At the Scottish Parliament Cross Party Group on Deafness (CPGD) meeting on Wednesday 11 June, we had a discussion about how the changes being made to Access to Work have been affecting deaf people in Scotland, most especially those with language and/or communication support needs. The decision was made that we should write to the Work and Pensions Committee to express our concerns about the impact of recent DWP (Access to Work) decisions, and the potentially associated legal and financial risks. We are aware that the Minister for Disabled People, Mike Penning, has made several statements in the house on this issue. (List of CPGD Members attached).

The members of the Cross Party Group have been encouraged to respond directly to the Inquiry and to promote, encourage and support their own employees and service users who receive Access to Work to respond also.

Our main concern from anxieties raised from discussions is that Deaf and Deafblind BSL users and Deafened people who claim Access to Work are at risk of losing their employment due to delays resulting from changes to Access to Work procedures and also the associated cutbacks.

There would appear to be a problem when the deaf\(^1\) person has to renew their application for Access to Work as some applications are taking two months or more to process, which leaves their employers having to cover the bills for the language/communication support that each employee needs to be able to be an active and productive employee. Many employer organisations do not have the flexibility in their budget to meet these needs.

Another problem is that each application is dealt with by several different DWP employees who do not appear to understand the specific and specialist issues and the questions being asked by the Deaf, Deafblind or Deafened person to whom the application refers. This would appear to be an internal training issue and something that could be solved quite easily by working in partnership with deaf organisations that are in the locale of each call centre/Access to Work centre.

The third problem that was tabled at the meeting was the issue of registered language/communication support professionals being replaced by unregistered and unregulated Communication Support Workers as they are cheaper than BSL/English Interpreters, Electronic Notetakers, Guide/Communicators, Speech To Text Reporters and Palantypists. This will result in inferior interpretation and communication in the workplace which in turn will lead to health and safety risks, a lack of fully informed consent, failure to comply with human rights, equal opportunities and employment legislation.

---

\(^1\) The term “deaf person” as used here refers to Deaf BSL users, Deafblind people and people who are Deafened (have an Acquired Profound Hearing Loss).
As you are aware, communication is a two-way process. The use of appropriate professional registered language/communication support is not for the sole benefit of the deaf employee, but is also of benefit to the business/organisation as a whole as it allows the deaf person to be as productive as their hearing peers in the workplace. Using Communication Support Workers who are not qualified and regulated may well result in businesses/organisations facing, at the very minimum, complaints from their customers and/or service users but may also result in loss of business and being sued. The deaf employee may face complaints, grievance and disciplinary procedures as a result of the lack of appropriate professional registered language/communication support and ultimately both the employer and the deaf employee may have to go to employment tribunal over situations that result in unfair/constructive dismissal.

The changes we discussed at the meeting could result in deaf people in Scotland who are employed being put into a position where they will no longer be able to enjoy the freedom of full access to employment. They would no longer be unable to represent themselves appropriately in interviews, training, meetings and in other workplace situations where communication is key. Their education, skills and talents will be underutilised; in effect costing the UK in terms of the investment already made and in financial support required due to a loss in wages. There will also be a considerable burden to the benefits system as a result of lost employment opportunities.

The concerns raised within the Cross Party Group meeting were sufficient for us to communicate with this review and call for more specific evidence to highlight the issues. Subsequent to the meeting, we understand there will be focussed review, over the summer months that will look at these issues. We urge your Committee to support the specific review and we welcome the further opportunity to contribute to the review process.

Janis McDonald – Director of the Scottish Council on Deafness, Secretariat of the Cross Party Group on Deafness

Jenny Marra MSP – Convenor of the Cross Party Group on Deafness

Members of the Cross Party Group on Deafness

Organisations:

Action on Hearing Loss

ATLA - Association of Teachers of Lipreading to Adults

BATOD - The British Association of Teachers of the Deaf

British Deaf Association Scotland
Deaf Action
Deaf Connections
Deaf Links
Deafblind Scotland
Donaldson’s School
Dumfries and Galloway Hard of Hearing Group
Hearing Link
Heriot-Watt University
NDCS – National Deaf Children’s Society
NESS – North East Sensory Services
RCSLT – Royal College of Speech and Language Therapists
SASLI - Scottish Association of Sign Language Interpreters
Scottish Council on Deafness - SCoD
Scottish Sensory Centre
Signature
Tayside Deaf Forum
University of Edinburgh

**Individuals**

Bert Smale
John Whitfield

**Convenor** – Jenny Marra MSP

**Depute Convenor** – Dennis Robertson MSP

**Secretariat** – Janis McDonald, Director, Scottish Council on Deafness

**MSPs**
Annabelle Ewing
James Dornan
Liam McArthur
Mark Griffin
Nanette Milne
Nigel Don
Richard Simpson

20 June 2014