

Unpaid work experience – getting it right

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Contact: pbates@ndt.org.uk Suggestions for further refinement or improvement of this document are very welcome. Document last updated 3 January 2006 .

Definitions

Unpaid work experience is:

- **Unpaid** – it is a situation where the person is clearly not a worker. This means that the person is not paid, there is no contract (either written, verbal or implied) and there are no sanctions² if the person does not achieve expectations of attendance or productivity. Introducing one or more of these factors could lead to the person being classed as a worker and so becoming legally entitled to the full range of employee benefits.
- **Temporary.** Government guidance suggests that unpaid work experience should be of limited duration, with maximum periods set at anything from 10-15 days³ to one year⁴, depending on the group concerned. Whilst the circumstances of adults with learning disabilities or mental health issues may be different to these groups, it is hard to envisage a situation where a time limit of this scale would be inappropriate. People should move on in a short time to waged employment, education or volunteering for a charitable cause. They would not usually move into another period of unpaid work experience, unless this was part of a time-limited series of different experiences designed to help a person compare a range of job options.

¹ The following people contributed ideas to this paper (they all spoke as individuals, rather than giving a formal response from their organisation): Sarah Bastow (Supported Employment, Gateshead Council), Dr. Steve Beyer (Welsh Centre for Learning Disability), Marion Blake (Lincoln Employment Service), Simon Francis (Department of Work and Pensions), Richard Frost (Devond Partnership Trust), Dr. Bob Grove (The Sainsbury Centre for Mental Health), Joan Maughan (National Development Team), Lynne Miller (Vocational Services Manager, CNWL Mental Health NHS Trust), Adam Pozner (TriNova), Liz Rhodes (The National Council for Work Experience), Katie Rowan (Freelance Management Consultant and specialist on Supported Volunteering for people with learning disabilities), Professor Justine Schneider (University of Nottingham) Wendy Silberman (National Development Team), Richard Wilson (Breaking the Barriers, Leicestershire).

² At present, the Department of Work and Pensions have not explained how the sanctions that are present in an employment setting differ from active engagement in a therapeutic programme. Both environments have clear expectations and consequences for non-compliance. Such consequences may reach beyond the employment or therapeutic setting. This is an area of unresolved difficulty in creating a clear distinction between unpaid work experience and contracted employment.

³ A ten-day period of work experience is part of the curriculum for young people aged 15. JobCentre Plus offers some jobseekers a *worktrial* which must last no more than 15 working days.

⁴ Dti (2004) *A Detailed Guide to the National Minimum Wage* paragraph 35 indicates that unpaid work experience for higher education students may last no longer than one year.

- **For the person.** The unpaid work experience is designed to benefit the person, rather than solely to bring profit to the business. The government promotes work experience as a valuable activity for employees and employers⁵. It can also be personally rewarding and fun!
- **Commercial.** Sometimes in a commercial setting, while volunteering⁶ is usually carried out in the voluntary or community sector with not-for-profit organisations. Many (but not all) of the principles here will be equally applicable to volunteering in the not-for-profit sector.

Work trial, job introduction, work preparation or work experience?

Jobcentre Plus offer Work Trials that can last up to 15 days. They are really extended interviews – a chance for the potential employee to find out about the job and show the employer what they can do. They only happen where there is a definite vacancy that the employer is seeking to fill and where the employee is treating the potential employee as a serious candidate for this vacancy. People on a work trial continue to receive welfare benefits and can also claim expenses for travel (up to £10 per day) and meals (up to £3 per day)

Where there is a definite vacancy and the applicant has a disability, Jobcentre Plus can also offer the Job Introduction Scheme which pays the employer £75 per week for six weeks (or longer in some cases) to give both parties time to come to a decision. Applications for the grant have to be made in advance of the person starting and the job should last longer than six months. People on the Job Introduction Scheme are paid the going rate for the job.

Jobcentre Plus also offers Work Preparation. This is an individually tailored programme designed to help people with health conditions or a disability return to work following a long period of sickness or unemployment. It can also help people who are at risk of losing their job because of their disability by helping them to overcome difficulties that are affecting their work. It may last for a few days or up to 13 weeks and can be part time or full time. Work Preparation programmes are run on behalf of Jobcentre Plus by provider organisations and take place either at the provider's premises or with a local employer. Participants claim travel expenses and either stay on their existing benefits or claim an allowance.

In contrast, unpaid work experience might be arranged in a place that does not have a definite paid job vacancy that the employer is seeking to fill. A vacancy might arise during or shortly after the work experience placement or the potential employee might gain valuable experience and then move on to paid work with another company.

