Introduction

1. Action on Disability and Work UK (ADWUK) is a Disabled People’s User-Led Organisation that supports disabled people to have successful working lives.
   - Our national Advice Service provides advice on work-related issues to disabled people, employers and professionals.
   - We run a local Work Club supporting disabled people looking for work, volunteering opportunities or self-employment.
   - We provide consultancy and training for employers on any disability issue.

2. Currently we have an Access to Work (AtW) project funded by the Office for Disability Issues that aims to demonstrate the value of peer support and facilitate the uptake and effective management of AtW.

3. ADWUK is therefore well placed to make an evidence-based submission on AtW that takes into account the experiences of a large number of disabled people.

4. ADWUK has always been aware of the positive aspects of AtW. Without AtW, many disabled people would not be able to gain work, be self-employed or progress in their careers. We are equally aware of the negatives that surround AtW. While we support the concept, we believe that the model requires some change to ensure that disabled people can compete in today’s labour market.

Data Set
5. This submission is primarily based on data collected since January 2013. This data included:
   - Case notes for Advice Service clients (22).
   - Case notes for AtW project clients (30).
   - Focus groups held as part of the AtW project (34).
   - E-mail submissions received by ADWUK (10).
   - Individual submissions from ADWUK staff (5).

6. The total number of individuals in our dataset is 101. All of these people had had experience of using AtW. 65% were employed, 14% were currently unemployed and 21% self-employed. These individuals provided us with 347 comments about AtW that were coded under themes.

7. The individuals who provided us with information covered a wide range of impairments:

   Physically impaired: 35%
   Deaf: 27%
   Visually impaired: 15%
   Long-term health conditions: 10%
   Mental health issues: 7%
   Other: 6%

Data Analysis

8. We know that disabled people value AtW. However, an inquiry of this type is bound to generate more negative than positive comments. From our sample, 32% of the comments we received were positive and 68% negative.

9. In order to present the data we have grouped the responses under several themes.

The AtW application and assessment process

*Information about AtW*
10. Seven people commented that it was difficult to find out information about AtW and that employers tend to be uninformed and unaware.

   “Even as a volunteer with a number of disability organisations, I had never heard of Access to Work.”

11. From our presentations to groups of disabled people we know that many more disabled people remain unaware of AtW and the benefits it can bring. For example, at a talk to disabled people based in Bristol, out of an audience of 60, only 1 person had heard of AtW; at a presentation to the Bristol network of providers of employment support, none of the 20 organisations had heard of AtW.

12. There was a lack of knowledge that AtW support is available at interview and seven individuals who had used the support made negative comments. They noted that it was not clear who was responsible for booking the support and paying the support worker/interpreter. For one person, the delay that resulted in booking the support meant that he missed the interview.

*The AtW application process and starting work*

13. Applying for AtW may be a new experience for the disabled person and their employer. If the disabled person requires a support worker to assist in the application process, the application may take considerable time. For some people the process was straightforward. 15 people made positive comments. Respondents were pleased that disabled people can now tell AtW what they need and source what they need. But 14 people made negative comments. The majority of complaints were about:

- The time taken for the whole process (“I was passed from pillar to post” – said by 2 people)
- Lack of transparency (“They never explained what I could ask for, so my employer bought some things.”)
• The stress delays caused while they were at work, being paid but unable to do their job. (“My employer is very concerned. They are paying my full salary and I can’t go out and do my job.”)

14. Some people distrust the telephone and paper-based system and would like to see on-line applications: “I had to complete two applications as the first set were lost in the post.”

Assessment Process

15. Comments about the assessment process were equally divided between those who had a positive experience with Assessors who explained the process well: “The assessor wasn’t judgemental; I didn’t feel guilty about asking for things” and those who were dissatisfied, often because the Assessor did not seem to have the necessary expertise: “I explained what I wanted but the Assessor recommended a different bit of kit that didn’t do the job.”

16. Reports on the supply of equipment were equally divided between positive and negative. For 14 people, the process had gone smoothly. Another 13 people had had delays, sometimes because an Assessor had recommended unsuitable equipment (“I could have written a better assessment myself”) or because there was a delay while cost sharing was negotiated. In another case equipment that was clearly not standard equipment, was related to the client’s impairment and that was recommended by the Assessor was refused by the Advisor: this case is currently under reconsideration.

