other Languages (ESOL). Ministers published the Refugees Employment Strategy in interim form in 2002 and final version in 2005.

## **QUESTION F**

***The Committee asks for further information access to continuing training for ethnic minorities.***

28. Other than specifically targeted initiatives, all programmes of adult training provide for equality of access.

29. DfES policies are developed and reviewed using an equality mainstreaming tool referred to as 'Fair Way', which aims to ensure that the Department's policies and programmes do not have an adverse impact on particular sections of the community.

30. Within the adult skills arena further measures are being put in place during 2005 to support this aim. These include the establishment of an internal Skills Strategy Equality & Diversity Network and an external 'critical friends' network, which will involve organisations such as the Equal Opportunities Commission. Individual projects within the Skills Strategy are also being asked to incorporate E&D objectives in their workplans and to report against these on a regular basis.

## **Learning & Skills Council (LSC)**

31. The LSC is the statutory organisation with lead responsibility for the planning and funding of all post-16 learning in England excluding Higher Education. One of the LSC's central aims is to create a learning society free from discrimination and prejudice. In 2003/04, the LSC spent a total of £1billion on measures related to equality and diversity in adult learning. Some highlights of this are:

£5.4m on Ethnic Minority Student Achievement Grant;

£105m on learners with learning difficulties;

£5.8m on disability access; and

£8.1m capital spend on Neighbourhood Learning in Deprived Communities, with 21,307 new learners.

32. The LSC now has a Director of Equality & Diversity in post who is supported by an Equality & Diversity Committee made up of a range of people from partner organisations within the statutory, private and voluntary sectors. The Committee regularly review progress on the LSC's recently published Equality & Diversity Strategy that runs from 2004-2007. Key themes of this strategy are:

Leadership – the LSC will provide vision and strong leadership in the sector and make more positive use of its strategic levers to achieve greater equality and diversity;

Reaching out to learners who are not engaged – the LSC will improve the way they communicate with and reach out to marginalised groups;

Supporting compliance – the LSC will use the strength of its remit to promote equality of opportunity among partners, working in partnership with them and keeping them up-to-date with legal developments;

Inclusive and personalised learning – the LSC will work to ensure that teaching and training meet the requirements of individual learners;

Working with employers – the LSC will learn from the best employers and share best practice with those who are yet to be convinced about equality and inclusion, working in a way that is clearly aligned with their recruitment needs and expectations; and  
Measuring outcomes – the LSC will measure impacts and outcomes in a way that detects good practice in equality and diversity.

***The Committee asks also for information about the expenditure for training measures as a share of the total expenditure on labour market policy.***

33. The expenditure on training measures as a share of the total expenditure on labour market policy in the period 2001-2004, the spend on Jobcentre Plus training programmes/initiatives represented approximately 29% of the total on Jobcentre Plus welfare to work programmes and initiatives.

***The Committee requests information on the sharing of the burden of the cost of vocational training among public bodies, enterprises, and households as regards continuing training.***

34. There is a wide range of programmes offering free basic skills training to those individuals who can benefit from them. The Government is also introducing an entitlement to free training to a full Level 2 standard for those individuals, within or outside the workforce, who do not already have a qualification at that level.

35. With regard to continuing vocational training, currently individuals, or employers on their behalf, contribute 27.5% towards the cost of vocational training delivered through the publicly-funded Further Education sector, with Government, through the Learning and Skills Council, paying the remaining 72.5%. The contribution of employers and individuals is set to rise to 32.5% in 2006/07 and 37.5% in 2007/08 to enable more public funding to be redirected to basic and lower-level skills. A large proportion of the vocational training purchased by employers is delivered by the private sector, for which employers pay the full cost.

## **Wales**

### **Individual Learning Accounts (ILAs)**

36. The new Individual Learning Accounts Wales (ILA Wales) programme launched in 2003 provides a financial incentive to encourage individuals to manage, plan and invest in their own learning. The National Council ELWA (since merged with the Welsh Assembly Government from April 2006) had responsibility for administering, delivering and promoting the programme across Wales. Careers Wales 'learndirect' is the primary source for initial enquiries and issue of application forms. The programme is set to continue into 2007.

37. The programme aims to widen participation in learning from people who are in receipt of specific income related benefits, or those who are dependants of such persons; or whose highest prior learning attainment is National Qualification Framework (NQF) level 2 or below. Eligible Learners must be aged 18 or over, a British citizen, EU national or person entitled to live in the United Kingdom and living in Wales.

38. Learners can be paid 100% of course costs, up to a maximum of £200, if the individual, or their partner, is in receipt of Income Support; Job Seekers Allowance (Income Based) Pension Credit, (Guarantee or savings parts); Working Tax Credit; Housing Benefit; or Council Tax Benefit; or 50% of course costs up to a maximum of £100 if the individual's highest prior learning attainment is at NQF level 2 or below.

## **Scotland**

### **QUESTIONS A to F**

39. The range of provision available to adults through universities' Continuing Education departments is wide and includes professional updating, access courses, open lecture programmes, pre-retirement courses, part-time degrees, community outreach, courses for women returners and disadvantaged groups, and in-service training for HM Forces and the police service. On-site provision to local companies also features within these university programmes. Part-time courses leading to diplomas and degrees are offered by a number of the universities and particularly important in this provision for adults is the contribution made by the Open University (OU), which has an office and some 13,600 students in Scotland.

### **Other Bodies Providing Adult Education**

40. Among other bodies providing adult education, the Scottish Trades Union Congress (STUC) offers courses in health and safety, employment law, technology and employee counselling as well as sponsoring a university Diploma in Industrial Relations.

