



European
Social
Charter

Charte
Sociale
Européenne



COUNCIL
OF EUROPE

CONSEIL
DE L'EUROPE

23/01/2012

RAP/Cha/UK/XXXI(2011)

1961 EUROPEAN SOCIAL CHARTER

31st National Report on the implementation of
the 1961 European Social Charter

submitted by

THE GOVERNMENT OF THE UNITED KINGDOM

(Articles 1, 9, 10, 15 and 18
for the period 01/01/2007 - 31/12/2010)

Report registered by the Secretariat on 6 December 2011

CYCLE XX-1(2012)

THE COUNCIL OF EUROPE

EUROPEAN SOCIAL CHARTER

THE UNITED KINGDOM'S

THIRTY FIRST

REPORT

NOVEMBER 2011

Under the current reporting system the provisions of the European Social Charter are divided into four thematic groups. States present a report on the provisions relating to one of the four thematic groups on an annual basis. Consequently, each provision of the Charter is reported on once every four years. This year's report, for the period 1st January 2007 to 31st December 2010, covers the Thematic Group 1, on the subjects of Employment, Training and Equal Opportunities.

For the United Kingdom the relevant Articles are:

Article 1	The right to work
Article 9	The right to vocational guidance
Article 10	The right to vocational training
Article 15	The right of physically or mentally disabled persons to vocational training, rehabilitation and social resettlement
Article 18	The right to engage in gainful occupation in the territory of other Contracting Parties

Contents	Page
Article 1, Paragraph 1	1
Article 1, Paragraph 2	38
Article 1, Paragraph 3	50
Article 1, Paragraph 4	52
Article 9	61
Article 9 – Isle of Man	72
Article 10, Paragraph 1	73
Article 10, Paragraph 2	74
Article 10, Paragraph 3	75
Article 10, Paragraph 4	79
Article 10 – Isle of Man	89
Article 15, Paragraph 1	94
Article 15, Paragraph 2	101
Article 15 – Isle of Man	111
Article 18, Paragraph 1	114
Article 18, Paragraph 2	116
Article 18, Paragraph 3	118
Article 18, Paragraph 4	119
Article 18 – Isle of Man	121

Appendices (electronic version only)

A1 - The UK's 2010 Article 22 Report to the International Labour Organisation on Convention No 122 (Employment Policy)

A15 - Table of sample of Tribunal Cases on Special Education Needs and Disability

Department for Work and Pensions

International Unit

Contact: John Suett (john.suett@dwp.gsi.gov.uk)

Tel 0207 340 4342

INTRODUCTION

The reporting period covers 1st January 2007 to 31st December 2010. Before the end of this period a general election was held with a new Coalition Government being formed in May 2010. The Government is now embarking on significant reforms of the public sector. Details of these reforms are being developed and we anticipate many of the policies and schemes which feature in this report will be reviewed. While this report reflects those policies which prevailed during the reporting period we have also provided information on key developments since 1 June 2010.


ARTICLE 1 - The right to work

The United Kingdom (UK) has ratified the International Labour Organisation (ILO) Convention No.122 on Employment Policy. A copy of the UK's most recent Article 22 report, which describes in some detail the respective Governments' employment policies during the period 1 June 2008 to 31 May 2010, is attached to this Report as **Appendix A1**.

Article 1, Paragraph 1





Question 1


Legislation and key documents

1. **A list of recent Welfare Reform legislation and other key documents.**
 - [Welfare Reform Bill 2011](#) – February 2011. Introduces a range of reforms to make the tax and benefits system fairer and simpler.
 - [Universal Credit: welfare that works](#) – November 2010. Sets out the Coalition Government's plans to introduce legislation to reform the welfare system by creating a new Universal Credit.
 - [21st Century Welfare](#) – July 2010. Consultation paper that sets out the Government's proposals to simplify the benefits system in order to improve incentives to work.
2. **Previous administration publications from before May 2010**
 - [Building bridges to work: new approaches to tackling long term worklessness](#)¹ – March 2010. This set out the Government's next steps on welfare reform, outlining help to get the long-term workless back into work and support disabled people and those with health conditions who are at risk of long term unemployment and worklessness to make sure no one gets left behind in the recovery.
 - [Work and Skills Plans: Next Steps, Policy Statement](#) (102KB)  – February 2010. The statement set out how local authorities, together with their partners,

¹ <http://www.dwp.gov.uk/docs/building-bridges-to-work.pdf>

will develop and agree their response to the local employment and skills needs.

- [Building Britain's Recovery: Achieving Full Employment](#) – December 2009. Restated the Government's response to the recession and signalled the start of the programme to return to full employment.
- [Realising ambitions: Better employment support for people with a mental health condition](#) – December 2009. Independent report on mental health and employment.
- [New Opportunities: Fair chances for the future](#) – January 2009. White Paper set out the Government's agenda for capturing the jobs of the future and investing in families, communities and citizens throughout their lives to help them get on and get ahead (National Archives).
- [Raising expectations and increasing support: reforming welfare for the future](#) – December 2008. A response to the 'No one written off' consultation setting out plans to take forward proposals as part of the vision for a personalised welfare state, where more support is matched by higher expectations for all.
- [Realising potential: A vision for personalised conditionality and support](#) – December 2008. Professor Paul Gregg's independent report to the DWP on Personalised Conditionality and Support.
- [Getting on, getting ahead](#) (1.54MB)  – A discussion paper: analysing the trends and drivers of social mobility (links to Cabinet office website)
- [No one written off: reforming welfare to reward responsibility](#) - July 2008. Sets out a range of options to reduce welfare dependency, support more people into work, provide greater support and control for disabled people and strengthen parental responsibility.
- [Work skills](#) – June 2008. Outlines help for people to take control of their skills needs, both for today and in the future and how we will support employers to get the skilled workforce they need. (National Archives).
- [Employment and Support Allowance Regulations](#) – March 2008, set out the entitlement conditions to Employment and Support Allowance (ESA) from 27 October 2008.
- [Working for a healthier tomorrow](#) (2.4MB)  – March 2008. Dame Carol Black's review of the health of the working age population, jointly commissioned jointly by DWP and the Department of Health.
- [Ready to Work, Skilled for Work: Unlocking Britain's Talent](#) - January 2008. Sets out how government and business working together, can unlock Britain's talent, ensure employers have access to the skills they need to prosper, and give millions of people the chance to realise their potential and change their lives.
- [Transforming Britain's labour market - Ten years of the New Deal](#) (493KB)  – January 2008. A reflection on the New Deal over the last ten years and looking forward to the future.
- ['Ready for work: full employment in our generation'](#) – December 2007. Responds to the 'In work, better off' consultation and sets out the steps to reach the goals of an 80 per cent employment rate and working people with world class skills
- ['DWP Commissioning Strategy – interim report'](#) (74KB)  – November 2007. Outlines some of the main ways of working in partnership with the private, public and third sectors.

- [‘Opportunity, Employment and Progression: making skills work’](#) (462KB)  – November 2007. Sets out how the Government proposed to move forward on the employment and skills agenda.
- [‘In work, better off’](#) – July 2007. Set out further measures to achieve employment opportunity for all.
- [Welfare Reform Act 2007](#). The legislation bringing into law measures including, reform of incapacity benefits and Housing Benefit, and other measures to amend the benefit system.
- [‘Reducing dependency, increasing opportunity: options for the future of welfare to work’](#) – March 2007. David Freud’s independent report to DWP for the Government’s long-term review of welfare to work strategy.

Question 2

EMPLOYMENT POLICY

3. Please see the ILO C122 Report at **Appendix A1** in conjunction with the following update.

Economic and employment policy

4. In October-December 2010 there were 29.12 million people in work in the UK, equivalent to 70.5% of the 16-64 year old population. ILO unemployment was 7.9% of the labour force while claimant count unemployment stood at 1.455m people. Both measures of unemployment increased during the recession.

5. Economic growth in the UK in 2010 was 1.4% year on year. Inflation in December 2010 was 3.7%, which is above the Bank of England’s target rate of 2.0%.

6. The proportion of unemployed who are long-term unemployed (over 1 year) was 33%, up from around 23% in 2008.

Reforming Back to Work Support to Get Britain Working

7. The Government remains committed to the idea that work is the best route out of poverty, and despite the recession has objectives to:

- a) provide employment opportunity for all;
- b) prevent poverty and provide security for those who cannot work; and
- c) ensure that the welfare system is affordable for the state.

8. The Department for Work and Pensions (DWP) is modernising the way Jobcentre Plus delivers its services and handing responsibility back to the Jobcentre Plus advisers who work with claimants day in, day out. Jobcentre Plus advisers are now able to offer claimants a comprehensive menu of help including skills provision and job search support. They have the flexibility to judge which interventions will help claimants at the most appropriate point in their job seeking journey, tailoring this to individual need.

9. To support this new regime a single Flexible Support Fund (approximately £118 million) has been created by bringing together a number of legacy funds and programmes to tackle local worklessness and multiple barriers to employment in a holistic and joined up way. The Flexible Support Fund can be used for a wide range of activities at the discretion of Jobcentre Plus District Managers and Advisers for example:

- training allowances for claimants undertaking some types of full time training;
- support for Partnership activity;
- purchasing support to meet one-off claimant needs;
- paying for adaptations to help a disabled claimant to access work placements; and
- paying for replacement adult, or child care to enable a claimant to undertake training, attend interviews or start work.

10. The flexible support that Jobcentre Plus District Managers are putting in place is bolstered by a series of Get Britain Working measures:

- New Enterprise Allowance supports those looking to start their own business. Enterprise Clubs, run by for example local voluntary sector organisations, chambers of commerce and enterprise support organisations, help people make the most of local knowledge and resources to support unemployed people who are interested in self-employment;
- Work Clubs encourage people who are out of work to exchange skills and share experiences. More than 500 Work Clubs are now being run within local communities by charities, voluntary organisations and businesses, amongst others;
- 'Work Together' helps claimants develop work skills through volunteering. It was launched nationally on 4 October 2010;
- 'sector-based' work academies offer pre-employment training and work experience placements in sectors with high volumes of local vacancies, with a guaranteed job interview upon completion of their placement. Sector-based work academy placements last up to six weeks. The claimant remains on benefit during that time and receives additional support with travel and childcare costs and reasonable adjustments if required. The 2011 Budget announced additional funding to allow the participation of up to 50,000 claimants in the sector-based work academy scheme by the end of March 2013;
- Work Experience (launched January 2011) helps 18 to 21 year old Jobseeker's Allowance claimants who have been on benefit for 13 weeks get valuable work experience through a placement with a local business; this programme will be extended to young people who are 16 or 17 years old later this year. There are 100,000 placements in total. To maximise the number of young people moving off benefits into the 40,000 extra apprenticeships targeted at unemployed young people that were announced in the 2011 Budget, young people who have spent up to eight weeks on Work Experience will be able to have their placement extended by up to four weeks if an employer offers them an apprenticeship.

The Work Programme

11. The Work Programme¹ is the centrepiece of the Government's plans to reform welfare-to-work provision in the UK and ensure people have the right support as the economy moves out of recession and into recovery. The Work Programme was launched on 10 June 2011 and is now in place nationally. The Work Programme has replaced much of the complex range of employment support previously on offer that failed to achieve sufficient job outcomes for the long-term unemployed and deliver good value for money for the taxpayer.

12. The Work Programme will provide individually tailored support to an expected 2.4 million claimants over the next seven years (Work Programme Invitation to Tender). 630,000 people are expected to start the Work Programme in the 10 months between June 2011 and March 2012. By the end of 2012-13 the Work Programme is expected to be supporting 1.2 million people².

13. Work Programme providers are free to design support based on individual and local need. They will be paid primarily for supporting claimants into employment and helping them stay there, with higher payments for supporting the hardest to help. For the first time providers will be paid partly out of the benefit savings they help to realise when they support claimants into sustained employment, tying what the Department pays them to what they are being paid for.

14. For the small number of customers who have not found work by the end of the Work Programme the Government will be introducing a new programme for those requiring further support to move into sustained employment. DWP will be running a small-scale trial from November 2011 to test whether, with an increased level of support and opportunities to gain work experience, longer-term claimants have greater success in finding and staying in employment.

15. The Committee might find of some interest the report of the Parliamentary Select Committee on Work and Pensions that was published following its inquiry on the subject of the "Work Programme: providers and contracting arrangements" that can be viewed via the following link:

<http://www.publications.parliament.uk/pa/cm201012/cmselect/cmworpen/718/71802.htm>

New Enterprise Allowance

16. On 5 October 2010 the Secretary of State for Work and Pensions announced that the Government would give extra help to unemployed people who want to start their own business, through the New Enterprise Allowance (NEA).

17. The scheme is available to people, aged 18 and over, who have been claiming Jobseeker's Allowance for six months or more. It provides access to advice and guidance through business mentoring, together with an element of financial support.

¹ <http://www.dwp.gov.uk/docs/the-work-programme.pdf>

² <http://www.parliament.uk/deposits/depositedpapers/2011/DEP2011-0677.pdf>

18. The NEA is aimed at supporting business ideas which are both viable and have the potential for growth in the future. It is expected that by 2013 the NEA will have helped up to 40,000 unemployed people start up in business as part of the Government's plans to promote growth and enterprise.

19. Jobseeker's Allowance claimants who participate in the NEA work with a volunteer business mentor who provides them with guidance and support as they develop their business idea and who continues to provide support for the first six months of trading.

20. The financial support available to participants includes of a weekly allowance payable over 26 weeks - worth up to £1,274 – aimed at enabling participants to establish their business and cash flow. For businesses that require capital, there is the facility to apply for an unsecured loan of up to £1,000, to assist with start-up costs such as the purchase of essential equipment.

21. The Government tested the New Enterprise Allowance in Merseyside from 31 January 2011 and the scheme is now live across Great Britain. Details of the mentoring partnerships that will help deliver New Enterprise Allowance in Jobcentre Plus districts can be viewed via the following link::

<http://www.dwp.gov.uk/adviser/updates/new-enterprise-allowance/>.

Specialist employment support for disabled people¹

22. Mainstream provision is complemented by specialist disability employment programmes, including Work Choice, which provide support for disabled people facing the most complex barriers to getting and keeping a job.

23. Since May 2010, the Government has set out an ambitious programme of employment support to ensure that people disadvantaged in the labour market will get the help they need to find and keep jobs.

24. In December 2010, the Secretary of State asked Liz Sayce, the Chief Executive of RADAR, the UK's largest disability campaigning organisation, to conduct an independent review of the Government's specialist disability employment programmes. A key aim of the review was to examine how more disabled people could be supported into work within the available funding. The findings of that review were published on 9 June 2011 in "Getting in, staying in and getting on."²

25. On 11 July 2011, the Government published its response to Liz Sayce's independent review of specialist disability employment programmes "Getting in, staying in, getting on" and a consultation on the recommendations³.

26. Key findings of the Sayce Review include

- Government can help many more people than it does now with specialist disability employment funding within existing resources – from 65,000 people currently to 100,000;

¹ <http://www.dwp.gov.uk/policy/welfare-reform/specialist-disability-employment/>

² <http://www.dwp.gov.uk/docs/sayce-report.pdf>

³ <http://www.dwp.gov.uk/docs/sayce-response.pdf>

- the review recommends changes to Access to Work that will increase the number of people who are able to benefit from the programme (for every £1 spent on Access to Work, the Exchequer recoups £1.48 and the social return on investment is even higher);
- Government support should be for the individual and not the institution, so disabled people can maximise their career choices; there is consensus among disabled people's organisations and charities that Remploy factories are not the model for the future (Remploy factories employ around 2,800 disabled people, at an annual cost of around £22,700 per person; Remploy factory businesses make a loss and there is not enough work to go round); Residential Training Colleges should no longer be funded as a distinct facilities-based programme, they should adapt their provision to operate directly in provider markets, for example, as subcontractors in the Work Programme (only 230 disabled people secured work through Residential Training Colleges last year for an average cost of £78,000 per person).

Measures to help ethnic minorities

27. DWP does not have any ethnic specific programmes. Mainstream employment services are personalised at the point of receipt to meet the needs of individuals, whether those needs relate to their ethnicity or otherwise.

In its Conclusions on the UK's 27th Report, the Committee asked to be kept informed of the measures undertaken by the Ethnic Minorities Task Force

28. The Ethnic Minority Employment Task Force was disbanded in 2010 as part of the Government's review of Non-Departmental Governmental Bodies (NDGBs). The Ethnic Minority Advisory Group, an independent stakeholder group supported by the Department for Work and Pensions, now provides advice to Government on issues related to ethnicity and the labour market.

The Ethnic Minority Advisory Group (EMAG)

29. The Ethnic Minority Advisory Group (EMAG)¹ provides advice to Government on issues related to the disadvantage individuals from ethnic minority backgrounds face in relation to the labour market.

30. Overall, people from ethnic minority backgrounds are less likely to find and sustain employment than their white counterparts – and this disadvantage has persisted for more than two decades.

31. EMAG is an independent body whose main focus is to help reduce the gap between the ethnic minority employment rate and the employment rate for the working age population as a whole. While EMAG are supported by the Department for Work and Pensions, their role is to advise all Government departments whose policies impact on labour market performance.

¹ www.dwp.gov.uk/emag/

32. EMAG:

- acts as a "critical friend": identifying problems facing ethnic minority jobseekers and employees, gaps in provision, and other areas of concern that Government may need to address;
- responds to Government consultations in order to ensure that policy developments adequately reflect the ethnic minority employment agenda; and
- advises on the practical implications of delivering policy and how improvements can be made.

33. Initially formed as the Ethnic Minority Stakeholder Group in 2003 to give the ethnic minority voluntary sector a voice in Government, the Group changed its name to EMAG in 2006. EMAG refreshed its membership in 2010.

34. EMAG members are volunteers from a range of backgrounds and regions across Great Britain. Membership is by application and vacancies are advertised on this website. New members are appointed by the Chair in consultation with DWP.

35. The Group has been active in proposing (and delivering) a range of initiatives on a broad front that are designed to improve the position of ethnic minorities in the labour market. For example:

- they have been active in promoting the power of public sector procurement across Government to drive diversity through the supply chain, drawing on experience from the Department for Work and Pensions' welfare to work contracts;
- working in partnership with a business led charity, they have developed a range of web-based tools to help employers understand the value of a diverse work-force and to counter any biases in recruitment practices; and
- they have helped in the creation of a data portal designed to give local players access to a wide range of data on the composition, distribution and position of ethnic minorities in their areas.

36. The Group is currently examining:

- the barriers to employment for ethnic minority women;
- enterprise, education and skills in ethnic minority communities; and
- the guidance for public sector procurers, working with the Equality and Human Rights Commission to better assist those taking forward the General Duty (to promote equality) in the Equality Act 2011.

Evaluation of the Fair Cities Pilots 2007

The Committee also refers to various previous employment projects and initiatives, such as the Fair Cities project.

37. The Fair Cities Pilots were an experimental programme, designed by the National Employment Panel, and intended to help disadvantaged ethnic minority residents to gain steady work and new careers. They represent a test of the

effectiveness and value-for-money of the demand-led approach to tackling disadvantage in the labour market which now underpins much of the thinking behind the emerging employment and skills agenda.

38. Three Pilots were established in Bradford, Birmingham and Brent in November 2004, and completed their work in March 2008. An evaluation, which can be viewed via the link below, was undertaken by the Institute for Employment Studies, assessed their performance up to September 2007, covering a delivery phase of some two years

<http://statistics.dwp.gov.uk/asd/asd5/rports2007-2008/rrep495.pdf>

Progress in narrowing the gap between the ethnic minority employment rate and the overall rate

39. The ethnic minority employment gap for 16-64 year olds in Great Britain in quarter one of 2011 is 10.9 percentage points. This is an improvement of 1.1 percentage points on the gap for quarter one of 2007, which was 13.0 percentage points.¹

40. The gap for females is 14.8 percentage points, a reduction from 15.8 percentage points at the start of 2007. For males it is 6.9 percentage points, a reduction from 9.7 percentage points four years ago. The large reduction for males is due to the Great Britain employment rate being lower rather than the ethnic minority employment rate having improved.

41. Chinese (61%) and Black Africans (64%) have the lowest headline male employment rates, though in the case of Chinese males this is largely due to them being the most likely to be in higher education. Pakistani and Bangladeshi females have the lowest employment rates, at around 30%.

SCOTLAND

Overview of the Government Economic Strategy - Purpose

42. The updated *Government Economic Strategy*² – published on 12th September 2011 – sets out how the Scottish Government will continue to make full use of the levers currently devolved to the Scottish Parliament in order to deliver on the Purpose established in 2007 to:

....focus the Government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth.

43. The *Government Economic Strategy* sets the overarching economic

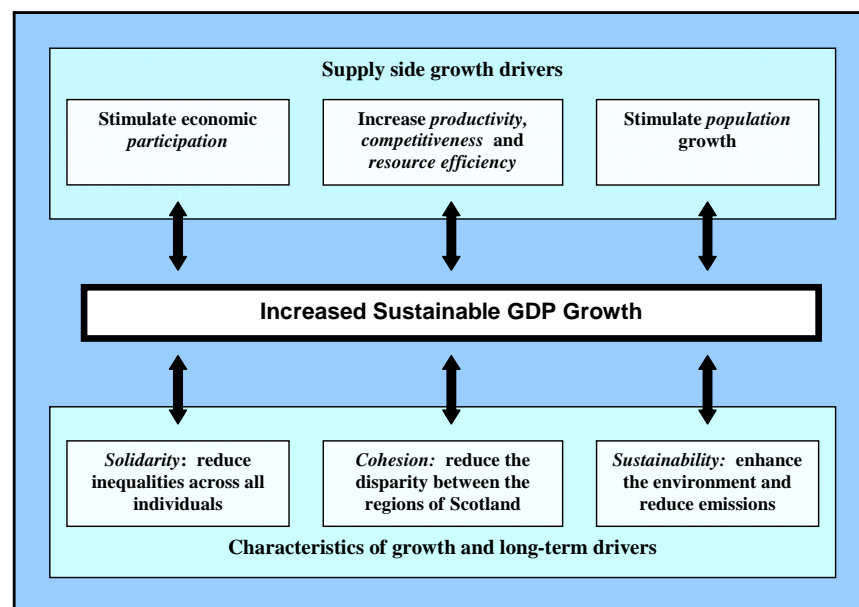
¹ Previously, labour market statistics covered the ages 16-64 for men and 16-59 for women. In 2010 the headline labour market statistics reported by ONS and elsewhere were changed to 16-64 for everyone. This change was made to reflect the gradual equalisation of state pension age, now planned for 2018, making a step change at 2010 so that figures are more consistent over time.

² <http://www.scotland.gov.uk/Resource/Doc/357756/0120893.pdf>

framework – such as a competitive business environment, an effective justice system that protects property rights, an integrated and resource efficient economy and a skilled and adaptable workforce – which is conducive to sustained economic growth.

44. Through the Purpose framework the Strategy identifies the key components of faster sustainable economic growth – Productivity, Competitiveness and Resource Efficiency, Participation in the Labour Market and Population Growth – and our desired characteristics of growth – Solidarity, Cohesion, and Sustainability.

45. The Purpose Framework set out below demonstrates how these drivers and characteristics of growth are linked to deliver faster sustainable economic growth balanced alongside important social, regional and inter-generational equity objectives.



As the figure highlights, Solidarity, Cohesion and Sustainability are themselves important drivers of sustainable economic growth. Improving the social, health, environmental and economic opportunities for all of Scotland will be key if we are to maximise the nation's economic potential.

Strategic Priorities

46. To deliver sustainable economic growth - and secure recovery in the economy and increase levels of employment – the *Government Economic Strategy* identifies six Strategic Priorities. The Strategic Priorities represent the policy levers that shape the drivers of growth – Productivity, Competitiveness and Resource Efficiency, Participation in the Labour Market and Population Growth.

47. They also provide the focus for delivery of the desired characteristics of growth – Solidarity, Cohesion and Sustainability. In doing so, the Strategic Priorities will ensure that by tackling the causes of inequality, barriers to economic opportunity

and environmental concern we will make our nation fairer and more prosperous.

Strategic Priorities for Delivering Sustainable Economic Growth

- Supportive Business Environment;
- Transition to a Low Carbon Economy;
- Learning, Skills and Well-being;
- Infrastructure Development and Place;
- Effective Government; and
- Equity

48. Each priority is critical to the delivery of the Purpose and our Purpose targets. The Scottish Government's policies and resources will continue to be aligned toward them in order to deliver increased sustainable growth, with opportunities for all to flourish.

49. Scotland's ability to prosper and create jobs will depend on the performance of our businesses. They are the wealth generators of society and the greatest source of employment.

50. The *Government Economic Strategy* therefore outlines a commitment to maintaining and further investing in a Supportive Business Environment, through an approach that focuses efforts on:

- Creating the right environment for growth companies;
- Enabling companies to take advantage of growth markets; and
- Supporting growth sectors with potential to accelerate economic growth.

51. The refresh of the *Government Economic Strategy* established a new Strategic Priority – Transition to a Low Carbon Economy – to reflect the opportunity at the current time to place Scotland in an advantageous position in the global economy and ensure that the benefits of this transformational change are shared across the economy and our communities.

52. The Strategic Priority on Learning, Skills and Well-being acknowledges that Scotland's greatest economic asset is its people. A skilled, educated and healthy workforce is essential to building Scotland's comparative advantage and to the delivery of sustainable economic growth. Learning and skills development is also vital to developing a more adaptable and resilient economy. It is also an effective way of addressing inequality and promoting the health and well-being of individuals and strengthening the fabric of our communities.

53. The focus on Infrastructure Development and Place seeks to harness the strength and quality of our cities, towns and rural areas and to ensure that Scotland is positioned to take full advantage of the opportunities offered by the digital age. There is a critical role for government in capturing the opportunities that our geography provides, through the effective alignment of Scotland's planning policy,

development and funding frameworks and identifying clear priorities for investment in the physical and digital infrastructure.

54. Effective Government is critical to successful implementation of the *Government Economic Strategy*, by ensuring that the actions of the public sector are coordinated to maximise their positive economic impact. Central to this will be nurturing and developing the talents and creativity of all our public servants.

55. In order to ensure that all of Scotland benefits, the *Government Economic Strategy* has a vital role in delivering economic growth which provides the most disadvantaged in society with the opportunity to prosper. However, as well as being a desirable outcome and characteristic of growth, Equity – social, regional, and inter-generational – is also a key driver of economic growth. Only by ensuring that everyone has an opportunity to succeed will we fully maximise the nation's potential.

WALES

European Structural Funds Programmes

56. Between 2007 and 2013, Wales is benefiting from around £1.9billion of funding through the European Structural Funds programme which should generate some £3.8 billion of investment. The funds assist job creation and help boost economic growth.

57. Wales qualifies for support from three European Structural Funds programmes:

- Convergence covering West Wales and the Valleys.
- Regional Competitiveness and Employment covering East Wales.
- Territorial Co-operation, including the Ireland-Wales Cross-border programme.

The programmes focus on creating sustainable jobs and growth in line with the European Union's Lisbon and Gothenburg agendas, and the policies and strategies of the Welsh Government.

58. As at 15 October 2011:-

- over £1.5bn of EU funds has been committed to 236 projects, representing a total investment of over £3.1bn in Wales;
- over 240,400 participants have been assisted, of which some 72,500 have been supported to gain qualifications and over 29,500 helped into work;
- some 9,000 (gross) jobs and nearly 1,800 enterprises have been created;
- around £730m (23%) of total project investment (including match funding) is supporting businesses (including R&D, ICT and Innovation, business finance);
- £1.3bn (44%) is helping people into work and training;
- over £560m is helping to regenerate communities; and
- some £490m is helping to improve the environment and sustainable transport.

NORTHERN IRELAND

1. Northern Ireland's main adult return to work programme is the Steps to Work (StW) programme introduced from 29 September 2008. The programme is operated under the provisions of the Employment and Training Act (Northern Ireland) 1950 supported by The Social Security (Steps to Work) Regulations (Northern Ireland) 2009.

Steps to Work (StW) programme

2. On 29 September 2008 Steps to Work, which subsumed the main New Deal programmes, was introduced in Northern Ireland. The aim of Steps to Work is to assist people who are unemployed or economically inactive to find and sustain employment.

Eligibility

3. 'Steps to Work' is designed to meet the needs of two specific groups of clients.

1) Mandatory Clients

JSA claimants (including National Insurance Credits Only cases) aged between 18 and 24 are required to participate in Steps to Work when they:

- Have been claiming JSA continuously for six months or more; or would have had a continuous claim to JSA for a total of six months or more, but for:
 - a period of interruption which did not exceed 28 days, or
 - a number of periods of interruption none of which exceeded 28 days.

JSA claimants (including National Insurance Credits Only cases) aged 25 or over are required to participate in Steps to Work when they:

- have been claiming JSA continuously for 18 months or more; or would have had a continuous claim to JSA for a total of eighteen months or more. But for:
 - a period of interruption which did not exceed 28 days, or
 - a number of periods of interruption none of which exceeded 28 days; or
 - have been claiming JSA cumulatively for 18 months out of the last 21 months.

2) Voluntary Clients

Steps to Work offers access to provision to voluntary participants aged 18 or over (16 or over for lone parents) for those on Incapacity Benefit, Employment and Support Allowance, Income Support, other benefits, and those economically inactive not in receipt of benefits.

