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Executive Summary:

- Deaf people who work are being discriminated against by this government's administration of the Access to Work (AtW) fund.
- Many Language Service Professionals (LSPs) who work with Deaf people are potentially facing a **50% cut in income** as a result of these changes, forcing them to seek alternative or additional employment.

Introduction:

I have been a registered British Sign Language/English interpreter for almost 20 years. I am a Fellow of the Association of Sign Language Interpreters (ASLI) and former National Vice Chair of the Association. I currently provide services to Deaf employees and self-employed people under the AtW scheme. When administered well, the scheme:

- creates a level-playing field for Deaf and Disabled people
- enables Deaf and Disabled people to access the support they need to carry out their job effectively
- gives employers genuine choice in recruiting from a wide pool of talent in choosing the best candidate (who may be a Deaf/Disabled person)
- delivers return on investment
- enables people to stay in work, stay off benefits and realise their full potential, contributing to the work environment and paying taxes

I would like to address the following two strands:

A) The adequacy of ongoing support, both in terms of the aids, adaptations and support workers provided through AtW, and the help and advice offered by DWP

B) AtW’s effectiveness in terms of helping disabled people to: secure a job, stay in employment, and develop their careers

The following cannot be easily separated as falling into one or other of the above strands, so please bear both in mind whilst reading:

1) Until recently, Deaf workers have been awarded a budget for their support, from which they have been able to book interpreters in a manner that best meets their needs. However, increasingly, AtW is not meeting the above outcomes. **Money is wasted** and mental anguish caused by not allowing Deaf people the support they need to carry out their work effectively. The reason being that AtW policy now stipulates the following:

‘If a Support Worker is required full time, for example 30 hours or more a week, Access to Work will normally fund on the basis of an annual salary rather than an Agency worker employed on an hourly basis’. (AtW Guidance v20, Paragraph 497)

2) According to the DWP, **5,250 Deaf and hard of hearing people received an AtW grant in the financial year 2012/2013.** Currently **less than 1000 qualified**
communication professionals are registered in the UK (NRCPD Feb 2014). In a recent survey conducted on behalf of the British Deaf Association, of 118 respondents, 62 (52.5%) receive support at or around 30 hours per week. As a result of this shift in policy, many Deaf employees are now being forced to try to employ salaried interpreters, a move that has serious implications for both service providers and consumers. A further consequence of this 30 hour policy is that, where Deaf people cannot fill an employed interpreter post, AtW sets limits with which to pay freelancers at an hourly rate equal to that of the employed position; in many cases this is over 50% less than the freelancer’s normal hourly rate. This reduction is totally unrealistic for skilled, self-employed practitioners who must shoulder all the additional costs of running their own business. In turn, this forces Deaf workers to employ unqualified “signers” who cannot possibly provide complete, high quality access, thereby limiting Deaf people’s potential to remain in post and their promotional opportunities.

3) Even if less than 25% of the Deaf and hard of hearing people currently claiming AtW require support of 30 hours or more per week, enforcing the employment of full-time LSPs could potentially remove the entire population of LSPs from the freelance market, leaving none available to service the requirements of those with a lower need or to work in other domains such as healthcare and the legal system, where the lack of qualified professionals could have serious, far-reaching consequences. The BSL interpreting profession has traditionally been made up of a majority of freelance practitioners (73%, according to Mapson, R. “Who are we?” (2013), in Newsli issue 87). Over 80% of the profession are women who take advantage of the flexible work patterns on offer that enable them to remain in the workforce. There are many reasons why the employment of a full-time salaried interpreter in a single user environment is untenable (see supporting information below). Deaf people who want to work are finding it increasingly difficult to do so because they cannot fill the salaried positions they advertise. We are hearing of worrying numbers of Deaf workers who now struggle to carry out their day-to-day duties because they no longer have access to appropriate standards of linguistic support. In one case, an HR department has sought advice as to whether they can legally demote their Deaf member of staff who is now unable to carry out work they are more than capable of undertaking because they no longer have full access to workplace communication (BDA report on Access to Work and Deaf people).

4) It would appear that those who administer the Access to Work fund and the DWP are acting in conflict with the Equality Act 2010. As a public authority, the DWP must pay due regard to the need to eliminate unlawful discrimination, promote equality of opportunity and foster good relations. Promoting equality of opportunity means meeting the specific needs of persons with a protected characteristic that are different from those without. The Sayce Report (2011) reveals that, for every £1 spent on AtW, the exchequer recoups £1.48. Returns on health and wellbeing significantly increase this figure. The Access to Work scheme has enabled people who previously were unemployed or forced to work below their capabilities to take on meaningful employment, contribute to society and enjoy increased levels of self-esteem. These same people are now receiving unfair treatment, which appears to be driven by cost instead of their right, as citizens of the United Kingdom, to equality of opportunity.

