Written evidence submitted by Dr Ju Gosling (ATW0125)

I have been using Access to Work services as a self-employed worker since 2001 (from 1999-2001 I used the service as a part-time employee), and my evidence relates largely to my personal experiences as a client. However, between 2005-9 I was a Co-Chair of TUDA, the Trade Union Disability Alliance, alongside Caroline Gooding who was then head of legal policy at the Disability Rights Commission. I continue to be a Co-Chair of Regard, the national LGBT disabled people’s organization. I am also Artistic Director of Together! 2012 CIC, which includes work to widen access to careers in the arts for disabled people (97% of publicly funded arts employees and 99% of freelances are currently non-disabled). As a Direct Payments user I also sit on the steering group of the Social Care Institute for Excellence’s Co-Production Network. I am therefore qualified to make wider judgements and comments about the service.

My support package

I employ my support workers directly and have the costs refunded in arrears after filling in a four-weekly claim form. For items of equipment, arrangements are made for Access to Work to pay the supplier directly – since government regulations require the goods to be supplied first, this means that a higher price is often paid than could be obtained online if funds were made available in advance. I own a vehicle supplied – after a lengthy battle – by Access to Work in 2004 after my proving that this would be cheaper than my three-year taxi budget. I continue to pay all of the maintenance and running costs for this vehicle, which is driven by my support worker, from my DLA (which removes my ability to use my DLA for personal or social contact). I have an AtW budget to claim taxi fares when a driver is unavailable.

Application process

Recent changes to the Access to Work system have meant that all applications for changes or additions to support packages are treated as new enquiries, and are therefore dealt with by staff in a different office who have no prior knowledge of or relationship with the client, and therefore no knowledge of our access needs and existing situation although this information is already on file with the ongoing case worker. This is clearly inefficient and unnecessary costly for the DWP.
For the client, it means that the process is much lengthier, and as with all delays, impacts on our ability to work effectively and profitably and indeed to remain within work at all. I have complex needs which mean I require all contact to be made in writing, but when I am treated as a new client no reference is made to my existing file. I find it extremely stressful when the response to any written enquiry about changing my support package comes by phone, particularly as I have poor short-term memory so have no means of remembering the name of the person who has called, nor of writing this down at the time as both my hands are in splints. I also find the involvement of additional officers extremely confusing, particularly since I cannot remember who has already received which information.

**Assessment process**

To give the example of my current situation, I was due to have my support package reviewed in September 2013. However, I was contacted in early July, when I was not ready to provide the necessary information, and this has increased the subsequent difficulties. I was, though, immediately able to state that in order to work efficiently – and therefore to make a profit rather than living entirely on Disabled Persons Tax Credit — I needed to increase my support from an average of two to three days a week (from 15 to 22.5 hours); and that continual difficulties in recruiting freelances meant I needed to move to agency provision which would increase the hourly rate required from £15 to £21 an hour. This was agreed relatively easily with a caseworker I had had previous contact with, and in August I began to receive support from Generate, an agency which had an existing contract with Access to Work.

However, in September Access to Work was forced to end all of its agency contracts, and the subsequent redundancies meant that by the end of October Generate were no longer able to meet my needs, while Access to Work was no longer allowed/able to recommend an alternative. I then discovered that general employment agencies are not insured to provide support workers if the package requires any element of personal care such as helping to take off coats, load wheelchairs or fetch refreshments. I therefore notified Access to Work that I would be forced to return to working with freelances for the immediate future and would go back to claiming £15 an hour until at least the end of January, and my case worker put this on the system.

In April I enquired why my support worker salary claims had not been refunded since January, only to be told that according to the
computer my assessment period had ended then and I would need to complete an entirely new assessment from scratch including submitting new log books etc before payments could be made. This was something I could not comply with because I had no time booked into my work schedule to carry these tasks out nor support available to help with them, and I am restricted to computer use during office hours only and to spending most of my non-working hours resting.

I was also told that, although I had written evidence that my support package had always been for an average number of hours over the year, that since January it has been for up to 21 – not 22.5 – hours a week only and no other costs would be refunded. My taxi package had also changed and been ‘agreed’ at one return journey a month, although potentially I could need many more journeys than this if I could only obtain a non-driving freelance. This and subsequent correspondence came from officers I had had no previous contact with, and the caseworker who had agreed the package originally and with whom I have developed a relationship over the past few years has not responded to any subsequent correspondence.