Individuals on JSA who have not yet reached the threshold for mandatory participation may also avail of Steps to Work provision on a voluntary basis. Furthermore, access to Steps to Work provision is available to those on the

Department for Employment and Learning's Pathways to Work programme and LEMIS (Local Employment Intermediary Service).

4. The Steps to Work programme is delivered in three steps.

Step 1

Step 1 consists of a period of 16 weeks during which mandatory participants will receive ongoing one to one support and guidance from an Adviser with the primary aim of helping them to find work at the earliest opportunity. They can also avail of intensive help to improve their interview and jobsearch skills through attendance on a Core Gateway course. A range of short courses to develop confidence and motivation are also available. Voluntary participants can avail of Core Gateway and the range of short courses.

Step 2

Step 2 offers a wide range of longer term support to find work. Participation on Step 2 strands will normally last between 13 and 26 weeks and should not usually exceed 52 weeks. Mandatory participants are required to participate in Step 2 for a minimum period of 13 weeks. During Step 2, JSA claimants will receive Benefit Based Training Allowance (BBTA) equivalent to their current rate of JSA plus a top-up of £15.38 per week. All other participants will receive a Training Bonus of £15.38 per week in addition to any benefits which are currently in payment.

The following strands are delivered under Step 2.

Back to Work: This normally lasts up to 13 weeks and consists of work experience as well as the opportunity to undertake relevant work-related training.

Employer Subsidy: A financial incentive paid to an employer for the first 26 weeks of a participant's employment to give them the opportunity of a permanent job.

Essential Skills: This strand can last up to a maximum of 26 weeks and focuses on improving participants' skills in reading, writing or number work as well as helping them to gain a qualification whilst undertaking work experience.

National Vocational Qualifications (NVQs): This strand can last up to a maximum of 52 weeks and provides participants with the opportunity to undertake a full NVQ at level 2 along with a period of relevant work experience.

Qualifications (Quals): Participants can undertake a Vocationally Related Qualification (VRQ) at level 2 or 3, for up to a maximum of 26 weeks. The VRQ is normally undertaken along with a period of relevant work experience. Participants may also have up to 26 weeks to complete remaining units of an NVQ at level 2 or level 3 where these contribute to the achievement of a full NVQ.

Self-Employment (Test Trading): Participants interested in setting up their own business are provided with the opportunity for up to 26 weeks self-employment 'Test

Trading' (a period to try out their business idea) with support and guidance from an organisation experienced in self-employment issues. *Test Trading* is only available to those in receipt of benefits.

Step Ahead: This is a temporary initiative, introduced in September 2009 in response to the economic downturn. It offers the long term unemployed and economically inactive, who have been in receipt of benefits for 30 months or more, a period of temporary waged employment within the voluntary/community sector for up to 26 weeks.

In-Work Enhanced Support: Additional support for participants to help overcome problems or barriers which may affect their ability to sustain employment. This is available to *Employer Subsidy* or *Step Ahead* participants or those starting unsubsidised employment.

Step 3

The aim of Step 3 is to provide follow up support and advice to mandatory participants who have not found work following completion of Step 2. Mandatory participants must remain on Step 3 for six weeks. During Step 3, participants may access a range of provision such as Core Gateway modules or Short Accredited Training Courses which they have not previously undertaken during Step 1. The *Employer Subsidy*, *Step Ahead* and *In-Work Enhanced Support* strands are also available under Step 3 for participants who did not access these during their participation on Step 2.

Steps to Work Statistics

- During the period September 2008 to December 2020, 46,523 participants started StW and 33,354 participants left StW.
- During the period September 2008 to June 2010, 5,706 participants moved into employment of which 4,436 (78%) sustained that employment for a minimum of 13 weeks or more.

Local Employment Intermediary Service (LEMIS)

5. In Northern Ireland assistance is also available to help the long term unemployed and economically inactive overcome barriers to find employment, through the Local Employment Intermediary Service (LEMIS). LEMIS was developed following evaluations of the Targeted Initiatives and Labour Market Intermediaries, which operated on a pilot basis for a number of years and finished in March 2007. The programme is operated under the provisions of the Employment and Training Act (Northern Ireland) 1950.

6. The LEMIS client base is the long term unemployed, economically inactive (both benefit claimants and non-benefit claimants) and clients with a common employability barrier, e.g. history of drug/alcohol misuse, homelessness and ex-prisoners/ex-offenders enter employment. The main priority groups are those

claiming Incapacity Benefit, Employment Support Allowance, Income Support and Carers Allowance.

7. LEMIS provides tailored assistance to help voluntary clients overcome personal barriers that may be preventing them from finding and keeping a job. The service, is independent of the statutory employment services, is delivered by and in the community and complements the services available through the Jobs and Benefits offices and JobCentres in the areas being targeted.

8. LEMIS commenced in April 2007 and the areas to be targeted by LEMIS were identified by reference to the latest version of the Noble Indices of Multiple Deprivation i.e. those areas suffering the highest levels of unemployment/low employment in N Ireland, namely Strabane, Belfast and Londonderry. LEMIS will be extended to the next three areas on the Noble Indices of Multiple Deprivation on 1st September 2011, i.e. Newry and Mourne, Moyle and Cookstown.

9. LEMIS is delivered by providers offering an impartial and confidential advice and support service to help people find a job that best suits their skills and abilities. The service is person centred, flexible and puts the needs of the client first.

10. The LEMIS providers are local organisations with detailed knowledge of the issues facing the communities in which they operated, and an understanding of the employment opportunities (existing and potential) in and around their communities.

LEMIS statistics

- From January 2009 to December 2010, 2,812 clients have participated in LEMIS of which 752 clients have moved into employment.
- Of the 752 clients who moved into employment, 592 (77%) sustained employment for 13 weeks.

Work Preparation

11. In Northern Ireland Work Preparation, was delivered through contracted providers from the private sector. Work Preparation closed to new entrants in October 2010.

Work Preparation performance and spend

Year	Starters	Spend
2009/10	205	£ 390,003
20010/11	286	£ 545,894

Access to Work

12. Northern Ireland has an equivalent programme available called Access to

Work (NI). In the period January 2009 the number of applications for assistance through the programme has increased steadily with the number of programme participants rising from 560 to the current 630. The total programme cost for the financial period April 2010 to March 2011 was £1.38m.

Workable (NI)

13. Workable (NI) is Northern Ireland's equivalent programme to Workstep and is delivered through contracted provider organisations who have extensive experience in delivering specialist employment programmes designed to support people with disabilities in employment. Between January 2009 and July 2011 the numbers participating on the programme rose from 273 to 356 and overall spend was £3,117,600.

Pathways to Work

14. In Northern Ireland the Pathways to Work service has been fully implemented and delivered since 2008. This service is aimed at improving opportunities for people on incapacity benefits, including Employment and Support Allowance which replaced Incapacity Benefit.

15. As part of the Pathways to Work menu of provision since April 2009, in addition to WPP, unemployed clients in receipt of ESA and IB, have been able to avail of the Condition Management Programme (CMP) and Return to Work Credit (RTWC).

16. From January 2009 until June 2011, more than 2000 clients have participated in CMP and almost 6000 clients have received RTWC, having returned to employment.

EX – Offenders

17. Northern Ireland has a number of initiatives in place to reduce the levels of re-offending and works with a number of key Departments, within the Northern Ireland Civil Service, and voluntary sector agencies to deliver appropriate education, training and employment. The **PATHWAY 2** strategy encourages inmates to make the best use of vocational and educational services, from committal to release and resettlement back into the community.

18. A number of key developments underpin the future delivery of Learning and Skills in prison establishments:

- A Learning and Skills Strategy has been developed, identifying strategic objectives and prioritising actions. The plan includes specific targets for service delivery in partnership with stakeholders.
- A Multi-Agency Steering Group has been established, focussing on improving the identification of the Learning and Skills services required to support those inmates who have a learning disability and/or a specific learning and communication difficulty.

- Through the Learning and Skills Forum NIPS has been working with other Criminal Justice Agencies, and the Departments of Education and DEL to improve service delivery to offenders, and those at risk of offending, whether in prison or in the community.

PATHWAY 2 – Education, Training and Employment

19. To enhance employability, reduce offending and improve resettlement prospects by increasing appropriate education and skill levels as part of comprehensive sentence planning:

Targets:

- prisoners assessed with learning needs in essential skills literacy and numeracy, and who subsequently complete an education course in this area during custody, will attain at least one higher level essential skills award.
- prisoners completing educational courses during custody to attain an accredited qualification.
- prisoners who complete vocational training during custody to attain an accredited qualification.

Objectives:

- To provide Essential Skills assessments for all prisoners/inmates on committal, supported by needs based classes in literacy, numeracy, ICT, higher level education, as well as access to accredited skills development and training to improve employability on release.
- To educate prisoners to a level of attainment needed to benefit from behavioural and therapeutic programmes.
- To measure the level of enrolments and accreditations achieved in essential skills literacy and numeracy and agree a target increase to that level year on year.
- To take a coordinated approach to sentence planning, linking the provision of learning and skills to offender management programmes, with appropriate monitoring and reviewing arrangements.
- To develop employment-focused pre and post release programmes.
- The embedment of the NIACRO Jobtrack scheme in L&S planning and service provision.

Development Plan

- Complete early assessments of the individual offender learning needs, setting these out in an individual learning plan which should include information, advice and guidance arrangements and how to ensure those needs are delivered as the offender progresses through custody (to include more targeted work to address the specific needs of women and young offenders in relation to basic education and skills).

- Contribute to the development of a Learning and Skills Forum which will help to provide a more joined up service for offenders, and Implement agreed recommendations from the forum.
- Review the NIPS core curriculum and process map the educational and vocational procedures of each establishment.
- Lead a Multi-Agency Steering Group on Learning Disability, Communication and Learning Difficulties (MASG) and present agreed findings and recommendations to DOJ minister for consideration.
- Review the extent of learning disability within the prisoner population, identifying major areas of need and how to address them.
- Develop an employability strategy to better integrate learning and skills development with internal work and job experience opportunities, in preparation for job-seeking on release.
- Evaluate and improve systems to improve quality and effectiveness of student assessment and achievements.
- Implement joint partner employability project.
- Work in conjunction with NIACRO, through the Jobtrack employment project, to ensure that women's needs are specifically addressed, and appropriate linkages are made with similar programmes in the community for those prisoners who are motivated to continue to engage with the programme post release;
- Establish early links with the Inspire Women's Project, and the associated women's centres and other voluntary agencies, to maximise the potential for developing collaborative services that will ensure women offenders receive a seamless service, both in custody and in the community;
- Establish a mentoring programme within the women's prison to help prepare women offenders for work, and to work with service providers to help create job opportunities for women offenders in the community, and on release from prison.

Services and Programmes available

NIACRO Jobtrack – This is an employment focussed programme, providing individual needs-based advice & support regarding training/skills development to increase employment opportunities. Activities include: individual action planning, assistance with course related costs, intensive support for job seeking, assistance with disclosure of convictions, work shadowing/sampling opportunities with a range of employers in the community. All of these activities are available pre & post release. Jobtrack is available to all prisoners and offenders in the community. NIACRO Jobtrack workers are based in each establishment to deliver this service and work with NIPS OMU/Resettlement staff.

Duke of Edinburgh's Award Scheme - The aim of the Duke of Edinburgh's Award Scheme is to recognise activities carried out by the participant, such as academic education, social studies, vocational training, community service, work, physical education and programmes. It offers a National Certificate of Recognition for these activities and it is ongoing throughout the year. Co-ordinators are placed in residential areas and work closely with participants and the PDU. A participant's progress is supported and encouraged in selected activities throughout their time in

custody. Participants have the opportunity to attend the PDU and ask for assistance, advice, guidance and support. It is also an opportunity for those acting as residential co-ordinators to see the progress being made by their participants and ensure that all relevant paperwork is completed on time. A member of staff covers the co-ordination role on a weekly basis outside of any programme being agreed.

Extern Recycle - In partnership with the NIPS, this service aims to provide a conduit for integrating longer term prisoners back into the community. By the initial provision of assessment, guidance and support and practical work experience and training for prisoners, it seeks to provide clear pathways to employment and learning. The project targets up to 30 longer sentence prisoners annually from Mourne House located within the Maghaberry site. All prisoners registered and meeting attendance requirements receive a minimum of one qualification in valuable areas such as Health & Safety, Catering and Counter Balance Forklift Training. In addition to the practical experience offered, the service has been developed with specific aims including:-

- Building soft skills and basic capabilities
- Motivating prison learners
- Engaging hard to reach prisoners
- Developing the take-up of prisoner learning opportunities
- Creating the continuity of learning in the first 6 months of release by engaging them in Extern Recycle's other activities
- Developing progression pathways to employment and learning
- Providing training and qualifications
- Support from prisoners through to independent living

Extern Axis- Extern Recycle works in partnership with the NIPS aims to provide a conduit for integrating prisoners back into the community. This service provides for 6 full-time placements. (Longer serving or Life Sentence prisoners - 6 placements can be split or shared by up to 12 different prisoners at any one time). The facility provides real assessment, guidance, support and practical work experience and training for prisoners. It also seeks to provide clear pathways to employment and learning. To reduce the initial public risks to the prisoner and support the supervision requirements for some prisoners the project provides a minibus service to and from the Extern facility.

Extern 'Floating Support Project' - offers support to ex offenders on an individual basis. This project aims to reintegrate clients and assist them to sustain themselves in the community. Through participation in risk management arrangements, it contributes to relapse prevention and encourages clients to develop and maintain positive and offence free lifestyles.

Work to Increase Employability of Offenders

20. The Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO) has provided the Jobtrack programme, offering an employability service to offenders who are subject to supervision by the Probation Board for Northern Ireland (PBNI).

21. Jobtrack seeks to improve the employability of offenders by providing a range of services including assessment of individual offender's employability, job preparation, in-house delivery of pre-vocational training courses and linking with employers for interviews and job opportunities.

22. This scheme is funded by a number of government departments and bodies, with the largest proportion of funding provided by the European Social Fund. Other contributors include the Probation Board for Northern Ireland; Department for Employment and Learning, Northern Ireland Prison Service and Department of Justice.

QUESTION 3

UNITED KINGDOM

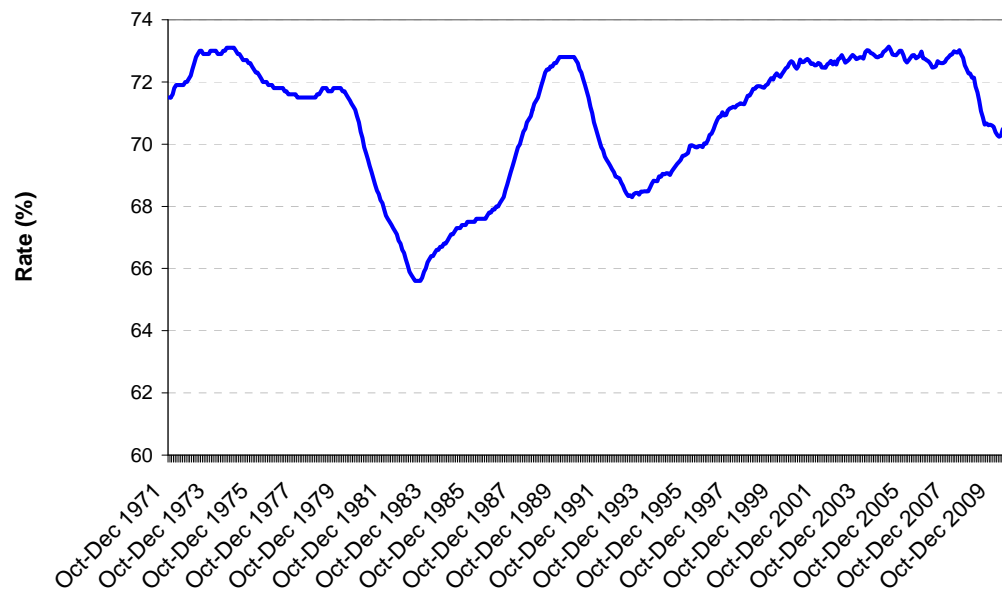
Statistical Analysis of Employment Trends

Employment

1. The employment rate of working age people aged 16 to 64 was 70.5% in October to December 2010. The rate is down 0.1 percentage points in the last year but has fallen 2 percentage points in the last ten years. There were 28 million people in employment, aged 16 to 64, as of October to December 2010.

2. All UK regions saw a fall in the employment rate between October-December 2007 and October-December 2010. The North East saw the most pronounced fall, at 4.1 percentage points, followed by Yorkshire & the Humber, West Midlands and Scotland. London and Northern Ireland were the only two regions to see a rise in the employment level over this period.

Employment Rate for those aged 16-64, UK, 1971-2010



Employment by region

UK employment for those aged 16-64, by region (rates and levels; seasonally adjusted)

16-64	Oct-Dec 2007		Oct-Dec 2008		Oct-Dec 2009		Oct-Dec 2010		Change 2007-2010	
Employment	Level (000's)	Rate	Level (000's)	Rate	Level (000's)	Rate	Level (000's)	Rate	Level (%)	Rate (% pt)
North East	1,153	69.7	1,132	68.0	1,121	67.0	1,100	65.6	-4.6	-4.1
North West	3,125	70.8	3,059	69.2	3,025	68.3	3,062	69.0	-2.0	-1.8
East Midlands	2,086	73.3	2,109	73.8	2,069	72.2	2,028	70.6	-2.8	-2.7
Yorks & Humber	2,415	71.8	2,384	70.3	2,349	68.8	2,335	68.1	-3.3	-3.7
West Midlands	2,444	71.4	2,394	69.7	2,367	68.9	2,337	67.9	-4.4	-3.5
East	2,737	76.0	2,744	75.5	2,694	73.8	2,711	74.0	-0.9	-2.0
London	3,639	69.4	3,725	70.4	3,661	68.2	3,763	68.8	3.4	-0.6
South East	4,082	77.2	4,074	76.5	4,019	75.1	4,034	75.0	-1.2	-2.2
South West	2,498	77.0	2,469	75.9	2,388	73.3	2,418	74.0	-3.2	-3.0
Wales	1,307	69.4	1,296	68.6	1,267	66.9	1,282	67.6	-1.9	-1.8
Scotland	2,495	74.2	2,476	73.2	2,422	71.4	2,417	71.1	-3.1	-3.1
Northern Ireland	1,129	67.9	1,137	66.6	1,144	65.5	1,151	65.7	1.9	-2.2

Source: UK Labour Force Survey

Note: Figures for Northern Ireland have not been revised to take account of the Seasonal Adjustment Review that took place in Spring 2011.

Employment by gender and age

3. The male employment rate was 75.7% in Oct-Dec 2010, compared to a female rate of 65.3%. In the four years to Oct-Dec 2010, the male employment rate fell by 3.3 points compared to a fall of 1.5 points for women. The number of men in employment fell by nearly 400,000 over this period, compared to a fall of over 100,000 for women.

4. Employment rates vary between a high of 81% for those aged 35-49 and a low of 23.3% for those aged 16-17 in Oct-Dec 2010. At 12.1 points, Young people aged 16 to 17 saw the largest employment rate fall between Oct-Dec 2007 and Oct-Dec 2010, followed by their counterparts aged 18 to 24. Whereas the employment rates of people aged over 65 increased by 1.9 points over this period. A similar trend prevailed for the number of people in employment.

UK employment by gender and age – (seasonally adjusted)

16-64	Oct-Dec 2007		Oct-Dec 2008		Oct-Dec 2009		Oct-Dec 2010		Change 2007-2010	
Employment by gender	Level (000's)	Rate	Level (000's)	Rate	Level (000's)	Rate	Level (000's)	Rate	Level (%)	Rate (% pt)
Males	15,486	79	15,366	77.9	14,935	75.3	15,109	75.7	-2.4	-3.3
Females	13,261	66.8	13,253	66.5	13,197	65.9	13,136	65.3	-0.9	-1.5
Employment by age	Level (000's)	Rate	Level (000's)	Rate	Level (000's)	Rate	Level (000's)	Rate	Level (%)	Rate (% pt)
16-17	562	35.4	490	31.1	395	25.7	349	23.3	-37.9	12.1
18-24	3,672	64.6	3,602	62.7	3,372	58.2	3,386	58.1	-7.8	-6.5
25-34	6,277	80.5	6,271	79.8	6,255	78.3	6,452	78.8	2.8	-1.7
35-49	11,056	82.4	11,018	82.1	10,873	81.3	10,755	81	-2.7	-1.4
50-64	7,180	65.5	7,238	65.3	7,236	64.7	7,302	64.7	1.7	-0.8

Source: UK Labour Force Survey

Type of employment

5. Around 73% of workers were in full-time employment in Oct-Dec 2010 and this represents a fall of 2 points over the preceding two years.

6. Of all those in employment, nearly 14% were self-employed and this represents an increase of around 1 point in the four years to Oct-Dec 2010. Over the same period, the share of employees in temporary work was broadly flat, at around 6%.

7. Most temporary employees are on fixed-term contracts, at around 46% of all temporary positions in Oct-Dec 2010. This is up on the proportion in Oct-Dec 2007, whereas the share of employees in other types of temporary work decreased – this trend holds for women too, whereas men saw an increase in the share of employees engaged in agency temping, in addition, over this period.

Employment by sector of activity

8. 82.4% of total workforce jobs were in the service sector in September 2010, compared to 81.2% in September 2007. In September 2010, Workforce jobs were concentrated in Wholesale & retail trade; repair of motor vehicles and motorcycles (15.3%), Human health & social work activities (13.0%), Education (8.0%) and manufacturing (8.1%).

9. Human health & social work activities saw the largest increase of any sector, at 1.5 points, over this four year period and this was followed by Education, which saw an increase of 0.6 points. Whereas manufacturing workforce jobs saw the largest decrease, at 1.2 points, of any sector and, this continues the trend of a structural retrenchment in the sector.

UK workforce jobs by industrial sector (level; seasonally adjusted)

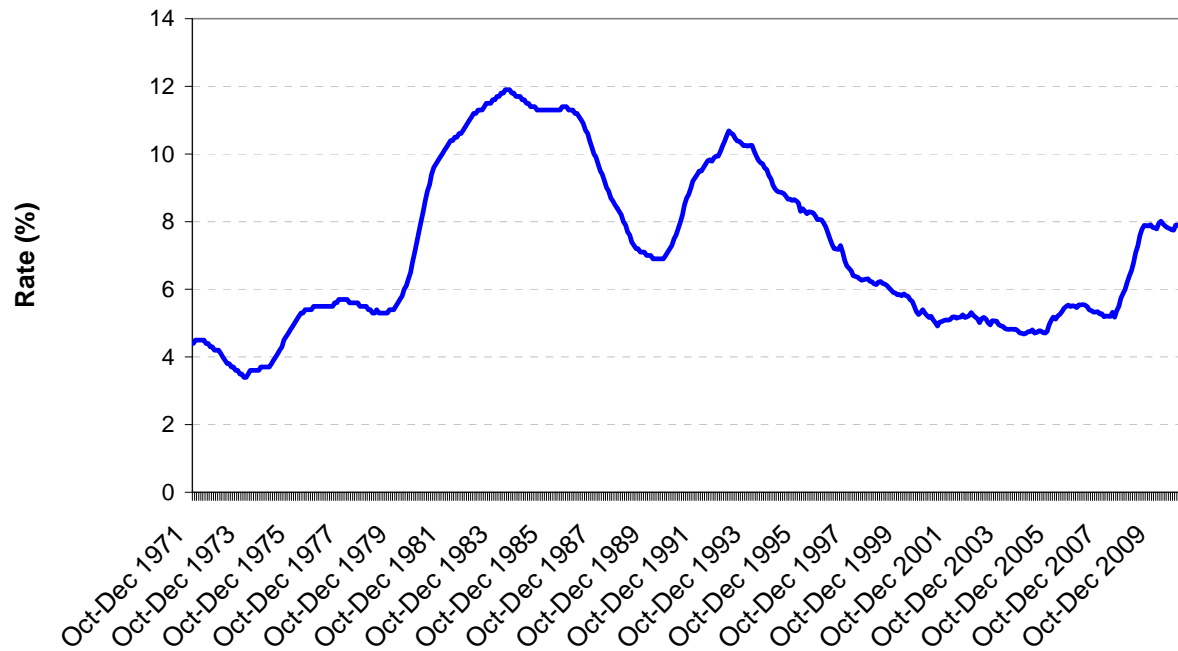
Workforce jobs SIC 2007	September 2007		September 2008		September 2009		September 2010		Change 2007-2010 (% level)
	Level (000's)	% of total	Level (000's)	% of total	Level (000's)	% of total	Level (000's)	% of total	
Total Industries	31,937	100.0	32,015	100.0	31,341	100.0	31,182	100.0	-2.4%
Agriculture, forestry & fishing	391	1.2	401	1.3	418	1.3	460	1.5	0.3
Mining & quarrying	70	0.2	66	0.2	63	0.2	62	0.2	0.0
Manufacturing	2,956	9.3	2,828	8.8	2,618	8.4	2,535	8.1	-1.2
Electricity, gas, steam & air conditioning supply	88	0.3	86	0.3	123	0.4	132	0.4	0.1
Water supply, sewerage, waste & remediation activities	154	0.5	172	0.5	164	0.5	153	0.5	0.0
Construction	2,347	7.3	2,374	7.4	2,168	6.9	2,137	6.9	-0.4
Wholesale & retail trade; repair of motor vehicles and motorcycles	4,999	15.7	5,002	15.6	4,814	15.4	4,759	15.3	-0.4
Transport & storage	1,535	4.8	1,534	4.8	1,519	4.8	1,472	4.7	-0.1
Accommodation & food service activities	2,003	6.3	2,011	6.3	1,939	6.2	1,927	6.2	-0.1
Information & communication	1,218	3.8	1,210	3.8	1,155	3.7	1,124	3.6	-0.2
Financial & insurance activities	1,169	3.7	1,194	3.7	1,136	3.6	1,135	3.6	-0.1
Real estate activities	429	1.3	446	1.4	456	1.5	443	1.4	0.1
Professional scientific & technical activities	2,238	7.0	2,256	7.0	2,341	7.5	2,350	7.5	0.5
Administrative & support service activities	2,530	7.9	2,533	7.9	2,285	7.3	2,322	7.4	-0.5
Public admin & defence; compulsory social security	1,778	5.6	1,724	5.4	1,779	5.7	1,735	5.6	0.0
Education	2,593	8.1	2,626	8.2	2,718	8.7	2,715	8.7	0.6
Human health & social work activities	3,671	11.5	3,786	11.8	3,956	12.6	4,060	13.0	1.5
Arts, entertainment & recreation	877	2.7	892	2.8	834	2.7	868	2.8	0.1
Other service activities	891	2.8	873	2.7	851	2.7	791	2.5	-0.3
Services	25,932	81.2	26,087	81.5	25,785	82.3	25,701	82.4	1.2

Source: ONS Business Statistics Division

Unemployment

10. There were around 2.5 million people ILO unemployed in the UK, aged 16 and over, in Oct-Dec 2010, or 7.9% of the labour force. The unemployment rate was broadly flat in the year to Oct-Dec 2010 but had risen by around 3 points over the preceding four years and 0.9 points over the last two years. However, as the below chart shows unemployment peaked at a lower rate than in past recessions.

Unemployment Rate for those aged 16 & over, UK, 1971-2010



Regional unemployment

11. As of Oct-Dec 2010, the North East had the highest unemployment rate of any UK region, at 10.1%, 4.0 percentage points above the South East rate which had the lowest rate. All UK regions saw a rise in the unemployment rate in the four years to Oct-Dec 2010. The North East saw the most pronounced rise, at 4.4 percentage points, followed by Yorkshire & the Humber, West Midlands and Northern Ireland

UK ILO unemployment by region (rates and levels; seasonally adjusted)

16 & Over	Oct-Dec 2007		Oct-Dec 2008		Oct-Dec 2009		Oct-Dec 2010		Change 2007-2010	
	Level (000's)	Rate	Level (000's)	Rate	Level (000's)	Rate	Level (000's)	Rate	Level (%)	Rate (% pt)
Unemployment	70	5.7	104	8.3	120	9.5	126	10.1	80.0	4.4
North East	200	5.9	268	7.9	291	8.6	262	7.7	31.0	1.8
North West	120	5.3	145	6.3	165	7.2	184	8.0	53.3	2.7
East Midlands	141	5.4	178	6.8	242	9.1	245	9.3	73.8	3.9
Yorks & Humber	154	5.8	210	7.9	244	9.1	259	9.7	68.2	3.9
West Midlands	129	4.4	165	5.5	191	6.4	195	6.5	51.2	2.1
East	266	6.7	300	7.3	375	9.1	378	8.9	42.1	2.2
London	195	4.4	218	4.9	273	6.2	272	6.1	39.5	1.7
South East	98	3.7	128	4.8	170	6.4	166	6.2	69.4	2.5
South West	71	5.0	101	7.1	123	8.6	122	8.4	71.8	3.4
Wales	130	4.9	141	5.3	207	7.7	216	8.0	66.2	3.1
Scotland	35	4.3	43	5.3	49	6.0	68	8.0	94.3	3.7
Northern Ireland										

Source: UK Labour Force Survey

Note: Figures for Northern Ireland have not been revised to take account of the Seasonal Adjustment Review that took place in Spring 2011.

Unemployment by gender and age

12. The male unemployment rate was 8.5% in Oct-Dec 2010, compared to a female rate of 7.1%. In the four years to Oct-Dec 2010, the male employment rate rose by 3.0 points compared to a rise of 2.2 points for women.