**Supporting information**
Below I more fully outline some of the issues relevant to the Deaf community and to my profession:

5) Employment prospects of Deaf people: Many employers already have to take a leap of faith in order to make an offer of employment to a Deaf worker. Should a Deaf person be the best person for the job and require a high level of communication support, employers may now be obligated to employ not one but two new members of staff. This renders Deaf workers highly unattractive a prospect for employers due to the additional costs and logistics of employing a second individual when only a single vacant position was advertised. If a Deaf person is self-employed, they may be forced to establish a limited company with payroll and pension responsibilities, making what was once an appealing option for people who face communication barriers on a daily basis far less viable.

6) Difficulty communicating with AtW: AtW advisors have refused to communicate via anything other than the telephone, claiming this is AtW policy, which creates a barrier for Deaf claimants. Additionally, the complaints and appeals procedure is extremely difficult for Deaf sign language users to access.

7) Lack of consistency: Deaf people report wildly varying responses from their AtW advisors in terms of the number of hours they are allocated and the hourly rates they have permission to pay.

8) Fear among Deaf professionals: Deaf people who have attempted to work within the new rules and bring down the number of hours they require LSP support (when they’re unable to recruit qualified interpreters) have reportedly been accused by AtW advisors that their ability now to reduce their hours implies that they must have previously been fraudulently over-claiming. This has resulted in Deaf people feeling utterly impotent, unable to engage with AtW over the new rules for fear of finding themselves in serious trouble or losing their support entirely. Some claimants consider the manner of certain advisors to be quite threatening.

9) Wider implications: In some cases, roles requiring high levels of communication are those that support the Deaf community, e.g. CEO of a Deaf organisation or psychologist in mental health services for Deaf people. The most appropriate people for these positions are often Deaf people themselves. If the most appropriate people are not supported to fully discharge their responsibilities the entire community will suffer.

What are the issues regarding the employment of a full-time LSP?

10) Impartiality: This is a core element of any interpreter’s Code of Professional Conduct. Freelance interpreters are able to enter a workplace to interpret team meetings, appraisals, grievances, etc. (even office banter), with complete impartiality and have no vested interest or influence on outcomes, affording maximum autonomy to the Deaf employee. If an interpreter is employed, they become a fellow team member and, as such, will reasonably expect to attend team meetings and be allowed to contribute to and influence direction and outcomes. Due to the high cognitive load borne by an interpreter during the act of interpretation, it is not possible to function simultaneously as interpreter and team member. A staff interpreter could become embroiled in work place politics,
with resulting conflicting allegiances and potential for resentment to develop between the Deaf person and interpreter, thereby making their relationship untenable. A direct colleague could not reasonably be invited to attend the appraisals and grievance procedures of a fellow team member; therefore freelance interpreters would still be required, making a full-time salaried interpreter post unjustifiable.

11) Working terms and conditions: Several crucial aspects of the salaried interpreter role do not appear to have been considered by AtW. It has been suggested by AtW advisors that interpreters should take their annual leave on the same dates as the Deaf employee, which is both unreasonable and unfeasible. In addition, when the interpreter is on annual, sick or parental leave, cover will need to be sourced and funded in order to maintain the Deaf employee’s support. An interpreter will potentially face redundancy if their Deaf colleague takes parental leave or decides to tender their resignation; therefore the interpreter’s job prospects are at the mercy of decisions made by someone else, who will quite rightly not take the interpreter’s personal circumstances into account. Further costs associated with employing the interpreter, such as pension rights, have not been fully clarified. Evidence of continual professional development activities is required for registration with our governing body (NRCPD). In a salaried post, there is unlikely to be anyone with sufficient knowledge to support an interpreter to meet this essential aspect of their role. Funds allowed by AtW neither account for professional development nor supervision costs. Supervision cannot be conducted by the Deaf colleague since they have access to only one of the languages being used by the interpreter and cannot be expected to comprehend the complex linguistic processes employed during interpretation. If an interpreter does attend training, the Deaf worker will require a freelance interpreter to cover for the absence, once again making the full-time salaried post unjustifiable.

