Written evidence submitted by the UK Council on Deafness (ATW0178)

1. Access to Work (AtW) provides vital support but recent changes have meant that ongoing support is not adequate and are actively working against the employment of deaf people.

2. There are a range of issues with the scheme highlighted in our submission including inadequate support provision, AtW staff challenges and limited data capture.

3. We recommend a number of ways the scheme could become more efficient, flexible and person-centred.

**Introduction**

4. The UK Council on Deafness (UKCoD) is the umbrella body for voluntary organisations working with deaf people¹ in the UK. UKCoD’s Access to Work (AtW) Special Interest Group meets on a regular basis. With representation from a wide range of organisations across the deafness and hearing loss sector, the group is uniquely placed to understand the experiences of deaf people using the scheme. This submission draws on evidence from across UKCoD member organisations.

5. Over the course of 2014 UKCoD has become increasingly aware that AtW has not been meeting the needs of deaf people in employment. To address this, we have undertaken a number of activities, including meeting with representatives from AtW and raising our concerns directly with the Minister for Disabled People. We welcome the Minister’s commitment to conduct a review into AtW and will be engaging with this activity.

**Opening remarks**

6. Over one-third of people with hearing loss are of working age (16-64)². Research has documented the challenging nature of the job market for deaf people³.

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¹ We use the term ‘deaf people’ to encompass people who are deaf, hard of hearing and deafblind throughout.
7. The AtW scheme can provide life-changing support for deaf people in employment. When it works well, the scheme enables deaf people to fulfil their employment potential and minimises inequalities between them and hearing colleagues, as feedback demonstrates:

8. “I have risen from being a Youth Officer to a Chief Executive with the support of AtW. This would not have happened without that support.”

9. “The AtW support enables me to participate in meetings with the use of SLIs [Sign Language Interpreters]. This allows me to perform duties effectively, equally similar to my hearing counterparts.”

10. While the value of AtW is widely recognised, recent changes have reduced the flexibility of the scheme and mean that deaf people are finding it increasingly challenging to access the support they need. This submission highlights a range of issues relating to the quality of service and level of support being provided to deaf people through AtW.

The AtW application and assessment processes, from the perspectives of employees and employers

11. We would like to highlight a number of issues with the AtW application and assessment process. Firstly, contact with AtW is mainly telephone based and applicants are required to phone for an initial assessment, creating a barrier for many deaf people.

12. Video Relay Services (VRS) to communicate with deaf people should be introduced. VRS are cost effective, can be brought by the minute and are available on demand. We have examples of organisations providing VRS to make their call centres accessible to deaf people. We would see it as vital for AtW to adopt this technology.

13. AtW claim forms are currently paper based and sent by post. This represents an inefficient method and one that could be improved by the introduction of an online system.

14. AtW communication and materials (e.g. scheme forms, guidance) are heavily reliant on English and are not always accessible to people who use British Sign Language (BSL)

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as their first or preferred language. There is no BSL content available online to explain key aspects of the scheme.

15. Consistency is an issue, in terms of service delivery and support provision. While some deaf people report positive experiences with AtW Advisers, others have stated that staff displayed little or no knowledge about deafness and hearing loss issues, with limited awareness of the support and equipment that is available to people in the workplace. For example, people who are hard of hearing or deafened are not always aware of lipspeakers or the range of text-based support that is available. It is therefore important that they receive good quality advice from knowledgeable AtW staff. Where deaf people do have views on their support needs, Advisers are not always willing to engage.

16. We have received reports that people with similar support needs are receiving very different levels of support, indicating a lack of consistency in how AtW guidance is interpreted and applied.

17. “I think AtW is not a postcode lottery, but a person lottery! Even in the same place of employment with large teams of deaf employees, everyone has different hours and level of support.”

18. We would like to see AtW guidance made clearer and more transparent, so that people are aware of the criteria that they will be assessed against. Guidance documents should be made available within the public domain. AtW do not effectively communicate information about changes to policy or assessment criteria. Scheme stakeholders should be given prior notice of, and consulted on, changes to policy and implementation.

19. Limited information is provided to AtW users about how they can seek reconsideration and complain, if the outcome of their assessment does not provide them with the support they need in work. The current ‘decision making escalation process’ referenced in AtW guidance, is inaccessible and difficult to navigate. The process should be simplified and promoted to AtW users.

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5 British Deaf Association, Access to Work consultation.
20. In addition, we have received many reports from deaf people regarding a lack of response from AtW staff to correspondence, including questions about their support package.

21. “I am currently having a lot of difficulty getting replies from my Adviser…I don’t feel AtW tell us what is going on.”

22. In some instances, deaf people have reported that AtW are talking directly to employers about an individual’s support package. This is highly inappropriate and disempowering.