13. In Oct-Dec 2010, Unemployment rates varied between a high of 37.8% for those aged 16-17 to around 5% of those aged 50 and over. All age groups saw the unemployment rate rise between Oct-Dec 2007 and Oct-Dec 2010, with young people aged 16 to 17 seeing the largest rise, at 12.8 points followed by those aged 18 to 24.

UK ILO unemployment by gender and age (levels and rates; seasonally adjusted)

16 & Over	Oct-Dec 2007		Oct-Dec 2008		Oct-Dec 2009		Oct-Dec 2010		Change 2007-2010	
Unemployment by gender	Level (000's)	Rate	Level (000's)	Rate	Level (000's)	Rate	Level (000's)	Rate	Level (%)	Rate (% pt)
Males	917	5.5	1,201	7.1	1,494	8.8	1,459	8.5	+59.1	+3.0
Females	693	4.9	801	5.6	955	6.6	1,032	7.1	+48.9	+2.2
Unemployment by age	Level (000's)	Rate	Level (000's)	Rate	Level (000's)	Rate	Level (000's)	Rate	Level (%)	Rate (% pt)
16-17	188	25	193	28.2	197	33.2	212	37.8	+12.8	+12.8
18-24	497	11.9	619	14.7	718	17.6	753	18.2	+51.5	+6.3
25-34	292	4.4	390	5.8	532	7.8	513	7.4	+75.7	+3.0
35-49	400	3.5	491	4.3	609	5.3	628	5.5	+57.0	+2.0
50 & Over	233	2.9	310	3.8	393	4.7	386	4.5	+65.7	+1.6

Source: UK Labour Force Survey

Unemployment by ethnic origin and gender

14. Unemployment rates vary between 16.3% for people of black or black British origin and 7.1% for white people in Jan-Dec 2010, a range of 9.2 percentage points. The only falls in the unemployment rate between Oct-Dec 2007 and Oct-Dec 2010 were for women of Pakistani/Bangladeshi origin and people of other ethnic origin, which saw falls of 1.2 and 0.3 points, respectively – driven by an increase in participation. All other ethnic groups saw a rise in the unemployment rate or remained close to flat.

ILO unemployment by ethnic origin and gender (levels and rates; not seasonally adjusted)

16 & Over	Jan-Dec 2007		Jan-Dec 2008		Jan-Dec 2009		Jan-Dec 2010		Change 2007-2010	
ILO unemployment by ethnic origin	Level (000's)	Rate (%)	Level (000's)	Rate (%)	Level (000's)	Rate (%)	Level (000's)	Rate (%)	Level (%)	Rate % pt
White	1,293	4.6	1,441	5.1	1,990	7.1	1,983	7.1	53.3	2.5
Mixed	27	12.0	28	12.6	35	14.0	40	15.3	49.4	3.3
Indians	43	6.7	46	6.8	60	8.4	59	7.9	34.8	1.2
Pakistanis/Bangladeshis	62	14.5	67	14.5	84	16.8	84	16.2	35.2	1.7
Black or Black British	89	12.6	103	14.1	133	18.0	126	16.3	42.0	3.7
Other Ethnic Group	75	9.4	80	9.4	83	10.0	95	11.0	26.7	1.6
Males:										
White	746	5.0	842	5.6	1,221	8.1	1,226	8.1	64.3	3.1
Mixed	16	14.2	16	14.2	21	16.0	19	14.6	25.2	0.4
Indians	22	5.9	24	6.1	34	7.9	30	6.9	36.4	1.0
Pakistanis/Bangladeshis	35	11.6	42	12.7	55	15.3	53	14.6	53.2	3.0
Black or Black British	50	14.1	58	15.7	71	18.9	64	17.1	28.4	3.0
Other Ethnic Group	37	8.1	44	9.2	45	9.8	55	11.1	48.4	3.0
Females:										
White	548	4.3	599	4.6	769	5.9	757	5.8	38.2	1.5
Mixed	11	9.9	12	10.9	13	11.7	20	16.1	83.6	6.2
Indians	21	7.8	22	7.9	26	9.1	29	9.2	33.2	1.4
Pakistanis/Bangladeshis	27	21.4	25	18.6	30	20.5	31	20.2	12.4	-1.2
Black or Black British	39	11.1	45	12.6	63	17.0	62	15.6	59.5	4.5
Other Ethnic Group	38	11.1	36	9.6	38	10.3	40	10.8	5.8	-0.3

Source: Annual Population Survey

Unemployment by duration

15. Unemployment increased across the duration spectrum for both genders, however, the most pronounced increases in the four years to Oct-Dec 2010 were for people unemployed for a year or more and this holds for both genders. However, men saw the largest increase in the share of long-term unemployment over this four year period.

UK ILO unemployment by duration and gender (levels; seasonally adjusted)

16 & Over	Oct-Dec 2007		Oct-Dec 2008		Oct-Dec 2009		Oct-Dec 2010		Change 2007-2010 (% level)
	Level (000's)	% of total	Level (000's)	% of total	Level (000's)	% of total	Level (000's)	% of total	
Total:	1,610	-	2,003	-	2,449	-	2,492	-	54.8%
Less than 6 months	970	60.2%	1,226	61.2%	1,251	51.1%	1,206	48.4%	24.3%
6-12 months	256	15.9%	324	16.2%	538	22.0%	456	18.3%	78.1%
Over 1 year	383	23.8%	453	22.6%	661	27.0%	830	33.3%	116.7%
Over 2 years	169	10.5%	210	10.5%	246	10.0%	339	13.6%	100.6%
Males:									
Total:	917	-	1,201	-	1,494	-	1,459	-	59.1%
Less than 6 months	505	55.1%	700	58.3%	709	47.5%	641	43.9%	26.9%
6-12 months	152	16.6%	191	15.9%	346	23.2%	259	17.8%	70.4%
Over 1 year	259	28.2%	310	25.8%	439	29.4%	559	38.3%	115.8%
Over 2 years	122	13.3%	151	12.6%	170	11.4%	237	16.2%	94.3%
Females:									
Total	693	-	801	-	955	-	1,032	-	48.9%
Less than 6 months	465	67.1%	526	65.7%	542	56.8%	565	54.7%	21.5%
6-12 months	104	15.0%	132	16.5%	192	20.1%	197	19.1%	89.4%
Over 1 year	124	17.9%	143	17.9%	221	23.1%	270	26.2%	117.7%
Over 2 years	47	6.8%	59	7.4%	76	8.0%	102	9.9%	117.0%

Source: UK Labour Force Survey

Job Vacancies

16. The number of unfilled vacancies decreased by around 30% in the four years to Oct-Dec 2010. The largest increase in the share of unfilled vacancies over this period occurred in Public admin & defence; compulsory social security (3.5 percentage points) and the largest decrease occurred in Manufacturing (1.7 percentage points).

Unfilled vacancies by industry, UK

SIC 2007 sections	Oct-Dec 2007		Oct-Dec 2008		Oct-Dec 2009		Oct-Dec 2010		Change	
	Levels (000's)	% of total	Levels (000's)	% of total	Levels (000's)	% of total	Levels (000's)	% of total	Levels (000's)	% of total
All vacancies	683	-	526	-	456	-	481	-	202	29.6%
Mining & quarrying	2	0.3	2	0.4	1	0.2	1	0.2	-1	-0.1
Manufacturing	60	8.8	35	6.7	31	6.8	34	7.1	-26	-1.7
Electricity, gas, steam & air conditioning supply	3	0.4	2	0.4	3	0.7	3	0.6	0	0.2
Water supply, sewerage, waste & remediation activities	2	0.3	2	0.4	1	0.2	1	0.2	-1	-0.1
Construction	29	4.2	16	3.0	9	2.0	13	2.7	-16	-1.5
Wholesale & retail trade; repair of motor vehicles and motorcycles	129	18.9	95	18.1	86	18.9	95	19.8	-34	0.9
Transport & storage	32	4.7	23	4.4	18	3.9	21	4.4	-11	-0.3
Accommodation & food service activities	59	8.6	48	9.1	45	9.9	43	8.9	-16	0.3
Information & communication	43	6.3	30	5.7	25	5.5	28	5.8	-15	-0.5
Financial & insurance activities	42	6.1	30	5.7	24	5.3	33	6.9	-9	0.8
Real estate activities	9	1.3	7	1.3	5	1.1	5	1.0	-4	-0.3
Professional scientific & technical activities	60	8.8	38	7.2	33	7.2	40	8.3	-20	-0.5
Administrative & support service activities	43	6.3	30	5.7	27	5.9	28	5.8	-15	-0.5
Public admin & defence; compulsory social security	22	3.2	27	5.1	17	3.7	32	6.7	10	3.5
Education	52	7.6	53	10.1	52	11.4	30	6.2	-22	-1.4
Human health & social work activities	73	10.7	67	12.7	59	12.9	55	11.4	-18	0.7
Arts, entertainment & recreation	11	1.6	10	1.9	13	2.9	9	1.9	-2	0.3
Other service activities	13	1.9	12	2.3	10	2.2	12	2.5	-1	0.6
Total services	617	90.3	485	92.2	422	92.5	442	91.9	175	1.6

Source: ONS Vacancy Survey, seasonally adjusted

17. Organisations with over 2,500 employees had the largest share of unfilled vacancies in Oct-Dec 2010 and this was the only category of business size to see a rise in its share of unfilled vacancies over the four years to Oct-Dec 2010. However, businesses of all sizes saw the number of unfilled vacancies decline over this period, with the decline especially marked amongst organisations with 250 to 2499 employees.

Unfilled vacancies by size of enterprise, UK

	Oct-Dec 2007		Oct-Dec 2008		Oct-Dec 2009		Oct-Dec 2010		Change	
	Levels (000's)	% of total	Levels (000's)	% of total	Levels (000's)	% of total	Levels (000's)	% of total	Levels (000's)	% of total
All	683	-	526	-	456	-	481	-	-202	-
1-9	103	15.1	66	12.5	51	11.2	69	14.3	-34	-0.8
10-49	78	11.4	57	10.8	51	11.2	54	11.2	-24	-0.2
50-249	86	12.6	60	11.4	54	11.8	58	12.1	-28	-0.5
250-2499	149	21.8	120	22.8	98	21.5	84	17.5	-65	-4.3
2500+	267	39.1	223	42.4	202	44.3	216	44.9	-51	5.8

Source: ONS vacancy Survey, seasonally adjusted

The Committee asked how many persons on average benefit from activation measures under the various Jobcentre Plus schemes

Employment Programme Data

18. Jobcentre Plus offers a number of programmes to help unemployed people, particularly those who have been unemployed for a long time, people with disabilities and anyone in need of extra help to find work.

<http://www.direct.gov.uk/en/Employment/Jobseekers/programmesandservices/index.htm>

Statistics on new Employment Programme support

19. Referrals to the new employment programme "Work Programme" began from June 2011. In the run up to that launch, a new package of 'Get Britain Working' support measures was introduced. In tandem with these changes, referrals to legacy employment programmes have now ceased.

Flexible New Deal and existing employment programmes

20. Headline figures on Flexible New Deal starts and jobs are available as part of the [Quarterly Statistical Summary release](#). More detailed breakdowns (contract level) are available in a Performance Report which can be accessed via this link: [Delivery Directorate Performance Report](#). Figures are now available up to the end of May 2011. As referrals to Flexible New Deal ceased on 1 June 2011, there will be no further releases of Flexible New Deal statistics.

New Deals and Employment Zones

21. These Tabulation Tools provide up to date numbers on starters, leavers, participants and jobs gained for the various programmes. In tandem with the introduction of Work Programme and Get Britain Working support measures, referrals to legacy employment programmes have now ceased. Hence, the statistics series will be ceasing over the next few quarters. Statistics will largely be released in August as usual; no legacy programme statistics will be released in November 2011; then final statistics for most programmes will be released in February 2012.

For details of individual programmes see the following document:

http://statistics.dwp.gov.uk/asd/asd1/stats_summary/FocusOnEmploymentPrograms.pdf

22. The existing Tabulation Tools will remain available for historical analysis. Information for leavers on New Deal for disabled people and New Deal for 50+ is not available. This is because these New Deals are not compulsory; therefore information on people leaving the New Deals is not recorded as rigorously as for compulsory New Deals. New Deal for Lone Parents is not compulsory; however in this case development work has taken place to enable participant and leavers measures to be determined accurately.

23. Upon each update of the employment programme data, DWP receive information about every employment programme spell and participant. These data include retrospective information about individuals and spells. Hence all numbers for past time periods are revised at each issue. These revisions can be significant for more recent periods but are small for older numbers. Users should always use statistics from the currently released Tabulation Tool.

Important Information about National Statistics for New Deal for Young People and New Deal 25 Plus

24. In the Spring of 2010, the planned second phase introduction of the Flexible New Deal programme was cancelled. The new Work Programme is planned to replace it from summer 2011. This meant that some claimants who would have been referred to the Flexible New Deal, needed to be referred to the older New Deal for Young People (NDYP) and New Deal 25 Plus (ND25+).

25. To enable this, the contracts with external providers who deliver ND25+ and NDYP were extended; and contingency software fixes were made to allow these referrals via the computer system. These software fixes had a knock-on impact on the statistics as these referrals were not being picked up as starts to the New Deals. In practice, this means that most starts to ND25+ and NDYP in non Flexible New Deal areas (i.e. these "second phase" areas) since 16 August 2010 are excluded from statistical tables. Unfortunately, it is not possible to correct this issue during the remaining lifetime of ND25+ and NDYP. In the latest release, reported starts to NDYP are around 7% lower in the latest month than expected; similarly, reported starts to ND25+ are around 1% lower in the last month than expected. Hence, these statistics should be used with caution.

26. No future updates will be made to the ND25+ or NDYP statistics. However, the existing Tabulation Tools will remain available for historical analysis.

Tabtool link - http://83.244.183.180/new_deals/ndyp/live/tabtool.html

New Deal for Young People

http://83.244.183.180/new_deals/ndyp/live/tabtool.html

New Deal 25plus

http://83.244.183.180/new_deals/nd25plus/live/tabtool.html

New Deal for Lone Parents

http://83.244.183.180/new_deals/ndlp/live/tabtool.html

New Deal for Disabled People

http://83.244.183.180/new_deals/nddp/live/tabtool.html

New Deal 50+

http://83.244.183.180/new_deals/nd50plus/live/tabtool.html

New Deal for Partners

http://83.244.183.180/new_deals/ndp/live/tabtool.html

Employment Zones

http://83.244.183.180/new_deals/ez/live/tabtool.html

General information on benefit and employment programme statistics can be found within the Statistical Summary.

http://statistics.dwp.gov.uk/asd/index.php?page=statistical_summaries

In January 2008 the DWP published a Report on a 10 review of the New Deal Programmes – '**Transforming Britain's labour market** *Ten years of the New Deal*', that can be viewed via the following link.

<http://www.dwp.gov.uk/docs/pmnewdeal2-01-08.pdf>

NORTHERN IRELAND

1. The figures below are for those vacancies notified to the Department for Employment and Learning (DEL). The figures do not represent the total unsatisfied demand for manpower by employers within Northern Ireland but are only those vacancies notified by employers to the Department.

2. Notified vacancies fell in all occupational groups from 2008/09 to 2010/11 with the exception of *Professional Occupations*, where the number of notified vacancies did not change substantially. The number of notified vacancies fell particularly sharply in *Associate Professional and Technical* (down 51%).

3. The most frequently notified occupation types for vacancies during financial years 2008/09 to 2010/11 were *Sales and Customer Service* (24-27%) and *Elementary* (21-22%). For example, of the 49,079 positions notified in 2010/11, 11,842 were *Sales and Customer Service* and 10,711 were *Elementary Occupations*. In *Sales and Customer Service Occupations* (e.g. call centre agents), typically a general education and sales related work based training is required and the main duty is selling. *Elementary Occupations* generally require education to be completed to compulsory level and include jobs such as cleaning and bar work. Less than nine percent of vacancies notified to the Department for Employment and Learning were for *Managers and Senior Officials* (2,305 in 2010/11) or *Professional Occupations* (1,694 in 2010/11).

Notified Vacancies by Standard Occupational Classification 2000 Major Groups ⁽¹⁾

SOC 2000 Major Group	Vacancies Notified by Financial Year ⁽²⁾					
	2008/09		2009/10		2010/11	
	Total	%	Total	%	Total	%
Managers & Senior Officials	3,016	4%	2,436	4%	2,305	5%
Professional	1,685	2%	2,219	4%	1,694	3%
Associate Professional & Technical	10,265	14%	6,655	12%	5,034	10%
Administrative & Secretarial	6,428	9%	4,101	7%	3,919	8%
Skilled Trades	5,998	8%	4,243	8%	4,442	9%
Personal Service	6,957	10%	5,749	10%	5,779	12%
Sales and Customer Service	18,300	25%	14,786	27%	11,842	24%
Process, Plant & Machine Operatives	4,454	6%	3,042	6%	3,353	7%
Elementary	16,082	22%	11,604	21%	10,711	22%
Total	73,185	100%	54,835	100%	49,079	100%

Notes:

- (1) All statistics are derived from data extracted from the Department for Employment and Learning Client Management System (CMS) on 3rd June 2011. Percentages may not sum to 100 due to rounding.
- (2) Vacancies notified are all vacancy positions notified and added to JobCentres / JBOs of the Department for Employment and Learning. Notified is subdivided by financial years which run from 1st April to 31st March.

4. Notified vacancies fell in most sectors between 2008/09 and 2010/11, with the exceptions of *Other Services Activities* (up 24%), *Information and Communication* (up 19%), and *Financial and Insurance* (up 14%), where notified vacancies increased (this excludes some sectors with small numbers of vacancies).

5. All other sectors showed falling numbers of notified vacancies, although the declines in *Construction* (down 13%), *Manufacturing* (down 8%), and *Professional, Scientific and Technical* (down 7%) were relatively modest. The sectors that showed the greatest levels of decline were *Administrative and Support Services* (down 54%), *Wholesale and Retail Trade, Repair of Motor Vehicles and Motorcycles* (down 47%), and *Public Administration and Defence; Compulsory Social Security* (down 41%).

6. In the financial year 2008/09, a total of 73,185 vacancies were notified, with the greatest proportion to *Administrative and Support Activities* (23,020; 31%), just under a quarter (17,736) to *Wholesale and Retail Trade, Repair of Motor Vehicles and Motorcycles*, and 11% (8,054) to *Other Service Activities*. In 2010/11, these were still the industries with the greatest demand for staff from employers, in total, accounting for three-fifths of all vacancies notified. *Other Service Activities* is a residual category which includes activities such as the repair of computers and household goods; activities of membership organisations (e.g. trade unions and professional membership organisations) and other personal service activities (e.g. washing and dry cleaning). Other key industries notifying vacancies to the Department for Employment and Learning include *Accommodation and Food Service Activities* (10-11%) and *Human Health and Social Work Activities* (7-9%).

Notified Vacancies by Standard Industrial Classification 2007 Section ⁽¹⁾

SIC 2007 Section ⁽³⁾	Vacancies Notified by Financial Year ⁽²⁾					
	2008/09		2009/10		2010/11	
	Total	%	Total	%	Total	%
Agriculture, Forestry & Fishing	248	0%	236	0%	259	1%
Mining & Quarrying	28	0%	46	0%	52	0%
Manufacturing	1,589	2%	1,346	2%	1,458	3%
Electricity, Gas, Steam & Air Conditioning Supply	57	0%	35	0%	49	0%
Water Supply; Sewerage, Waste Management & Remediation	236	0%	213	0%	181	0%
Construction	1,494	2%	1,188	2%	1,306	3%
Wholesale & Retail Trade; Repair of Motor Vehicles & Motorcycles	17,736	24%	12,436	23%	9,452	19%
Transportation & Storage	767	1%	597	1%	513	1%
Accommodation & Food Services	7,624	10%	6,014	11%	5,484	11%
Information & Communication	533	1%	485	1%	632	1%
Financial & Insurance	366	1%	476	1%	418	1%
Real Estate	59	0%	56	0%	60	0%
Professional, Scientific & Technical	654	1%	637	1%	609	1%
Administrative & Support Service	23,020	31%	12,744	23%	10,534	21%
Public Administration & Defence; Compulsory Social Security	2,814	4%	2,164	4%	1,662	3%
Education	2,166	3%	1,957	4%	1,646	3%
Human Health & Social Work	4,862	7%	4,927	9%	4,065	8%
Arts, Entertainment & Recreation	618	1%	493	1%	482	1%
Other Services	8,054	11%	8,381	15%	9,956	20%
Activities of Households; Goods- & Services-Production for Own Use	159	0%	223	0%	172	0%
Activities of Extraterritorial Organisations & Bodies	76	0%	181	0%	86	0%
Not known	25	0%	0	0%	3	0%
Total	73,185	100%	54,835	100%	49,079	100%

Notes:

- (1) All statistics are derived from data extracted from the Department for Employment and Learning Client Management System (CMS) on 3rd June 2011. Percentages may not sum to 100 due to rounding.
- (2) Vacancies notified are all vacancy positions notified and added to JobCentres / JBOs of the Department for Employment and Learning. Notified is subdivided by financial years which run from 1st April to 31st March.
- (3) SIC 2007 codes were introduced gradually by JobCentres / JBOs of the Department for Employment and Learning during 2007/08. In cases where this field has not been completed for an employer all vacancies notified by that employer are recorded as not known. Activities of Households as Employers; Undifferentiated Goods- & Services-Producing Activities of Households for Own Use has been abbreviated to Activities of Households; Goods- & Services-Production for Own Use.

ISLE OF MAN

1. The table below sets out the number of persons registered as unemployed in each month during the period 2007 to 2010, segregated by sex.

		<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>Aug</u>	<u>Sept</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>
2007:	Males	372	389	345	393	347	364	395	410	373	391	375	387
	Females	214	227	207	231	222	230	219	223	220	220	187	184
	Total	586	616	552	624	569	594	614	633	593	611	562	571
2008:	Males	462	416	364	360	365	351	393	390	423	471	463	522
	Females	165	180	168	183	185	168	198	205	182	195	178	199
	Total	627	596	532	543	550	519	591	595	605	667	641	721
2009	Males	658	689	656	652	642	647	677	694	635	622	627	630
	Females	268	291	291	273	273	257	290	287	266	266	258	248
	Total	926	980	947	925	915	904	697	981	901	888	885	878
2010	Males	751	700	684	624	570	549	569	527	522	531	511	563
	Females	278	270	240	243	222	245	253	244	226	222	224	232
	Total	1029	970	924	867	792	794	822	771	748	753	735	795

2. As at 30th June 2010 a total of 794 persons were registered employed, consisting of 549 males and 245 females. This total represents approximately 1.9% of the economically active resident population.

Article 1, paragraph 2

Eliminating Discrimination in Employment

Great Britain

1. The position remains as previously described with the following update on developments.

The Equality Act 2010

2. The Equality Act 2010¹ brings together, harmonises and, in some respects, extends the existing equality law. It aims to make the legislation more consistent, clearer and easier to understand and operate for those with rights and duties under the Act.

Definition of disability

3. Under the Equality Act 2010, someone is considered to be disabled if they have a “physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities”.

4. Impairments include:

- Physical, for example, mobility impairments.
- Mental, for example, learning disabilities and some mental illnesses if severe and long term.
- Sensory, for example, hearing impairments or visual impairments.

5. **Substantial** means more than minor or trivial; and **long term** means the impairment has lasted, or it is likely to last, for at least 12 months. **Normal day-to-day activities** mean activities that are carried out by most people on a regular and frequent basis.

6. Special rules apply to certain impairments, such as progressive conditions, and some people are deemed to be disabled for the purposes of the Act. For example, people with cancer, HIV and multiple sclerosis (MS), are protected effectively from the point of diagnosis.

Previous position

7. The Equality Act 2010 makes it more straightforward for some people to show that they are disabled for the purposes of the Act by removing the list of capacities. Previously they had to show that the adversely affected activity involved something referred to as a capacity, such as mobility, speech or the ability to understand. Some people, particularly some with certain mental impairments that were intended to be protected under the legislation, found it difficult to demonstrate the link with a capacity.

¹ <http://www.legislation.gov.uk/ukpga/2010/15/contents>

Section 60, Equality Act 2010

Pre-employment enquiries about health or disability

8. The Equality Act 2010 limits when somebody recruiting for work can make health or disability related enquiries before the point at which the candidate is either offered a job, or is included in a pool of successful candidates who will be offered a job when a vacancy arises. This provision meets concerns about pre-employment enquiries about disability being used to obtain information which was used to discriminate against the disabled candidate.

9. The specified situations where health related enquiries can be made are for the purposes of:

- finding out whether a job applicant would be able to participate in an assessment to test his or her suitability for the work;
- making reasonable adjustments to enable the disabled person to participate in the recruitment process;
- finding out whether a job applicant would be able to undertake a function that is intrinsic to the job, with reasonable adjustments in place as required;
- monitoring diversity in applications for jobs;
- supporting positive action in employment for disabled people; and
- enabling an employer to identify suitable candidates for a job where there is an occupational requirement for the person to be disabled.

10. The Equality Act 2010 does not stop employers making any enquiries about a person's health, but places limitations on the type of questions that can be asked.

11. The limitations have been introduced because disabled people told us that some employers were rejecting candidates from the outset, once they knew the person was disabled.

12. Once a job offer is made (which can be conditional or unconditional) or a successful candidate is placed in a pool of people to be offered a job when a vacancy arises, an employer can make any necessary enquiries about a person's health or disability.

13. Where a candidate is asked questions that are not permitted by an employers and the candidate thinks the information has been used about their health or disability to reject them, then the candidate may seek advice and assistance via the Equality and Human Rights Commission, who could take enforcement action against the employer. It would be for an employer to show he has not directly discriminated a person because of their disability.

In Conclusions XIX-1 the Committee notes that under Article 1, paragraph 2, legislation should prohibit discrimination in employment at least on grounds of sex, race, ethnic origin, religion, disability, age, sexual orientation and political opinion.

14. As a general comment, the Government would point out that the list of protected characteristics does not explicitly cover gender reassignment, which is included in discrimination law in Great Britain. Instead of the term "religion" the law in Great Britain uses "religion or belief" to make clear that individuals with beliefs that are not part of an organised religion (such as humanists or secularists) are also protected. Additionally British law does not cover "political opinion" as a protected characteristic. But individuals in Northern Ireland are protected against discrimination on grounds of political opinion, as well as race, religious belief, sex, sexual orientation, age or because of a disability.

The Committee asked for clarification on the point of the different definitions of indirect discrimination, the reasons for the restrictions on compensation in certain cases and so on.

15. The Employment Equality (Sexual Orientation) Regulations 2003 and the Employment Equality (Religion or Belief) Regulations 2003 were revoked in October 2010 and replaced by relevant provisions of the Equality Act 2010. The Act harmonised the definition of indirect discrimination so that there is now only one definition that applies to all the protected characteristics (except pregnancy and maternity) – age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex and sexual orientation.

16. The single definition of indirect discrimination in the Equality Act 2010 follows the definition used in relevant EU Directives. Broadly speaking, this is that indirect discrimination occurs when a provision, criterion or practice which applies in the same way for everybody has an effect which disadvantages people with a particular protected characteristic. Where a person with that characteristic is put at that disadvantage, the provision, criterion or practice is unlawful unless the person applying it can objectively justify it ie show that there is a good reason for it.

17. Regarding restrictions on compensation in certain cases, remedies that may be awarded by an Employment Tribunal are set out at section 124 of the Equality Act and can include the payment of compensation, as well as a declaration and an appropriate recommendation. If the Tribunal finds that there has been unlawful indirect discrimination but there was no intention of discriminating against the complainant, it must first consider whether to make a declaration or recommendation before it considers whether to award compensation. This provision is in line with our European obligations on this matter.

The Committee notes that since April 2007, under the Equality Act 2006 national and local public authorities have had a duty to pay due regard to the need to eliminate unlawful sex discrimination and harassment between women and men and to promote gender equality. Similarly, the government has drawn up an action programme based on the recommendations of the independent Women and Work Commission. The Committee asks for information in the next report on how public authorities have carried out their new duties and on implementation of the government's action programme.

18. The Gender Equality Duty came into force on 6th April 2007 and applied to all public authorities in England, Scotland and Wales until the relevant legislation was

replaced by the Equality Act 2010. Under the Gender Equality Duty, authorities also had an obligation to eliminate discrimination and harassment towards current and potential transsexual staff. This duty was extended to trans-sexual service users in December 2007. The duty has since been incorporated into the new public sector Equality Duty (see below).

19. Seven cases have been brought under this legislation.
20. The Equality and Human Rights Commission had responsibility for enforcing and providing guidance on the Gender Equality Duty. .
21. As part of its enforcement of the gender equality duty, the EHRC:
 - issued compliance notices to three local authorities in England in relation to their gender equality schemes, based on research it had commissioned on the provision of violence against women services;
 - conducted assessments of how two individual public bodies were meeting the public sector duties, including the gender equality duty;
 - conducted two inquiries: one on sex discrimination and the gender pay gap in financial services, published in 2009 and one in relation to human trafficking in Scotland (with an additional focus on trafficking for commercial sexual exploitation), which is to be completed later this year
 - intervened in two equal pay cases and investigated another local authority in relation to equal pay
22. During public consultation on developing the Equality Act 2010, there was strong support for bringing the three separate public sector equality duties, relating to gender, race and disability, together into a single duty. The new public sector Equality Duty, which came into force on 5 April 2011, replaced the three earlier equality duties and extended them to the additional protected characteristics of age, sexual orientation, religion or belief, pregnancy and maternity, and gender reassignment (in full).
23. The new public sector Equality Duty requires public authorities and others carrying out public functions to have due regard to the need to:
 - eliminate discrimination, harassment and victimisation; and any other conduct prohibited by or under the Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it; and
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
24. The duty is supported by non-statutory guidance for public bodies¹, for example: and the Equality and Human Rights Commission is producing a statutory Code of Practice on the Equality Duty later in 2011, explaining the law in more detail.
25. The Women and Work Commission was reconvened in 2009 to review progress against their original 2006 recommendations which covered the many-

¹ <http://www.homeoffice.gov.uk/publications/equalities/equality-act-publications/equality-act-guidance/equality-duty>

faceted causes of the gender pay and opportunities gap. They published a further set of recommendations in 2009. The then Government published its strategy for women's employment in February 2010, responding to these further recommendations.