41. Other providers include the National Extension College and the Open College of the Arts. There are also a number of independent colleges which provide, for example, secretarial training and modern language teaching for adults. Important national umbrella bodies supporting adult education include Learning Link and the Scottish Adult Learning Partnership.

42. Voluntary organisations play an important part in adult education at both national and local levels. The Workers' Educational Association (WEA) has for many years provided a service similar to that provided by the Continuing Education departments of the universities. Other voluntary bodies offering adult education include the churches, the Scottish Community Drama Association (SCDA), Linking Education And Disability (LEAD) and the English Speaking Union (ESU), as well as a number of small local groups.

43. There is also a wide range of voluntary organisations involved in those aspects of community learning which are not normally grouped in Scotland under the heading of adult education. Partnership Action for Continuing Employment (PACE) is a Scottish Executive initiative for partnership working which ensures local public sector agencies deal with potential large-scale redundancies quickly and effectively. Where redundancies are inevitable, the key aim is to get people back into other jobs as quickly as possible. The type of support offered will be tailored to meet individual needs and local circumstances, and will include: full job centre services, access to high quality training, advocacy and representation on welfare benefits, and one-to-one advice on career development and opportunities. PACE recognises the importance of forward planning by providing a national strategic framework for an improved and consistent partnership approach to dealing with companies in difficulty at all stages, including eventual redundancy.

## **ARTICLE 10, Paragraph 4**

### **QUESTION A**

#### **England, Wales and Northern Ireland**

44. The Government would refer the Committee to Eurydice country Report "The Education System in the United Kingdom (England, Wales and Northern Ireland) - 2003/04 especially Chapter 7.8 which is available at the Eurydice website<sup>43</sup>.

45. The Government would refer also to the information given in response to Article 10, Paragraph 3 above and the Committee's question on sharing the cost of vocational training.

#### **Scotland**

46. In further education in Scotland, no eligible full-time student will be required to pay fees provided that certain residency requirements are met. In higher education, covering both Academic and vocationally-orientated degrees, the Student Awards Agency for Scotland (SAAS) will pay the tuition fee for eligible students studying at publicly-funded institutions in Scotland. Part-time students in further and higher education are generally required to pay tuition fees, but for part-time students on low incomes (specifically students in receipt of various specified benefits) fees are waived in full by both FE colleges and higher education institutions. For eligible learners in Scotland who have an Individual Learning Account (ILA), a fee grant of up to £200 is available to cover or contribute to tuition fee costs for a wide range of courses by colleges, universities, community-based and private providers.

### **QUESTION B**

#### **England**

##### **Funding systems**

47. The following are other funding systems, which are available to certain categories of people undergoing vocational training.

##### **Student Finance Package**

48. The Higher Education Act of 2004 brought in new reforms designed to encourage more people from poorer and disadvantaged backgrounds to aspire to and enter HE. Some of the main components of the Act are as follows:

From 2006 universities and colleges of higher education will be able to charge new full-time undergraduates fees of up to £3,000. Some may charge less than the maximum of £3,000.

Up front fees will be abolished from 2006. Graduates will pay back 9% of their earnings above £15,000 a year, so someone earning the average starting salary of a graduate level job of £18,000 would repay £5.19 per week.

A new loan is available to eligible, full-time students to cover tuition fees. Additionally students can apply for a loan, which is based on their personal circumstances, to help

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<sup>43</sup> <http://www.eurydice.org/Eurybase/Application/frameset.asp?country=UK&language=VO>

with living costs

Students from lower income households could be eligible for a non-repayable grant of up to £2,700

The variable fees will allow many colleges/universities to offer non-repayable bursaries

### **Education Maintenance Allowance**

49. The EMA scheme was rolled out across England on 1<sup>st</sup> September 2004 to increase participation in Further Education by Young People, particularly from the most deprived groups.

50. The scheme is income tested and available to young learners with a household income of less than £30,000. Eligible young people receive payments of up to £30 per week, with bonus payments for those who achieve personal learning goals.

51. It is a something-for-something measure – young people earn their payments by agreeing and working towards the terms of an EMA Contract signed with their school or college.

52. EMA has been shown to be effective, through extensive piloting since 1999, with independent evaluation. The evaluation from the pilot showed an increase in participation at age 16 of 5.9 percentage points among the target group. This rises to 7.3 percentage points at age 17. Over 297,000 young people received EMA payments in the first year of operation.

53. EMA will be extended to include unwaged trainees on Programme led Pathway (PLP) and Entry to Employment (E2E) courses funded by the LSC, from April 2006.

### **Learner Support (covers both 16-18 and 19+)**

54. In April 2005, responsibility for the management of a number of programmes to help learners with the costs associated with education and training, passed from the DfES to the Learning and Skills Council.

55. The Learner Support Fund (LSF) supports the participation and retention of students who face financial barriers to learning. It is targeted towards priority groups, e.g. learners on benefit, low incomes or who are disadvantaged, including through disability. The LSF covers both 16-18 and 19 plus age groups but there are separate arrangements for these different groups.

56. The Government is committed to encouraging more students to continue in education and training, and to raising attainment levels. Participation and retention of students are key elements in this strategy, especially for the socially excluded.

### **Students aged 16 to 19**

57. FE Learner Support Funds are available to help students aged 16-19 who are, or whose families are, on a low income or in particular financial difficulty. Funding is available for course related costs; including transport, residential and hardship funding. Funds are available via colleges for their own students and via Local Education Authorities (LEAs) for students in School 6th Forms.

