I welcome the enquiry on Access to Work (AtW). For over twenty years, as a disabled person, I have volunteered my time to disabled people, people with long term health conditions, employers and others with issues around getting a job, problems in work, starting up their own business and growing the business. One of the topics I deal with is AtW. AtW is an excellent scheme but only when it works in particular when the AtW advisors know and apply the rules correctly. My clients have raised the following AtW issues which is only the tip of the iceberg.

1. AtW is still the government’s best kept secret. Despite having acquired an impairment or had an impairment for many years, disabled people are not told about AtW even though they are in direct contact with the local jobcentreplus. In trying to get a job and retaining a job I have told countless clients about AtW. For example a client with a mobility impairment could not use public transport as they tired easily - I advised them to apply to AtW for a taxi to get to their new job. The application was successful. A mum had given up her job to support her daughter with the tasks in her business she could not do to because of her impairments. They were struggling with money that the mother had to return to work. Advice was given about AtW and they were successful in getting a support worker.

2. When a valued employee acquires an impairment, employees want to return to work but do not know where to get advice about equipment or other support which is available. Advice was given to a newly diagnosed NHS GP who had developed a hearing impairment about getting an adapted stethoscope through access to work support enabled the doctor to continue to work. Travel to work had not been considered as a temporary measure when a client with a brain injury was asked to drive half way by AtW and get a taxi for the remainder of the trip. Fortunately on reconsideration and reading thoroughly reports originally submitted this was overturned allowing the client a taxi the full way to work.

3. I have seen an increase of employer’s getting support such as disability equality training from access to work which is good news but at the same time the employees who work for them are not awarded the costs of clearly non-standard equipment costs.

4. Employees/dispabled entrepreneurs applying for equipment which is non standard are being refused the equipment at first but are successful at reconsideration. For example an employee working for a small employer asked for an assessment the equipment was to cost over £2000 and I advised it was non standard and the award was made on reconsideration.

5. Over the past few months I have seen an increase in reconsideration requests being submitted which has meant further delays in vital non-standard equipment and support workers for disabled employees particularly those who have recently developed an impairment and are waiting for the ATW support enabling them to do the jobs. They cannot do the jobs without it when they are being paid a salary. Most claims on reconsideration are successful.

6. Many AtW officers do not know the rules apply to disabled entrepreneurs which require a different approach but the principles remains the same. Whilst trying to earn money or starting up in business they complain that they have to spend months chasing AtW for support and in appeals when the rules and circumstances are not being considered and or misinterpreted. A disabled entrepreneur’s voice recognition and screen reader software
would not work because of its age. ATW refused the application because it was deemed to be of a “business benefit”. A request for reconsideration was successful but the items required had been listed from different companies, which was inappropriate in the circumstances, due to the entrepreneur’s physical impairments and the complexity of installation. Nevertheless, the entrepreneur was successful in getting the equipment and training supplied by the same person, again, on reconsideration. This process took many months and a lot of work on both sides. If the Access to Work officer had been fully aware of the policy rules, this wrangle may have been avoided. In another example an entrepreneur’s impairment is worsening that the business will have to close if ATW is refused again and the person will rely on benefits at a time when the government is encouraging people to find jobs. The mobile hairdresser applied for Access to Work support, as she was finding it increasingly difficult to work due to a degenerative back condition. She had a workplace assessment, which identified that the only adjustment that could be made would be for her to operate as a home based business by having a height adjustable wash basin and equipment which is not standard equipment in any salon. However, as she had already been told by the Access to Work advisor on application, that they would consider setting up the equipment in a room at home as standard equipment and a business benefit, she does not hold out hope of receiving the support. It is equipment required because of her impairment not a business purpose. She will therefore have to close her business if not successful on a second reconsideration the assessor failed to tell her why the equipment was standard and a business purpose when it is clearly not.

7. In the past few months some disabled entrepreneurs who in the past have been told by ATW to use an agency to support them in the past are now being informed they have to employ them. An example is very recently a disabled entrepreneur had an ATW review and informed of their policy if one receives more than 30 hours support per week, the disabled entrepreneurs should be employing the support workers. This is really complex especially as following previous instructions from ATW, support workers are employed by an agency. Hence there is a penalty from the employment agency and also TUPE considerations. ATW need to be specific as to what costs they will cover (i.e. insurance, recruitment, SSP, accrued redundancy rights. holiday, notice, etc) but no communication has been made since nor any confirmation that support will continue while this is sorted out. More worrying was the ATW suggestion that support workers could be self-employed – in breach of HMRC guidance and their own policy for BSL interpreters!! The key issue is people responsible for ATW policy may have limited knowledge of employment requirements - but some disabled people may not want to take on such responsibilities -there should be choice. However the 30 hour policy is suspended but there is no excuse for non-communication –this client did not know about the suspension until I gave the information.

Recommendations

8. Enabling disabled people to work and run their own businesses should be a priority but unfortunately it depends on the knowledge of ATW advisors and this seems to be lacking. ATW advisors need retraining

9. Jobcentre advisors should be aware even if they are not specialists NHS health officials such as rehab nurses etc should be aware or there should be leaflets for GP’s as they are usually the first point of contact when clients want to return to work.
10. Experienced disabled people and businesses operated by disabled people well versed in AtW issues could be used.

11. With the government’s policy to get people into work and the disability confident programme looking at the bigger picture in order that the disabled person does not go out of business or lose their job because of the lack of equipment, support due to their impairment or worsening impairments which results in benefits dependency.

It is my experience that in the last few months regrettably the AtW programme has worsened.

19 June 2014