26. The Coalition Agreement published when the new Government took office in May 2010 set out a range of ambitious new commitments on issues such as equal pay, flexible working, childcare, reform of parental leave and gender equality on the boards of listed companies. More information on these commitments can be found in the Government's equality strategy, "Building a Fairer Britain" (December 2010)¹.

Statement on the burden of proof in discrimination cases

The Committee states that in disputes relating to an allegation of discrimination in matters covered by the Charter, the burden of proof should not rest entirely on the complainant, but should be the subject of an appropriate adjustment.

27. The Committee's statement has oversimplified the application of the burden of proof provisions in domestic discrimination law and does not reflect it accurately. The text of the statement of interpretation on the burden of proof in discrimination cases should therefore be amended as follows:

"The Equality Act 2010 revoked and replaced the provisions on burden of proof in discrimination cases which applied in previous discrimination law. The new provision (section 136 of the Act) which came into effect on 1 October 2010 reverses the burden of proof for all discrimination claims. This means that where a person alleges discrimination, the burden of proving their case starts with the claimant. However, once the claimant has shown sufficient facts to establish that unlawful discrimination could have occurred, the burden shifts to the respondent to prove that they did not discriminate."

The Committee asked to be kept informed on the progress of the Crown Employment (Nationality) Bill 2008/09

28. The Bill (a Private Member's Bill) was on the Order Paper for a Report Stage debate on 16 October 2009, but there was not enough time for debate on that day. The Bill was subsequently withdrawn by its sponsor, Mr Andrew Dismore MP, who left Parliament in April 2010, at the time of last General Election. The position, as far as the employment of foreign nationals in the Civil Service is concerned, therefore remains as previously described.

The Committee asked also for comments on the claims of the RMT trade union, referred to in previous conclusions, that the Race Relations Act 1976, as amended by an order in 2003, permitted discrimination in matters of pay against seafarers recruited abroad.

¹ <http://www.equalities.gov.uk/pdf/GEO%20Equality%20Strategy%20tagged%20version.pdf>

29. Under Section 9 of the Race Relations Act, 1976, it was not unlawful for seafarers to be paid different rates of pay on the basis of their nationality if they were recruited outside Great Britain. This included seafarers from EEA States and designated States (those States with particular bilateral agreements with the European Union).

30. The European Commission has been investigating a complaint that UK law does not comply with European Law and in January 2011 it issued a Reasoned Opinion on that basis. In order to meet its Treaty obligations and to bring the legislation for Great Britain into line with European law, the Equality Act 2010 (Work on Ships and Hovercraft) Regulations 2011 (SI 2011/1771)¹ were made and entered into force on 1 August 2011.

31. These Regulations provide, inter alia, that it is not unlawful to offer to pay or pay different rates of pay to seafarers (applicants, employees and contract workers), other than those from EEA or designated states, if a person applies for work as a seafarer or is recruited as a seafarer outside Great Britain.

32. A 'designated state' is defined in Regulation 2 as meaning: "the countries of the African, Caribbean and Pacific Group of States, the Kingdom of Morocco, Montenegro, the Most Serene Republic of San Marino, the People's Democratic Republic of Algeria, the Principality of Andorra, the Republic of Albania, the Republic of Croatia, the Republic of Macedonia, the Republic of Tunisia, the Republic of Turkey, the Russian Federation or the Swiss Confederation;..".

33. Under section 19 of the Equality Act 2010 (indirect discrimination), where an apparently neutral provision, criterion or practice has an effect which particularly disadvantages seafarers from EEA or designated states in terms of a difference in pay, this will nevertheless be lawful if the employer can show that the provision, criterion or practice is objectively justified. If differential pay were challenged by a seafarer from an EEA or designated State, it would be for the employer to satisfy an employment tribunal as to that justification.

34. As for Northern Ireland, the Northern Ireland Executive is currently taking steps to amend its legislation. It was not possible for this to happen before the Northern Ireland Assembly elections, which took place in May 2011. An Order was expected to be made, following a vote of the Northern Ireland Assembly, as soon as possible after the summer 2011 recess (the Assembly being due to return in September 2011).

Prohibition of forced labour

In its general introduction to Conclusions XIX-1, the Committee draws attention to the existence of forced labour in the domestic environment (citing the ECHR case of Siliadin v. France) and asks for information on the legal provisions adopted to combat such types of forced labour as well as measures taken to implement them.

¹ <http://www.legislation.gov.uk/uksi/2011/1771/contents/made>

35. For the United Kingdom the relevant legislation is:

The Asylum and Immigration (Treatment of Claimants etc) Act 2004
Section 4¹ - Trafficking people for exploitation

A person commits an offence if he arranges or facilitates the arrival into the UK, within the UK or departure from the UK of an individual, and he intends to exploit the person in the UK or elsewhere, or believes another person is likely to.

Under section 4(4) (a) a person is exploited if he is the victim of behaviour contravening Article 4 of the European Convention on Human Rights and Fundamental Freedoms (slavery or forced labour).

This offence applies to England, Wales, Northern Ireland and Scotland. The offence came into force on 1 December 2004.

The Crown Prosecution Service website pages on 'Human Trafficking and Smuggling'² contain further detailed information and guidance on dealing with exploitation issues, including domestic servitude.

The Coroners and Justice Act 2009
Section 71³ - Slavery, servitude and forced or compulsory labour

Section 71 of the Coroners and Justice Act 2009 created a new offence in England and Wales and Northern Ireland of holding a person in slavery or servitude, or requiring a person to perform forced or compulsory labour. The offence is punishable by a term of up to 14 years in prison and/or a fine. It came into force on 6 April 2010.

Prior to 6 April 2010 there existed a number of offences which may have covered similar behaviour, including kidnap, false imprisonment, blackmail and a range of employment offences. In addition, trading in slaves was already an offence under the Slave Trade Acts 1824-1873. However, section 71 makes clear that holding a person in slavery is also an offence. The new offence enables all of the offending behaviour which might constitute slavery or servitude or forced or compulsory labour to be dealt with by way of a single offence.

This offence applies to England, Wales and Northern Ireland. Section 47 of the Criminal Justice and Licensing (Scotland) Act 2010 introduced the same offence in Scotland. This came into force on 28 March 2011.

Information on 'Slavery and Servitude' and guidance on the new offence (set out in the Ministry of Justice Circular 2010/7) can be viewed via the following links:

<http://www.justice.gov.uk/guidance/docs/slavery-and-Servitude.pdf>

<http://www.justice.gov.uk/publications/docs/circular-07-2010-coroners-justice-act-section-71.pdf>

The Act applies equally to the exploitation of adults and children. No statistics are yet

¹ <http://www.legislation.gov.uk/ukpga/2004/19/section/4>

² http://www.cps.gov.uk/legal/h_to_k/human_trafficking_and_smuggling/index.html

³ <http://www.legislation.gov.uk/ukpga/2009/25/section/71>

available about the numbers of prosecutions for the offence. However there have been some news reports drawing attention to the powers having been exercised and an example is set out below.



'Slaves' rescued in police raids across England

Twenty people who were allegedly forced to work as slaves have been rescued as part of a police operation covering three English counties.

Officers took part in raids early on Tuesday at two addresses in Gloucestershire and at caravan sites in Leicestershire and Derbyshire.

Three men aged 50, 28 and 22, and a woman, 46, were arrested under anti-slavery laws.

More than 200 officers took part in the operation.

'Complicated operation'

Assets totalling £2m, a number of vehicles and other evidence were seized by police.

The suspects are being questioned at an unnamed police station in Gloucestershire.

Det Ch Insp David Sellwood, of Gloucestershire Constabulary who is leading the investigation, said the arrests and recovery of victims marked the culmination of many months' work.

"The arrests and searches we have carried out are the first visible activity, and the co-ordination of the operation has been complicated, but we are very grateful to our colleagues in both Derbyshire and Leicestershire for their support.

"The people we believe are victims of these offences are now all being cared for, and we'll be working with partner agencies to help them recover and establish a better way of life."

[Slavery, Servitude and Force or Compulsory Labour](#) is a new offence under Section 71 of the Coroners and Justice Act 2009.

Source: <http://www.bbc.co.uk/news/uk-england-12837686> [23.3.2011]

Prison Work

The Committee repeats its request for a response to the questions set out in the general introduction to Conclusions XVIII-1 about prisoners being required to work.

36. The Government would apologise for the oversight in not having replied to the questions set out below when first posed in the Committee's general introduction to its previous Conclusions and now provides the following responses:

Can a prisoner be required to work (irrespective of consent)

A. for a private undertaking/enterprise

- i) within the prison?***
- ii) outside the prison?***

B. for a public/state undertaking?

- i) within the prison?***
- ii) outside the prison?***

What types of work may a prisoner be obliged to perform?

What are the conditions of employment and how are they determined?

England and Wales

Under the England and Wales statutory Prison Rules 1999, convicted prisoners are required to work. Un-convicted prisoners are not required to work, but may do so if they so choose. The basis of the approach to prisoner work is therefore linked to the status of the prisoner and not whether he or she is held in a public or private prison. The work and pay policies which underpin the 1999 Prison Rules apply equally to all prisoners and all prisons, both public and privately run (again re-emphasising that the status of the prisoner is the key determining factor in terms of the requirement to work, rather than whether the prisoner is held in a public prison or one which is run by a private enterprise). They are not employees of either public or private prison operators.

A. For a private undertaking/enterprise

- i) Yes**
- ii) Prisoners working within the prison are not employed by companies or organisations based outside the prison, but they may work in prison workshops that are undertaking work under contract for outside companies. Prisoners nearing the end of their sentence and who pass a risk assessment may, if they wish to do so, be allowed out of prison on a daily basis to take employment with outside companies. In this case the prisoner is directly employed by the outside company and we require this to be on the same terms and conditions as non-prisoner employees.**

B. For a public/state undertaking

- (i) Yes**

(ii) Prisoners working within the prison are not employed by private companies or organisations based either inside or outside the prison, but they may work in prison workshops that are undertaking work under contract for outside companies. Prisoners nearing the end of their sentence and who pass a risk assessment may, if they wish to do so, be allowed out of prison on a daily basis to take employment with outside companies. In this case the prisoner is directly employed by the outside company and we require this to be on the same terms and conditions as non-prisoner employees.

Work in prison

The latest estimate is that about 9,000 prisoners per day currently work in NOMS public sector prison industries in over 400 workshops, representing a wide range of activities including printing, furniture, textile manufacturing, laundries, engineering, contract services and land based activities.

Prisons also partly run on prison labour. These activities include about 4,400 prisoners working in catering and picking and packing services. In addition significant numbers of prisoners are involved in areas such as cleaning.

Prisoners receive payment for participating in purposeful activity. Purposeful activity is defined as work, induction, education, training or offending behaviour programmes.

Prisoners who undertake paid work in the community

Around 500 prisoners currently work outside prison in paid employment. All must complete a period of unpaid voluntary work before they become eligible to work in paid employment.

Many employers of prisoners working out are small local companies. NOMS also has strong partnerships with national employers such as National Grid and DHL.

The policy is that those prisoners who are released on licence to work outside the prison for outside companies must be employed at the same rate of pay and on the same terms and conditions as their co-workers are paid for similar work and must pay National Insurance (i.e. social security contributions) and Income Tax.

Scotland

Convicted prisoners are required by law to work. Those on remand are not required to work.

Prisoners receive payment from the prison authorities for the work they undertake dependent on the nature of the work they are doing. Work varies from manual labour to small scale manufacturing, i.e. building wooden furniture, beds for use in prison, etc.

Education and training opportunities are also considered as work so prisoners undertaking educational courses or vocational training are paid for the time they spend in such undertakings.

Some prisoners undertake work placement opportunities outwith prison as part of the Training for Freedom process. Such opportunities are provided primarily by the voluntary sector and commercial enterprises also provide these opportunities, with remuneration for prisoners being provided by the prison authorities.

Northern Ireland

A & B Prison Rules state that no prisoner shall be employed in the service of any other prisoner, or of any officer, or for the private benefit of any person except with the authority of the Department of Justice. The Rules also state that no prisoners shall be employed except on work of an appropriate nature authorised by the Department of Justice.

For these purposes Prison Rule 51 appears to set out the conditions of employment.

- Work of a useful nature or other purposeful activities shall be provided to keep prisoners actively employed during their normal day.
- Any prisoner may be required to work by the governor unless excused by a registered nurse or a health care officer on health care grounds.
- No prisoner shall be employed on any class of work unless a registered nurse or a health care officer has certified him as fit for that class of work.
- No prisoner may be required to work for more than 8 hours in any day and any prisoner engaged in a regular pattern of work shall have at least one rest day a week.
- As far as practicable, work shall be provided outside the cells and in association with other prisoners.
- No prisoner shall be employed except on work of an appropriate nature authorised by the Department of Justice.
- Except with the authority of the Department of Justice, no prisoner shall be employed in the service of any other prisoner or of any officer or for the private benefit of any person.
- Prisoners who are recorded as members of a religious denomination under rule 57 shall not be required to work on their days of religious observance.
- For the purpose of these rules "work" includes employment in the ordinary service of the prison, in prison occupational services and participation in vocational training.
- The Department of Justice may make arrangements for prisoners to earn money for work carried out under this rule.

Privacy at work

The Committee requested information to enable it to determine how far human freedom and dignity are protected against intrusions into personal or private life in connection with the employment relationship.

37. The Human Rights Act 1998 gives further legal effect in the UK to the fundamental rights and freedoms contained in the European Convention on Human Rights. Provisions within the Act deal with work-related matters. For workers in the public sector, it is unlawful for the employer to violate the worker's human rights under the Convention, unless an Act of Parliament requires otherwise.

38. Workers who are not public sector workers cannot make a claim against their employer for breach of their human rights. However, human rights law has been incorporated into general employment law in the UK and applies to all employers. Any decision by an Employment Tribunal must follow the principles laid out in the Convention.

39. The Directgov website sets out guidance on Human Rights in the Workplace which can be viewed via the following link:

http://www.direct.gov.uk/en/Employment/ResolvingWorkplaceDisputes/DiscriminationAtWork/DG_10026574

Restrictions linked to the fight against terrorism

The Committee asks whether any legislation against terrorism precludes persons from taking up certain types of employment

40. Control Orders made under Section 1 of the Prevention of Terrorism Act 2005¹ can include restrictions on an individual's work, occupation or business and would include employment or proposed change of employment, but the legislation does not refer specifically to preclusion from certain types of employment.

41. Some information on Control Orders, of which there have been less than 50 up to the end of the reporting period, can be found in the latest independent review of the Act which can be viewed via the following link:

<http://www.homeoffice.gov.uk/publications/counter-terrorism/independent-reviews/lord-carlile-sixth-report?view=Binary>

¹ <http://www.legislation.gov.uk/ukpga/2005/2/contents>

Article 1, Paragraph 3

GREAT BRITAIN

Free employment services

1. The position remains as previously described with the following development.
2. Jobcentre Plus no longer has independent Executive Agency status, but is now an integral part of the Department for Work and Pensions.
3. Copies of Jobcentre Plus Annual Reports that include details of its performance during each of the years covered by the reporting period can be viewed via the following link:
[http://www.dwp.gov.uk/about%2Ddwp/customer%2Ddelivery/jobcentre%2Dplus/publications%](http://www.dwp.gov.uk/about%2Ddwp/customer%2Ddelivery/jobcentre%2Dplus/publications%2D)

NORTHERN IRELAND

1. The position remains as previously described with the following development.
2. The Department for Employment and Learning (DEL) continues to engage with the Social Security Agency in a major programme of co-location of Jobcentres and Social Security Offices to create new Jobs & Benefits offices. These co-located offices provide a joined-up work-focused benefits service. Currently 27 Jobs & Benefits offices have opened and a procurement exercise continues to secure sites for the final 8 offices.
3. The Disability Employment Service (previously the Disablement Advisory Service) now provides specialist help and support to people with disabilities seeking to train and find work.

ISLE OF MAN

Article 1, paragraph 3

1. The legal framework is, in general, as previously described. Under the Employment Agencies Act 1971 employment agencies and employment businesses are prohibited from demanding, or directly or indirectly receiving, from any person a fee for finding or seeking to find him or her employment. A person who contravenes the general provision is, on conviction, liable to a fine not exceeding £5,000. The only exceptions to this rule are that it is permissible for employment agencies to charge fees to workers for finding or seeking to find them employment in the entertainment industry or as photographic and fashion models. In addition, the deduction or payment of an employment agency's fees from a worker's wages was made expressly unlawful by the Employment Act 2006.
2. The Jobcentre rolled out a new service in July 2009 called the Job Club. The Job Club is an initiative provided by the Jobcentre as a designated and pleasant

environment to assist individuals seeking employment, with Employment Advisors on hand to provide guidance on the process of finding work. The Job Club is open to the public on either an appointment or drop in basis. Within this venue individuals receive assistance with:

- Developing skill sets to suit a change of direction (if necessary)
- Creating a C.V.
- Writing covering and speculative letters
- Application form preparation
- How to handle an interview (and if necessary arrange mock interviews)
- How to handle telephone interviews
- Online applications

Computer software such as ECDL and typing speed programs are used to keep skill levels at the necessary standard.

3. The number of job vacancies held on file by the JobCentre in the months January and July during the period 2007 to 2010 are shown in the table below.

Year	JobCentre vacancies – end of January	JobCentre vacancies – end of July
2007	438	273
2008	290	349
2009	253	243
2010	281	301

Article 1 Paragraph 4

Great Britain

Vocational guidance, training and rehabilitation

1. See also the responses in respect of Article 9, Article 10, Paragraph 3 and Article 15, paragraph 1 below.

2. The Leitch report, *Prosperity for all in the global economy – world class skills* (2006), referred to in the previous report, has led to greater cross-government working to bring together work-search support with work-related training. The New Deal for Skills was superseded by Integrated Employment and Skills, which sought to incorporate skills support in all new employment policies and the support provided to jobseekers by Jobcentre Plus. The Flexible New Deal, introduced in October 2009 to replace the New Deal for Young People, New Deal 25 Plus and other employment programmes, was designed to incorporate skills-related interventions at every stage.

3. The General Election of 2010 and change of government accelerated welfare reform. The Work Programme was launched in June 2011 to replace all New Deal programmes and its introduction was accompanied by wide-ranging changes to the day-to-day support provided by Jobcentre Plus, whose advisers now have far more flexibility to decide what is best for individual benefit claimants. Complementary to this, in England the Department for Business, Innovation and Skills has introduced a more flexible skills system, with colleges and training providers able to offer further education courses and programmes that reflect the needs of the local labour market. The Department for Work and Pensions also works closely with the devolved administrations in Scotland and Wales to ensure that the further education and work-related training funded by the Scottish and Welsh Governments fits together well with the employment support provided by Jobcentre Plus.

4. The move to integrate employment and skills support continues apace and building on existing commitments, proposals are being developed to co-locate careers advice services in every high street Jobcentre Plus office wherever possible. In September 2011 a pilot programme began in England that will significantly boost the number of careers advisers providing services in job centres and help shape the new National Careers Service, which starts in April 2012. The pilot will give Jobcentre Plus claimants full-time access to careers advice and provide better, more flexible support to help jobseekers gain the skills to get into work.

Skills conditionality

5. The Jobseeker's Allowance (Skills Training Conditionality Pilot) Regulations 2010¹ were introduced to allow the Department to test mandatory referrals to work-related training. The aim of the pilot, which ran in 11 districts from April 2010 to March 2011, was to use a randomised control design to look at the impact of mandatory referrals on job outcomes as well as on attendance and completion on training.

¹ <http://www.legislation.gov.uk/uksi/2010/696/introduction/made>

6. The reforms to employment support introduced following the change of government in May 2010 gave Jobcentre Plus advisers more flexibility to tailor support for individual claimants, saw the introduction of the Work Programme and brought in a stronger conditionality and sanctioning regime across the employment system. Given this new approach, the pilots were stopped and a new system of skills conditionality which fitted better with the new welfare-to-work landscape was introduced on 1 August 2011 through the Jobseeker's Allowance (Employment, Skills and Enterprise Scheme) Regulations 2011.

7. From 1 August, benefit claimants in England who are required to actively seek or prepare for work (those receiving Jobseeker's Allowance or the work-related activity group component of Employment and Support Allowance) can be referred on a mandatory basis to undertake activity to address an identified skills need which will aid their movement into work. The training includes vocational and basic skills such as literacy and numeracy, employability training and 'softer' skills such as motivation and confidence building.

Sector-based work academies

8. Sector-based work academies are being established in business sectors with high volumes of current local vacancies. The placements combine sector-based training, a work-experience placement with an employer in that sector and a guaranteed job interview, the accredited training leading towards units on the Qualifications and Credit Framework appropriate to the entry requirements for intended jobs.

9. Claimants who are eligible for referral to a sector-based work academy voluntarily opt into the scheme. Once they agree to participate, Jobseeker's Allowance claimants are required to attend all three elements of the provision, while Employment and Support Allowance (work-related activity group) claimants are required to attend the pre-employment training element only.

10. Sector-based work academy placements last up to six weeks. The claimant remains on benefit during that time and receives additional support with travel, childcare costs and reasonable adjustments if required. The model is flexible and can be tailored to meet business sector and local needs. Jobcentre Plus, working in partnership with local employers and training providers, will determine the most appropriate offer to meet the need of the local labour market. Sector-based work academies are supported by the Jobseeker's Allowance (Employment, Skills and Enterprise Scheme) Regulations 2011.

Professor Alison Wolf's independent review into vocational education in England for 14- to 19-year-olds

11. Professor Alison Wolf's independent review into vocational education in England for 14- to 19-year-olds, commissioned by the Department for Education, was published in March 2011. The Department for Work and Pensions is working jointly with the Department for Education to take into account the needs of employers when designing training and develop a work-experience policy for this age group.

Funding arrangements for work-related training

12. Since the 2010 General Election, the Government has moved to a simplified skills system in which provision for unemployed people is funded through the mainstream skills budget, enabling a more flexible, needs-led approach. Jobcentre Plus thus no longer directly delivers or procures training for benefit claimants, other than European Social Fund provision in England, for which the Department for Work and Pensions is the Co-financing Organisation. The Department operates across Great Britain but further education and training is a devolved policy area, so training is sourced from the Department for Business, Innovation and Skills in England and the devolved governments in Scotland and Wales.

13. The Government's strategy for skills and training in England, published by the Department for Business, Innovation and Skills in November 2010, identifies which groups will attract full fee remission and what investment will be expected from individuals and from employers. From 1 August 2011, claimants of Jobseeker's Allowance and those in the work-related activity group of Employment and Support Allowance will be eligible for fully-funded training to help them into work. Recipients of these benefits are required to actively seek employment or engage in work-related activity as a condition of receiving benefits. To enable colleges to meet local demand for the skills that lead to employment and growth, further education providers also have some local discretion to provide fully-subsidised courses for people on a wider range of benefits, provided the training is to help them enter employment.

14. Jobcentre Plus is working with local further education providers to share information so that the needs of claimants and employers can be met. In England, the Department for Business, Innovation and Skills is looking to see how training providers can be rewarded for job outcomes and for providing short units of accredited training more suitable for Jobcentre Plus claimants.

15. The Skills Funding Agency in England also delivers European Social Fund provision to those aged 18 years and over in receipt of Jobseeker's Allowance or Employment and Support Allowance (work-related activity group). The training available through this funding includes basic literacy and numeracy, English for speakers of other languages, short job-focused training and support for those newly made redundant.

English for speakers of other languages (ESOL)

16. In England, full funding for learning English for speakers of other languages (ESOL) is provided for adults in receipt of Jobseeker's Allowance or in the Employment and Support Allowance (work-related activity group) where English language skills are identified as a barrier to entering employment. For other benefit recipients, the Department for Business, Innovation and Skills will fund 50 per cent of the costs of ESOL training, with individuals expected to meet the remainder of the costs. ESOL training in the workplace does not attract public funding as the expectation is that those who come to this country to work, or their employers, will pay the full cost of language courses. In Scotland and Wales, the public funding of ESOL training is the responsibility of the devolved Scottish and Welsh Governments.

Careers Advice and co-location in Jobcentre Plus

17. The Next Step service is a free, impartial and confidential Government-funded service for adults in England looking for information and advice they need for future skills, careers, work and life choices. In Scotland and Wales this service is provided by My World Of Work and Careers Wales respectively. Proposals are being developed to increase the co-location of careers advisors in Jobcentres across Great Britain wherever possible.

Localism and partnership working

18. The Government's overarching goal is to promote strong, sustainable and balanced growth. To do this the Government needs to rebalance the economy both from a sector- and geographical-based perspective, so that growth is not reliant on particular places. For local communities this means ensuring that everyone has access to opportunities that growth brings and everyone is able to fulfil their potential.

19. In October 2010 the Government published the Local Growth White Paper, which outlines a new approach to local growth, shifting power away from central government to local communities, citizens and independent providers. The White Paper set out how the Government will put businesses and local communities in charge of their own futures, give greater incentives for local growth and change the way central government supports and maintains growth. The aim is to connect people to jobs, help them get the skills they need and equip local areas with the tools they need to create and shape dynamic and entrepreneurial local economies.

Department of Work and Pensions and Jobcentre Plus

20. Local partners are critical to the delivery of employment outcomes and in securing improvement to employment services. The Department is supporting Community Budgets in England, a cross-government initiative where public service providers align and pool departmental budgets to enable better partnership working. The arrangements the Department has in place to support the Community Budget pilots in England – Jobcentre Plus flexibility in how services are deployed to meet local need, the Flexible Support Fund and the Work Programme – are available throughout Great Britain and build upon the Department's legacy of partnership working to tackle unemployment.

21. The Work Programme is based upon flexible contracts where the Department does not determine nor prescribe what services providers deliver to individual clients but relies upon the market to determine what is efficient and effective. Providers are paid on the results they achieve and need to work side by side with partners if they are to be successful and deliver the best possible outcomes. The Department actively encourages the involvement of a range of contractors and sub-contractors in the Work Programme and has strengthened the requirement on prime contractors to put together supply chains that deal credibly with all aspects of disadvantage for the customer groups and locality concerned, which is expected to increase the diversity of the supply chain.

22. Jobcentre Plus is now at the forefront of tackling worklessness at a local level, working together with local authorities and stakeholders to co-design solutions to local issues of worklessness. Jobcentre Plus District Managers now have a greater degree of autonomy and a new discretionary Flexible Support Fund to work with partners to meet local needs. District Managers can decide how to use the Flexible Support Fund to help claimants, such as by granting payments to support partnership arrangements in their area, or to provide help to individual benefit claimants to make it possible for them to move into work sooner than would otherwise be possible.

DWP Worklessness Co-design

23. The Department is committed to working in partnership with local organisations where this is seen to deliver the best outcomes for individuals. The Total Place pilots, which ran in 13 areas from summer 2009, investigated whether a user-centred approach to public services can lead to better services at a lower cost. Each pilot area chose a specific theme to investigate, for example, services for older people or children's health and well-being.

24. The Total Place pilots came to a natural end following the change of government in May 2010. The Department continues to work with five areas – Birmingham, Bradford, Lewisham, South Tyneside and Swindon – building on the work of the Total Place pilots to co-design solutions to local issues of worklessness.

25. The DWP Worklessness Co-design Report was published in June 2011. The report highlights how the Department can work in partnership to help people find and stay in work. In particular, the report invites local authorities to work with local Jobcentre Plus District Managers to co-design solutions to local unemployment.

Community Budgets

26. The Government is currently piloting Community Budgets in 16 areas in England to support families with complex needs and to help break the cycle of poverty. Public service providers in these pilot areas are aligning and pooling departmental budgets to enable more effective partnership working, help improve outcomes and reduce duplication and waste. The Department is supporting Community Budgets through: Jobcentre Plus staff resources and the District Managers Flexible Support Fund; the Work Programme; and the European Social Fund. The aim is to extend these arrangements across England by 2013-14.

Data Sharing

27. The Department is working with a number of local authorities to test the feasibility of sharing data to support new approaches to families with multiple problems. This will help establish a firmer basis on which to build joint working with other local partners.

Local Enterprise Partnerships and Enterprise Zones

28. The Government's introduction of Local Enterprise Partnerships in England aims to encourage business and local authorities to work together to create the right environment for economic growth by addressing local issues such as transport, planning, housing, employment and to create business development opportunities. The Department for Work and Pensions, through Jobcentre Plus and Work Programme providers, is working with Local Enterprise Partnerships to ensure that a focus remains on tackling worklessness.

29. Enterprise Zones offer simplified planning and business rates discounts, allowing areas with real potential to create the new business and jobs that they need producing positive benefits across the wider economic area. Jobcentre Plus is encouraging employers in Enterprise Zones to engage fully with Get Britain Working measures, including offering Work Experience places and establishing sector-based work academies.