58. Other support for students aged 16 to 19 includes:

Dance and Drama Awards (DADA): FE Dance and Drama Awards are scholarships that

offer reduced tuition fees and means tested support for living and learning costs at some of the leading private Dance and Drama training providers in England. Students may apply for extra help from a Fees and Maintenance Fund. This Fund is income-tested, and the amount of help given to a student will depend on his/her family's financial circumstances.

Care 2 Learn: Care 2 Learn supports the childcare, and associated transport, costs of young parent learners who return to learning before the age of 19. It funds only Ofsted-registered provision and, crucially, gives young parent learners confidence and choice in their childcare options. Research shows that these are both important factors in encouraging young parents back into learning. It is expected that 4,700 young parent learners will benefit from Care 2 Learn in 2005/06.

### **Students aged 19 plus**

59. The main elements of the LSF are the access funds and childcare support funds, which are administered by individual colleges as discretionary funds and are targeted to students experiencing the greatest financial difficulty.

60. The LSF provides support with hardship funds (e.g. for books or equipment), transport funds, residential bursaries (to support students who need to live away from home), and support with childcare costs for those aged 19 and over.

### **Adult Learning Grants**

61. Adult Learning Grant (ALG) is an income assessed grant of up to £30 per week for adults who are on low incomes. It is paid to learners who are studying full time for their first full level 2 or first full level 3 qualification.

62. ALG aims to encourage adults to participate, and to stay in learning, by providing a regular source of financial support during term time. It is similar to the Education Maintenance Allowance (EMA) for 16-19 year olds, which we know from evaluation, helps to boost participation and improve retention.

63. ALG is being administered by the Learning and Skills Council (LSC) and piloted in 19 LSC areas, including two LSC regions. The 2005 Skills Strategy White Paper committed us to extending pilots in 06/07 to two more regions; to two further regions in 07/08 and to national coverage in England in 08/09. Evidence from the early pilots shows that ALG is having a strong, positive impact on retention and shows above average success in attracting ethnic minority applicants.

64. In the first two years of trialling (2003/04 and 2004/05) ALG there were over 12,500 applications for the grant and over 7,750 awards were approved, with over £5.8 million paid to individuals.

### **Career Development Loans**

65. Career Development Loans (CDLs) are deferred repayment bank loans, which the Learning and Skills Council (LSC) operates in partnership with three high street banks - Barclays, The Co-operative and The Royal Bank of Scotland. CDLs are available in Great Britain (England, Scotland and Wales).

66. Individuals can borrow between £300 and £8,000 to pay for vocational courses lasting



up to two years and, if relevant, up to one year's practical work experience where it forms part of the course.

67. The LSC pays the interest on the loan during the period of training and any defaults. The borrower is required to start repaying the loan after training has been completed.

### **Wales**

68. As in England, an Educational Maintenance Allowance scheme was introduced in Wales in 2004/05 with the same objectives of encouraging young people from the least well-off households to stay on in education. In the first year (2004/05) the scheme is open to 16 yr olds studying up to NVQ level 3 and is being rolled out over a 3 year period until by 2006/07 it will be extended to include 16-18 year olds. Depending on household income, young people can earn up to £30 per week for good attendance and in addition bonuses each worth £100 for achieving learning goals. The allowance is paid direct to the young person.

### **Scotland**

#### **Educational Maintenance Allowance**

69. The Scottish roll out of Educational Maintenance Allowances (EMA) was launched on 30 March 2004. The first Educational Maintenance Allowances (EMA) Experimental Statistics Report was published illustrating that EMA take-up exceeds original estimates with 20,800 students now in receipt of EMA 84% of whom come from the lowest income group.

70. Further information can be found at [www.emascotland.com](http://www.emascotland.com).

#### **ILA Scotland**

71. The ILA successor scheme, ILA Scotland was launched on 13 December 2004 with an initial offer targeted at low income learners. i.e. people whose individual income is £15,000 or less or who are on benefits. This offer provides up to £200 per year for learners to fund a wide range of courses. An additional 'universal' offer was launched on 1 August 2005. This offer provides up to £100 per year for all adult learners in Scotland, for learning in basic skills Information and Communications Technologies (ICT). This universal offer is restricted to accredited ICT learning up to Scottish Credit and Qualifications Framework (SCQF) level 5 or equivalent. The scheme is administered by the Student Awards Agency for Scotland (SAAS) and the Scottish University for Industry (SUfi) also known as *learn direct scotland*.

### **Northern Ireland**

#### **Student finance – tuition fees and student support**

72. Following devolution (in 1998), a wide ranging review of the Northern Ireland student support system was initiated by local Ministers and resulted in the following key changes from September 2001 including:

- the introduction of means-tested HE and FE Bursaries of up to £1,500 (non-repayable) for full-time students from low income backgrounds;
- proposals for the modernisation of the administrative system for the delivery of Student Support to make the process simpler and more transparent for students and prepare for the electronic delivery of services; and
- other forms of support such as assistance towards tuition fee costs, part-time study and

supplementary allowances (including childcare grant) and Access Funds remained broadly in parity with similar support available to students in England and Wales. Support for Post-graduate study – mainly Masters and PhDs – was also provided on a similar basis.

### **Higher and Further Education Bursaries**

73. In September 2003, Higher and Further Education Bursaries were increased to a maximum of £2,000 with the income threshold rising to £20,000.

### **Education Maintenance Allowances**

74. The Education Maintenance Allowance (EMA) is part of the UK Government's commitment to help young people, aged 16 to 19, to have the opportunity to fulfil their educational potential. The EMA offers regular means tested payments of up to £30 per week to young people to encourage participation, retention and achievement, in post compulsory education, at either school or Further Education College. EMAs were made available from September 2004 in Northern Ireland in line with the rest of the UK.