Speed in getting a Decision/Processing a Claim
17. This issue elicited the second highest total comments and the second highest number of negative comments. 82% of the comments about speed of handling claims were negative with only 18% saying that processing was timely/speedy. Delays in communication and in authorising support were seen as creating a bad relationship with an employer and as a barrier to satisfactory induction and probation. “By the time I got my support agreed there was only 3 months of my contract left.” For one person the delay was too stressful: “I had to wait so long for my support to be agreed that I resigned.”

Communication with AtW Disability Advisers

18. This generated the highest number of comments (44), the highest number of positive comments and the highest number of negative comments. Disabled people valued being able to contact the same AtW Advisor and spoke warmly of individuals. But others noted that individual advisors were “rude” or failed to get back to clients promptly. Another complaint was that Advisers were changed without notification. In some cases disabled people had 3 or 4 Advisors without being told of the changes.

19. Three people noted it was frustrating to talk to an Advisor who did not have particular expertise when the disabled person knew of local expertise that already existed.

20. In total, 64% of the comments made about communication with Disability Advisers were negative. Overall, there appeared to be great individual variation among Advisers and a lack of consistency in approach and attitude.

Payments and Managing AtW Support
Support Workers

21. Support workers are sometimes difficult to source and the quality is extremely variable.

22. The costs of some support worker agencies are excessive. This is not good use of public money. DPULOs might be particularly good at improving the quality and value for money of the supply of support workers. This might also open up new employment opportunities for disabled people as support workers themselves.

Sending claims forms and payment to support workers

23. Most people find the paperwork acceptable once they understand the system. Complaints focus on initial lack of clarity, especially for employers and of times when support workers who are paid directly by AtW do not receive payment:

“Sometimes only one claim form is wrong but AtW sends the whole bunch back.”

24. Complaints focused on communication with AtW. Travel expenses payments for support workers were stopped and claimants were not informed. The budget and hourly costs were reduced without support workers or clients being informed. Sometimes incorrect payments were made, particularly to BSL interpreters.

Reviews
25. 92% of the comments made about reviews were unfavourable. The process seems unclear to disabled people with the result that some find that their support has ceased because no review has taken place.

“AtW stopped my support. They said ‘It’s up to you to remember when the 3 years are ending and renew your application.”

Applications for additional support

26. This process generated the second highest number of comments. 75% of the comments were negative. Part of this can be explained by the fact that within this period reviews for Deaf people coincided with the introduction of the "30 hours rule" but, excluding Deaf people, the experience of the review process was still very variable. Sometimes it went smoothly but at other times the review seemed a barrier to career progression. For example, new equipment or software would be refused without which the disabled person could not do their job. Another complaint was that support would be reduced in hours even when the explanation for lack of use in the previous period was because the disabled person had been absent from work due to ill-health.

Unrealistic budget for need (30 hours rule)

27. The introduction of the "30 hours rule" has caused considerable complaint from the Deaf community. We are pleased the 30 Hours Rule has been suspended for review. One Deaf person noted "my job has been placed in jeopardy thanks to this new rule". While ADWUK agrees that public money should be spent wisely and as efficiently as possible, the feeling amongst Deaf people was that there had been no consultation prior to the introduction of this rule. Neither had the rule itself been clearly explained to Deaf people. Deaf people noted that:

- Many interpreters will not work for one person as this provides poor career development. In some cases, interpreting for just one person could lead to deskilling of the interpreter.
• Skilled interpreters are much in demand and are unlikely to accept a salaried position that will lead to a reduction in income. This is a particular problem for Deaf people whose job sometimes requires that the interpreter must be operating at a very high skill level e.g. in child protection cases.

• Some deaf people use a mix of Communication Support Workers and interpreters depending on the nature of the assignment. This is a solution that has good value for money.

• The use of Video Relay Interpreting Services may be a suitable means of support for some Deaf people in some occupations. This needs to be explored further with the Deaf community.

Complaints

28. The view of the complaints procedure was extremely negative. 90% of comments made were critical. From the reconsideration level to PHSO (Parliamentary and Health Service Ombudsman) the process is not clear and is daunting, particularly for Deaf people as the process is not explained in British Sign Language.

Other Issues

29. A number of comments focused on the fact that there is a need for an advice service for disabled people in work, so that they can get high quality, independent, confidential advice on their work situation. There are sometimes issues that require change but are not necessarily seen as within the remit of AtW. An advice service with a broader remit would be able to provide support on reasonable adjustments and issues such as flexible working so that disabled people could get advice on how to engage and negotiate with their employers. This could be of particular benefit in aiding job retention.
AtW and people with mental health conditions and learning difficulties.