The Skills System at the Local Level

30. The Government believes that skills delivery to date has been compromised by too much interference from external bodies, which has stifled innovation and inhibited the ability of training organisations to respond to the needs of their real customers – learners and businesses. The Coalition's skills policy, as set out in its White Paper, Skills for Sustainable Growth¹, is therefore focused on freeing colleges and training organisations from central and other external control, allowing them to deliver what is needed locally. It has removed all central targets, simplified funding systems and is in the process of reducing a wide range of bureaucracy and other restrictions that have acted as a barrier to flexible and responsive delivery in the past.

31. The Local Growth White Paper confirms Government's position on local enterprise partnerships' skills role. The Department for Business, Innovation and Skills (BIS) will encourage partnerships to develop effective working relationships with the further and higher education sector and engage directly with networks of colleges, training organisations and universities in order to discuss how the partnership can help generate the demand needed to support local economic development - which may include helping to build employer ambition through spreading good practice - and to confirm the offer that colleges and learning providers will be making to respond to demand.

32. Colleges and training organisations are being encouraged to form self-organised networks so they can engage more easily with their local enterprise partnership to agree skills priorities and how they can best be delivered. The priority is to develop networks of flexible and responsive colleges and training organisations where the relationship between the college or training organisation and their direct customers takes primacy and colleges are free to respond to the real demand demonstrated by employers and individual citizens. The Skills Funding Agency and

¹ <http://www.bis.gov.uk/assets/biscore/further-education-skills/docs/s/10-1274-skills-for-sustainable-growth-strategy.pdf>

BIS will continue to work with the further education and skills sector through its representative bodies, the Association of Colleges, the Association of Learning Providers and the 157 Group, supported by the Learning and Skills Improvement Service, to encourage the development of networks and to identify and disseminate existing good practice. We are also encouraging the local enterprise partnership boards to improve their direct engagement with the sector.

33. Colleges and training organisations are expected to engage directly with their local partners (local enterprise partnerships, Local Authorities, Jobcentre Plus, etc); consulting them on their business plans so that they set out how their offer, and the public funding being provided, contributes to the local economic priorities. They will also be expected to report back on their delivery, including on the feedback of learners and businesses using their services. Where local and national partners feel the sector is not responding they will be expected to challenge the leadership of the sector locally, including college governors and principals and to raise issues with representative bodies, who are expected to take a stronger peer role in driving up improvement. Should a dispute or difference of opinion arise between the local enterprise partnership and a local college we would encourage the partnership and the college to seek to resolve the issue together, with the option of further consultation and collaboration with other colleges, any self organised network that may exist, or sector bodies i.e. the Association of Colleges or the 157 Group. The Skills Funding Agency will work with the sector and partnerships to assist in the development of their new responsibilities. The Skills Funding Agency will be alert to any issues and problems and then be involved by exception and proportional to need.

34. The main driver in this new system is empowered learners and businesses. The Government expects that by giving learners and employers a good range of information about the curriculum, quality and value of different learning opportunities they will be better informed to make choices about where and what to learn. This will drive quality improvement through a relationship between provider and customer rather than with government.

35. Information on college and training organisation performance, including data on quality, outcomes and customer feedback, is already available through the December 2010 Framework for Excellence publication. This allows learners and employers to judge whether provision meets their particular needs, through a user-friendly customer facing website. By January 2012, this will be supplemented with a more comprehensive range of comparable FE Public Information. This information (whether through the careers service, Businesslink or providers' own portals) will ensure that individuals and businesses can make informed decisions about which provider to use. A careers service will also support individuals to make the right choices, taking account of labour market needs and qualifications advice; ensuring those at most disadvantage or unemployed obtain the best advice.

36. To support local enterprise partnerships and other economic partners in understanding what is being delivered and how well, the Further Education Data Service will have a role in disseminating a standard set of information reports. Work is already underway to develop this service, learning lessons from the experience of working with Regional Development Agencies. Manchester's Commission for the

New Economy has been involved in developing these data reports.

37. The Department for Business, Innovation and Skills has simplified the funding system for adult skills; there is now a single adult skills budget, allowing training organisations to use their public funding much more flexibly. The core principles of the new system are fairness, freedom and responsibility. This will be delivered by: empowering learners and employers; increasing the flexibility for colleges and training organisations to meet demand; clearly focusing upon outcomes; ensuring highly effective funding systems and structures are in place; and, achieving a better balance of investment between the Government, individuals and employers. The increased focus on private investment in training including through fee loans for advanced and higher level skills means that individuals and employers will have an even stronger interest in making sure the course and provider is the right one for them and will lead to an outcome relevant to their skills needs and to the labour market.

38. The Further Education Quality Assurance System will offer a more proportionate approach to monitoring college and training organisation performance whilst ensuring that underperformance is quickly identified and robustly addressed. The Skills Funding Agency will intervene when provision is below minimum levels of performance or not delivering the outcomes required. Inadequate providers will be removed from ACTOR, the register of providers eligible for public funding.

39. The current Ofsted Inspection Framework looks (broadly) at the promotion and implementation of local priorities and initiatives; and at engagement in partnership working. Ofsted started the process of reviewing this Framework in September 2010; and the Government has asked them to look at strengthening their inspection of responsiveness to the local economy and its priorities. BIS expects a revised Common Inspection Framework to come into effect from September 2011.

Responding to economic shocks

40. In response to any significant economic shock at a local level, BIS Local will coordinate the government response, working closely with any local enterprise partnership, local authorities, colleges, training providers and JobCentre Plus to agree a joined up response to the priorities for the unemployed and workless and for responding to sudden economic changes. The Skills Funding Agency will support where necessary by providing funding, information, and expertise.

Apprenticeships¹

Specification of Apprenticeship Standards for England (SASE)

41. The Specification of Apprenticeship Standards for England (SASE) is a statutory document under the Apprenticeships, Skills, Children and Learning (ASCL) Act 2009². Apprenticeship programmes must comply with SASE requirements under the Act from April 2011.

¹ <http://www.bis.gov.uk/policies/further-education-skills/apprenticeships>

² <http://www.legislation.gov.uk/ukpga/2009/22/contents>

42. The SASE is intended to ensure that:
- all apprenticeships deliver high quality, nationally-recognised qualifications relevant to the skill, trade or occupation of the learner and employer;
 - all apprenticeships offer individuals appropriate training to achieve a good standard of literacy and numeracy (and ICT where relevant to the skill, trade or occupation); and
 - every apprentice will receive at least 280 hours of guided learning per year.

National Apprenticeship Service (NAS)

43. The National Apprenticeship Service (NAS) has end to end responsibility for Apprenticeships in England. The NAS has been designed to increase the number of Apprenticeship opportunities and provide a dedicated, responsive service for both employers and learners. NAS is simplifying the process of recruiting an Apprentice through Apprenticeship vacancies, an online web-based matching service.

44. In May 2010 the Government announced an aspiration to deliver 50,000 additional adult apprenticeship places in the course of a year. The Government has now actually delivered over 103,000 additional adult apprenticeship starts over the 2010-11 financial year. Provisional data shows that there were a total of 257,000 adult apprenticeship starts have been delivered between April 2010 and March 2011.

ISLE OF MAN

Article 1, paragraph 4

Question 1 There is no legal framework in this respect.

Question 2 The funding of apprentice training was reviewed during 2007 and saw the introduction of the Skills Development Scheme. This scheme sets out the general policy of the Department in relation to training of apprentices across all economic sectors. Support remains in place for all tuition and directly associated costs, with the full costs being met by Government in almost all cases. Enhanced support was introduced in relation to payments made to employers training apprentices, which is now directly related to the time spent on 'off the job' training, with employers being compensated for this lost time at a pro rata rate based on the agreed rates of pay for that trade.

Question 3 The apprentice training programme has remained a consistent and robust programme in terms of overall numbers and successful completion. The total number of apprentices registered with the Department, as at the 1st September 2007, 2008, 2009 and 2010 respectively, were 423, 441, 425 & 420. During that period, the success rate of those apprentices who commenced their training and successfully completed the qualification has remained in excess of 90%.

ARTICLE 9

Question 1

1. See also the response to Article 1, paragraph 4 above. The position otherwise remains as previously described with the following developments.
2. Schooling is compulsory to the age of 16. Post-16, the vast majority of young people are in education or training already (from 2015 participation in education or training to the age of 18 will be compulsory). Schools are the natural home for any universal delivery of careers guidance; teachers know their pupils, and evidence shows that young people look to their teachers for advice, in many cases alongside seeking guidance from careers professionals.
3. The preferred model for delivering careers guidance to adults (aged 19 and above) is different to the model adopted for young people, because the client group is much larger, not in schools, and is in a variety of "locations": in work, unemployed or inactive. Recognising this, the Government has invested in a service which is:
 - generally accessible to all adults;
 - nationally visible with a clear brand; and
 - uses a distributed network of contractors, including the public, private and voluntary sector, to engage the widest possible range of adults.
4. However, adults have greatly differing levels of need. Generally speaking, an adult who is persistently economically inactive will need more support than an adult with high skills in employment. So whilst online and helpline services, and basic face to face advice is available for all adults, personalised careers guidance, which can amount to several sessions with a careers adviser, is targeted on a range of national priority groups. These are:
 - Low skilled adults (without a Level 2 qualification) who are locked in low skilled, low prospects jobs;
 - Young adults aged 19-24 without a Level 3 qualification;
 - Adults facing redundancy, newly unemployed or at a distance from the labour market;
 - Jobcentre Plus customers in receipt of out of work benefits;
 - People from ethnic minority communities;
 - Older people;
 - Carers as defined by Department of Health guidelines;
 - Offenders in custody and in the community under the supervision of probation services, and ex-offenders;
 - People with learning difficulties or disabilities (including those with mental health conditions).
5. Although careers guidance is provided for adults aged 19 and above, 18 year old jobseekers can also access targeted face to face guidance, to ensure that their transition to services for those aged 19 and above is managed effectively.

6. Both young people and adults need access to high quality online information, with the facility to ask questions and seek advice from qualified advisers. There is a clear case for Government making such a service available in a way that is consistent across the age range. The Government is therefore bringing together the online and helpline offers for young people and adults for September 2011, so that they can be accessed via a single point of contact.

Question 2

7. From September 2012, schools will have legal duty for securing access to impartial, independent careers guidance for their pupils. At present this duty extends to pupils in years 9-11 (from the year in which they turn 14 to the year in which they turn 16), but the Government intends to extend the duty to cover students aged 16-18 in schools and FE colleges, to reflect the increasing importance of young people receiving high quality information, advice and guidance on HE options.

8. Schools will be free to determine how best to meet this legal duty, taking into account the needs and circumstances of their students. They will not be required to engage with particular providers nor to make available a particular set 'offer' to young people (for example, guaranteed access to a level of face-to-face guidance). The Government expects, broadly, that careers guidance will be provided under one of three models:

- school-based models, with schools engaging their own careers specialists, either individually or across a local partnership (supplemented by access to independent careers guidance e.g. via online sources, employers, mentoring programmes);
- contracted-in models, with schools buying in a package from an external provider (or providers); and
- models based on continued partnership between schools and the local authority, with schools purchasing services on a traded basis.

9. In support of the new duty, schools will be able to access high quality support from providers who have achieved a national quality standard for careers guidance. This quality standard will assist schools in making well-informed decisions about which provider to use.

10. The evidence of whether schools are succeeding will be demonstrated both through pupil achievement and, crucially, through the data on progression provided by the destinations measures we plan to publish. If the evidence shows pupils are achieving and progressing we should assume that whatever the school is doing to support choice is working.

11. The approach from 2012, outlined above, has not yet been enacted, but Statutory Guidance to local authorities was issued in April 2011 to inform the changes to their responsibilities. Further Statutory Guidance for Schools is being prepared and will be available after the Bill has received Royal Assent.

12. Currently, careers guidance for adults is provided through the Next Step¹ service in England, introduced by the Government in 2010, which is available online, by telephone helpline, and face to face through locations in the community. The face to face service is predominantly “embedded” in other services – libraries, colleges, Jobcentres – reflecting that just as careers guidance for young people works most effectively in the context of their programme of study at school, so guidance for adults works best when integrated into the services they access.

13. In April 2012, the Government established the National Careers Service² to build on the present Next Step service, with a series of further enhancements:

- A redesigned online offer which meets the very latest standards in visual layout and navigation and includes updated content (labour market data, job profiles);
- An enhanced, rigorous quality standard for information, advice and guidance, linked to new professional standards for careers advisers developed by the Careers Profession Alliance; and
- Closer integration with Jobcentre Plus to ensure that jobsearch is informed by national and sectoral labour market intelligence, and professional guidance about career planning. On 7 September Ministers announced an ambitious new programme of trials to increase the co-location of careers advisers in Jobcentre Plus. The National Careers Service will also be co-located in FE colleges and other organisations.

14. Organisations in the National Careers Service will be required to hold a rigorous national quality standard for the delivery of information, advice and guidance. In meeting this standard, organisations will need to define the skills, knowledge, competencies and qualifications required for their staff, in line with current national recognised professional qualifications and frameworks. For careers organisations, those professional qualifications and frameworks will be defined by the professional representative bodies for the careers sector, or other representative bodies.

15. Young people who are not in education, employment or training will continue to be supported by local authorities, who will retain their general duty to enable, encourage or assist young people's participation in education or training. (This duty also extends to young adults assessed – under section 139a of the Learning and Skills Act 2000 – as having learning difficulties and/or disabilities, up to the age of 25.) We expect that schools will work in partnership with local authorities to ensure that vulnerable young people receive the support that they need. The Government issued statutory guidance to local authorities in April 2011, with a particular emphasis on the need to maintain local tracking systems and effective partnership working with Jobcentre Plus.

¹ <https://nextstep.direct.gov.uk/Pages/home.aspx>

² <http://www.bis.gov.uk/policies/further-education-skills/john-hayes-national-careers-service-for-england>

16. Higher Education institutions and Further Education colleges will continue to provide information, advice and guidance for their students.

Question 3

17. Schools will meet the costs of securing access to careers guidance from their overall budgets – including the “pupil premium” reflecting the proportion of pupils in the school from disadvantaged areas, which will be worth over £2 billion by 2014-15. In line with the Government's commitment to provide head teachers with the flexibility to use their resources in ways that best meet their needs, school budgets are generally no longer ring-fenced. Local authorities can draw on the Early Intervention Grant, which is worth over £2 billion in 2011-12 and 2012-13 to fund support for young people's participation, including transitional responsibilities for careers guidance.

18. The indicative budget for the National Careers Service in 2012-13 is around £89 million.

Services for young people

The Committee asked for up-to-date information on the Connexions service and asked also for details of expenditure on vocational guidance, staff numbers and numbers of beneficiaries

19. The Connexions Service was introduced in April 2001 to provide a support service for young people aged 13-19, but has now largely been dismantled.

20. The majority of career guidance practitioners now work within publicly funded agencies, including the (now changing) Connexions Services (14-19) and Next Steps (adults) England, Skills Development Scotland, Careers Wales and the Northern Ireland Careers Service. Their services are provided through Careers/Connexions Centres, in schools, colleges, universities and in community settings.

21. The Government is unable to provide details of the number of staff involved in delivering young people's careers services as these are now employed by local authorities, or their contractors, and not by central government.

Connexions Service Expenditure – Outturn figures (GB £million)

Outturn 2005/6	Outturn 2007	Outturn 2007/8	Outturn 2008/9	Outturn 2009/10	Outturn 2010/11
£503	£554	£520	£434	£61	£10

Source: DCSF Departmental Resource Accounts 2010/11

<http://media.education.gov.uk/assets/files/pdf/d/dcsf%20%20resource%20accounts%202009%2010.pdf>

22. In 2010/11, 4,504,197 interventions took place with 3,282,604 people through services for young people. Characteristics of the young people using the service are as follows:

Male: 47%
Female: 53%
18% reported learning difficulties or disabilities.

Age breakdown:

13	14	15	16	17	18	19	20+
3.3%	5.7%	32.8%	21.1%	17.8%	12.3%	5.8%	1.2%

23. Details of educational level or occupation are not available at a national level, but we can confirm that:

- 48% were in compulsory education;
- 32% were in other forms of education, employment or training;
- 18% were not in education, employment or training (NEET); and
- the remaining 2% were asylum seekers or refugees.

24. Expectations of people delivering the service were published in October 2007, as part of the Quality Standards for Young People's Information, Advice and Guidance (IAG). This required that "Staff providing information, advice and guidance are appropriately qualified, work to relevant professional standards and receive continuing professional development."

25. The Careers Profession Alliance, which brings together all the main bodies representing careers professionals, has been commissioned to develop Common professional standards and codes of ethics, supported by appropriate initial training and continuing professional development. It is anticipated that this will include a requirement for staff delivering careers advice to hold, or be working towards, a level 6 qualification.

Services for adults

26. The Next Step careers guidance service for adults has the capacity to provide face to face support each year to around 700,000 adults, supports 1 million helpline sessions, and up to 20 million website sessions. And 82% of those who subsequently went on to engage in learning felt that the information they received was important in achieving this outcome.

27. The characteristics of customers using the Next Step service are shown in the tables below. The data refers to the period between August 2010 and July 2011.

Table 1: Breakdown of customer by age band and gender

Academic	2010/11	
Number of Customers		
Age Band Of Customer	Gender	Total
18-19	Female	20246
	Male	30540
	Not known/not provided	105
	Prefer not to say	61
18-19 Total		50952
20-24	Female	67598
	Male	89378
	Not known/not provided	327
	Prefer not to say	191
20-24 Total		157494
25-49	Female	227797
	Male	256288
	Not known/not provided	1003
	Prefer not to say	592
25-49 Total		485680
50+	Female	81849
	Male	85094
	Not known/not provided	479
	Prefer not to say	254
50+ Total		167676
Refused	Female	29835
	Male	23680
	Not known/not provided	49284
	Prefer not to say	3267
Refused Total		106066
Under 18	Female	784
	Male	973
	Not known/not provided	86
	Prefer not to say	4
Under 18 Total		1847
Grand Total		969715

Table 2: Total 1st interventions showing employment status

Number of 1 st Interventions	
Current Employment Status	Total
Economically inactive	38,345
Economically inactive & voluntary work	2,183
Employed	194,797
Employed & voluntary work	1,048
Not known/not provided	20,570
Retired	45,557
Retired & voluntary work	1,077
Self employed	15,450
Self employed & voluntary work	407
Unemployed	544,792
Unemployed & voluntary work	4,577
Grand Total	868,803

Organisations contracted to provide the Next Step service currently employ 3,229 people. Those providing face to face guidance are qualified to the following levels:

	Number	%
Total number of F2F advisers:	3,071	
Level 4 qualified	1124	36.6%
Working towards Level 4:	377	12.2%
Level 3 qualified:	662	21.5%
Working towards Level 3:	461	15.0%
Other Qualifications (above and below L4)	390	12.7%
No qualifications	60	1.95%

Please note that this information is drawn from November 2009 data.

Those providing telephone guidance are qualified to the following levels:

- NVQ2 – 21 (these advisers are working towards level 3)
- NVQ3 – 57
- NVQ4 – 80 (30 of these advisers also hold the Postgraduate Certificate in telephone guidance)

SCOTLAND - Questions 1 - 3

1. The position remains as previously described with the following update.
2. Following the Scottish General Election in May 2007, the new incoming administration published the Scottish Government's Economic Strategy in November 2007¹. That strategy outlined that the Government would bring together the public agencies involved in delivering information, advice and guidance services and skills provision in the new skills body to build improvements around the needs of individuals.
3. Created in 2008, Skills Development Scotland (SDS) brought together Careers Scotland, Scottish University for Industry (learnirectscotland) and the skills arms of Scottish Enterprise and Highlands and Islands Enterprise. SDS is Scotland's national skills agency is the key provider of career services in Scotland, providing all-age careers information, advice and guidance.
4. The Scottish Government's career information, advice and guidance strategy was published in March 2011². Its overarching aim is to drive the redesign and improvement of career information, advice and guidance delivered primarily – but not exclusively – by SDS. Whilst re-asserting the Government's commitment to all-age, universal careers services, it places an emphasis on self-help – through developing the career management skills of individuals and web-based delivery, with face-to-face and more intensive support for those who need it most.
5. The strategy outlines the significant contribution careers services make to sustainable economic growth by helping people make informed decisions about their learning, job opportunities and career options, ultimately, with a view to helping them get, stay and progress in work. To achieve this, careers services need to be independent, high quality, impartial, informed, supportive of equal opportunities and confidential.
6. The strategy outlines that the key features of effective careers services include:
 - accessible, high quality, personalised and impartial career information, advice and guidance, with opportunities and experiences that help people to develop the skills they need to manage their own careers;
 - more intensive, face-to-face support – including specialist help – for those whose career development needs are greatest, including Looked After Children and others who need additional support for their learning;
 - support for parents and carers so they can help their children to make the right decisions, at key stages of learning;
 - ongoing feedback from users to improve service delivery; and
 - state-of-the-art, online resources backed up with professional advice.

¹ <http://www.scotland.gov.uk/Publications/2007/11/12115041/0>

² <http://www.scotland.gov.uk/Publications/2011/03/11110615/0>

7. The strategy recognises that as the key provider of careers services in Scotland, SDS is well positioned to act as the strategic lead in the redesign and improvement of career information, advice and guidance, working collaboratively with partners such as schools and colleges, local authorities and other public bodies to build the capacity of the guidance community. It sets out the Scottish Government's expectations of SDS and its partners to work better together to meet the needs of service users and to make the best use of their collective resources.

8. The strategy also addresses workforce development in the careers service and plans for supporting continuous improvement across the sector, including through self - and, where appropriate, external - evaluation.

9. SDS's new interactive web service My World of Work¹ was launched in August 2011.

10. Providing more choices and more chances for young people is central to the Scottish Government's overall purpose of creating more sustainable economic growth with opportunities for all to flourish. Targets on participation, solidarity and cohesion demand that particular attention be paid to society's more vulnerable groups including those with additional support for learning. More Choices, More Chances (MCMC)², the robust strategy for reducing the number of young people not in education, employment or training; and 16+ Learning Choices, a guaranteed offer of post -16 learning for every young person who wants it (see below), both impact directly on our National Indicator³ to increase the proportion of school leavers (from Scottish publicly funded schools) in positive and sustained destinations (FE, HE, employment or training).

11. MCMC is set in a cross-Government, strategic framework that aims to deliver better outcomes for all young people, with more choices and chances for those who need them. It works across Getting it Right for Every Child, Curriculum for Excellence (CfE) and the Skills Strategies – *Skills for Scotland: A Lifelong Skills Strategy* and *Skills for Scotland: Accelerating Recovery and Sustainable Economic Growth* – and underpins a commitment to improve outcomes for all young people, with more choices and chances for those who need them.

12. Given the composition of this group of young people, MCMC is inextricably linked to the Scottish Government's early years, health inequalities and anti-poverty frameworks. These strategies are crucial in reducing the underlying causes of 'NEET' (not in employment, education or training) whilst the causal, two-way links between 'NEET' and, for example, teenage pregnancy puts this work at the front line of early intervention.

13. MCMC strategy is about prevention, intervention, and sustainability. This translates into five key approaches to ensure that:

¹ <http://www.skillsdevelopmentscotland.co.uk/news/my-world-of-work.aspx>

² <http://www.scotland.gov.uk/Resource/Doc/129456/0030812.pdf>

³ <http://www.scotland.gov.uk/About/scotPerforms/indicators/schoolLeavers>

1. Curriculum for Excellence provides opportunities that are tailored to individual need, with flexibility and appropriate support (as early as possible) for every young person;
2. every young person has an offer of post-16 learning and a clear pathway into it, with supported transitions and sustained opportunities;
3. learning is a financially viable option, by considering the financial support available to young people;
4. the right support is available to young people to find out about, engage with and sustain learning and employment; and
5. a joint commitment to action between central and local government, employers, learning providers and support agencies to develop the service infrastructure required to meet the needs of all vulnerable young people.

14. MCMC is being tackled, at ground-roots level, through local-authority led, multi-agency partnerships, who are better able to identify, and have a shared understanding of, who these young people are and that the learning and wider support systems deliver better outcomes for all young people, including those who need additional support for learning. Local partnerships are supported by the MCMC Team within the Youth Employability and Skills Division in Scottish Government.

NORTHERN IRELAND

Questions 1 - 3

Career Service

1. In January 2009 the Department of Education and the Department for Employment and Learning jointly published "Preparing for Success" a Careers Education, Information, Advice and Guidance Strategy. The aim of the strategy is to develop effective career decision makers leading to increased and appropriate participation in education, training and employment. The key themes are:

- improving careers education,
- improving access to carers information,
- improving careers advice and guidance,
- improving quality and
- improving professional development.

Implementation is progressing and the strategy is scheduled for review in 2014.

2. In Northern Ireland careers guidance services are delivered by the Department for Employment and Learning's Careers Service. This is an all-age service providing free and impartial careers information, advice and guidance to young people and adults of all abilities. The service is delivered by professionally qualified careers advisers based in Careers Resource Centres/Offices, Jobs and Benefits Offices and Job Centres throughout Northern Ireland..

3. The Careers Service also delivers careers information, advice and guidance in all post- primary schools through formal partnership arrangements.

4. Careers information and support is also available on the website www.nidirect.gov.uk/careers.

In its Conclusions XIX-1, the Committee asked for information on the number of Careers Service staff and beneficiaries

5. The number of Full Time Equivalent (FTE) staff within the Department for Employment and Learning's Careers Service is 163.38.

6. The number of interventions, which includes initial and subsequent careers guidance interviews with young people and adults, workshops, group sessions, telephone calls etc carried out with clients, can be broken down as follows:

1/1/09-31/3/09 = 28,094

1/4/09-31/3/10 = 142,668

1/4/10-31/3/11 = 163,186

1/4/11-31/8/11 = 37,759

Grand Total = 371,707

Spend for the period January 2009 to date is as follows (£ sterling):

	Jan-Mar 09	FY 09/10	FY 10/11	FY 11/12 (to date)
Programme	£391,602	£1,231,998	£994,995	£405,413
Frontline Resource	£1,309,278	£4,536,376	£4,942,843	£2,899,548
Capital	£0	£0	£96,000	£0
Consultancy	£10,600	£10,542	£0	£0
Total	£1,711,480	£5,778,916	£6,033,838	£3,304,961

FY – Financial Year: April to March

ISLE OF MAN

1. There is no specific legal framework for the provision of vocational guidance; it is a function of the relevant Isle of Man Government Department through the Careers Service. Until March 2010 the Careers Service was part of the Department of Education, but following the restructuring of the Isle of Man Government in April 2010 it is now part of the newly created Department of Economic Development.
2. The main purpose of creating the Department of Economic Development was to promote and encourage the creation of a successful and diversified economy offering employment opportunities for all.
3. The Careers Service continues to provide advice and guidance free of charge to those in full time education and adults of any age. The Careers Advisers are all professionally qualified and have many years experience of providing impartial advice. The Careers Service also provides support to parents, teachers and employers.
4. The provision of information by the Careers Service continues to include:
 - one to one information, advice and guidance sessions within secondary schools and the Isle of Man College;
 - a wide range of careers leaflets;
 - reference books for loan;
 - a number of computer programmes to assist in career choice;
 - a vacancy placing service for employers seeking young people to fill full-time vacancies; and
 - links to a work experience placement scheme for young people who are not in education, employment training.
5. In addition to being able to visit the Careers Service in person a dedicated careers website is available at: www.gov.im/careers/.
6. The Department of Economic Development and the Department of Education and Children (formerly the Department of Education) are working to enhance the focus of their liaison especially in respect of Careers and work on NEETS (young persons who are not in employment, education or training).
7. The Careers Service has a policy of inclusion and advice is given to all irrespective of any disability. Careers advisors have access to specialist disability advice services within the Job Centre (which is also part of the Department of Economic Development) and therefore refer clients as and when appropriate.
8. All persons who are lawfully resident or working in the Isle of Man have access to the Careers Service.

ARTICLE 10

Article 10, Paragraph 1

Widening participation in higher education

1. The position remains as previously described with the following developments.
2. The Office for Fair Access (OFFA)¹ is an independent Non Departmental Public Body (NDPB) whose role is to ensure that students from poor backgrounds are not disadvantaged by the fact that, from September 2006, universities gained the freedom to vary the level of tuition fees.
3. Universities charging tuition fees above the basic (£1,310) level need to have in place an access agreement. An agreement sets out:
 - the fee levels the institution wishes to charge (up to a maximum of £3,290);
 - the courses to which the higher fees will apply;
 - the outreach work to be undertaken by the institution with schools and colleges to help raise the level of attainment, aspirations and applications;
 - the bursaries and other financial support the university will make available along with advice on financial issues; and
 - the milestones and indicators which a university will decide itself and against which it can measure progress towards its own ambitions of widening participation.
4. OFFA:
 - considers and approves universities' access agreements;
 - receives and, where necessary, comments on the brief annual report which universities submit;
 - considers whether any changes are needed to an access agreement if a university wants to change significantly its levels of tuition fees or the number and range of courses to which higher fees will apply; and
 - reviews a university's overall effort and progress in implementing its access agreement.
5. However an individual university's admission policies and procedures are outside the remit of the access agreement and OFFA.
6. From 1 September 2012, the basic level of graduate contribution towards the cost of tuition will increase to £6,000 and the higher level will increase to £9,000. Much more public funding will then be reaching universities via students, supported by up-front loans from the public purse.
7. Universities wishing to charge above the basic amount (£6,000) must first have an access agreement approved by the Director of Fair Access at OFFA.