### **Individual Learning Accounts**

75. Following the closure of the UK wide scheme due to the potential for serious fraud due to the scheme delivery design, it was decided not to develop and introduce a revised scheme based on this model for NI.

### **Support Funds (Discretionary)**

76. Support Funds (Discretionary) are designed to provide students in further education (FE) in Northern Ireland with a source of college-administered discretionary financial assistance to help them enter and successfully complete FE courses. Support is targeted on those who find study related costs to be the greatest barrier to participation. In particular, certain groups such as those on low incomes or means-tested benefits are made a priority. These funds are intended to help those students in most need with costs associated with study such as transport, fees, books and childcare or living costs.

### **Care to Learn (NI) Scheme**

77. The Care to Learn (NI) Scheme can be used to support the costs of registered childcare (including nursery, crèche or out of school hours places and registered childminders) and travel costs for parents aged 16-18.

## **United Kingdom**

***The Committee concludes that the situation in the UK is not in conformity with Article 10, paragraph 4 of the Charter because equal treatment for nationals of non-EU Contracting Parties to the 1961 Social Charter, and of non-EU Parties to the Revised Charter, lawfully resident or regularly working in the UK with respect to fees and financial assistance for training is not guaranteed.***

78. The Committee is referred to the UKCOSA Guide to “Fees and Student Support”<sup>44</sup> (see point 16 at the link below) for an explanation of who is entitled to pay the “home” or “overseas” fees or may qualify for public support. EU/EEA and Swiss nationals, who have resided in the EEA or Switzerland for the past three years and who have come to the UK as workers, exercising their right to freedom of movement for workers, would pay the “home” rate of fees and may qualify for means-tested Government support, according to the family’s circumstances. “Visa” nationals, that is those who do not have the right of free movement and who require an entry visa and a work permit to stay for over six months, pay “overseas” fees. Non-EU/EEA Charter nationals do not have the right to freedom of movement as workers, as is guaranteed by Article 39 of the Treaty on European Union.

### **QUESTION C**

***The Committee asks whether time spent on supplementary training at the request of the employer is included in the normal working-hours.***

79. The Government would refer the Committee to the description of the legislative changes for time off for study or training in the response to Article 10, Paragraph 2 above.

80. In the case of young people undergoing training on the Apprenticeship programme, where the training framework calls for a young person to attend off the job training by block or day release, such time will count as part of the normal working hours.

### **QUESTION D**

81. The training content of Apprenticeships is determined by frameworks developed by Sector Skills Councils and sector bodies, the employers' representatives in sector training matters. Training delivery follows an Apprenticeship plan agreed with the individual Apprentice and underwritten by a Training Agreement signed by the Apprentice, the employer and the LSC responsible for overseeing the training process.

82. The delivery of the Apprenticeship programme is the responsibility of the Learning and Skills Council. Workers organisations are now represented on the boards of the national and local Learning and Skills Councils. They therefore are involved in both the national and local policy on training arrangements for Apprenticeships.

## **Isle of Man**

83. The DTI supervises the on the job and off the job training of all apprentices via evaluation visits. In consultation with employers and employer groups, the Department assesses the value and quality issues associated with all training.

84. The provisions of sub-paragraphs b) and c) Article 10 para. 4 are applicable in the great majority of cases.

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<sup>44</sup> <http://www.ukcosa.org.uk/pages/guidenote.htm#financial>

85. The Department believes that the general reduction or abolition of fees or charges for training is not in the best interests of individuals and employers valuing this provision. It is felt that a shared cost arrangement is preferable in the majority of cases.

## **QUESTION E**

86. The position remains as previously described.

### **Article 15**

#### **Disability Rights Commission (DRC)**

1. The Disability Rights Commission (DRC), established under the Disability Rights Commission Act (DRC Act) 1999, is working to:

eliminate discrimination against disabled people,

promote equality of opportunity for disabled people;

encourage good practice in the treatment of disabled people; and

keep under review the working of the Disability Discrimination Act 1995 (DDA) and the DRC Act.

2. The Commission:

- provides information and advice, for example to disabled people, employers and service & education providers through its Helpline and website;
- provides an independent Disability Conciliation Service (through Mediation UK) in respect of disputes between disabled people and providers arising under Part 3 (Access to Goods and Services) and Part 4 (Education) of the DDA;
- supports legal cases which, for example, clarify the law;
- organises campaigns - such as its Educating for Equality Campaign - to change policy, practice and awareness;
- prepares statutory Codes of Practice which courts and tribunals must take into account. The Codes of Practice provide practical guidance - particularly for disabled people, employers, service providers and education institutions - rather than definitive statements of the law;
- produces policy statements and research on disability issues; and publications on rights and good practice for disabled people, employers and service providers;
- provides policy advice to Government and others on disability issues; and
- is able to undertake formal investigations and enter into agreements in lieu of enforcement action.

3. Between April 2000 and 31 December 2004, the DRC's Helpline dealt with over 450,000 enquiries. Its casework service handled almost 8,000 cases and the Commission supported some 250 legal cases. Since 2001 it has referred more than 300 cases to the Disability Conciliation Service.

4. The Commission has also:

organised a number of successful awareness raising campaigns and worked with a wide range of stakeholders to increase awareness of rights and duties under the DDA;

published a review of the legislation and a number of policy statements;

prepared several new and revised statutory Codes of Practice (for example on employment and occupation, for trade organisations and qualifications bodies, on rights of access to goods, facilities, services and premises, for schools and for providers of post 16 education and related services); and

has published a wide range of other guidance and information as well as providing advice to Government on a number of issues.