12) Loss of skill: Interpreters take responsibility to maintain and enhance their skill level, partly by engaging in a wide variety of interpreted events. If an interpreter works in the same environment, with the same consumer, day-in, day-out, their ability to interpret in other domains and with other clients will decline, rendering them less employable in the future.

13) Working outside of skill set: Registered interpreters are duty bound to undertake only assignments for which they have ‘the appropriate qualifications, competence, and experience’ (NRCPD Code of Conduct). When afforded the flexibility of freelance practitioners, Deaf consumers select interpreters according to their skill set; interpreters booked for specialist training courses will likely be different from interpreters booked for access to the daily office environment. An interpreter working in a salaried position may be placed under pressure to interpret in situations beyond their capability. This will lead to misinterpretations, which could have serious implications for the Deaf employee’s status at work, as well as their opportunities for development and promotion.

14) Health, safety and quality: It is typical for two interpreters to work together for events of over thirty minutes where no breaks can be taken, this would include: meetings, workplace training events and staff conferences. The AtW “single salaried interpreter” policy makes no provision for these situations and is therefore unworkable. There is a growing body of research into occupational injuries that can be sustained by interpreters forced to work in unacceptable circumstances, leading to the development of chronic conditions; employers may
then require sickness cover in the workplace and interpreters could claim compensation against their employer and, potentially, the DWP.

15) Availability of support: In a recent survey by the Association of Sign Language Interpreters (ASLI), members were asked, ‘Would you consider being employed by one client's company and working for that client full time?’ Citing many of the reasons outlined above, 86% of the members who responded indicated that they would not accept salaried employment. With an existing national shortage of qualified and registered interpreters this raises the question of who would fulfill these salaried posts.

16) Summary: Deaf employees who have been forced to advertise for full-time salaried interpreters are already experiencing huge problems in recruiting, with no suitably qualified applicants coming forward for the post. The potential for discrimination and exclusion from the labour market is glaring, with resulting adverse consequences to LSP’s and the wider Deaf community.

17) There are growing concerns in the Deaf and Disabled communities about the Government’s commitment to keep AtW in place. Disabled as well as Deaf people are beginning to have their applications to renew AtW funding rejected, despite many years with the same level of support. AtW are re-organising, reducing the number of advisors, and a call centre will apparently be operated by staff with little or no expertise in the field of disability. We fear that people who already experience significant discrimination and disadvantage in society may lose what little support there is for them to gain and remain in employment.

Recommendations/action required

1. Suspend the “30 hour rule” and hold a full and proper consultation with relevant stakeholders, in particular Deaf professionals as well as those who provide interpreting/language services and their representative associations.
2. Instigate an independent review of all AtW policy affecting Deaf people.
3. Recognise that qualified practitioners working in a regulated profession are different from “support workers” servicing the needs of those with physical disabilities. The level and quality of service providers and our freelance status must be reflected in the fees paid to LSPs.
4. Employ Deaf staff who use BSL as specialist advisors at AtW. Assessments could then be undertaken by people with an understanding of the barriers faced by Deaf people directly, via webcam, without the need for interpreters to assist.
5. Recognise that Deaf BSL users require qualified, registered interpreters. RSLI is the minimum safe to practice standard. Communication support workers or others functioning as SLIs without the requisite qualification will introduce risk and limit the career prospects of Deaf workers.
6. Consider the funding of online LSP booking systems (e.g. BSL Beam) as an alternative to interpreting agencies that charge much higher booking fees.

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References and Resources:
(You may need to copy/paste links into your browser)


Sayce Report:
www.gov.uk/government/uploads/system/uploads/attachment_data/file/49779/sayce-report.pdf - see Foreword pg 7; Executive Summary pg 15; Specialist Support pg 79; Longer Term pg 94; Key messages pg 124.

BDA draft report on Access to Work and Deaf people:
http://www.bda.org.uk/uploads/BDA/files/BDA_report_AtW_v012_web_secure.pdf - see page 41 for the example regarding a Deaf person’s HR dept. seeking advice on demotion (the final report costs £10 to purchase from the BDA).

BDA: www.bda.org.uk

Advocacy website for Deaf people struggling with AtW: www.deafatw.com

“Stop changes to AtW” petition: https://you.38degrees.org.uk/petitions/stop-changes-to-access-to-work

UK Council on Deafness: www.deafcouncil.org.uk

National Registers of Communication Professionals working with Deaf and Deafblind people: www.nrcpd.org.uk

Association of Sign Language Interpreters: www.asli.org.uk

National Union of BSL Interpreters: www.nubsli.com