¹ <http://www.offa.org.uk/>

Statistics

Graduate employment:

8. The Higher Education Statistics Authority (HESA)¹ carries out two surveys of graduates, one relating to their activities six months after graduation and the other relating to their activities three and a half years after graduation. Between the two surveys the proportion of graduates who are in employment increases from 66% to 82% between six months and three and a half years. Of those in employment, the proportion in a graduate type job increases from 73% to 82%.

9. The 2009/10 (six month survey of graduates) can be viewed via the following link:

http://www.hesa.ac.uk/index.php?option=com_content&task=view&id=2150&Itemid=161

Non-continuation rates for students at institutions

10. HESA also produce tables that look at non-continuation rates for students at an institution. They are presented in two ways. The first considers students who start in a particular year, and looks at whether they are still in higher education one year later (for full-time students) or two years later (for part-time students). The second method looks at projected outcomes over a longer period.

11. The non-continuation rates for students at an institution are of widespread interest, but need to be carefully defined and interpreted. The two methods are explained in more detail in the web pages that can be viewed via the following link:

(2008/09)

http://www.hesa.ac.uk/index.php?option=com_content&task=view&id=2064&Itemid=141

Article 10, Paragraph 2

Apprenticeships²

Specification of Apprenticeship Standards for England (SASE)

45. The Specification of Apprenticeship Standards for England (SASE) is a statutory document under the Apprenticeships, Skills, Children and Learning (ASCL) Act 2009³. Apprenticeship programmes must comply with SASE requirements under the Act from April 2011.

46. The SASE is intended to ensure that:

- all apprenticeships deliver high quality, nationally-recognised qualifications relevant to the skill, trade or occupation of the learner and employer;

¹ <http://www.hesa.ac.uk/>

² <http://www.bis.gov.uk/policies/further-education-skills/apprenticeships>

³ <http://www.legislation.gov.uk/ukpga/2009/22/contents>

- all apprenticeships offer individuals appropriate training to achieve a good standard of literacy and numeracy (and ICT where relevant to the skill, trade or occupation); and
- every apprentice will receive at least 280 hours of guided learning per year.

National Apprenticeship Service (NAS)

47. The National Apprenticeship Service (NAS) has end to end responsibility for Apprenticeships in England. The NAS has been designed to increase the number of Apprenticeship opportunities and provide a dedicated, responsive service for both employers and learners. NAS is simplifying the process of recruiting an Apprentice through Apprenticeship vacancies, an online web-based matching service.

48. In May 2010 the Government announced an aspiration to deliver 50,000 additional adult apprenticeship places in the course of a year. The Government has now actually delivered over 103,000 additional adult apprenticeship starts over the 2010-11 financial year. Provisional data shows that there were a total of 257,000 adult apprenticeship starts have been delivered between April 2010 and March 2011.

49. Further information and statistics on apprenticeships in the part of the reporting period leading up to May 2010 can be found in paragraphs 188 et seq of the UK's Article 22 report on ILO Convention No 122 that is attached as Appendix A1 to this report.

Article 10, Paragraph 3

1. See also the response to Article 1, paragraph 4 above. The position otherwise remains as previously described with the following developments.

Skills Funding Agency

2. The Skills Funding Agency¹ is a partner organisation of the Department for Business Innovation and Skill that funds and regulates adult further education and skills training in England.

3. The Agency allocates funding to colleges and other skills and training organisations that have discretion over expenditure to meet the needs of local businesses and communities.

4. The function of the Skills Funding Agency is structured to facilitate the delivery of this duty and maximise resources available for teaching and learning for learners and employers.

5. Changes being made to the structure and operations of the Skills Funding Agency are driven primarily by the role and purpose as set out in the Government's Reports 'Skills for Sustainable Growth'<http://www.bis.gov.uk/assets/biscore/further->

¹ <http://skillsfundingagency.bis.gov.uk/>

[education-skills/docs/s/10-1274-skills-for-sustainable-growth-strategy.pdf](http://www.bis.gov.uk/assets/biscore/further-education-skills/docs/s/10-1274-skills-for-sustainable-growth-strategy.pdf)

¹and

'Investing in Skills for Sustainable Growth'².

The European Social Fund (ESF)

6. The European Social Fund (ESF) provides additional investment to support and enhance Skills Funding Agency activity, to enable disadvantaged people to access and benefit from employment and skills opportunities.

7. In the current ESF programme running from 2007-13, the Skills Funding Agency is responsible for ESF learning provision to the 19+ age group. It also manages ESF provision as a shared service for the Young People's Learning Agency (YPLA) and local authorities.

8. For adults, ESF will secure programmes for unemployed and economically inactive people, particularly providing support for those affected by the economic downturn, such as Response to Redundancy. ESF also contributes additional and enhanced provision to mainstream programmes such as 'Apprenticeships'.

9. For young people, ESF will support young people in jobs without training who are at risk of becoming 'not in education, employment or training' (NEET). This provision will enable them to gain skills and knowledge that will improve current and future employment or learning. ESF will also secure learning provision for specific groups of disadvantaged young people, particularly NEET, narrowing the attainment gaps between advantaged and disadvantaged young people.

10. The Skills Funding Agency introduced an Approved College and Training Organisations Register (ACTOR) in 2010. ACTOR is an on-line e-tendering application for the procurement of education and vocational training services and will be used to procure adult European Social Fund co-financed programmes (Priorities 1, 2, 4 and 5).

11. For 14-19 ESF provision, the Skills Funding Agency acts on behalf of the Young People's Learning Agency (YPLA) to secure activity. A procurement round was launched in September 2010 and detail of successful providers will be available in due course.

Cross-cutting themes

12. European Union regulations require all co-financing organisations and projects to actively promote two specific cross-cutting themes during the ESF programme: gender equality and equal opportunities; and sustainable development.

¹ <http://www.bis.gov.uk/assets/biscore/further-education-skills/docs/s/10-1274-skills-for-sustainable-growth-strategy.pdf>

² <http://www.bis.gov.uk/assets/biscore/further-education-skills/docs/s/10-1272-strategy-investing-in-skills-for-sustainable-growth.pdf>

Unemployed persons – including statistics on active measures

13. Please see the responses above in respect of Article 1, Paragraphs 1 and 4.

Research and evaluation

14. The Skills Funding Agency continually monitors performance of the ESF Programme performance in terms of outputs and results. Across the ESF Programme as a whole (not just Agency funding provision), the level of participation by women is lower than expected, for learning provision designed for people without work. The Agency has commissioned research to identify, collate and critically examine ESF provider strategies that proven to be successful in engaging with unemployed women. The research is complete and can be viewed via the following link:

http://www.niace.org.uk/sites/default/files/ESF_engaging_unemployed_women_provider_report_and_case_studies_final.pdf

Previous research on the 2000-06 Programme (as Learning and Skills Council) is also available via the following link:

http://readingroom.lsc.gov.uk/lsc/National/Impact_of_ESF_2000-2006_Programme_FINAL_VERSION.pdf

Informal Adult and Community Learning

15. Informal Adult and Community Learning (IACL) describes a broad range of learning that brings together adults, often of different ages and backgrounds, to pursue an interest, address a need, acquire a new skill, become healthier or learn how to support their children.

16. This kind of learning, usually unaccredited, is an important part of the wider learning continuum. It can be undertaken for its own sake or as a step towards other learning/training. It covers structured adult education courses taught by professionally qualified teachers, independent study online and self-organised study groups. Some learning will be in very short episodes and some takes place over a term, a year, or longer.

17. It may happen in personal or work time and be delivered by providers in the public, voluntary or private sectors, or organised by people for themselves through the many groups, clubs and societies where people get together to learn.

18. All sorts of individuals and organisations are actively involved in helping to make informal learning happen. Some people are paid but many others are volunteers. Some organisations are funded by the tax payer and many are not. Lots of local voluntary organisations and community networks deliver and support the informal learning found in libraries, museums, community centres, union learning centres, universities, extended schools, children's centres, colleges and workplaces.

Public funding for informal learning

19. BIS supports informal adult and community learning in England, mainly through the £210 million per year Adult Safeguarded Learning (ASL) budget. Historically, the budget has funded four broad categories of learning:

- Personal and Community Development Learning
- Family Literacy, Language and Numeracy
- Wider Family Learning
- Neighbourhood Learning in Deprived Communities.

20. From 2011-12, Adult Safeguarded Learning providers will receive a single ASL funding allocation to enable them to use this budget more flexibly to meet local needs.

21. BIS also supports ten Specialist Designated Institutions (SDIs) – colleges with a particularly long and rich tradition of attracting disadvantaged adults to informal adult learning, and other kinds of learning, in order to transform individual lives and benefit local communities. Many SDIs deliver informal adult and community learning.

22. Other Government departments and local government also support this kind of activity, though it may not always be described as 'learning'. They support: museums; libraries; archives; sports activities; the arts; culture; healthy living; and volunteering - much of which involves grassroots learning activity. Local services, including activity to support citizenship, build stronger families, improve mental and physical wellbeing and to raise environmental awareness, all contribute to a rich and diverse tapestry of informal learning.

Reviewing informal adult and community learning

23. The coalition Government is committed to building a Big Society in which individuals, families and communities have the power and information they need to come together, solve problems and build the Britain they want. In November 2010, Skills for Sustainable Growth announced that the £210m Adult Safeguarded Learning budget would be protected, and reviewed to maximise its role in:

- supporting relevant Government policy objectives, such as building the Big Society
- engaging and motivating people from disadvantaged groups to learn and progress, including to skills-focused learning and employment.

Policy round tables

24. In Spring 2011, BIS hosted seven policy roundtable meetings attended by invited representatives from key stakeholder organisations. The policy roundtables focused on specific areas for reform, including:

1. **Access:** looked at how we can engage and motivate disadvantaged groups including defining who our 'disadvantaged' people/groups are and eligibility for public funding. It also considered the role of intermediaries such as community learning champions and union learning reps.

2. **Learning to support the Big Society:** discussed models and types of IACL which support and enable people to play their part in the Big Society, such as getting involved in community decision making and planning, scrutinising public services, community organising and volunteering.
3. **Progression:** looked at ways of improving progression pathways towards the wider learning continuum including learning towards literacy, language and numeracy, community and family engagement, skills-focused training and employment
4. **Infrastructure:** considered key issues such as strategic leadership/planning at the local level, current and future providers of BIS-funded learning, voluntary sector involvement in outreach/delivery, linkages with other public services, self organised groups and the open spaces movement.
5. **Funding:** addressed a number of key issues around future funding for IACL including defining what should be 'safeguarded', fee policies, reforms to address historical inequalities in funding across areas/providers and reforms to Specialist Designated Institutions (SDIs) funding for informal learning.
6. **Quality and workforce development:** discussed how we define and assure quality in IACL and what training, qualifications and workforce development are appropriate.
7. **Capturing impact, audit, data collection:** discussed possible indicators of success, impact measurement and methods for collecting evidence.

Article 10, Paragraph 4

ENGLAND

Fee rates for Higher Education Courses

1. In higher education, full-time student places for "home" and EU students attending publicly funded UK Higher Education Institutions (HEIs) are mainly subsidised by the taxpayer in the form of grant paid to institutions by the funding councils. "Overseas" student places are not subsidised and so in practice institutions generally charge the market rate to those students to cover their costs.
2. In addition to the subsidy received by the institutions for full-time home/EU students, HEIs can charge a tuition fee. For eligible full-time students this is regulated to a maximum of £3290 in the 2011/12 academic year. HEIs decide whether to charge students the regulated fee using the Student Fees (Qualifying Courses and Persons) Regulations 2007 (QCP regulations). Students who fall within one of the categories in Schedule 1 of the regulations cannot be charged more than the maximum regulated rate, students who do not fall into any of the categories may be charged fees at a higher rate.
3. The tuition fee an HEI can charge for a part-time undergraduate course or any postgraduate course is not regulated. However, where an institution differentiate between a 'home' and 'overseas' rate of fee then they must charge the home rate to any student who falls within one of the categories in the Education (Fees and Awards) (England) Regulations schedule. These categories are the same as those listed in Schedule 1 of the QCP regulations.

4. However HEI's are independent, self-governing organisations and to allow flexibility in dealing with individual students' circumstances, HEIs may waive or reduce fees where they consider it appropriate. The onus would be on individual student to provide a compelling and persuasive case to their university which would warrant the exercise of this discretion in their favour

Student Finance Package

5. Eligibility for financial support for higher education courses is determined by Student Finance England (SFE) using the Education (Student Support) Regulations. As with the QCP and Fees and Awards regulations, those who fall within one of the categories in Schedule 1 are eligible to apply for some support. However, unlike HEI's, SFE do not have the discretion to award support to a student not listed in the Schedule

6. Students studying full-time undergraduate courses may apply for tuition fee assistance in the form of a non-means tested loan. Additionally students can apply for a means-tested loan and grant to help with their living costs. There are also supplementary grants available for those students with dependants or those who have additional course related costs due to a disability. HEIs may also offer non-repayable bursaries.

7. Part-time undergraduate students and those studying by distance learning can apply for a means-tested grant to assist with the cost of tuition and a small means-tested grant to help with the cost of books, travel and other expenditure. The tuition fee grant may not cover the full cost of the fees charged. A Disabled Students Allowance is also available.

8. Post graduate students may be eligible to the Disabled Student's Allowance.

9. 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 £20,000¹ would repay £8.65 per week.

Eligible categories

10. The position remains as previously described.

11. Normally, to be eligible for the regulated or home rate of fees, a tuition fee loan and maintenance support, students must have been ordinarily resident in the UK and Islands for the three years immediately preceding the first day of the first academic year of the course, other than wholly or mainly for the purpose of receiving full-time education. Students must also be 'settled' in the UK on this date within the meaning of the Immigration Act 1971. In other words, ordinarily resident here without being subject under the immigration laws to any restriction on the period for which they may stay. There are exceptions to this as follows:

¹ Destination of Leavers from Higher Education (DLHE) 2009/10 survey, Higher Education Statistics Agency, released 21 July 2011: the median salary for first degree graduates (both full-time and part-time) in 2009/10 who entered full-time paid employment in the UK was £20,000 (rounded to the nearest £500).

- In accordance with Article 24, paragraph 1 of Directive 2004/38/EC, all incoming EU students pay the same tuition fee and can apply for the same tuition fee support as the nationals of the hosting EU country. Thus, EU nationals (or their family member) who have lived in the EEA, or Switzerland, throughout the three years immediately before the start of the first academic year of the course, can apply for a tuition fee loan and are charged the same regulated rate of fee as a national student. The situation is different with regard to maintenance support. In accordance with Article 24, paragraph 2 of Directive 2004/38/EC, a host Member State is not obliged to grant maintenance aid to citizens of other EU Member states before they acquire the right of *permanent* residence in its territory. However, following a judgment on the Bidar case (C-209/03) in 2005, the European Court of Justice (ECJ) concluded that maintenance support also falls within the scope of the EC treaty. The ECJ supported a residence condition as acceptable to establish a genuine link with another Member State and eligibility for maintenance support. Therefore, as with home students, EU nationals who have lived in the UK and Islands for three years prior to the start of their course can apply for all aspects of maintenance support.
- Under Article 7 of the European Directive 2004/38/EC, European Economic Area (EEA) workers, frontier workers, self-employed persons, persons who retain such status and members of their families are eligible to apply for the full support package if they have been ordinarily resident in the EEA and Switzerland throughout the three years immediately preceding the first day of the first academic year of the course.
- In accordance with Annex 1 of the Swiss Agreement (OJ L 114/6) between the European Community and its Member States and the Swiss Confederation on the Free Movement of Persons, and the Immigration (EEA) Regulations, Swiss employed persons, frontier employed persons, self-employed persons, persons who retain such status and members of their families are eligible to apply for the full support package providing they have been ordinarily resident in the EEA and Switzerland throughout the three years immediately preceding the first day of the first academic year of the course.
- Following the Swiss Agreement, a student who is the child of a Swiss national, who has been ordinarily resident in the territory comprising the EEA and Switzerland throughout the 3 year period preceding the first day of the first academic year of the course, can apply for full support.
- As a result of the ECJ case, Gurol (C-374/03), the child of a Turkish worker may also apply for the full support package. The definition of a Turkish worker is a person who is ordinarily resident in the United Kingdom, who is, or has been lawfully employed in the United Kingdom. The student must have been ordinarily resident in the EEA, Switzerland or Turkey throughout the three year period preceding the first day of the first academic year of the course.
- Those who are recognised as refugees by the Home Office under the 1951 United Nations convention relating to the Status of Refugees and its 1967 Protocol are eligible for full support. They must also have been resident in the

UK since being recognised as a refugee by the Home Office but do not need to satisfy any ordinary residence requirement.

- Those who have been awarded Humanitarian Protection by the Home Office as the result of an unsuccessful asylum application and have been ordinarily resident in the UK since the leave was granted are also eligible. These students also need to have been ordinarily resident in the UK and Islands for the three year period preceding the first day of the first academic year of the course.

12. "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, may be charged fees above the capped rate of £3070 and may not be eligible for financial assistance for their studies. Non-EU/EEA Charter nationals do not have the right to freedom of movement as workers, as is guaranteed by Article 45 TFEU (ex Article 39 of the Treaty establishing the European Community).

SCOTLAND

Article 10

1. The position remains as previously described with the following developments. The Cabinet Secretary for Education and Lifelong Learning has ultimate responsibility for the provision of all education and training in Scotland. National training programmes, including Modern Apprenticeships, are administered by the national skills body, Skills Development Scotland (SDS).

2. In accordance with the provisions of the Further and Higher Education (Scotland) Act 1992, 43 FE colleges became incorporated (i.e. self-governing) with effect from 1 April 1993. The number of incorporated colleges now stands at 37. FE colleges are governed by a Board of Management comprising up to 16 members. There are also two colleges in Orkney and Shetland, which remain under the management of the local authority and receives 100% grant from them. Two more are charities: Sabhal Mor Ostaig (the Gaelic College) and Newbattle Abbey College.

Employability Framework

3. The Scottish Executive Employability Framework (2006) recognises the need to ensure that the skills needs of Scotland's people are matched with current and future employment opportunities. Since 2009, Jobcentre Plus and Skills Development Scotland have worked more closely to ensure that unemployed people with skills development needs have access to high quality careers and skills advice with onward referral to appropriate training. Further work to align employment and skills services is underway. Young people are a particular priority. Achieving this for the long-term means equipping all of our young people with the skills they need for adult life and work. More Choices, More Chances, our strategy for young people not in employment education or training, describes the way in which this is being achieved at the pre 16 stage. Through developments such as building more effective pathways from schools to positive outcomes by enhancing school and college links, creating new Skills for Work vocational options and undertaking a review of the curriculum to

create a greater force on personalisation and choice in learning, the education system is working to improve the employability of all young people.

4. A number of delivery agents are involved in getting jobless people onto employability projects or services to develop career aspirations. These agents include Jobcentre Plus, Skills Development Scotland, Further and Higher Institutions, Local Authorities, and the voluntary and private sectors.

5. Skills Development Scotland's Careers Service also plays a key role in the other vocational programmes outlined in this document such as Modern Apprenticeships, Training for Work, and Get Ready for Work; particularly for young people, including key worker services; linking opportunity (business growth, economic regeneration) to the labour market; and labour market intelligence.

6. Following the Scottish General Election in May 2007, the new incoming administration published the Scottish Government's Economic Strategy in November 2007¹. That strategy outlined that the Government would bring together the public agencies involved in delivering information, advice and guidance services and skills provision in the new skills body to build improvements around the needs of individuals.

7. Created in 2008, Skills Development Scotland (SDS) brought together Careers Scotland, Scottish University for Industry (learndirectscotland) and the skills arms of Scottish Enterprise and Highlands and Islands Enterprise. SDS is Scotland's national skills agency is the key provider of career services in Scotland, providing all-age careers information, advice and guidance.

8. The Scottish Government's career information, advice and guidance strategy was published in March 2011². Its overarching aim is to drive the redesign and improvement of career information, advice and guidance delivered primarily – but not exclusively – by SDS. Whilst re-asserting the Government's commitment to all-age, universal careers services, it places an emphasis on self-help – through developing the career management skills of individuals and web-based delivery, with face-to-face and more intensive support for those who need it most.

9. The strategy outlines the significant contribution careers services make to sustainable economic growth by helping people make informed decisions about their learning, job opportunities and career options, ultimately, with a view to helping them get, stay and progress in work. To achieve this, careers services need to be independent, high quality, impartial, informed, supportive of equal opportunities and confidential.

10. The strategy outlines that the key features of effective careers services include:

¹ <http://www.scotland.gov.uk/Publications/2007/11/12115041/0>

² <http://www.scotland.gov.uk/Publications/2011/03/11110615/0>

- accessible, high quality, personalised and impartial career information, advice and guidance, with opportunities and experiences that help people to develop the skills they need to manage their own careers;
- more intensive, face-to-face support - including specialist help - for those whose career development needs are greatest, including Looked After Children and others who need additional support for their learning;
- support for parents and carers so they can help their children to make the right decisions, at key stages of learning;
- ongoing feedback from users to improve service delivery; and state-of-the-art, online resources backed up with professional advice.

11. The strategy recognises that as the key provider of careers services in Scotland, SDS is well positioned to act as the strategic lead in the redesign and improvement of career information, advice and guidance, working collaboratively with partners such as schools and colleges, local authorities and other public bodies to build the capacity of the guidance community. It sets out the Scottish Government's expectations of SDS and its partners to work better together to meet the needs of service users and to make the best use of their collective resources.

12. Scotland's refreshed skills strategy *Skills for Scotland: Accelerating the Recovery and Increasing Sustainable Economic Growth* published in 2010 places individual career development at the heart of balancing skills supply and demand and is a step forward in realigning the skills, learning and work system in Scotland. High quality information, advice and guidance are vital for connecting all individuals with the workplace: and enabling them to progress in their career through on-going decisions in learning and work. The Scottish Government is committed to ensuring career services are available for all but that intensive services are targeted towards those who need it most.

Widening participation in higher education

13. The position remains as previously described with the following update. The Scottish Credit and Qualifications Framework (SCQF) continues to help people of all ages and circumstances to access appropriate education and training over their lifetime to fulfil their personal, social and economic potential by levelling and credit-rating all mainstream qualifications and a wide range of other sectoral and professional qualifications to allow for progression to further training or study.

14. The Scottish Further and Higher Education Council (SFC) and the bodies it funds have regard to the educational and related needs (including support needs) of learners, and those who may wish to become learners.

15. Its first spending review delivered significant additional resources for further and higher education, providing 21% more funding in real terms since 2004-5 – resulting in an extra £393million for learning, teaching and research in colleges and universities and an extra £276m to build facilities fit for the 21st century. For 2007-8, the SFC allocated a combined budget of £1.6bn with £1bn per annum going to Universities and £600m going to colleges. Despite the difficult economic climate, the combined budget to universities and colleges is also £1.6bn for 2011/12.

NORTHERN IRELAND

Article 10, Paragraphs 1 and 2

Legislation

1. The position remains as previously described with the following update.
2. The Education (NI) Order 2006 places a mandatory requirement on Boards of Governors to provide all pupils at grant-aided schools with access to a minimum number of courses at Key Stage 4 and at post-16 – the Entitlement Framework (EF). In both cases at least one-third of the courses must be general (academic) and at least one-third applied (vocational). The remaining one-third is at the discretion of the school, allowing them to provide a unique and distinctive curricular offer, focusing on the needs of their pupils and in line with each school's ethos.

The current target date for the full implementation of the Entitlement Framework is September 2013, when schools will be required to provide pupils with access to a minimum of 24 courses at Key Stage 4 and minimum of 27 courses at post-16.

Vocational Higher Education

3. Foundation Degrees are intermediate, vocationally oriented higher education qualifications designed to address skills gaps at the associate professional and higher technician level. Foundation Degrees are intended to meet the skills needs of employers, as evidenced by engagement with the relevant Sector Skills Councils, meet National Occupational Standards and be flexible in modes of delivery. Another of the aims of Foundation Degrees is to increase participation in HE and stimulate lifelong learning.
4. Foundation Degrees contain the following “core” elements:
 - employer involvement in both the design and delivery of the programmes;
 - technical in sector specific skills training underpinned by rigorous academic learning;
 - assessed Work Based Learning placements to develop work relevant skills and an understanding of the workplace;
 - degrees should be transferable; and
 - must provide a route for students to progress to honours degree level.
5. In academic year 2011/12 there are 53 full-time and 49 part-time Foundation Degree programmes being offered in the Northern Ireland Further Education Regional Colleges and the College for Agriculture Food & Rural Enterprise. These courses are in a wide range of occupational areas including Information and Communications Technology, Construction and the Built Environment, Hospitality and Tourism, Culinary Arts, Equine Management, Sales and Horticulture.
6. In academic year 2009/10 there were 851 full-time and 621 part-time enrolments on Foundation Degrees. The Department for Employment and Learning

is committed to the further expansion of Foundation Degrees and has given them a key role within the Northern Ireland Skills Strategy – ‘*Success Through Skills – Transforming Futures*’. This states “*The Department, working closely with industry, will continue to expand Foundation Degrees in key skill priority areas. The qualifications will integrate academic and work related learning. The Department will work with the universities to align the qualifications they offer to the needs of employers.*”.

Higher Education

7. Widening Participation in Higher Education by students from those groups which are currently under represented, in particular students from disadvantaged backgrounds and those with disabilities and learning difficulties has been one of the Department for Employment and Learning's key strategic goals for over a decade.

8. The Widening Participation vision for Northern Ireland is that the people who are **most able** but **least likely** to participate are given every encouragement and support to achieve the necessary qualifications to apply to, and to benefit from, the higher education that is right for them irrespective of their personal or social background.

9. Since 2000, the Department has been addressing the issue of fair access to higher education through a number of policy initiatives and a range of specific funding mechanisms. It is now committed to developing a new approach to widening participation in Northern Ireland and is leading on the development and implementation of a Northern Ireland Strategy for Widening Participation in Higher Education. It is being supported in this by key stakeholders including other Government Departments, the Universities, Further Education Colleges and NUS/USI. The development of the regional strategy represents the first inter-institutional and Governmental attempt to address this issue.

Apprenticeships

10. In September 2007, the Jobskills programme was replaced with the Training for Success programme.

11. In 2008 the programme was restructured into two separate programmes, ApprenticeshipsNI (ANI) and Training for Success (TfS). All Age Apprenticeships were also introduced for the first time along with provision for those working Reduced Contracted Hours through ANI. Programme Led Apprenticeships were introduced through TfS from 7 September 2009 in response to the economic downturn.

12. TfS provides a guaranteed training opportunity for all eligible unemployed young people aged 16 and 17. There is also extended eligibility for those with additional needs.

13. ANI is a work-based employed provision and is open to all those who have reached the minimum school leaving age and who meet the entry requirements.

14. During the reporting period, at the end of December each year total

occupancy across Northern Ireland was as follows:

- 2007 - 14,018
- 2008 - 15,228
- 2009 - 17,224
- 2010 - 18,006

15. On 23rd September 2011 there were 19,878 people on provision, including 11,568 employed apprentices.

Article 10, paragraph 3

Essential Skills

1. The Essential Skills suite of programmes is similar to the Functional Skills offer in England. Essential Skills qualifications in English and mathematics are free standing qualifications and are available at Entry Level, Level 1 and Level 2 to cater for the full range of learners. All of the Essential Skills qualifications are delivered free of charge to any learner who is 16 or over. Essential Skills ICT was introduced as the 3rd Essential Skill from August 2009; qualifications are available at Levels 1 and 2. From August 2010 Entry Level ICT qualifications have also been funded by the Department and are free to the learner.

2. The Essential Skills place a greater emphasis on the application of knowledge in real life situations to allow individuals to work confidently, effectively and independently in life. The Essential Skills qualifications have replaced the Key Skills within the Apprenticeship frameworks in Northern Ireland.

3. From the start of the Strategy in October 2002 to the end of July 2011 there have been in total 122,327 Essential Skills qualifications achieved and over 103,600 learners.

4. The Essential Skills in Communication at Level 2 is recognised by both Universities in Northern Ireland as an acceptable alternative to GCSE English (Grade C) for the purpose of General Entry Requirements and the Application of Number is recognised as an acceptable alternative to GCSE Mathematics, subject to the discretion of each Faculty. Essential Skills Application of Number at Level 2 is acceptable in place of GCSE Mathematics (Grade C) for entry to specific courses only, and at the discretion of the Head of School. For example, it may not be accepted for courses with a high mathematical content.

5. Essential Skills budget expenditure has risen in 7 out of the last 8 years. Total expenditure since October 2003 has been over £60m.

Article 10, paragraph 4

Student finance – tuition fees and student support

1. The Higher Education (Northern Ireland) Order 2005 provides for the introduction of variable tuition fees, linked to Access agreements, with effect from Academic Year (AY) 2006/07. The Department for Employment and Learning has also introduced new Student Finance arrangements in support of the new tuition fee arrangements. The arrangements in Northern Ireland broadly replicate those introduced for England.

2. In summary, the following arrangements apply:

Tuition Fees

- HE providers were able to charge fees of up to £3,000 per year to new full time undergraduate students from Academic Year 2006/07; this has been uplifted in line with inflation for Academic Year 2011/12 when a maximum fee of £3,375 will apply.