### **Commission for Equality and Human Rights**

5. On 30 October 2003 the Government announced plans to set up a new Commission for Equality and Human Rights (CEHR). The White Paper 'Fairness for All: A New Commission for Equality and Human Rights' was published on 12 May 2004 and the Government published its response to the consultation on 18 November. The Queen's speech on 23 November 2004 announced plans for an Equality Bill which would establish the CEHR.

6. The CEHR will bring together the work of the three existing equality commissions - the Commission for Racial Equality (CRE), the Disability Rights Commission (DRC) and the Equal Opportunities Commission (EOC) - and take responsibility for new laws outlawing workplace discrimination on the grounds of age, religion or belief, and sexual orientation. The new body's remit will include providing support for the protection and promotion of human rights as well as its equality responsibilities.

7. It is anticipated that the new Commission will open for business in October 2007. A process of phased entry is planned with the DRC and EOC entering from that date and the CRE entering by April 2009.

8. There will be distinct Governance arrangements for disability in the CEHR including a disabled commissioner and a disability committee with at least 50% disabled membership. These arrangements will maintain the focus on the forward disability agenda and will ensure that disabled people continue to have a real voice and influence on those matters which affect them most.

## **Article 15, paragraph 1**

### **Great Britain**

#### **QUESTIONS A – C**

##### **Disability Discrimination Act**

9. In July 2003, the Government made the Disability Discrimination Act 1995 (Amendment) Regulations 2003 to implement the vast majority of the Task Force's employment-related recommendations accepted by the Government. Remaining recommendations have been taken forward in the Disability Discrimination Act 2005.

10. The Amendment Regulations came into effect on 1 October 2004. They ensure that small employers and, with the exception of the Armed Forces, all previously excluded occupations:- police officers; fire-fighters; prison officers; barristers (advocates in Scotland); partners in businesses; partnerships; and employees on ships, planes and hovercraft are brought within the scope of the employment provisions of the DDA 1995. The Regulations also introduced a range of changes to strengthen and improve the operation of the DDA 1995.

11. The final phase of the duties for service providers in Part 3 of the DDA was implemented from the same date. This requires service providers to make 'reasonable adjustments' to the physical features of their premises to overcome physical barriers that would otherwise make it impossible or unreasonably difficult for disabled people to access their services. Service providers had previously been under a duty, since 1999, to provide a reasonable alternative method of making their service available where physical barriers prevented disabled people accessing their services.

12. The powers in Part 5 of the Disability Discrimination Act 1995 (DDA) allow the Government to make regulations requiring all new land based public transport vehicles to be accessible to disabled people, including wheelchair users. Regulations are already in place for rail, bus and coach vehicles and policy proposals for implementing taxi regulations were announced in October 2003.

13. A Bill (the Disability Discrimination Bill) to further extend the DDA was introduced into Parliament in November 2004. The Bill included the proposals to extend Part 3 of the DDA to functions of public bodies and to introduce a new duty on public bodies to promote equality of opportunity for disabled people, both as employers and providers of services. The Bill also included a power to allow the Government to lift the exemption for transport services in Part 3 of the DDA, and provided the flexibility to do so for different vehicles, at different times and to different extents. Provision was also made to strengthen the rail provisions in Part 5 of the DDA including the setting of an end-date for all rail vehicles to comply with accessibility regulations and the application of those regulations to refurbished vehicles. The Bill received Royal Assent (Disability Discrimination Act 2005) outside the period of this report.

14. These measures, where they impact directly on employment, will also ensure that a greater number of disabled people have protections against discriminatory treatment by their employers so far as vocational training is concerned, as the DDA's employment provisions cover all aspects of employment. Where the proposals impact on the provision of public services, they will ensure that rehabilitation and resettlement programmes and policies operated by those bodies are fully cognisant of the need to promote disabled people's interest.

15. At least 10 million people have rights under the Disability Discrimination Act. For the purposes of the DDA, a disabled person is generally defined as "someone with a physical or mental impairment which has a substantial long-term adverse effect on his ability to carry out

day to day activities". The Disability Discrimination Act (DDA) covers a very wide range of people with impairments as well as those who have had a disability

***In its Conclusions XVI-2, the Committee asks what steps, if any, have been made or are planned, to move away from a medical definition of disability and towards a more social definition such as that endorsed by the WHO in its International Classification of Functioning (ICF 2001).***

16. The definition of disability contained in the Disability Discrimination Act (DDA) 1995, as amended by the Disability Discrimination Act 2005, takes an 'effects-based' approach. An impairment must be identified and the level of effect of that impairment on a person's ability to carry out normal day-to-day activities will determine whether or not that person is disabled for the purposes of the Act. This is not strictly a medical definition. It has elements of a social model approach, in that consideration is given to the way that the disabled person can manage the external environment when undertaking normal day-to-day activities.

17. As a consequence of provisions in the Disability Discrimination Act 2005, the DDA's definition of disability has been extended so as to include, effectively from the point of diagnosis, people with cancer, HIV or multiple sclerosis.

18. The Disability Rights Commission, an independent body set up by the Government and described in the introductory paragraphs above, has a statutory duty to monitor and review the operation of the DDA. Part of that duty is to consider how the law might be amended or improved, and with that aim in mind the Commission is currently consulting on whether the Act's definition of disability might be improved or amended. In particular the consultation seeks views on whether a social model approach may be more appropriate. The consultation ends on 28 February 2006, following which the Commission will report to the UK Government on its findings and conclusions.