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.

AtW’s effectiveness in terms of helping disabled people to: 1. Secure a job, 2. Stay in employment; and 3. Develop their careers.

23. There are different types of support and adjustments that could benefit a deaf person in the workplace and the nature of support required will be dependent on an individual’s level of hearing loss and their job role. This could include making use of equipment (e.g. an amplified telephone) or using communication support delivered by a communication professional (e.g. Speech to Text reporting, using a Lipspeaker). For profoundly deaf people who use British Sign Language (BSL), communication support through access to a Registered, Qualified Sign Language Interpreter (RSLI) is vital to enable communication in the workplace.

24. During 2013, we became aware of a shift in AtW policy to require deaf people who need 30 hours or more of communication support per week to recruit a full-time, salaried, communication professional. Funding limitations were also put in place linked to this policy, i.e. maximum funding for communication support at this level calculated on the basis of an annual salaried income of around £30k. This meant that support was limited to the AtW determined level of the annual cost of a communication professional. This was imposed as an overall budget cap and in some instances as a cap on budget

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6 Personal experience reported to the National Association of Deafened People.

7 AtW guidance version 20 (para 340): 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.
per hour. Prior to this, AtW provided funding to access support by employing freelance communication professionals.

25. Referred to as ‘the 30 hour policy’, this change has restricted access to adequate communication support for deaf employees. The implementation of the policy took place without consultation with deaf AtW users and, as far as we are aware, without an impact assessment.

26. The level of funding provided does not reflect current market rates for freelance communication professionals. As a result, deaf employees have been forced to either reduce the number of hours they use an RSLI, rely on a lower quality of support, or have been unable to access any communication support at all. In some instances, AtW has forced deaf employees to use Communication Support Workers (CSWs). CSWs are not qualified to the same level as RSLIs and do not perform the same role. Fully qualified, registered interpreters are for many deaf people fundamental to effective communication in employment. They ensure professionalism and credibility across differing and complex work settings.

27. The implementation of this policy has displayed a lack of understanding on the part of AtW about the role of communication professionals in the workplace. The use of freelance support enables people to match communication support to various workplace circumstances. One communication professional may not meet all the communication needs of a deaf employee.

28. Deaf employees are also being told they will no longer receive funding for a second interpreter when required for meetings. This contradicts AtW’s own guidance and again demonstrates a lack of understanding of the nature of this work (as interpreting is only sustainable for short periods of time by any individual interpreter).

29. Furthermore, we are also aware of instances where AtW have refused claims for communication support at job interviews and where AtW delays have left people without any communication support for interviews, excluding them from the recruitment process. This will actively contribute to reducing employment opportunities for deaf people, contrary to Government policy which promotes inclusive employment.

30. The impact of the 30 hour policy has been substantial, creating a sense of uncertainty and anxiety and reducing employees’ ability to perform in their job roles. The changes
have also reduced deaf employees’ potential to advance in the workplace, as well as putting people at risk of demotion and job losses. We are aware of deaf people who have lost their job as a result of this policy. The quotes below demonstrate the impact of this policy:

31. “AtW provision has enabled me over the past six years to carry out my role effectively and has allowed me to develop my career, to the point of becoming Team Leader. The new budget only covers 3 days of support out of 5, and will not cover 37 hours per week. This has created a setback. My line manager sent me an email highlighting the potential demotion of my job. The HR department had sought advice from their legal team regarding the possibility of taking my case down a competency route. This is because I would no longer be able to perform my duties without full-time support. As you can imagine this has caused me an inordinate amount of stress and anxiety.”

32. “AtW needs to understand the difference between CSWs and RSLIs, especially their skillsets and work assignments. I would not feel comfortable using a CSW when I deliver a high profile presentation to over 300 people.”

33. “I work as a Relationship Manager, with full-time support funded by AtW due to my profound deafness and BSL/SSE use. My role is demanding, it is people and relationship focussed. I feel AtW may not be fully aware of my role and its demands. During the three years [in the role] I have developed a small pool of highly qualified interpreters whom I trust and who have gained understanding of information, terminology and structures within the [organisation]. I appreciate their outstanding professionalism and commitment to deliver a high quality service; they work hard to address my needs and enable me to do my work well. If I were to use a salaried interpreter, I would lose this valuable team. [I have had] a number of negative experiences with local interpreters, for example, struggling in their voice over or interpreting incorrectly given the context of the meeting. As far as I am concerned, this seriously affects my reputation, both personally and professionally.”

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8 British Deaf Association (BDA), Access to Work consultation. See also BDA 30 hour rule briefing paper for an overview of issues with the 30 hour rule.
9 Ibid.
10 Personal experience reported to the Royal Association for Deaf People.
34. Deaf AtW users reported that AtW staff were unwilling to engage in discussions about why the policy was unworkable, or what employees should do where they had unsuccessfully attempted to recruit a salaried communication professional.