Deferral of Fees

- full time undergraduate students will not have to pay tuition fees before or during their higher education courses. They will be able to defer payment through a fee loan.

Grants and Maintenance Loans

- new full time students from lower income households will be eligible for a means tested maintenance grant of up to £3,475 and a maintenance loan to meet their living costs.
 - less well off students will also be eligible for bursaries from the HEIs under their access agreements. HEIs charging the maximum fee of £3,375 are expected to provide a bursary of at least £338 for students on the maximum DEL grant of £3,475.
 - supplementary allowances for students with children, and students with disabilities will continue as at present
3. Existing students, who started before September 2006, will continue to be subject to the minimum fee of £1,200 in AY 2006/07, uplifted in line with inflation to £1,310 in AY 2010/11. This fee may also be deferred through a fee loan. Continuing students are also eligible for a higher education bursary (maintenance grant) of up to £2,000 per year.

ISLE OF MAN

Article 10, paragraph 1

Question 1

1. The Department of Economic Development was established in April 2010, as part of a wide-ranging restructuring of the Isle of Man Government, and now has broad responsibility for the administration, financing and policy of 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. However, the actual provision of vocational training courses has recently been transferred to the Department of Education and Children (formerly the Department of Education).
2. The aim of the Department of Economic Development's Training Services is to assist individuals and organisations with their training needs in order to maximise their potential in today's fast moving and ever changing workplace.
3. Provision of general secondary education in the Isle of Man is the responsibility of the Department of Education, within the general legal framework of the Education Act 2001, as amended by the Education (Miscellaneous Provisions) Act 2009.
4. Vocational training opportunities are available to all persons lawfully resident on the Isle of Man. In addition, the Disability Employment Service, located within the Job Centre, actively promotes the provision of training and employment opportunities for disabled persons.

Question 2

1. The Department of Economic Development's Training Services maintains strong links with the Department of Education and Children's secondary schools, the Isle of Man College, the International Business School, as well as business and industry, through the five Sector Skills Groups and other sectoral organisations.
2. The Department of Economic Development administers a number of training schemes that provide financial assistance to individuals and organisations in support of vocational training. Access to such Schemes is available to all individuals and organisations resident in the Isle of Man. The Vocational Training Financial Support Scheme (VTFSS) is the primary source of assistance towards vocational training and exists to ensure that funding is directed to priority areas. Organisations or individuals applying for financial assistance under this Scheme are asked to provide 'business case' information so that benefits to the individual, organisation and ultimately the economy can be established.
3. The Department of Economic Development's (and, formerly, the Department of Trade and Industry's) responsibilities for providing financial support for vocational training are spread across all sectors of the local economy.

4. Vocational programmes are available in Accounting, Agriculture, Art and Design, Banking, Bricklaying, Building Studies, Business Studies, Carpentry and Joinery, Catering, Ceramics, Civil Engineering, Company and Trust Studies, Electrical and Electronic Engineering, Financial Studies, Gas Fitting, Hairdressing and Beauty Therapy, Health and Social Care, Hospitality Studies, Insurance, Information Technology, Management Studies, Mechanical Engineering, Media Studies, Motor Vehicles, Nursery Nursing, Office Technology, Painting and Decorating, Photography, Plumbing, Supervisory Studies, Teaching and Training, Telecommunications and Textiles. As a result of continuing high levels of employment, and skilled labour shortages in many sectors of employment, over 1800 students study vocational courses on a part-time basis and 660 students are studying vocationally based courses full-time or on block.

5. The Isle of Man maintains a number of academic partnerships with universities in the United Kingdom through which students can gain undergraduate and postgraduate qualifications on Island. However, the majority of Isle of Man students leaving school who wish to undertake university 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. The present policy of the Department is to support such students by payment of up to 100% of annual tuition fees. In addition, a means tested maintenance grant is available, subject to the parental or contributor's income.

6. Although there is no university as such in the Island, the Isle of Man College and the International Business School offer some further and higher education courses. The Department of Education and Children supports about 250 students in further and higher education courses at these establishments each year.

Question 3

1. In the financial year 2009/10 the budget of the DED's Training and Employment Group, covering the Department's vocational training responsibilities, was £2,355,600.

2. Approximately 1200 persons undertake full-time or part-time vocational training each year.

3. Currently, approximately 1,300 undergraduate and 100 post graduate students are supported each year by the Department of Education and Children to further their studies at Higher Education establishments in the United Kingdom.

Article 10, paragraph 2

Question 1

The Department of Economic Development, which was established in April 2010 as part of a wide-ranging restructuring of the Isle of Man Government, now has broad responsibility in this area, replacing the former Department of Trade and Industry. The main reason for establishing the Department of Economic Development's was to promote and encourage the creation of a successful and diversified economy offering employment opportunities for all.

Question 2

1. Financial assistance to employers with trainees under formal agreement is provided under the Skills Development Scheme (2007). The Scheme provides an entitlement for employers to receive support for all direct costs and bi-annual payments based on the time spent training 'off the job'. The amount of support is paid at equivalent daily rates based on the published industry agreed rates for that trade.
2. The measures described are available to all categories of applicant who are able to display sufficient aptitude to complete the training programme satisfactorily.
3. Access to apprenticeship training opportunities is made available to all persons lawfully resident on the Isle of Man. In addition, the Disability Employment Service, located within the JobCentre, promotes the provision of training opportunities for disabled persons.

Question 3

1. In the year 2009/10 425 apprentices were supported by the Department of Economic Development.
2. In the financial year 2009/10 the Department's total training expenditure was divided between various types of vocational activity as follows (£ sterling):

Agriculture (inc Horticulture)	£22,800
Construction	£595,100
Hair & Beauty	£27,500
IT	£40,400
Leisure	£7,500
Manufacturing/Engineering	£211,000
Motor Vehicle	£59,500
Retail/Wholesale	£11,000
Service Industries	£55,400
Sea Fishing	£24,500
Hospitality & Catering	£72,600
Office Technology	£91,000
Other	£47,500
Vocational Training Strategy Initiatives	£250,000

Article 10, paragraph 3

Question 1

The Department of Economic Development, which was established in April 2010 as part of a wide-ranging restructuring of the Isle of Man Government, now has broad responsibility in this area, replacing the former Department of Trade and Industry. The main reason for establishing the Department of Economic Development's was to promote and encourage the creation of a successful and diversified economy offering employment opportunities for all.

Question 2

1. Access to adult training and retraining opportunities, including apprenticeships, is made available to all persons lawfully resident on the Isle of Man. In addition, the Disability Employment Service, located within the JobCentre, promotes the provision of training opportunities for disabled persons.
2. There is a Scheme that offers financial assistance to organisations or individuals for vocational training, with the specific purpose of raising the skills of the Island's workforce, particularly in areas where there are identified shortages of suitably trained workers.
3. In addition to specific vocational training courses that assist adult workers to return to work and for which the Department of Economic Development provides funding, the Department also runs Jobsearch workshops that deliver skills such as interview techniques, job application skills, and personal presentation to those seeking work.
4. The type of vocational training undertaken by adults is broadly spread across the various economic sectors.

Question 3

In 2009/10, with a range of short courses and bespoke training being provided, over 1700 adult workers attended training (including retraining) of various types.

Article 10, paragraph 4

Question 1

The Department of Economic Development, which was established in April 2010 as part of a wide-ranging restructuring of the Isle of Man Government, now has broad responsibility in this area, replacing the former Department of Trade and Industry. The main reason for establishing the Department of Economic Development's was to promote and encourage the creation of a successful and diversified economy offering employment opportunities for all.

Question 2

1. The policy of the Department of Economic Development is to share the cost of training between the employer, the Department, and in certain circumstances, the individual. The various Training Schemes administered by the Department of Economic Development provide a wide variety of grant and loan assistance to meet in part or in whole, the individual's training costs. Most of the Schemes provide a contribution (often 50%) towards course fees, travel and accommodation. Although in respect of apprenticeships the Department continues to meet 100% of the course fees. To be eligible for assistance an individual must show the relevance of the training to the local economy and their existing or potential employment.
2. The Department considers that the policy of generally providing a contribution to vocational training provides best value and enables it to support the widest possible range of vocational training within limited resources.
3. There is equal treatment in respect of financial assistance for all persons lawfully resident on the Isle of Man.
4. In the vast majority of cases financial assistance from the Isle of Man Government requires that employers treat time spent on training in normal working hours as paid working hours.
5. The Department of Economic Development supervises on the job and off the job training via evaluation visits. In consultation with employer and employee groups, the Department assesses the value and quality issues associated with all training.
6. The Department of Economic Development's Training Services maintains strong links with the Department of Education and Children's secondary schools, the Isle of Man College, the International Business School, as well as business and industry, through the five Sector Skills Groups and other sectoral organisations.

ARTICLE 15

Article 15, paragraph 1

General Introduction

The Committee asked to be kept informed of any further developments in the definition of disability in particular and with regard to the Disability Discrimination Act 2005 in general

The Equality Act 2010

1. The Equality Act 2010¹ brings together, harmonises and, in some respects, extends the existing equality law. It aims to make the legislation more consistent, clearer and easier to understand and operate for those with rights and duties under the Act.

Definition of disability

2. Under the Equality Act 2010, someone is considered to be disabled if they have a “physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities”.

3. Impairments include:

- Physical, for example, mobility impairments.
- Mental, for example, learning disabilities and some mental illnesses if severe and long term.
- Sensory, for example, hearing impairments or visual impairments.

4. **Substantial** means more than minor or trivial; and **long term** means the impairment has lasted, or it is likely to last, for at least 12 months. **Normal day-to-day activities** mean activities that are carried out by most people on a regular and frequent basis.

5. Special rules apply to certain impairments, such as progressive conditions, and some people are deemed to be disabled for the purposes of the Act. For example, people with cancer, HIV and multiple sclerosis (MS), are protected effectively from the point of diagnosis.

Previous position

6. The Equality Act 2010 makes it more straightforward for some people to show that they are disabled for the purposes of the Act by removing the list of capacities. Previously they had to show that the adversely affected activity involved something referred to as a capacity, such as mobility, speech or the ability to understand. Some people, particularly some with certain mental impairments that were intended to be

¹ <http://www.legislation.gov.uk/ukpga/2010/15/contents>

protected under the legislation, found it difficult to demonstrate the link with a capacity.

Question 1

Education

The Committee asked for information on the practice of mainstreaming all categories of persons with disabilities, including children with autism, as well as on case law and complaints brought to the appropriate institutions. It asks also for information on the number of children in mainstream and special schools or training facilities.

7. The Guidance document '*Inclusive Schooling - Children with Special Educational Needs*' that was issued in November 2001 sets out the background during the reporting period and before.

<http://media.education.gov.uk/assets/files/pdf/i/inclusiveschooling.pdf>

8. This was accompanied by a Special Education Needs Code of Practice <http://www.education.gov.uk/childrenandyoungpeople/sen/sen/guidance/a0013160/the-sen-code-of-practice>, which has since been updated.

9. Furthermore, the coalition Government has recently issued a consultation paper on the subject. The Green Paper¹ - *Support and aspiration: A new approach to special educational needs and disability* makes wide-ranging proposals to respond to the frustrations of children and young people, their families and the professionals who work with them.

10. The vision set out in the Green Paper is informed by the views and expertise of families, teachers, local authorities, health professionals and national and local organisations working with them.

Support and aspiration: A new approach to special educational needs and disability proposes:

- a new approach to identifying SEN through a single Early Years setting-based category and school-based category of SEN;
- a new single assessment process and Education, Health and Care Plan by 2014;
- local authorities and other services will set out a local offer of all services available;
- the option of a personal budget by 2014 for all families with children with a statement of SEN or a new Education, Health and Care Plan;
- to give parents a real choice of school, either a mainstream or special school; and
- to introduce greater independence in the assessment of children's needs.

The consultation ran until the end of June 2011.

¹ <http://www.education.gov.uk/childrenandyoungpeople/sen/a0075339/sengreenpaper>

Pupils with Special Education Needs (SEN)

11. In January 2008 some 223,600 (or 2.8 per cent of) pupils across all schools in England had statements of SEN, a slight fall when compared to 2007.

12. The percentage of pupils with statements of SEN placed in mainstream schools (nursery, primary, secondary) was 56.6 per cent. The corresponding figures for the proportion of pupils with statements of SEN placed in maintained special schools was 36.9 per cent, with 3.6% in independent schools.

13. In 2008 there were some 1,390,700 pupils with SEN without statements representing 17.2 per cent of pupils across all schools. This is an increase from 16.4 per cent a year earlier. Contrary to the pattern for pupils with statements of SEN, the incidence of pupils with SEN without statements is greater in primary schools (18.1 per cent) than in secondary schools (17.8 per cent).

14. In January 2010 some 220,890 (or 2.7 per cent) pupils across all schools in England had statements of SEN, the same percentage as in 2009.

15. The percentage of pupils with statements of SEN placed in mainstream schools (nursery, primary, secondary, academies, and city technology colleges) was 54.9 per cent (compared to 55.6 per cent in 2009). The corresponding figures for the proportion of pupils with statements of SEN placed in maintained special schools was 38.1 per cent, with 4.3 per cent in independent schools, 2.0 per cent in non-maintained special schools and 0.8 per cent in pupil referral units. In 2010 there were some 1,470,900 pupils with SEN without statements representing 18.2 per cent of pupils across all schools. This is an increase of 0.4 percentage points from 2009.

Special Educational Needs Statistics <http://www.education.gov.uk/rsgateway/sc-sen.shtml>

16. Statistics by the following categories are set out in the respective Tables 9 and 11 of the Annual Statistics – see links below:

Specific Learning Difficulty;
Moderate Learning Difficulty;
Severe Learning; Difficulty;
Profound & Multiple Learning Difficulty;
Behaviour, Emotional & Social Difficulties;
Speech, Language and Communications Needs;
Hearing Impairment;
Visual Impairment;
Multi- Sensory Impairment;
Physical Disability;
Autistic Spectrum Disorder;
Other Difficulty/Disability

2008 see Table 9 – Type of need

<http://www.education.gov.uk/rsgateway/DB/SFR/s000794/sfr15-2008.pdf>

2009 see Table 9 – Type of need

<http://www.education.gov.uk/rsgateway/DB/SFR/s000852/sfr14-2009.pdf>

2010 see Table 11 – Type of need

<http://www.education.gov.uk/rsgateway/DB/SFR/s000939/sfr19-2010.pdf>

Special Education Needs and Disability Tribunal Statistics

17. Tribunal Service statistics show that the tribunals handled the following caseload in respect of Special Education Needs and Disability:

Special Education Needs Disability	Receipts	disposals	Percentage disposed within 22 weeks
2008-09	3,100	3,300	70%
2009-10	3,400	2,900	82%
2010-11	3,400	2,900	84%

<http://www.justice.gov.uk/downloads/publications/statistics-and-data/tribs-stats/annual-tribunals-statistics-2010-11.pdf>

Case law

18. No first instance decisions are published. From 2008 the Upper Tribunal Administrative Appeals Chamber has dealt with SEND appeals from the first tier. Attached as **Appendix A15** to this Report is a summary of sample cases that the Committee might find of some interest. It has click through references which lead to the decisions on the Upper Tribunal AAC database.

Wales

19. Information on the work and case load of the Special Education Needs Tribunal in Wales is set out its Annual Report for 2009/10

<http://wales.gov.uk/subsites/sentw/publications/annualreports/annualrpt0910en.pdf?lang=en>

Scotland

20. Information on the work and case load of the Additional Support Needs Tribunals for Scotland is set out in its 2009/10 Annual Report

<http://www.asntscotland.gov.uk/asnts/files/Fifth%20Annual%20Report.pdf>

The Tribunals' published decisions database can be viewed via the following link:

<http://www.asntscotland.gov.uk/asnts/296.202.202.html>

Northern Ireland

21. Under the Education (Northern Ireland) Order 1996 as amended by the Special Educational Needs and Disability (Northern Ireland) Order 2005, the statutory responsibility for securing provision for pupils with special educational needs rests with the Education and Library Boards and Boards of Governors of mainstream schools.

22. Special Educational Needs provision is matched to individual needs. It may be made in: special schools; special units attached to mainstream schools; or in mainstream classes themselves.

23. In Northern Ireland there are 43 special schools (including two hospital schools) and 170 special units attached to 88 mainstream schools which cater for a

wide range of special educational needs. The five Education and Library Boards also operate specialist "outreach" support services for children with literacy problems and behaviour difficulties.

http://www.deni.gov.uk/index/7-special_educational_needs_pg.htm

24. Information on the Northern Ireland Special Education Needs Tribunal can be viewed via the link below:

<http://www.education-support.org.uk/parents/special-education/sendist/>

Further Education and Training

25. On 16 November 2010 the Government set out its New Vision for Skills in *Skills for Sustainable Growth*¹ and *Investing in Skills for Sustainable Growth*². Both documents set out the Government's strategy for mainstream adult skills and skills investment and people with learning difficulties and or disabilities (LLDD) are a priority within this. There will be significant investment of £3.9 billion in 2011-12 in post-19 FE and Skills. This will support the expansion of Adult Apprenticeships and provide full funding for basic literacy and numeracy qualifications.

26. In the 2011/12 academic year full fee remission is provided for:

- basic literacy and numeracy for adults of all ages; first full Level 2 qualifications,
- Level 1 and entry qualifications for all adults where they do not already hold a full level 2 qualification; and
- first full level 3 qualifications for learners aged 19 up to 25. In addition unemployed people in receipt of Jobseekers' Allowance or Employment and Support Allowance in the Work Related Activity Group would be eligible for fully funded skills training to help them into work. In both these circumstances receipt of the benefit is conditional on the individual actively seeking or preparing for work.

27. To enable colleges to meet local demand for the skills that lead to employment and growth, FE providers will also be given some local discretion to provide fully subsidised courses for people on a wider range of benefits - provided the training is to help them enter employment. Any funding to support this local discretion will be made available from within existing budgets. This local discretion will apply to academic year 2011/12. The position for 2012/13 will be set out in the autumn.

28. Colleges and training organisations will decide how best to use their funding and to be innovative, responsive and accountable and provide learning that specifically meets the needs of learners with learning difficulties and/or disabilities. Additional Learning Support is provided to FE colleges and training providers to help meet the additional needs of these learners enabling them to participate fully in learning.

¹ <http://www.bis.gov.uk/news/topstories/2010/Nov/skills-for-sustainable-growth>

² <http://www.bis.gov.uk/assets/biscore/further-education-skills/docs/s/10-1272-strategy-investing-in-skills-for-sustainable-growth.pdf>

29. The Government invests in training outside of areas where full subsidy is available (including provision for those aged 19 and over), but the costs will be shared between the Government and the learner or employer.

30. In addition to supporting classroom-based learning, the government is looking at other learning and employment opportunities for people with learning difficulties and disabilities. The government's Green Paper '*Support and aspiration: A new approach to special educational needs* (Department for Education, March 2011)¹ sets out ideas for providing supported work placements and job coaches which will help disabled people use their skills and gain work-experience in a real working environment.

31. The Department for Business, Innovation and Skills is reviewing how informal adult community learning may be better prioritised towards the most disadvantaged people in society.

Higher Education

32. A mainstreamed approach is integral to higher education; all disabled students with talent and the potential to succeed can apply for entry to any higher education institution (HEI). Admissions decisions will be determined by HEIs themselves taking account of both their legal duties to support disabled students and the merit of individual applications.

33. The Government is committed to ensuring our universities remain open to all people with the ability to succeed in higher education. Higher education institutions have clear duties and responsibilities with regard to ensuring that disabled students do not face discrimination or less favourable treatment whilst applying to, and studying in, higher education. We are also establishing a new framework, with increased responsibility on universities to widen participation.

34. Universities wanting to charge more than a £6,000 annual graduate contribution will have to demonstrate to the Director of Fair Access what more they will do to attract a higher proportion of students from under-represented groups through their Access Agreements, including disabled students.

35. The Government's new National Scholarship Programme (NSP) – worth £150 million by 2014/15 will be open to both mature and part-time students, who meet the income criteria

36. For disabled students going on to study higher education courses there is a comprehensive system of student support which makes this route attractive and affordable, including extra support for disabled students in the form of Disabled Students' Allowances (DSAs). DSAs can help with the additional costs higher education students may incur as a direct result of a disability, including conditions such as Autism. We also provide significant funding to universities directly to help them meet the needs of disabled people.

¹ <http://www.education.gov.uk/childrenandyoungpeople/sen/a0075339/sengreenpaper>

37. Through the Higher Education Funding Council for England (HEFCE) we provide significant funding, to support institutions meet the needs of disabled people. HEFCE provides a mainstream disability allocation to help institutions improve provision for disabled students - £13.2 million has been provided in academic year 2010/11, and £13m will be provided in 2011/12.

38. The number of disabled students, In England, declaring a disability has risen over the last five years, from 7.4% (105,080) in 2004/05 to 9% (147,860) in 2009/10.

Student support

39. The Department for Business, Innovation, and Skills (BIS) also provides direct support to higher education students through Disabled Students' Allowances (DSAs). DSAs are not means-tested and do not have to be repaid.

40. The number of DSAs awarded has increased steadily in recent years. In academic year 2008/9, the most recent year for which figures are available, the number of English domiciled higher education students in receipt of DSAs was 40,600 and total expenditure was £91.7 million. In the same year, 4.65 per cent of full-time undergraduate students who were awarded some form of financial support were in receipt of a DSA.

41. Under the DSA scheme, undergraduate students may receive the following allowances in 2011/12:

Allowance	Maximum payable	
	Full-time	Part-time
Specialist equipment allowance (for the duration of the course)	£5,161	£5,161
non-medical helper's allowance	£20,520	£15,390
general allowance	£1,724	£1,293
travel allowance	no upper limit	no upper limit

42. For full and part-time postgraduate students there is one allowance to meet all costs of up to £10,260 in 2011/12.

Article 15, Paragraph 2

Question 1

1. The position remains largely as previously described

Question 2

'Mainstream' Employment Provision

Work Programme

2. The Work Programme rolled out nationally in June this year. It is the Government's flagship contracted employment support programme delivered by the best of the private, public, and voluntary and community sectors. The Work Programme will support a wide array of claimants receiving out of work benefits and who are at risk of long term unemployment. This includes claimants on Jobseeker's Allowance, some claimants on Employment and Support Allowance, and on a voluntary basis, some claimants on Incapacity Benefit and Income Support.

3. In previous programmes, providers were able to earn most of their income through large service fees regardless of how many people they helped into work. Work Programme providers will be paid primarily for the results they achieve in supporting people into sustained employment. They will also be paid more to support harder to help claimants, such as disabled people, reflecting the increased costs of doing so and making it financially worth while to help all claimant groups.

4. The Department knows that some claimants may need more support than others to secure sustainable employment. Therefore a Work Programme provider can receive up to £6,600 for a person on Jobseekers Allowance and up to £13,700 for an Employment and Support Allowance claimant.

5. The referral process will give harder to help groups, such as disabled people, access to the personalised, individual support at the appropriate stage in their claim. Disabled people who have been claiming Jobseekers Allowance for three months will have the opportunity to volunteer for early access to the Work Programme to ensure they receive it within a timescale that is most appropriate to them.

6. While Work Programme providers are free to design the support they offer, the Department will hold them more rigorously to account for their performance than in the past, ensuring that all groups, including disabled people, are supported effectively.

Specialist Disability Employment Provision

7. The Department for Work and Pensions (DWP) has responsibility for a range of specialist employment provision specifically aimed at disabled people, where the Work Programme or other mainstream provision may not be suitable. These are summarised as below.

Work Choice

8. Work Choice¹ is an important part of the Government's ongoing commitment to disabled people - ensuring they have the same opportunities and chances as everyone else. Work Choice is voluntary and available regardless of any benefits being claimed and provides support based on individual needs, rather than a 'one size fits all' approach. It runs alongside the Work Programme and Pre-Work Programme Jobcentre Plus Offer, including 'Get Britain Working' employment initiatives.

9. Work Choice provides disabled people with complex barriers to employment and more intensive support needs with a seamless service covering all stages of the journey into work, and support to enable them to stay in work, (including support for those who wish to move into self-employment) where the other DWP employment provision might not be suitable.

10. Access to the programme is usually via the Disability Employment Adviser in Jobcentre Plus offices. Work Choice provision is expected to help around 9,000 disabled people into work per year. This is more than its predecessor employment programmes.

11. In addition to the prime providers, Remploy have a target to deliver 7,500 job outcomes through Work Choice in 2011/12. The success of Work Choice will depend on effective working with employers to help disabled people access work opportunities and gain the right level of support – from both their employer and ourselves – to achieve their full potential in work.

12. Work Choice has a modular approach to helping people find and stay in suitable employment :

Module 1 – Work Entry Support

- All about finding a job and preparing to enter work.
- This module can last for up to six months.

Module 2 - Short to Medium-Term In-Work Support

- Once an individual has found paid employment the service provider will work with the employer and customer to identify the support required for the disabled customer to start work.
- This module can last for up to two years, although we expect that the majority of people will remain on the module for a shorter period.

Module 3 - Longer-Term In-Work Support

- The longer-term supported employment module focuses on helping provide a stable working environment and helping people develop their career.
- There is still some focus to help people move into unsupported employment, where it is appropriate for the individual.

1

http://www.direct.gov.uk/en/DisabledPeople/Employmentsupport/WorkSchemesAndProgrammes/DG_187696

- There is no time limit on this module and so it recognises that, for some people, there will always be a need for them to be supported in the workplace.

Remploy

13. *Remploy* is an Executive Non-Departmental Public Body sponsored by the DWP, and is made up of two arms:

- Remploy Employment Services - deliver employment support for disabled people, including through the Work Choice programme; and
- Remploy Enterprise Businesses – a network of 54 factories across the UK, providing supported employment to over 2,000 disabled people.

Residential Training

14. This is delivered through nine Residential Training Colleges that provide vocational training to unemployed disabled adults, whose needs cannot be met through any other government funded programmes.

Access to Work

15. *Access to Work* provides practical advice and financial support to employed disabled people above and beyond what the employer could reasonably provide, to help them overcome obstacles resulting from disability and thus stay in work.

Future of Specialist Disability Employment Provision

16. In December 2010, Ministers asked for an independent review to look at DWP employment support available for disabled people, specifically **Remploy**, **Residential Training Colleges** and the **Access to Work** programme. Liz Sayce, the Chief Executive of the disability organisation RADAR, led the review. A key aim of the review was to examine how more disabled people could be supported into work within the available funding. The Report 'Getting in, staying in and getting on'¹, was published on 9 June 2011.

17. The Government's response and a separate public consultation were launched on 11 July 2011. The Minister for Disabled People welcomed the central theme of the review, that resources for supporting disabled people into employment should be focused on disabled people themselves rather than on specific institutions. The Government Response and the Consultation can be viewed on-line at www.dwp.gov.uk/sayce-consultation

Employer Engagement

18. The government recognises there needs to be more effective working with employers to help disabled people access work opportunities and gain the right level of support – from both their employer and ourselves – to achieve their full potential in work.

¹ www.dwp.gov.uk/policy/welfare-reform/specialist-disability-employment/web

19. The Government has already built wide support for this agenda amongst a range of employers and is now taking steps to further extend positive employer commitments; through national employer campaigns such as Employ-Ability, Hire Vision and the Recruitment That Works initiative, which is delivered by Jobcentre Plus within DWP.

20. Jobcentre Plus is promoting more employment opportunities for disabled people by making sure employer-facing staff encourage diversity and equality in the workplace, as part of the wider service offer to employers for recruitment, retention and skills support, ensuring opportunities for vulnerable or more disadvantaged customers.

The Committee asked also for the next report to provide information on any steps taken or planned to encourage employers to employ persons with disabilities.

Section 60 Equality Act 2010 – *Pre-employment enquiries about health or disability*

21. The Equality Act 2010 limits when somebody recruiting for work can make health or disability related enquiries before the point at which the candidate is either offered a job, or is included in a pool of successful candidates who will be offered a job when a vacancy arises. This provision meets concerns about pre-employment enquiries about disability being used to obtain information which was used to discriminate against the disabled candidate.

22. The specified situations where health related enquiries can be made are for the purposes of:

- finding out whether a job applicant would be able to participate in an assessment to test his or her suitability for the work;
- making reasonable adjustments to enable the disabled person to participate in the recruitment process;
- finding out whether a job applicant would be able to undertake a function that is intrinsic to the job, with reasonable adjustments in place as required;
- monitoring diversity in applications for jobs;
- supporting positive action in employment for disabled people; and
- enabling an employer to identify suitable candidates for a job where there is an occupational requirement for the person to be disabled.

23. The Equality Act 2010 does not stop employers making any enquiries about a person's health, but places limitations on the type of questions that can be asked.

24. The limitations have been introduced because disabled people told us that some employers were rejecting candidates from the outset, once they knew the person was disabled.

25. Once a job offer is made (which can be conditional or unconditional) or a successful candidate is placed in a pool of people to be offered a job when a vacancy arises, an employer can make any necessary enquiries about a person's health or

disability.

26. Where a candidate is asked questions that are not permitted by an employers and the candidate thinks the information has been used about their health or disability to reject them, then the candidate may seek advice and assistance via the Equality and Human Rights Commission, who could take enforcement action against the employer. It would be for an employer to show he has not directly discriminated a person because of their disability.