***The Committee asks also for updated information in this next report on general education and vocational training for children and young persons with disabilities including access to higher education.***

19. The Disability Discrimination Act (DDA) 1995 as amended by the Special Educational Needs and Disability Act (SENDA) 2001 placed new duties on those bodies responsible for Further and Higher Education Institutions. Since September 2002, it has been unlawful to discriminate against disabled students and adult learners by treating them less favourably than others. In addition, responsible bodies are required to provide reasonable adjustments to provision where disabled students might otherwise be substantially disadvantaged. Since September 2003, adjustments include the provision of auxiliary aids and services and, from September 2005, the physical features of premises.

20. The Government made £172m available over 2002-2004 to implement the new duties, raise awareness and make any adjustments necessary to meet the needs of disabled people within the further and higher education sector. This investment is continuing.

21. The Special Education Needs (SEN) Strategy, published in February 2004, sets out the work the Government is doing in partnership with the Disability Rights Commission, the Council for Disabled Children and other partners in the voluntary sector, to provide practical support to early years settings, schools and Local Authorities to meet their duties under the Disability Discrimination Act, 1995 (DDA) through:

a programme of training seminars on the DDA for all early years providers (both education and care) through the Sure Start programme;

a resource bank of practical ideas, strategies and training materials for schools to help them to make reasonable adjustments to their policies and practice to prevent discrimination against disabled pupils; and

a self-review and development tool to help Local Authorities review their accessibility strategies in partnership with pupils, parents and schools. Also to identify ways of further improving the quality of their planning and significantly increasing access to education for disabled pupils.

***The Committee wished to know also whether general teacher training incorporates special needs education as an integral component.***

22. The first provision requiring teachers in FE Colleges, as distinct from schools, to be qualified was first introduced in September 2001 under the Further Education Teachers' Qualifications Regulations 2001 SI No.1209<sup>45</sup>.

23. The Regulations were designed to underpin the policy to improve the standards of teaching for all learners and consequently help ensure that the individual needs of all learners would be fully met in the context of their learning provision

24. In 2003, Ofsted reported on both FE Teacher Training in general and on the workforce implications from the provision of "adult literacy, numeracy and ESOL". They raised some concerns and made recommendations to the Department and its key partners in relation to the progress and standards achieved by trainee teachers and better demonstrate their ability to respond to learners' needs.

25. As far as initial teacher training generally is concerned, from November 2003 to February 2004, the Department for Education and Skills (DfES) consulted on proposals for reform. This included strengthening the endorsement requirements of courses of Initial Teacher Training (ITT), which included the need for better systems of mentoring for both the subject/occupational areas and the context of delivery including Skills for Life (SfL) provision for learners with specific learning difficulties and disabilities, and those with literacy, numeracy and ESOL (English for speakers of other languages) problems.

26. The reforms to ITT setting out context specific aspects, including LLD and SfL, of the full teaching qualification (Qualified Teacher of Learning and Skills) and on-going continuing professional development (CPD), were launched in November 2004.

27. The proposals can be viewed at the website<sup>46</sup>.

## **Northern Ireland**

### **Disability Discrimination Act**

28. In February 2004 the Disability Discrimination Act 1995 (Amendment) Regulations (Northern Ireland) 2004 introduced similar provisions to those in the Disability Discrimination Act 1995 (Amendment) Regulations 2003. As in GB, the Amendment Regulations came into effect on 1 October 2004.

29. The final phase of the duties for service providers in Part III of the DDA were implemented from the same date.

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<sup>45</sup> <http://www.opsi.gov.uk/si/si2001/20011209.htm>

<sup>46</sup> <http://www.successforall.gov.uk/downloads/equippingourteachersforthefuture-115-161.pdf>



30. The draft Disability Discrimination (Northern Ireland) Order which is similar to the Disability Discrimination Act 2005, has been consulted upon outside the period of this report.

31. Since the publication of "Improving Civil Rights for Disabled People" Northern Ireland has established a Promoting Social Inclusion (PSI) Working Group on Disability. This Group developed out of the European Year for People with Disabilities (2003). As part of the Year the Department of Social Development and the Office of the First Minister and Deputy First Minister, working with the disability organisation Disability Action, organised a conference (Breaking the Barriers February 2004) to examine the barriers excluding people with disabilities from full participation and interaction in social and economic life.

32. The PSI Disability Working Group has been working since November 2004 across 5 subgroups:

- Access to Employment;
- Children, Young People and Families;
- Legislation, Citizenship and Attitudes;
- Transport, Access, Housing and Information; and
- Lifelong Learning, Culture, Arts and Sport

33. Their considerations will cumulate in a final major report to Ministers in 2006 and will coincide with the publication of the results of a survey of people with disabilities across Northern Ireland, examining their social and economic circumstances and the barriers they face in their day to day lives.

34. The Committee is also asked to note Para 63 below that responds to the Committee's comments on the Disability Rights Task Force recommendations on the DDA and their request to be kept informed of all developments in this area

## **Article 15, Paragraph 2**

### **Great Britain**

#### **QUESTIONS A- B**

#### **Disability Discrimination Act 1995**

35. On 1 October 2004 regulations to implement disability provisions of the Article 13 Framework Directive came into force. These regulations: ended the small employer exemption and brought all of the previously excluded occupations, except the Armed Forces, within the scope of the employment provisions of the DDA 1995: and made a range of changes to strengthen and improve the operation of the DDA 1995.

