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Executive summary

Access to Work (AtW) is an investment as the Treasury receives more money back than is spent by DWP on this scheme. Sadly, AtW advisers seem committed to frustrate the process due to poor training, low morale, giving conflicting information and failure to follow their own policies and Guidance Notes.

The 30 hour rule and salary judgement was poorly researched and is already causing great distress to deaf people, employers and interpreters. This should immediately be permanently revoked and consultation with ASLI (the professional association for BSL/English Interpreters) should commence immediately.

The in-house interpreter role causes an interpreter’s skills to atrophy, boundaries between interpreter and deaf person as well as the interpreter and nominal employer to be compromised ultimately lead to the interpreter losing the post, if not because they will be unable to fulfil requirements of the NRCPD Register then it will be through increased upper limb disorders.

Feedback regarding the AtW scheme

1. Introduction. I have been a Registered Sign Language Interpreter (RSLI) with NRCPD for over ten years. I have worked in a variety of situations, initially as an employee with a company and more recently on a freelance basis, working on behalf of a variety of agencies, organisations and individuals. I am submitting this document as I am very concerned about the Access to Work scheme (AtW) generally as it is operated by the assessors and further up the management line. I am also extremely concerned about the imposition of the 30 hour rule, which is already having such a destructive effect to so many deaf people and some organisations that they work in.

2. Given some of the comments from AtW assessors over the years demonstrating their beliefs in some fantastic myths or lack of deaf awareness, and that your Committee members may welcome some foundation, I will explain a little around deaf people, British Sign Language (BSL) and sign language interpreters.

3. Nine out of ten deaf babies are born to hearing families. Sadly, in order to keep money within their boroughs, many local authorities have blanket policies that dictate this child must go to a mainstream school which has few, if any deaf peers even though the child may be better suited to a deaf school environment surrounded by a variety of deaf peers and role models. This means that many deaf people are disempowered and under achieve in both social/interpersonal skills and academically too. This is compounded in that a higher percentage of deaf adults go on to have a higher level of mental health problems compared to the hearing population.
4. BSL is a visual-gestural language and has its own syntax and grammatical structure. It is not the same as English, which is a linear language with quite distinct grammatical rules of its own. As a result of lobbying, BSL was officially recognised by UK Government as the fourth indigenous language of UK in 2003. There is no worldwide sign language, in the same way as there is no single universal spoken language and the EU issued a statement recognising the validity of each member state’s own sign languages as distinct languages some years ago. The last research showed that the average English reading age of deaf school leavers was that of a 9 year old. This demonstrates how hard deaf children have to work if they want to conquer a second language, English, in addition to becoming fluent in their first, BSL if given the right support. Like many other people with protected characteristics under the Equality Act 2010, deaf people learn from this early age to work harder just to prove themselves on an equal footing with their hearing peers.

5. To become a sign language interpreter (not communicator/signer), a person has to pass different levels of examinations in BSL. The main examining body, Signature, have four levels. This can be pursued part time initially before following a vocational or academic route. Once acquiring the fourth of these (Level 6 NVQ Certificate), the person then goes on to study how to become an interpreter through Level 6 NVQ Diploma or an academic route which has been mapped by Signature. This requires many years of study, accumulating the costs of fees for materials, study, college/centre fees etc. AtW are encouraging the use of communicators for more deaf people, yet their linguistic competence is at the equivalent of GCSE. It cannot be reasonable for deaf people or their employers in the work place to be accurately represented by people with such a limited level of language skills, and having no interpreter training either.

6. Once the person has passed this diploma, they pay an annual fee to go on the NRCPD Register at the highest (RSLI) status. This requires actively complying with their Code of Ethics and supporting guidelines. It also requires ongoing continuous professional development (CPD) for a minimum number of hours each year. There is also a complaints procedure should such unfortunate situations arise. This is a fantastic Quality Assurance benchmark for anyone booking an interpreter for their meetings etc. Communicators and signers do not have this requirement, so can often provide a poor service with no formal way for deaf or hearing participants to complain afterwards.

7. From conversations with some spoken language agencies, their community spoken language interpreters do not undergo this level of training. They simply recruit people who use a particular spoken language in their homes. I was told that the people recruited only have to pass a language test set by the
agency, no further academic or linguistic Quality Assurance is required. This troubles me deeply, especially having seen some spoken language interpreters at work, behaving in what I consider to be very unprofessional ways. Were this model to be used for BSL/English interpreting, there would be so few hearing people who use BSL in their family situations and would have such questionable fluency/behaviours to ‘sign’ for deaf people.