Question 3

GREAT BRITAIN

27. The Tribunal Service publishes annual data on applications and claims made to Employment Tribunals in relation to disability discrimination. The latest data, for the period April 2010 to March 2011¹, shows that 7,200 claims were accepted by Employment Tribunals in relation to disability discrimination. Below are details of outcomes of those cases during 2010/2011:

Disability	
Cases disposed²	6,800
Withdrawn	2,100 (31%)
Acas³ conciliated	3,100 (46%)
Successful at Tribunal	190 (3%)
Struck out not at Hearing	510 (7%)
Dismissed at a Preliminary Hearing	20
Unsuccessful at Hearing	640 (9%)
Default Judgement	48 (1%)

¹ <http://www.justice.gov.uk/downloads/publications/statistics-and-data/mojstats/employment-trib-stats-april-march-2010-11.pdf>

² A disposal is the closure of a case when work has ceased to be done. This can be through a claim being withdrawn, settled, dismissed or being decided at a hearing.

³ Acas (the Advisory, Conciliation and Arbitration Service)

SCOTLAND

Article 15, paragraph 1

1. In Scotland, 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.

2. The national skills body, Skills Development Scotland (SDS) has operational responsibility for the national training programmes, including Modern Apprenticeships. SDS' equality scheme states:

"We will review actions from the Equality Impact Assessment of National Training Programmes (NTPs) completed in 2010 to identify opportunities which could support the tackling of occupational segregation and other related diversity issues. In addition we will ensure that the planned review of National Training Programmes, to ensure they are being run as efficiently and effectively as possible, that they are as responsive as possible to industry demands and that they support the aims of Curriculum for Excellence will also consider any equality and diversity issues identified in the equality impact assessment. We will support employees through training/coaching to ensure they are confident to challenge stereotypical career assumptions."

Article 15, paragraph 2

1. The Supported Employment Framework¹, launched in 2010, recognises the barriers that exist for disabled people in securing employment. The Framework sets out the government's desire to see a more consistent, person-centred approach to supporting those who want to work. It advocates a particular model of supported employment which involves a staged approach of progression for the individual.

2. Since the launch the Scottish Government has worked with the Scottish Union of Supported Employment to test the model in two areas of Scotland, develop a toolkit for self assessment and advice on monitoring outcomes. The Scottish Qualifications Authority is now developing a qualification for practitioners delivering supported employment. In the coming year, the intention is to roll the model out across Scotland, working with local partners to align the services with other employability support.

3. In the last year, Scottish Government has worked with representatives to develop a framework for procurement to enable more supported businesses to access public sector contracts through Article 19 of EU Public Procurement Directive 2004/18/EC and Regulation 7 of the Public Contracts (Scotland) Regulations 2006.

¹ <http://www.scotland.gov.uk/Publications/2010/02/23093849/21>

NORTHERN IRELAND

Special Educational Needs (SEN) and Disability

1. The position is as previously described with the following update.
2. There are 64,931 persons registered as having Special Educational Needs (SEN), of which 13,898 have a statement. The totals given include pupils within nursery, preschool, primary post primary and special schools settings. There are 39 special schools, 2 hospital schools and 88 primary and post primary schools with some 185 special units attached. The number of pupils with SEN achieving a high level of qualifications have surpassed on year. In 2009/10, 762 pupils left with 2 or more A levels at A-E grades or equivalent and 1319 leaving school with 5 GCSE's A – C grades or higher. However, 276 pupils left school with no qualifications. The destination of school leavers with SEN have shown that 283 pupils took up employment with 2076 going on to higher or further education and 1022 taking up some form of additional training with only 252 being unemployed.
3. There are now 41 special schools (including 2 hospital schools) and 185 special units attached to around 88 primary and post primary schools, which cater for a wide range of special educational needs.
4. DE is committed to delivering a fully inclusive education system which ensures every learner is given an equal chance and that all children are provided with the necessary support to help them achieve their full potential. In addressing the educational needs of pupils with SEN, DE is engaged in the development and delivery of training and resources through a Capacity Building Programme which offers professional development opportunities for teachers and schools to improve their capacity to meet the needs of children facing barriers to learning.

Autism

5. There is an ASD Action Plan in place to improve the range of social care services available to meet assessed needs of those with autism. On 6 August an Autism Act was commenced (brought forward by Private Member's procedure). That Act requires that a cross departmental strategy for autism services is developed and published over the next 2 years.

Transitions

6. A regional group has been established to address issues in relation to transition from childhood to adulthood. The group is a cross sector, strategic partnership, consisting of the leadership of all key agencies who have responsibility for improving outcomes for all children and young people in Northern Ireland including health, social services, education, policing and housing as well as representatives from the voluntary and community sectors.

Article 15, Paragraph 2

Employment Support

1. Employment Support has been closed to new entrants since July 2006 however at the end of June 2011 658 people with disabilities who receive long term support and remain in employment through this programme. The level of funding for the programme was £5.2m in the period April 2009 to March 2011.

Workable (NI)

2. Workable (NI) is Northern Ireland's equivalent programme to GB's Stage 3 of Workchoice – a menu of provision for people in GB who have complex health and disability related barriers to employment. Workable (NI) is delivered through contracted provider organisations who have extensive experience in delivering specialist employment programmes designed to support people with disabilities in employment. Between January 2009 and July 2011 the numbers participating on the programme rose from 273 to 356 and overall spend was £3,117,600.

Access to work

3. In Northern Ireland in the period from January 2009 the number of applications for assistance through the programme has increased steadily with the number of programme participants rising from 560 to the current 630. The total programme cost for the financial period April 2010 to March 2011 was £1.38m.

NDDP

4. NDDP is a voluntary programme targeted at those with health conditions and disabilities. Customers must be in receipt of incapacity benefits and the programme is designed to help them find and sustain employment. In Northern Ireland, NDDP closed to new clients on 31 March 2011 and will be replaced with a new pre-employment programme for people with health and disability related barriers to work by 31 December 2011. The new programme will be called Work Connect.

5. Between January 2009 and March 2011 when it closed, NDDP had been successful in helping 619 people into work, including 1607 people who had registered with and had received assistance from a NDDP Job Broker.

Pathways to Work

6. In Northern Ireland the Pathways to Work service has been fully implemented and delivered since 2008. This service is aimed at improving opportunities for people on incapacity benefits, including Employment and Support Allowance which replaced Incapacity Benefit.

7. As part of the Pathways to Work menu of provision since April 2009, in addition to WPP, unemployed clients in receipt of ESA and IB, have been able to avail of the Condition Management Programme (CMP) and Return to Work Credit (RTWC).

8. From Jan 2009 until June 2011, over 2000 clients have participated in CMP and almost 6000 clients have received RTWC, having returned to employment

9. In Northern Ireland Work Preparation, was delivered through contracted providers from the private sector. Work Preparation closed to new entrants in October 2010.

Work Preparation performance and spend

Year	Starters	Spend
2009/10	205	£390,003
20010/11	286	£ 545,894

USEL

10. Ulster Supported Employment Ltd (USEL) is an arms-length body under the control of the Department for Employment and Learning and employs 70 disabled people in a sheltered employment facility based in Belfast.

Widening Access Premium

11. The Department pays a widening access premium to the higher education institutions for students with learning difficulties and disabilities. This premium is allocated based on the proportion of full-time undergraduate students that each institution recruits who are in receipt of Disabled Students Allowance. In academic year 2011/12 this premium is £249,462.

Disabled Students' Allowances

12. In addition, the Department makes available Disabled Students Allowances (DSA) for disabled students to help pay the extra costs which students may incur whilst studying, as a direct result of their disability, mental health condition or specific learning difficulty. The allowances can help with the cost of a non-medical helper, items of specialist equipment, travel and other course related costs.

The following help is available in academic year 2011/12;

Undergraduate Students

Specialist Equipment Allowance: up to £5,266 for the whole of the course

Non-Medical Helper's Allowance: up to £20,938 a year

General Disabled Students' Allowance; up to £1,759 a year plus:

Reasonable spending on extra travel costs

Postgraduate Students

Specialist Equipment Allowance: up to £5,266 for the whole of the course

Non-Medical Helper's Allowance: up to £15,703 a year

General Disabled Students' Allowance; up to £1,319 a year plus:
Reasonable spending on extra travel costs

Disability Needs Assessments

13. Through DSA, the Department funds an assessment of support needs for each student who applies for Disabled Students' Allowances. This assessment of needs is carried out by the university or by an accredited assessment centre and identifies the type of additional help the student needs to meet academic / course requirements

Registers of Support Providers

14. Through DSA, the Department funds a Register of Support Providers in each of the two Northern Ireland universities. These are registers of freelance professional and non-professional support workers who are recruited and trained to assist students with disabilities. The help of support providers is available to all disabled students in the universities and university colleges and also to students on higher education courses in the Further Education Regional Colleges. Disabled students can avail of a range of support provider roles including note takers, proof readers, typists, campus assistant and library assistant.

3. Statistics

Number of Persons with Disabilities

	2009/10	Source	
No. of persons with disabilities	322,000	N.I. Survey of Disability and 2009 mid-year estimates of population	Figure refers to persons in private households
No. of persons 0-18 years with disabilities	24,400	N.I. Survey of Disability and 2009 mid-year estimates of population	Figure refers to persons in private households
No. of persons with disabilities in vocational training	4,073	On DEL programmes as of March 2011	
No. of persons with disabilities in higher education	2,650		
No. of persons with disabilities in working age	220,000	N.I. Labour Force Survey Jan-Mar 2011	Working age 16-64
No. of persons with disabilities in working age in employment	74,000	N.I. Labour Force Survey Jan-Mar 2011	Working age 16-64
Professional and technical enrolments at N.I. FE colleges	16,731 (10% of enrolments)	This relates to student self disability classification, not just those classified with a disability for funding purposes	

ISLE OF MAN

Article 15, paragraph 1

Question 1

1. The Disability Discrimination Act 2006 is intended to prohibit discrimination against disabled people in the provision of goods and services, but it has not yet been brought into operation. Consideration is being given to the principal actions needed to bring the Act into operation and the associated costs in order to ensure that this important legislation can be introduced without further unnecessary delay while also ensuring the legislation does not have unintended adverse economic impacts.

2. Discrimination in employment on the grounds of disability is not yet dealt with specifically in the Island's employment law. The former Department of Trade of Industry carried out a consultation exercise on an Employment Equality Bill in 2008 and following this consultation the Isle of Man Government agreed to the principle of developing legislation dealing with discrimination in employment on a number of grounds, including disability. The Isle of Man Government is presently considering the best approach for such legislation.

Question 2

1. The resources for the provision of training opportunities to people with disabilities have not materially changed since the last report.

2. Notwithstanding the current absence of legislation dealing with discrimination on the grounds of disability a number of actions are taken by the Isle of Man Government, in particularly through the Department of Social Care and Department of Economic Development, to assist those persons who have a disability.

3. The services of the JobCentre, which is part of the Department of Economic Development, are available equally to all persons, whether or not they have a disability. The Department's general training schemes are also available to people with disabilities. The Disability Employment Service is located within the JobCentre. If a person has a disability or health problem that is likely to last for 12 months or more, that affects the kind of work that they are able to do, the Disability Employment Service will try to assist with obtaining suitable employment.

4. The Department of Economic Development also works in conjunction with the Departments of Health and Social Care in providing support for disability in the workplace. A Disability Working Allowance is available as a benefit to help people with an illness or disability who are starting work or are already working.

5. A programme of enabling wheelchair access to all educational buildings has been ongoing for some time.

6. A new unit at the Isle of Man College is planned to improve access to education and vocational training in the future for young people post 16. In the

meantime, a joint programme has been initiated between Social Services and the Department of Education and Children for post 16 students based in the five secondary specialist provisions.

Question 3

1. In 2009/10 the Department of Economic Development's Employment Disabilities Scheme provided financial assistance in the amount of £171,698 to individuals or organisations to assist disabled people into employment by providing funding for training, specialist equipment, modifications to buildings etc.

2. There are approximately 80 young people in secondary school specialist provision and approximately 72 in primary school specialist provision.

3. 27 young people who have a hearing impairment and 5 who have a visual impairment receive support from the sensory service.

Article 15, paragraph 2

Question 1

As advised under Article 15(1) there is currently no specific legislative framework concerning discrimination on the grounds of disability but support is provided to persons with a disability by the relevant Isle of Man Government Departments.

Question 2

1. As stated under Article 15(1), the services of the JobCentre are available equally to all persons, whether or not they have a disability. The Department's general training schemes are also available to people with disabilities. If a person has a disability or health problem that is likely to last for 12 months or more, that affects the kind of work that they are able to do, the Disability Employment Service will try to assist with obtaining suitable employment.

2. Work has been carried out on most public buildings to ensure they are accessible.

3. The Department of Social Care's service delivery, Learning Disability Strategy, Adults Strategy: Living Life to the Full and the Mental Health Strategy all focus on promoting independence and emphasise the central importance of work.

Question 3

1. The Disability Employment Service currently has 251 active clients. The Department of Social Care supports 48 people in employment of which 24 are in voluntary employment.

2. The Manx Workshop for the Physically Disabled (sheltered employment) has 8 employees. Crossroads Caring for Carers supports 3 people in employment. Next Step and the Star Club provide support and vocational training for people with mental

health issues. Star Club has 90 people registered and Next Step 80 people.

3. A new supported employment service for people with learning disabilities has been developed with Mencap (a Charity that works with people with a learning disability).

UNITED KINGDOM

ARTICLE 18

Article 18, Paragraph 1

QUESTIONS 1 TO 2

1. The UK's immigration policies are set out in the Immigration Rules, which themselves derive authority from the Immigration Act 1971. Immigration to the UK is managed by the UK Border Agency (formerly the Border and Immigration Agency), which is an executive agency of the Home Office. Information for applicants is available on the Agency's website at www.ukba.homeoffice.gov.uk. See also '**Working in the UK**'¹.

2. Bulgarian and Romanian nationals are not subject to the Immigration Rules, but require permission to take up employment in the UK under the Accession (Immigration and Worker Authorisation) Regulations 2006. See also the response in respect of Article 18, paragraph 3 below.

3. In the period between 01/01/2007 – 31/08/2011 the major policy changes included:

- **01/01/2007** - Accession to EU of the 'A2' countries (Bulgaria and Romania). Nationals from these countries were no longer subject to visa controls. A2 nationals wishing to be employed in the UK must apply for Work Authorisation via the work permit arrangements, Highly Skilled Migrant Programme (HSMP), Seasonal Agricultural Workers Scheme (SAWS) or Sectors Based Scheme (SBS).
- **02/04/2007** - A new test requiring settlement applicants to demonstrate sufficient knowledge of the English language and life in the UK was introduced.
- **01/05/2007** - The Science and Engineering Graduates Scheme (SEGS) was replaced by the International Graduates Scheme (IGS), which covered graduates in any degree subject.
- **29/02/2008** - The first category of the Points-Based System (PBS), Tier 1 (General), replaced the HSMP for in-country applicants (excluding A2 nationals).

¹ <http://www.ukba.homeoffice.gov.uk/visas-immigration/working/>

- **01/04/2008** - Tier 1 (General) replaced the HSMP for applicants from India.
 - **30/06/2008** - Tier 1 (General) replaced the HSMP for all other applicants (excluding A2 nationals). The other categories of Tier 1 – for investors, entrepreneurs and post-study workers – were also implemented for all applicants (excluding A2 nationals), replacing previous categories.
 - **27/11/2008** - Tier 2 and Tier 5 of the Points-Based System were implemented and replaced previous routes, including the work permit arrangements (except for A2 nationals). Tier 2 is for sponsored skilled workers and Tier 5 is for youth mobility and temporary workers.
 - **31/03/2009** - Tier 4 of the Points-Based System was implemented, replacing the previous student categories. This completed the launch of the Points-Based System as Tier 3 (for low-skilled workers) was not implemented.
 - **06/04/2010** - Significant changes made to Tiers 1 and 2 of the Points-Based System, including revised points tables, following a review by the independent Migration Advisory Committee.
 - **19/07/2010** - Interim limit on the Tier 1 (General) and Tier 2 (General) categories implemented, in order to prevent a surge in applications while consultation took place on the design of a system for a permanent annual limit.
 - **06/04/2011** - Annual limit for Tier 2 (General) implemented. Skill threshold for Tier 2 raised to graduate occupations and English language requirement raised from basic to intermediate level. Intra-Company Transfers restricted to 12 months maximum stay unless earning £40,000 or above. Tier 1 (General) category closed. Additional flexibilities and provision for accelerated settlement implemented for the Tier 1 (Entrepreneur) and Tier 1 (Investor) categories.
 - **09/08/2011** - Tier 1 (Exceptional Talent) category launched for world leaders in the fields of science, engineering, humanities and the arts.
4. The Points-Based System does not apply to EEA or Swiss nationals.

QUESTION 3

5. Headline statistics by calendar year are shown in the table below.

Entry clearance visas issued by employment category

Category	2007	2008	2009	2010	2011 (Q1 only)
Tier 1 (& pre-PBS equivalents)	11,550	17,425	18,850	16,005	4,245
Tier 2 (& pre-PBS equivalents)	65,420	55,835	36,290	39,930	8,985
Tier 5 (& pre-PBS equivalents)	45,120	41,000	36,320	36,540	11,320
Other employment	47,205	40,125	21,250	21,450	4,260
Dependants	36,530	30,330	42,980	46,840	11,035
Total employment	205,825	184,710	155,695	160,760	39,845

[Source: Control of immigration: quarterly statistical summary first quarter 2011. Figures rounded to the nearest 5. Totals may not match exactly due to rounding.]

<http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigration-asylum-research/control-immigration-q1-2011-t/>

Article 18, Paragraph 2

QUESTIONS 1 TO 2

6. The legal framework and reforms are as previously described.

QUESTION 3

The Committee asked for statistics on nationals of States Parties that are not parties to the EEA Agreement

7. Points-Based System application fees are as follows. Nationals of Croatia, Turkey and FYR of Macedonia pay a reduced fee for some applications.

Tier 1 (other than Post-Study Work)

	Fee if applying outside the UK	Fee if applying by post in the UK	Fee if applying in person in the UK
Main applicant	£800	£1,000	£1,300
Main applicant (nationals of Croatia, Turkey or FYR of Macedonia, except Investor applications)	£720	£900	£1,170
Partner or child aged under 18 (applying at the same time as the main applicant)	£800 for each family member	£500 for each family member included on the main applicant's application form	£650 for each family member included on the main applicant's application form
Partner or child aged under 18 (if applying later), or child aged over 18	£800 for each family member	£550 for each family member	£850 for each family member

Tier 1 (Post-Study Work)

	Fee if applying outside the UK	Fee if applying by post in the UK	Fee if applying in person in the UK
Main applicant	£474	£594	£918
Partner or child aged under 18 (applying at the same time as the main applicant)	£474 for each family member	£297 for each family member included on the main applicant's application form	£459 for each family member included on the main applicant's application form
Partner or child aged under 18 (if applying later), or child aged over 18	£474 for each family member	£550 for each family member	£850 for each family member

Tier 2 (other than short term intra-company transfer categories)

	Fee if applying outside the UK	Fee if applying by post in the UK	Fee if applying in person in the UK
Main applicant	£400	£550	£850
Main applicant (nationals of Croatia, Turkey or FYR of Macedonia)	£360	£495	£765
Partner or child aged under 18 (applying at the same time as the main applicant)	£400 for each family member	£275 for each family member included on the main applicant's application form	£425 for each family member included on the main applicant's application form
Partner or child aged under 18 (if applying later), or child aged over 18	£400 for each family member	£550 for each family member	£850 for each family member

Tier 2 (short term intra-company transfer categories)

	Fee if applying outside the UK	Fee if applying by post in the UK	Fee if applying in person in the UK
Main applicant	£350	£350	£650
Main applicant (nationals of Croatia, Turkey or FYR of Macedonia)	£315	£585	£315
Partner or child aged under 18 (applying at the same time as the main applicant)	£350 for each family member	£175 for each family member included on the main applicant's application form	£325 for each family member included on the main applicant's application form
Partner or child aged under 18 (if applying later), or child aged over 18	£350 for each family member	£550 for each family member	£850 for each family member

Tier 5 (Youth Mobility Scheme)

Individuals can only apply from outside the UK and cannot bring dependants. The application fee is £190.

Tier 5 (Temporary Workers)

	Fee if applying outside the UK	Fee if applying by post in the UK	Fee if applying in person in the UK
Main applicant	£190	£190	£648
Main applicant (nationals of Croatia, Turkey or FYR of Macedonia)	£171	£171	£583
Partner or child aged under 18 (applying at the same time as the main applicant)	£190 for each family member	£95 for each family member included on the main applicant's application form	£324 for each family member included on the main applicant's application form
Partner or child aged under 18 (if applying later), or child aged over 18	£190 for each family member	£550 for each family member	£850 for each family member

8. The UK Border Agency's times for processing applications vary depending on the country the application is made from. Processing times are set out on the UK Border Agency's website at:

<http://www.ukba.homeoffice.gov.uk/customs-travel/beforetravel/visas/processing-times/>

9. The UK Border Agency's service standard for processing applications made in the UK is that it will decide 75 per cent of applications within 4 weeks.

Article 18, Paragraph 3

Questions 1 & 2

10. The legal framework is as previously described.

11. The UK currently has a "one in, one out" policy designed to prevent the overall level of regulation on businesses from increasing.

12. The UK Government aims to reduce the overall level of net migration in order to relieve pressure on jobs, housing and public services and restore public confidence in the immigration system. As such the Government has no plans to liberalise non-EEA nationals' access to the UK labour market.

13. Most Tier 1 and Tier 2 applicants qualify for indefinite leave to remain after five years in the UK. Once settlement is granted they are no longer subject to

employment restrictions. In September 2011 the UK Government completed a public consultation on reforming the routes to settlement, with a view to restricting settlement to only the brightest and best, and requiring other migrants to leave the UK at the end of five years.

Exercise of the right to employment

The Committee asks for confirmation of its interpretation of the position of Bulgarian and Romanian nationals after twelve months of regular employment in the UK

14. The Committee is correct in its thinking. Once such a person has completed twelve months continuous employment in the UK, the restriction is lifted. Full details are set out in the website pages.

<http://www.ukba.homeoffice.gov.uk/eucitizens/bulgaria-romania/>

Article 18, paragraph 4

15. The position remains generally as previously described.

The Committee asked for the next report to provide a complete list of practical circumstances in which citizens of the United Kingdom may be prevented from leaving the country, and their legal basis.

16. There are no regulations preventing UK nationals from leaving the UK to work in another State party.

17. A person could be prevented from leaving the country by Order of a Court or as a bail condition.

18. The Criminal Justice and Public Order Act 1994 gives the police the power to impose certain conditions on a grant of bail. The conditions include asking the suspect to surrender their passport.

19. Court Orders would include football travel bans¹. Such banning orders are issued by the courts following a conviction of a football-related offence, or after a complaint by the Crown Prosecution Service or a local police force. For an order to be issued, it must be proved that the accused person has caused or contributed to football-related violence or disorder and that an order will prevent them from misbehaving further.

20. In relation to sex offender management, a Foreign Travel Order may be made by a court under section 114 of the Sexual Offences Act 2003 to prevent a registered sex offender from travelling overseas if the court is satisfied that '*the defendant is a qualifying offender, and the defendant's behaviour since the appropriate date makes*

¹ <http://www.homeoffice.gov.uk/crime/football-banning-orders/>

it necessary to make such an order, for the purpose of protecting children generally or any child from serious sexual harm from the defendant outside the UK.

21. Recent changes introduced through the Policing and Crime Act 2009 increased the maximum duration of a FTO from six months to five years; increased the age threshold of a child who must be at risk before a FTO is made from 16 to 18 years old; and provided for automatic removal of passports from individuals who are subject to a blanket FTO banning them from travelling abroad to any country in the world.

ISLE OF MAN

Article 18, paragraph 1

Question 1

1. The Control of Employment Act 1975 (CEA) (work permits for workers from the European Economic Area and Switzerland) and Immigration Rules made under United Kingdom immigration Acts which have been extended to the Isle of Man provide the legal framework in this area.

2. In general, the legal framework remains as previously described except as described in the following paragraphs.

3. The Isle of Man Government was restructured in April 2010. The Department of Trade and Industry (which had responsibility for employment matters) has been replaced by the Department of Economic Development.

4. The fee for processing a work permit has increased from £25 to £50.

5. The Control of Employment (Exemptions) Order 2009 came into force on 1 January 2010. The order exempted certain employments, mostly of a temporary or intermittent nature, from the requirement for a work permit. The purpose of the Order was to make the Island an easier place to do business by reducing the administrative burden upon employers while at the same time protecting the essential interests of Isle of Man workers.

6. The Civil Partnership Act 2011 amended the Control of Employment Act 1975 in two important ways. Under the CEA a person who is married to an Isle of Man worker is taken to be an Isle of Man worker (and thus does not require a work permit). The position has now changed so that the civil partner of a person who is qualified as an Isle of Man worker is also taken to be an Isle of Man worker. In addition, the Department must grant a one year permit (sometimes known as a "section 3A permit") on application to anyone who is married to either a permit holder or an exempt person. The permit is renewable annually provided that the permit-holder's spouse is still working on a permit or is an exempt person and the couple are still married. A person who is the civil partner of either a permit holder or an exempt person is also now entitled to a work permit.

7. The Department of Economic Development consulted on a new Control of Employment Bill and new Regulations in 2010 with a view to modernising the legislation. The proposals have not yet been finalised. Any new legislation passed by Tynwald, the Isle of Man's parliament, will be provided with the next report.

8. The extension of the United Kingdom's immigration Acts to the Isle of Man was updated in 2008 by the Immigration (Isle of Man) Order 2008. At this time responsibility for making Immigration Rules in the Isle of Man was transferred to the Council of Ministers.

Question 2

9. In April 2009 Tynwald approved several recommendations made by the Council of Ministers on the Report of the Select Committee of Tynwald on Immigration. Recommendation 1 was to progress the introduction of a Points Based System for the Isle of Man (based on that in the United Kingdom) and that the system be introduced by July 2010. The changes have impacted on employers who require skilled workers to fill roles where there is nobody suitable in the Isle of Man or in the EEA. Previously these employers would have used the Overseas Labour Scheme (OLS) but will now use Tier 2 of the Manx PBS. Working closely with the Immigration service of the Chief Secretary's Office, the Department of Economic Development are responsible for administering Tiers 2 and 5 of the PBS.

10. Before they can employ skilled workers from beyond the EEA or Switzerland employers apply to the Department of Economic Development (DED) for a sponsors licence and pay a fee of £310 for small sponsors, (which includes charities and companies with fewer than 50 employees) and £1025 for medium and large sponsors. The sponsor licence lasts for 4 years.

11. The guidance document on the PBS can be viewed via the following link:

<http://www.gov.im/lib/docs/ded/employmentRights/DED/manxpbssponsorsguidance.pdf>

Question 3

12. There is no substantial change from the information provided in the previous report. Figures relating to the issuing of work permits under the Control of Employment Act 1975 in the period 2006 to 2010 are set in the table below. Reductions in the permits issued are line with predicted reductions following the introduction of the Control of Employment (Exemptions) Order 2009.

Year	Total no. permits issued	New permits: employed	Renewals: employed	New permits: self-employed	Renewals: self-employed	Applications initially refused	Refusal upheld
2006	9752	5755	3474	320	203	79	61
2007	10357	6139	3669	353	196	48	38
2008	10727	6201	3862	424	240	82	77
2009	9167	3952	4634	301	280	138	121
2010	7572	3669	3316	271	316	123	108

13. In addition, during the period 2006 to 2010, the following numbers of permits under the Overseas Labour Scheme/Points Based System were issued:

Year	Overseas Labour Scheme/PBS permits issued
2006	202
2007	203
2008	245
2009	188
2010	115 (63 OLS 52 PBS)

Article 18, paragraph 2

Question 1

14. The Control of Employment Act 1975 (CEA) (work permits for workers from the European Economic Area and Switzerland) and Immigration Rules made under United Kingdom immigration Acts which have been extended to the Isle of Man provide the legal framework in this area.

15. In general, the legal framework remains as previous described save for the changes set out in answer to Article 18§1 question 1.

Question 2

16. Changes to Immigration Rules (including those used by employers and employees under the Points Based System) are referred to a sub-committee of the Council of Ministers, known as the Migration Policy Group. This Group is required to consider changes to the Points Based System operating in the UK, and to recommend to the Council of Ministers whether to adopt the changes in the Isle of Man, or not. Any changes that are to be adopted in the Isle of Man are made by the Council of Ministers and laid before Tynwald, before becoming operational.

Question 3

The annual income from Control of Employment Act permits was:

2006 – 2007 = £251,276.00
2007 – 2008 = £230,847.00
2008 – 2009 = £252,717.00
2009 – 2010 = £275,577.00

Income from PBS/OLS for the period July to December 2010 was £21,515.

Article 18, paragraph 3

Question 1

The Control of Employment Act 1975 (CEA) (work permits for workers from the European Economic Area and Switzerland) and Immigration Rules made under United Kingdom immigration Acts which have been extended to the Isle of Man provide the legal framework in this area.

In general, the legal framework remains as previous described save for the changes set out in answer to Article 18§1 question 1.

Question 2

As with Article 18, paragraph 2, question 2 – changes to the Points Based System within the Immigration Rules are referred to the Migration Policy Group, who will recommend, or otherwise, the changes to the Council of Ministers.

Article 18, paragraph 4

Isle of Man residents may freely leave the Island in order to take gainful employment in another country. However, those individuals may be subject to work and/or immigration controls in the other country.