⁵ National Committee of Inquiry into Higher Education (1997) *Higher education in the learning society* (Dearing Report) London: DfES. "Recommendation 18: We recommend that all institutions should, over the medium term, identify opportunities to increase the extent to which programmes help students to become familiar with work, and help them to reflect on such experience. Recommendation 19: We recommend that the Government, with immediate effect, works with representative employer and professional organisations to encourage employers to offer more work experience opportunities for students." Similar enthusiasm has been expressed for the expansion of work experience opportunities for school leavers.

⁶ Volunteering England asserts that voluntary placements should be in the not-for-profit sector. Guidance about establishing a Supported Volunteering service can be found in Bates, P (2002) *A Real Asset* Manchester: National Development Team.

Benefits for the employer

Employers say that they get the chance to assess a potential employee, learn about disability, add valuable employees to their team, enrich the culture of their workplace and find out how to support all their staff more effectively. Work experience offers a way to exercise corporate responsibility and reap its many benefits, including reputation and risk management, employee satisfaction, innovation and learning, access to capital and improved financial performance.⁷

According to the National Council for Work Experience, “People on work experience placements can offer many qualities to your organisation and can offer fresh new ideas or develop projects that the company just hasn’t had time to carry out. People asking for work experience are looking for the opportunity to develop the skills they need for the world of work. They are enthusiastic and hardworking and by offering a period of work experience, your business will gain new ideas and fresh enthusiasm, as well as a cost-effective flexible solution to your recruitment needs. They can bring additional skills and energy to tackle projects that you have not had a chance to address, help you find out what your customers and new recruits see when they first contact your company, and offer ‘out-of-the-box’ solutions. You can profit from their skills!”

These benefits do not accrue unless the employer is able and willing to invest some time and effort into making the work experience placement a success. There are times in the life of every enterprise when business pressures mean that this is not practical and it would be irresponsible to offer a work experience placement.

Benefits for the person

Participants say that they enjoy the work; learn technical and social skills; make friends, grow in confidence and independence; gain a clearer vision of what they like and dislike; establish a routine of timekeeping and attendance; and find out about this workplace in particular and also the general impact of work on their life.

Why is this Guidance needed?

This paper focuses upon people with learning disabilities or mental health issues, but many of its principles can be applied to vulnerable adults and young people.

The social inclusion agenda is pressing health and social care services to offer more community-based opportunities instead of day centre places to disabled adults of working age.

The Government has recently noted that the number of people receiving Incapacity benefits as a result of mental illness has overtaken the number of people claiming Jobseeker’s Allowance⁸ and this has strengthened the commitment to expand the Pathways to Work programme.

This all means that the number of requests for unpaid work experience placements is likely to grow. Until now, there is little research evidence and few safeguards. This guidance is an attempt to stimulate interest and promote good practice in the field.

⁷ Little, Arthur D (2003) *The Business Case for Corporate Responsibility* London: Business in the Community

⁸ Layard, R (2004) *Mental Health: Britain’s biggest social problem?* London: Prime Minister’s Strategy Unit.

The Work Experience Broker

In this paper, we describe the role of the Work Experience Broker. This person arranges and then supports people with learning disabilities or mental health problems to take up unpaid work experience. At the same time, the broker supports the 'employer' (or to be accurate, the work experience placement provider). Finally, the broker works with other relevant people, such as staff in the health or social care service or family members, to ensure that the unpaid work experience is a success.

Unpaid work experience should be part of a comprehensive employment service based on the Individual Placement and Support model (IPS)⁹. This is well researched and has been shown to be the most effective way of assisting people to obtain waged work.

Since work experience should be part of IPS, the Work Experience Broker is unlikely to have this role on a full-time basis. Instead, their main role may be as an Employment Broker with JobCentre Plus, a staff member in a Supported Employment service or a vocational specialist employed by a health or social care service. Staff who split their time across the roles of Work Experience Broker and other activities will need to consider whether there are any potential conflicts of values or responsibilities to be resolved.

Some organisations choose not to use unpaid work experience for ethical reasons (such as a belief that employers should not obtain benefit from the difficulties that disabled people have in obtaining employment) while others look to staff in other organisations to provide the Work Experience Broker, rather than providing the service themselves (perhaps by linking up with the Jobtrial programme at the local Job Centre Plus).

The role of commissioners in considering quantity and quality

Most people want a paid job, so Commissioners need to ensure that local brokerage services are majoring on support for waged employment, with correspondingly less emphasis on unpaid work experience. However, unpaid work experience has a role, and commissioners need to satisfy themselves that local services are meeting high standards in this regard. A recent survey¹⁰ of 3,000 learning disabled people found 6% were in unpaid work, so that translates to a substantial number of people in each locality. A key indicator will be to see if the unpaid work experience actually leads to paid jobs for a satisfactory proportion of people.

The remainder of this paper describes the characteristics of a high quality work experience as we understand it.

A high quality experience¹¹ will include the aspects set out below.