8. There are insufficient NRCPD registered interpreters in the UK. This was identified in the DWP In-house Report 102 about BSL/English interpreter provision in England, Wales and Scotland back in 2002 and has not improved. For example, I was advised by Greater London Authority two years ago that they estimate 1 in every 1000 residents are deaf BSL-users. Greater London’s population is approaching eight million people, which means there are conservatively eight thousand deaf BSL users living in Greater London, which excludes those who travel from outside to work there. To meet this need, I understand there are around 90 RSLI and 30 TSLI (Trainee Sign Language Interpreters) to meet this linguistic need for deaf people at work, attending hospital operations, doctors appointments, developing through further and higher education etc. Hence many sign language interpreters will travel in from outside the Greater London area to help meet the demand.

9. Access to Work is theoretically a marvellous scheme to enable deaf (and disabled) people to get a job, stay in that job and move up in order to achieve their potential. It encourages employers to truly recruit the right person for the job, rather than make a judgment in the interview based purely on additional costs for support compared to a non-disabled person. For potentially productive deaf people, without AtW, the alternative is to remain unemployed because they are viewed as expensive to employ. This will have the resultant negative impact on their self esteem and mental health due to society’s perception of the merit of having a job. In addition to the increased potential for mental health problems, deaf people are up to four times more likely to remain unemployed than hearing people.

10. I believe AtW has been referred to in reports as the greatest secret. Its value was recognised in the 2011 DWP report by Liz Sayce which identified that for every £1 spent by DWP on the AtW scheme, the Treasury receives £1.48 back. This would seem to be a clear case of a fantastic return on investment for the Government. However, Mike Penning and the DWP seem to have adopted a silo mentality to slash the AtW budget to achieve their departmental cuts quota, rather than taking a holistic view of the overall benefit to the Government.
11. The fantastic potential for the scheme is frequently frustrated by AtW advisers. Whilst I appreciate they do not feel valued by their managers, they are clearly demotivated and poorly trained. In some cases, they have a very poor grasp of English from some communications by some letters/emails/phone calls I have seen/heard. Whilst AtW is there to assist people into work, the advisers often exhibit behaviours that are designed to block the process and prevent deaf people’s development. I have also been told by deaf people how they have been shouted at and, in one instance, a deaf person was told that because the adviser judged that an email was written in good English, the deaf person clearly didn’t need an interpreter for their work.

12. Prior to the latest round of DWP redundancies, I understand those staff who chose to become specialists for deaf people’s cases would be given just a half day training course. I was advised that part of this course gave spurious claims about interpreters’ annual salaries which they have been unable to evidence.

13. Historically, assessors would visit the deaf person’s workplace but this is done over the phone/on paper now I understand to cut costs. These assessors seem not to have detailed understanding of what different support is required for different deaf people. In one case, I was advised of a clear conflict of interest when the assessor allegedly said the deaf person could only have a communicator (ie: as mentioned above they would only have limited linguistic skills, no interpreter training and so unregistered) and, by co-incidence, the assessor also ran their own communicator agency which could provide staff.

14. From my own experience, advisers also give conflicting information and downright mistruths. Examples include claims that ASLI (BSL/English Interpreters’ professional association) approved of the salary limit for 30 hour contracts. Currently, I’ve been told that AtW advisers have introduced fixed rates of £25 per hour for bookings out of London and £30/35 for bookings in London and also that AtW now only fund one interpreter for events requiring two as well as a claim that management say only scientists would get a Level 6 NVQ interpreter. Others have told me advisers have claimed that all deaf people are fraudsters and another claimed that an adviser said it was a better use of AtW funds to support five disabled people who only need a bit of equipment rather than one deaf person who needed an interpreter. None of these rates/comments are supported by the Guidance Notes they are supposed to work to. The advisers have consistently failed to advise people of the challenge process should the deaf person want to request a review. They have frequently allegedly told deaf people that there is no such process, despite their guidance notes explaining the entire process. As a direct result,
many deaf people have told me they are frightened to ‘rock the boat’ as they fear they will suffer the repercussions when their case is reviewed within the following three year cycle.

15. I have great concerns about the imposition of the 30 hour rule. Firstly because I work with some people who are in small organisations/charities or are self-employed where they simply cannot afford to pay the market rate for the level of interpreters they require in order to be accurately reflected in the workplace. They would have to close their business and become unemployed/unemployable.

16. Some of the deaf people I work with have standard extended working days beyond 50 hours or more, which can include weekends and bank holidays. Again, the AtW fixed hours/pay would prevent the deaf person from being as dynamic and effective in their respective professional domains as they were before this restriction. As some of those are self employed or in small organisations, they are simply be unable to pay additional interpreter hours from their very small income.

17. The lump sum paid by AtW is for a generic ‘support worker’ which does not recognise the level of study (equivalent to post-graduate level), expertise and ongoing professional obligations interpreters have to undergo in order to achieve and maintain RSLI status. Both this £30,000 figure and the latest alleged fixed rates seem to be figures picked at random. It would be better if the senior managers had actually done research/held meetings with ASLI, the professional association for BSL/English Interpreters to get a better idea of fees in the real world.