36. These changes brought within scope of the employment provisions of the DDA 1995: an additional 1 million employers; 7 million further jobs; and 600,000 disabled workers already in those jobs

37. The Employment Tribunal Service publishes annual data on applications and claims made to Employment Tribunals in relation to disability discrimination. The latest data, for the year ended March 2005, shows that 4,942 applications/claims were registered in relation to disability discrimination. Below are details of outcomes of those cases resolved by Employment Tribunals in 2004/05:

<b>Disability</b>	<b>Cases resolved</b>	<b>-</b>	<b>4,673</b>	
	<b>Withdrawn</b>	<b>-</b>	<b>1,419</b>	<b>(30%)</b>
	<b>ACAS<sup>47</sup> settled</b>	<b>-</b>	<b>2,280</b>	<b>(49%)</b>
	<b>Disposed (other)</b>	<b>-</b>	<b>172</b>	<b>(4%)</b>
	<b>Successful</b>	<b>-</b>	<b>236</b>	<b>(5%)</b>
	<b>Out of scope</b>	<b>-</b>	<b>114</b>	<b>(2%)</b>
	<b>Dismissed</b>	<b>-</b>	<b>452</b>	<b>(10%)</b>

38. Since 1996, Part 3 of the DDA, which deals with access to goods, facilities, services and premises has placed a duty on anyone providing a service to the public, including those who offer vocational training, not to discriminate against disabled people by refusing them a service, providing a service on worse terms or providing a lower standard of service. Since 1999, service providers have been required to make reasonable adjustments to their services if access for disabled people is impossible or unreasonably difficult. Since 1 October 2004, service providers have been required to take reasonable steps to remove, alter or provide a reasonable means of avoiding physical barriers that prevent, or make it unreasonably difficult for, disabled people to access their services.

***The Committee wishes to know also whether the removal of the quota system had led to a net loss of employment in the private sector.***

39. There are no figures available which are specific to the private sector. However figures do show that the overall employment rate for disabled people has increased from 38% in 1998 to 47% in 2005.

***The Committee asks about the progress of a number of recommendations made by the Disability Rights Task Force on the DDA, some of which the Government will implement in the future.***

40. The UK Government made two sets of regulations in 2003, (Disability Discrimination Act 1995 (Amendment) Regulations 2003, and the Disability Discrimination Act 1995 (Pensions) Regulations 2003), which extended provisions in the Disability Discrimination Act (DDA) 1995 in order to bring the Act's provisions into line with Directive 2000/78/EC. The regulations, which came into force on 1 October 2004, extend the DDA in its application in Great Britain, in the areas of work and occupation, including occupational pensions. Significant changes include ending the exemption of businesses that have fewer than 15 employees; bringing within scope of the Act previously excluded occupations such as the police, prison officers and partners in partnerships; and ensuring treatment which constitutes direct discrimination against a disabled person can never be justified.

41. Other changes include: laying down rules on the burden of proof in tribunal or court proceedings; bringing Qualifications Bodies within the scope of the employment provisions of the DDA; covering office holders; prohibiting discrimination in occupational pension schemes by trustees or managers of those schemes; and outlawing the publication of discriminatory advertisements in certain circumstances.

42. Regulations to implement remaining disability provisions relating to vocational training are planned to be implemented by the Department for Education and Skills in September 2006.

43. Further reforms were introduced from 7 April 2005, with the Disability Discrimination Act 2005. This Act significantly amends and extends the DDA 1995, and includes a new duty on public authorities to promote equality of opportunity for disabled people, which will come into

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<sup>47</sup> Advisory, Conciliation and Arbitration Service

effect from 4 December 2006. Regulations requiring major authorities (including local and central Government, NHS trusts, police forces, schools, colleges and universities) to publish Disability Equality Schemes, generally by 4 December 2006, came into force on 5 December 2005; statutory Codes of Practice have been issued by the DRC and can be obtained at [www.dotheduty.org](http://www.dotheduty.org)

***The Committee asks also for information on the number of persons assisted through the Access to Work programme.***

44. Up to the end of December 2004, around 220,000 people had been helped through the Access to Work programme.

45. The New Deal for Disabled People (NDDP) was extended nationally in 2001. The programme supports the Government's commitment of 'work for those who can and support for those who cannot' and is designed to help disabled people and those with health conditions in finding and sustaining paid employment. NDDP is the first programme specifically designed to support people on disability and health related benefits into employment. Participation on NDDP is voluntary.

46. A network of Job Brokers across England, Scotland and Wales are providing support and services to people on disability and health-related benefits who want to work. The aim is to achieve lasting paid employment for people with a disability or health condition. Up to the end of December 2004, 54,790 people had been helped into work the NDDP programme.

***The Committee wishes to receive information on the number of persons assisted through the New Deal programme.***

47. Up to the end of December 2004, 1,376,350 people had been helped into work through all the New Deals.

***The Committee asks also to be informed of all developments in the Workstep programme, including information on the number of persons who move from supported to unsupported employment. It also wishes to be informed on the terms and conditions of employment including pay, in supported employment.***

48. WORKSTEP continues to offer long-term support but now also supports and encourages progression into unsupported employment where appropriate. Programme providers include local authorities, voluntary and private sector organisations. Remploy continues to provide over half of all WORKSTEP opportunities. WORKSTEP supports people employed by 'mainstream' employers and supported factories.

49. WORKSTEP currently provides job support to over 22 000 disabled people. Participants receive the rate of pay for the job, which is the same as for someone not requiring WORKSTEP support. Other conditions e.g. pensions, hours of work and holidays are the same as for people in unsupported employment.

50. WORKSTEP can provide data for the number of people who moved from supported into unsupported employment for the period July - December 2004, but does not have any accessible central data for the period April 2001 (when WORKSTEP started) to June 2004. During that 6 month period, at least 380 participants progressed into unsupported employment.