35. The sector was extremely concerned by advice from AtW representatives that deaf employees should look at ‘job redesign’ in an effort to reduce the amount of communication support that they required. This does not reflect a commitment to enabling equal access to employment.

36. Beyond the impact on deaf people, the introduction of the 30 hour policy has also had implications for other groups, including communication professionals and employers. We are aware of instances of employers having to subsidise support in order to meet the needs of deaf staff. This is contrary to the aim of AtW, unsustainable on a long-term basis, and likely to make deaf employees a less attractive employment prospect, further impacting on career opportunities. The policy was also not supported by communication professionals, who rely on a variety of assignments and clients to ensure their continuing professional development and further highlights the lack of consultation with key stakeholders.

37. The market rate for communication support is linked to the limited number of communication professionals available. The Government should seek to address the underlying cause, by increasing the supply of communication professionals. It is unfair to penalise deaf people in the workplace for the cost of the current market rate of communication support. An increase in the number of communication professionals is vital to provide deaf people with high quality communication support to enable flexibility and choice in the workplace.

38. Deaf people who access support through lipspeakers and/or speech to text transcription have also reported similar challenges in accessing adequate support, including limits imposed on support packages. A particular issue here relates to the travel costs incurred by these communication professionals, due to their limited numbers, which often pushes up costs above AtWs limits, impacting on individual’s ability to access support.

39. A diverse range of ways in which communication takes place is a growing feature of the modern workplace, as is the role of flexible working practices including remote
working. AtW should seek to offer flexible support packages and lead the way in supporting innovative access solutions in the workplace.

40. Few deaf people in employment have access to Video Relay Services (VRS). These services offer people more choice and increased flexibility of access to communication professionals such as interpreters and speech to text reporters. They are cost effective as services can be bought by the minute and they do not incur additional costs such as travel expenses. Furthermore they are available immediately to cover last minute meetings. Where VRS has been taken up, for example in the Central Manchester University Hospitals NHS Foundation Trust, it has resulted in increased efficiency. Promotion of these services by AtW would help increase adoption of this technology more widely amongst employers.

The steps taken so far by DWP to extend AtW, including its marketing and funding of the scheme.

41. While we recognise the importance of extending AtW to more people, it should not be at the expense of current scheme users. There is a perception that deaf people have been disproportionately affected.

42. We acknowledge that there is a significant challenge in trying to implement the objective of extending the scheme to a greater number of people within a limited budget. However, it is a false economy to attempt to save money from one group of AtW users. If deaf people are forced to exit employment because they are not able to access adequate support, costs will inevitably be transferred to other areas of Government spending, as people are forced to claim out of work benefits. Genuine involvement and partnership working with deaf people may identify opportunities for provision that meets deaf people’s needs, as well as reducing costs.

43. The level of detail currently captured in AtW data makes it difficult to fully assess the impact of policy and implementation changes on scheme users. At present, information is only captured on ‘primary medical condition’ and the number of awards granted by element type. These are broad categories of information. More comprehensive and specific data capture, for example about the number of people using a RSLI within the category of Support Worker, would enable a better assessment of demand for specific support services and improved awareness of how scheme funds are being distributed.
44. The AtW scheme should be commended for the essential support it provides for thousands of people in employment. However, recent changes have meant that ongoing support is not adequate. Changes are actively working against the employment of deaf people. While the Government has highlighted the importance of personalised support in employment, feedback tells us that AtW is not currently delivering this for deaf people. Our specific recommendations are as follows:

- Technological efficiencies should be explored and implemented at every level of the scheme (for example, a wider range of contact options, including the use of VRS and a non-telephone based assessment service, online form submission).
- Deaf awareness and equality training for AtW staff.
- A revised reconsideration procedure should be developed, which is promoted and accessible to all AtW users.
- The scheme must provide support that is sufficient to meet its aim of enabling deaf people to start or stay in employment.
- The ‘30 hour policy’ as it has been applied to communication professionals should be abolished.
- The scheme should seek to implement personalised and flexible support. This could potentially be achieved by giving deaf people more control over the support they access (including asking individual’s to consider the most cost effective solution). Collaboration should be central to AtW in delivering a person centred service; there should be engagement between AtW staff and scheme users in determining support.
- AtW guidance should be clear, transparent and publically available.
- Stakeholders should be informed and consulted about proposed scheme changes, to avoid instances where unworkable policies are implemented.
- AtW should explore more creative and flexible methods of providing support, including options such as VRS, where appropriate.
- The Government should take steps to increase the supply of communication professionals. Measures could include uptake of VRS and funding for education.

20 June 2014