⁹ Crowther, R.; Marshall, M.; Bond, G. and Huxley, P. (2000) *Vocational rehabilitation for people with severe psychiatric disorders* Cochrane Library. Also Policy Consortium for Supported Employment (2000) *A Policy Framework for Supported Employment* York: Joseph Rowntree Foundation. Summary available at www.jrf.org.uk/knowledge/findings/foundations/n20.asp

¹⁰ Department of Health (2005) *Adults with Learning Difficulties in England 2003/4*.

¹¹ Some of the principles that are listed here have been adapted from materials supplied by The National Council for Work Experience <http://www.work-experience.org/>

Choice

The person should have real control over the key decisions - whether to gain work experience or not, the nature of the activity, where it should happen, and the timing and duration. Usually this means that the work experience is driven by a person-centred plan¹².

Marketing

The Work Experience Broker that negotiates the placement will be adept at presenting the advantages and opportunities of work experience to potential participants and employers.

Selecting suitable placements

The Work Experience Broker should have a mechanism in place to identify and select suitable work experience providers (i.e. 'employers'), in collaboration with other local agencies that are seeking such placements for students and others. Such providers will:

1. Describe opportunities accurately, so that the placement turns out to be like everyone expected. This may be summarised in a **Work Experience Plan**. The Work Experience Plan also identifies the aim of the work experience, start and finish dates, hours and days of work, any restrictions (e.g. work tasks to be avoided), as well as the name of the supervisor and frequency of reviews. In some cases, it may also be appropriate to include a confidentiality agreement. If roles, duties or times need to change during the placement, then this will be explained to the person.
2. The length of the placement will vary depending on the person's individual needs. For example, a taster or work trial may only need to last one or two weeks, whereas a placement which aims to support the person to develop a range of complex technical or social skills may need to run for six to twelve weeks or even longer, especially if the person needs a little extra time to settle into the workplace. If the aim of the placement is to increase work tolerance or provide additional skill development opportunities, it may also be necessary to change the working hours over the course of the work experience placement.
3. Adhere to the spirit and detail of legislation covering health and safety, insurance, equal opportunities and the national minimum wage¹³. This includes creating a physical and social environment where people are kept safe from abuse and exploitation. Keeping everyone safe may involve individual arrangements designed around a person-centred risk assessment¹⁴. It will also mean that co-workers welcome the individual, rather than viewing the person as a threat to their own job security. The Government's proposals for changing the arrangements for vetting and barring people who work with vulnerable adults will impact upon unpaid work experience.¹⁵

¹² Read more about person-centred planning in Ritchie, P; Sanderson, H; Kilbane, J. & Routledge, M. (2003) *People, Plans and Practicalities: achieving change through person centred planning* Edinburgh, SHS Ltd. For a reflection on mental health models, see Bates, P (2004) Editorial *A Life in the Day* 8(3) pp 2-3.

¹³ A wide range of resources are available at <http://www.workexperience.co.uk/> and detailed analysis can be found in Johns A & Miller A (3rd edition 2002) *Work experience and the law* Warwick: Centre for Education and Industry.

¹⁴ Duffy, S (2004) *Workbook on Person Centred Care Management* Bristol: Valuing People Support Team with Paradigm.

¹⁵ Department of Health and Department for Education and Skills (2005) *Making Safeguarding Everybody's Business: A Post-Birchard Vetting Scheme*. Paragraphs 3.5.4.1 to 3.5.4.4 are relevant.

4. Design the work experience to maximise learning and development for the person, rather than merely harnessing their productivity or as a means to avoid employing staff. Induction will be effective and opportunities for skills development will be given whenever appropriate. A key element of the experience may be an interview that is similar to the one used in the process of applying for paid work with this employer.
5. One of the keys to success is effective monitoring. This should involve regular meetings between the Work Experience Broker and the person to discuss what is going well with the Work Experience, what has been achieved, as well as areas for development in the next stage of the placement. Any problems with work or relationships at work need to be addressed as soon as possible. In addition, it is vital that the Work Experience Broker contacts the employer regularly to find out their perspective on the placement. A documented, monthly meeting between the broker, employer and the person brings together everyone's insights.
6. Wherever possible, arrange a pathway from work experience into paid work. Some brokers will only arrange unpaid work experience with employers who already employ disabled people. This is because they feel that when 'new' employers are contacted, their first experience with disabled people should normally be to consider employing them, rather than offering unpaid work experience placements, as this sends a clear message about expectations. Other brokers also arrange unpaid work experience placements with employers who have not previously employed a disabled person, as they feel that, properly handled, this can lead to wider opportunities and an improvement in attitudes. In both cases, success is measured in paid jobs, positive experiences and lowered barriers. For people who have difficulties transferring their learning from one environment to another, it may be especially important to make the transition from unpaid work to paid work within the same workplace.
7. If an employer is unwilling to commit to employing the person at the beginning of the placement, this should be discussed again as the placement progresses. If there is any possibility that a job will not be offered, a **Job Seeking Plan** should be developed by the midpoint in the work experience. This will identify any development needs that the person has in relation to job seeking skills, and identify weekly job search activities and will require active monitoring and support from the broker.