30. Our data and wider experience support the view that AtW is good at dealing with issues that can be solved by equipment and is viewed more positively by disabled people who have stable physical medical conditions. Disabled people who have mental health conditions and learning difficulties expressed less confidence in Access to Work, sometimes not seeing the relevance of it to their employment situation. As one person put it "I just didn't see it as being relevant to me".

31. People with mental health issues noted that there is often a need for support to enable them to discuss their needs with their employer. This support needs to be in place before an AtW assessment: it is about early intervention.

AtW and Self-Employment

32. Self-employed disabled people share many of the issues covered elsewhere. Overall, the experience of claiming and using AtW was negative rather than positive: 7 negative and 3 positive contributions.

33. Many self-employed disabled people report that Jobcentre Plus and other organisations omit to inform them about AtW.

34. Calls to our Advice Service suggest self-employed disabled people may have more difficulties with AtW Advisors misinterpreting the rules around AtW and self-employment.

35. One particular barrier is that disabled entrepreneurs have to withdraw from receiving benefits in order to get AtW support. In practice this policy is in itself a barrier, as without this support disabled people
cannot carry out tasks that are essential to becoming self-employed e.g. simple physical tasks such as moving papers.

36. Delays in responding and in processing claims have a severe impact on self-employed disabled people as the lack of support prevents them from earning income. Self-employed disabled people are also particularly vulnerable if support is refused and the case has to go to reconsideration. ADWUK has noticed that in the last few months there has been an increase in refusals at the first application that are then successful at reconsideration. One application went to senior management when reconsideration was refused because the rules about the additional costs of a support worker at meetings and overnight stays were incorrectly interpreted by AtW officers. This took months of negotiation when the entrepreneur should have been earning money.

Recommendations

37. Access to Work support is highly valued by disabled people. However, the current support model could be improved. Our feedback from 101 disabled people with varying experiences of AtW tells us that there are recurring issues that mean the system does not work as effectively as it should and is not providing disabled people with equality in the workplace or allowing them to develop their careers and working lives.

38. The wide range of issues raised by our informants suggests that disabled people need access to a source of advice and support around employment issues that has a broader remit than AtW – an advice service that can support disabled people at an early stage when difficulties arise and where AtW may not be necessary.
39. Our specific recommendations are as follows:

- Information about Access to Work needs to be more widely available and the scheme marketed proactively. Many disabled people are either unaware of the scheme or do not think it applies to them. DWP needs to promote the scheme more widely, to employers as well as to disabled people and those who support them into employment.

- All information on Access to Work needs to be accessible in a range of formats, including British Sign Language and Easy Read/audio versions.

- An online resource with more transparent information about support packages that are available would increase awareness of the benefits of Access to Work.

- The application process needs to include an online option. This would make it more accessible to a wider range of disabled people, would allow disabled people to submit supporting evidence such as previous DSA assessments, and could help to improve response times.

- Disabled people who are actively seeking employment should be able to receive advice on, discuss and prepare a skeleton AtW support package that can then be tailored to match the actual work they move into.

- AtW should become involved, in partnership with DPULOs, in the development of sector standards for support workers who operate in work settings.

- Disabled people and DPULOs could be more involved as assessors and sources of advice and support around AtW.

- A "fast-track" system to put interim support in place should be explored as many disabled people find the delay in putting
support in place extremely stressful. Delays also can have an impact on probation and initial training.

- Advisors need a standardised package of training so that they recommend the correct support package and can communicate appropriately and empathetically with disabled people. There should be specialist Advisors to deal with particular low-incidence impairment groups where specialist knowledge is important. There is a role for DPULOs in this assessment and advice process.

- The option of an online claim/payment system should be explored as this might be the preferred choice for some support workers, employers and disabled people.

- The review process needs to be explained more clearly.

- Changes to AtW guidelines and regulations need to be communicated to disabled people, employers and organisations who provide support for disabled people into employment. Disabled people should be consulted on changes to guidelines and regulations to ensure that they are workable and do not have a negative impact on employment.

- Applications for additional support need to be dealt with in a more consistent manner. Training for AtW Disability Advisors may be the key issue here.

- There needs to be a quicker process to resolve disputes; one that will not contribute to the disabled person being likely to lose their job.

- There should be AtW funding for disabled people so they can develop their entrepreneurial ideas while remaining on benefits.

- There is a need for a national advice service that will provide disabled people with high quality advice around employment, including signposting them to AtW. Such a service would have a considerably broader remit than ATW and would promote early intervention and would encourage job retention.