18. In order to be appoint an interpreter to a 30 hour post, for the employer’s own quality assurance they would want to appoint someone on the NRCPD register. However, once appointed, the in-house interpreter would not be able to access further interpreting specific training and development opportunities as required by NRCPD for CPD purposes, so would be unable to re-register with NRCPD. This would mean that the in-house interpreter no longer met the person specification for the role and so would have to leave, with the resultant impact on the deaf person’s productivity having to cope without an interpreter.

19. Whilst the in-house interpreter could develop a detailed BSL lexicon for the organisation they solely work in, there is a high risk of complacency plus their interpreting and linguistic skills would atrophy because of working in one domain for the same one person or group. This does not create professional or job satisfaction and is a waste of the years of training achieved.
20. The in-house interpreter would be tied to having their holidays at the same time as the deaf person. This is unreasonable and I would not be reassured by any placating words from AtW senior managers on this point, as there are already too many instances of conflicting information being given by sometimes aggressive or disinterested staff.

21. The deaf person is robbed of the choice of interpreter for their various workplace events and meetings. For example, many deaf people have lists of interpreters they choose for particular domains. This recognises some interpreters are better suited to support the deaf person in, for example, arts/performance-based environments and other interpreters are better suited when attending business/finance meetings. This can mean the deaf person is misrepresented in meetings. Deaf people are already banned by AtW from using in-house interpreter agencies. AtW have also banned agencies from taking a booking fee which means these agencies will not take on the responsibility of seeking interpreters as the agency will not be recompensed.

22. Professional boundaries will become eroded over time between the interpreter and the deaf person as well as between the interpreter and the nominal employer. For example, the interpreter may be denied the right under the NRCPD Code of Conduct to decline to interpret in a particular situation with the deaf person if it is beyond the interpreter’s skill level or due to a conflict of interests. This could then leave the interpreter open to the formal NRCPD complaints process resulting in suspension/removal from the sole national Register and so losing any further work opportunities.

23. If a deaf person is ill (whether short or long term) or not present for any other reason, there would be an expectation by the nominal employer that the interpreter would cover the job on behalf of the deaf person. This is a fraudulent activity under the terms of AtW funding which is designed to support the deaf person doing the job, not the interpreter instead but the busy nominal employer will not be interested as they will want the job done, no matter who does it.

24. There will not be any supervision/appraisal for the in-house interpreter as no-one will be able to appropriately judge. The interpreter will not be able to actively contribute to team meetings as they will be expected to interpret for the deaf person, although the interpreter is part of the same team and may want to contribute in their own name.
25. If some larger companies agree to recruit an in-house interpreter and find someone suitable, will that interpreter be taxed for personal benefits as reported on P11D even though the salary is below what they would usually pay their staff (I’m thinking of some multinationals here).

26. If the deaf person chooses to leave the company for any reason, the interpreter effectively becomes redundant. The nominal employer will not accept responsibility for redundancy pay, especially if they only pay the AtW salary to the interpreter. Based on advisers’ comments so far, it seems the DWP will also deny responsibility so what would be the interpreter’s legal position under employment legislation?

27. As the organisation paying the salary in full or the greater percentage, DWP would have a vicarious responsibility for the interpreter’s health and safety at work. However, when I raised this point with an adviser, I was casually told that it was not their problem. There has been research to show the impact of interpreting for extended times has the same effect on the body as working on a heavy factory production line so the increased risk of upper limb disorders is present as a direct result of AtW rules. There are already some interpreters who have had to cut back/stop work due to these issues. Similarly, working solo for extended periods leads to inaccuracies in working between the two languages which can affect the interaction between the parties.

28. Other issues that currently occur include:

   a. AtW deny any contractual relationship in the booking, yet they ultimately pay the invoice. Clarification would be welcome here.

   b. HMRC allow a mileage for car business travel at 45ppm, yet AtW only allow 25ppm (where those advisers will allow mileage – another inconsistent application). All public transport costs are refused which seems counter-productive to the Government’s attempts to encourage more people to use it for environmental reasons etc.

   c. Other professionals make a cancellation charge (eg: dentists, counsellors etc) if within a certain timescale as custom and practice. AtW will not currently allow this, although some advisers have said the interpreter should invoice as usual without stating the booking was cancelled. This makes many interpreters unwilling to take such bookings for the risk of turning other work away which would respect their cancellation terms. Unless the interpreter can get alternative work, AtW should pay a cancellation fee in line with current professional interpreters’ custom and practice (eg: 50% if cancelled within 8 – 14 days and
100% if cancelled within 0 – 7 days – unless they can find an alternative booking for the same period eg: half day or full day when no cancellation fee would be payable)

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