Welfare Benefits

Despite Government support for unpaid work experience, some people have reported that the local Jobcentre Plus has treated participation in unpaid work experience as evidence that the person is entirely fit for waged employment. This has meant that participating in unpaid work experience has jeopardised the person's income security. Work Experience Brokers should work creatively with local Benefits Agency staff to clarify the situation and ensure that individuals are able to progress without hindrance.

http://www.dh.gov.uk/PublicationsAndStatistics/Publications/PublicationsPolicyAndGuidance/PublicationsPolicyAndGuidanceArticle/fs/en?CONTENT_ID=4122404&chk=SEFWf1 accessed 6 Nov 2005.

Additional tasks for the person (with support as needed)

The Work Experience Broker will support the person to identify why they want to do this particular work experience and to set personal learning objectives in partnership with the Work Experience Broker and the employer.

This discussion includes a clear and honest account of what is currently known about the person's level of skill and support requirements, so that the employer and other people who might be involved know what to expect and are aware that the view may change as a result of the experience.

As part of setting up the experience, learning objectives will be recorded using an agreed structure, in a format (writing, pictures, audio) that is accessible to the person, and the person will hold a copy.

Throughout the placement, the person will be supported to make and share a personal record of their experience, including their learning, development and achievements. This might include photos, videos or written materials.

After the placement is over, the person will be supported to integrate what they have learnt from this work experience into their longer-term career and life planning.

Additional tasks for the employer

A named person in the employer's company (the 'employer supervisor') who understands the purpose of work experience will give support to the person, undertake regular supervision, appraise skills and give feedback.

The person's contribution will be recognised and valued through the award of a certificate, reference or some other formal acknowledgement.

Additional tasks for the Work Experience Broker

The Work Experience Broker should visit the person at their work experience setting at an agreed frequency to undertake supervision. This is to give support, assess personal development, and give regular feedback to the person.

In addition to the benefits accrued by the person and the employer, the unpaid work experience is likely to give relatives greater understanding of the potential impact of employment and build their confidence in relation to the perceived risks of independence. The Work Experience Broker should work (as appropriate) with relatives and health and social care staff to realise this potential benefit.

The unpaid work experience is also likely to help the Work Experience Broker learn how to be more effective in assisting:

- the person find the right paid job
- the employer to make suitable adaptations
- everyone involved to develop ideal support arrangements in the workplace.

Debbie has a bi-polar disorder and has recently qualified as an Occupational Therapist (OT), but has found it difficult to find work due to her lack of practical experience and also because she feels that she lacks confidence. She would ideally like to work within a Community Mental Health Team, but is aware that she will need at least two years experience as a therapist in order to do this. Hence, she is happy to start off with some unpaid work experience in a day service.

Debbie was referred to CNWL User Employment Programme and various OT roles were explored. She decided that she would like to begin by working on an unpaid basis in a Day Hospital and a placement was negotiated for two days per week. Her role involved working with other members of staff to co-facilitate a range of group activities, and as the placement progressed she began to take a lead in running some of the activities.

For a time during her placement, Debbie experienced a crisis of confidence, for which she sought support from both her Employment Advisor and Supervisor. This enabled her to work through her anxieties about performing at work, and to stop being hard on herself.

The placement was initially established for 3 months, but in order to ensure that Debbie had time to develop a range of skills and increase her confidence, the placement was extended to six months. She reported that she really enjoyed the work she was doing, and felt comfortable being part of the team. She also enrolled onto a DIY course 3 days of the week with help from her Employment Advisor, which enabled her to upgrade to a full week of work and training. She is hoping to use the skills she learnt from the DIY course in running groups in the future.

Debbie is now in the process of making the transition into employment. She has completed the course and has increased her days at the placement to five per week, in order to prepare her for full-time roles. Debbie has also been linked up with the Job Centre who conducted a 'better off calculation' to help her manage the process of coming off benefits, and once she is employed will receive a £150 clothing allowance. She is currently applying for a range of posts within the Trust, and we are very confident that she will be successful in the near future.

Debbie Says, *"I have really got a lot out of being part of a team, which has given me a sense of belonging. Working part-time also enabled me to build my confidence and skills gradually, whilst also helping service users to develop their skills and confidence."*

Supervisor Says, *"Debbie has been a reliable and proactive member of the team, offering her time in running groups and dealing with small projects, she is open to discuss any issues she may be experiencing. Her genuineness towards clients has meant she has developed good rapport with them, which they have found very supportive"*.

For more information about the CNWL User Employment Programme email Lynne Miller at lynne.miller@nhs.net