Over the past few months of trying to sort this out I have sent numerous emails, most of which have not received a response of any kind, but of those which have, a number of different officers have sent replies and then not replied again, which has added to the confusion and delays. I have recently received some funds into my account, but have received no responses of any kind to my correspondence about the number of support worker hours within the package and the right to average these across the year so that in periods of high demand I can have more support and make savings when it is not essential. Unless I can find some way of reconciling the claims and payments myself – which involves handling a lot of printed materials as well as note-taking - I also have no idea whether the sums received to date represent my claims in full or not, or whether I have incurred debts that I am not in a position to pay. I cannot even consider whether to close my business without this information.

**Ongoing support**

As part of my three-year review I noted that a) my powered chair was supplied in 2000 and is no longer safe or suitable for my needs; b) my manual chair was supplied in 2002 and needs refurbishment; c) my laptop was supplied in 2008 and required a new screen.
NB: The NHS and local authorities simply do not supply wheelchairs that are suitable (or intended) for work. A manual chair is essential for times when no transport can be obtained for a powered chair (most powered chairs will not fit into Black taxis). A powered chair for traveling the long distances that many types of employment involve is also essential if you are not one of the small minority of young, fit wheelchair users.

It took so long to get the powered chair agreed that the first supplier withdrew from the process. I am still waiting for delivery from the second supplier, who had to assess me again from scratch as the assessments are not transferable. This second supplier also had to take a cut in profit as the cost had risen since the original approval, and they could see that getting a different sum approved would easily add yet another three months to the process. My support worker is now being treated for back and foot problems as a result of having to push me for months, while I have been suffering from increased exhaustion and pain levels as a result of self-propelling where I can to help her.

Until I have access to a new powered chair, my manual chair can’t be released to the manufacturers for an estimate for refurbishment, so almost a year after I was first contacted for assessment, this has not been progressed at all.

In the meantime my application for a new laptop screen or a replacement computer has been refused on the grounds that Access to Work no longer supplies ‘standard office equipment’. I have had no response to my correspondence pointing out that I only require a large screen and an ergonomic keyboard because of my impairments, and that the costs are therefore 300% greater than they would otherwise be, while my earning ability is similarly limited. I also have to supply the laptop for my support worker to make notes on – if I was not disabled then I would not require a support worker. AtW clients have never been supplied with computers for anything other than impairment-related reasons, and issuing a blanket ban on their supply is yet another unhelpful dictat from a senior civil servant or Minister who has no understanding of or familiarity with the Access to Work process.

**Funding**

Perhaps unsurprisingly, given Liz Sayce’s lack of previous experience in disability employment issues, the figures used to
compare the costs of Access to Work and Remploy support in the Sayce Review were highly misleading, as were many of her other conclusions. As above, the annual cost of supporting someone who has complex needs with disability related costs (and I still pay a great deal of additional costs myself on top of this) to remain in employment is much greater than the figure of around £5000 quoted in the review. However, my needs are minimal compared to the workers who used to be employed by Remploy. The real cost of providing individual support to disabled people – and the real range of support we require, including enhanced and additional IT provision - needs to be accepted by the DWP, or the number of clients being funded will continue to decrease while disabled people remain out of work.

Future

Despite the above, I would be very unhappy to see Access to Work provision devolved to local authorities or NGOs. As a resident in a Trailblazer area, I know full well just how incompetent the average adult services department and ‘support’ organizations are, and how very little they understand about national disability policy and how it is supposed to be implemented. Rather, we need a sensible holistic system where one officer is allocated to a client and continues that relationship for as long as they are both part of the Access to Work system. None of the tasks are so complicated that division is required, and indeed the officers need to have the ‘whole picture’ in order to ensure that support is adequate and appropriate.

This needs to be accompanied by much clearer information for both clients and employers, and a clear timescale by which claims will be processed properly. It is pointless to say that responses will be made within x amount of time if those responses are meaningless acknowledgements or repeat previous information, rather than replying to the enquiry being made and making progress towards a conclusion.

Training also needs to be provided urgently for all concerned about how to define and recognize an impairment-related need, and about disabled people’s wider experiences and entitlements. (I still remember beginning a three-year contract in Dorset in 2006 that required access to an outdoor mobility scooter and being told by Access to Work to “ask the free wheelchair company”.)
Training also needs to be provided about the limitations of the Equality Act, and to explode myths such as employers being obliged to provide BSL interpreters as ‘reasonable adjustments’. There is already ample case law around the Disability Discrimination Act to show this is entirely untrue, and that only the cheapest, most minimal adjustments need to be made by the vast majority of employers. Government budgets, like many others, are also set in advance, so how could a Deaf person be employed at the DWP if no access costs had not been included when a post was created?

Equally, now that there is no access to funding for Legal Aid, how would a Deaf person access the Tribunal system to keep or obtain a job if Access to Work refused to supply the SLI they need?

I would be happy to provide further evidence on request.

19 June 2014