51. A breakdown of employment and unemployment rates in the disability field can be found at the following links:

Employment rates for disabled people:

[http://performance.treasury.gov.uk/T076\\_I0217.pdf](http://performance.treasury.gov.uk/T076_I0217.pdf)

Employment rate of those with disabilities compared with the general population  
[http://performance.treasury.gov.uk/T076\\_I0218.pdf](http://performance.treasury.gov.uk/T076_I0218.pdf)

## **Northern Ireland**

### **Question A**

52. A range of programmes are funded to assist people with disabilities find and keep jobs, these include:

#### **Employment Support**

53. This is a wage subsidy programme. The disabled person's employer is paid a wage subsidy that is assessed at a level to take account of the productive shortfall of the individual against that of a non-disabled employee. This programme provides long term, often indefinite, support to the employer. The level of the subsidy can be reassessed if the work output of the employee changes. Assistance through Employment Support is available to disabled people assessed at being at a productive level of between 30% and 80% of a non-disabled employee.

54. There are a maximum of 850 places funded through Employment Support. The level of funding for this programme was £4.9M in the period April 2004 – March 2005 and £4.8M in April 2003 – March 2004.

#### **Access to Work**

55. This programme was introduced in 1997 and provides a range of practical assistance for disabled people and their employers to help them overcome obstacles resulting from disability. The types of support available, include:

- A communicator at job interview for deaf or hard of hearing clients,
- A support worker for people who require assistance in work or getting to and from work,
- Special aides or equipment in the workplace to enable the disabled employee to carry out the full range of duties of the job,
- Assistance towards the travel costs of getting to and from work when the disabled person is unable to use public transport, and
- Adaptations to premises to enabled the disabled employee to carry out the full range of duties in the particular job.

56. Individuals can receive support through more than one area of Access to Work. There is no maximum amount of financial assistance available under Access to Work. Individuals and employers can be asked to make a contribution towards the costs of Access to Work to take account of personal and business benefits. In April 2004 –March 2005 expenditure was £800k and in April 2003 – March 2004 the expenditure was £800k. Access to Work provides long term support to about 360 people per year with the number of one off offers of support being dependent on demand.

#### **New Deal for Disabled People**

57. New Deal for Disabled (NDDP) people was introduced across Northern Ireland in April 2001 after a series of innovative schemes had operated from 1999. NDDP assists people who are in receipt of health related benefits overcome barriers that prevent them from finding and keeping a job. The individual is given support by a Job Broker who can be based in a Departmental Jobcentre/Jobs and Benefits Office or externally contracted. The Job Broker

assists the person find and keep an appropriate job.

58. From April 2001 to December 2004 1483 people have been assisted into employment. From April 2004 – March 2005 expenditure on this programme was £615k and in April 2003 – March 2004 expenditure was £643k.

### **Ulster Supported Employment Limited**

59. Funding of £500k per annum is provided to Ulster Supported Employment Limited (USEL) to provide sheltered employment in a factory environment to people with a range of disabilities. There is a workforce of approximately 70 disabled people.

### **QUESTION B**

60. The number of disabled persons who found paid employment in the period of the report was 4450.

61. In Northern Ireland protection against discrimination on the grounds of disability is set out in the Disability Discrimination Act 1995 (DDA) as amended by the Disability Discrimination Act 1995 (Amendment) Regulations (Northern Ireland)

### **Monitoring of recruitment arrangements for people with disabilities in the Northern Ireland Civil Service**

62. Information on the number of staff in the NICS who have a disability was first collected in 1999, when staff were given the opportunity to participate in a survey on a voluntary basis. Since then the NICS has collected information on all staff who join the NICS, and Departments regularly update information held on all staff with a disability. The most recent analysis of the information was undertaken as at 1 January 2002. This showed that, of those on whom disability information was held, 5.1% declared that they had a disability. It is likely that some staff chose not to declare their disability and therefore this figure can only be considered to be an indication of the true position. Further statistical information is available in the Eighth Report of the Equal Opportunities Unit<sup>48</sup>.

### **Employment Support in the Northern Ireland Civil Service**

63. Since 1989 the NICS has participated as a host organisation in the Employment Support Programme, which operates in the public and private sectors and gives individuals with severe disabilities the opportunity to work within their own performance capacity. There are currently around 70 Employment Support workers placed in the NICS, some of whom are existing civil servants who joined the Scheme as an alternative to retirement on ill-health grounds.

### ***The Committee observed that the Disability Rights Task Force made recommendations on the DDA and asks to be kept informed***

64. Within the reporting period the vast majority of the Disability Rights Task Force employment-related legislative recommendations have been implemented through the Disability Discrimination Act 1995 (Amendment) Regulations (Northern Ireland) 2004. These Regulations implemented the disability provisions of the E.U.'s Employment Framework Directive (Council Directive 2000/78/EC of 27 November 2000). The Disability Rights Task Force's recommendations on employment anticipated many of the main provisions of the Directive. The Regulations came into operation on 1 October 2004. Their main provisions:-

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<sup>48</sup> [www2.dfpni.gov.uk/pdfs/eou/eighth.pdf](http://www2.dfpni.gov.uk/pdfs/eou/eighth.pdf).

- removed the small-employer exemption in the DDA;
- removed most employment exclusions in the DDA;
- made clear that harassment for a reason relating to disability is unlawful;
- ensured that direct discrimination against a disabled person cannot be justified; and
- outlawed discriminatory advertisements.

65. A copy of the NI Regulations can be accessed through the link below.<sup>49</sup>

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<sup>49</sup> <http://www.opsi.gov.uk/sr/sr2005/20050293.htm>