Submission for the ATW inquiry

1. I am a British Sign Language/English interpreter\(^1\) and I am concerned about the drastic cuts that have been made to ATW services for Deaf people and changes to policy and the proposals for how interpreter support should be provided to Deaf people. This is not a problem unique to Access To Work, there is a general lack of understanding around the lack of provision of suitably qualified interpreters. However, if Access To Work enforce unworkable conditions this will have a massive impact on the standards and availability of sign language interpreters everywhere. It is further concerning that these decisions and changes are being made by individuals who have no knowledge of the nature of Deafness and the true work of sign language interpreters. There has been no consultation with relevant people, no research or feasibility studies and a great number of assumptions made. I hope that the select committee will seek to consult with relevant people and take seriously the contents of the submissions they receive.

2. Deaf employees who have been forced to seek a full-time salaried interpreter under the 30-hour ruling have experienced 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 interpreters and the wider Deaf community. Access To Work advisers also do not tell the truth to claimants, suggesting that Interpreters are accepting these posts. Within our profession we know this to not be true and suspect that underqualified and inexperienced signers are taking on this work and this is inappropriate.

3. There are many issues raised for the interpreter by being in a full-time salaried post, such as:

3.1 a lack of professional development for the interpreter and skill stagnation by not working with a variety of clients across a range of domains.

3.2 conflict with professional codes of conduct and overwork.

3.3 Qualified and registered interpreters are duty bound to only undertake assignments for which they have ‘the appropriate qualifications, competence, and experience’ (National Registers of Communication Professionals working with Deaf and Deafblind People). An interpreter working in a salaried position could find it difficult to refuse to interpret in situations that they deem to be above their skill level and capability. This could lead to errors in the interpreting process, which could in turn have serious implications for the Deaf employee’s status at work, as well as their opportunities for development and promotion.

\(^1\) NRCDP Registered Sign Language Interpreter (RSLI)
3.4 an employed interpreter would encounter issues with maintaining impartiality by working with the same client day-in day-out.

3.5 it would not be reasonable to expect the interpreter and Deaf client to take holiday at the same time so there would be a further cost to provide cover when the interpreter is off.

3.6 It would not be feasible for the many Deaf people in work to have a full-time interpreter as we are also required to work in many other settings every day such as in the Justice system, with the Health Service and in schools with Deaf children.

3.7 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.

4. ATW advisors insist on communicating via telephone, which creates a barrier for Deaf claimants. Additionally, the complaints and appeals procedure is extremely difficult for Deaf sign language users to access and could be argued to be in breach of the Equality Act. This is shocking for a scheme that exists to support disabled people is also excluding proper access for people who cannot hear.

5. Many ATW / DWP staff are rude, lack understanding and are unsympathetic when dealing with Deaf claimants, which adds to the stress they are already experiencing by feeling that their job may be at risk. They also often tell untruths, such as ‘Interpreters are accepting the salaried posts’ and ‘The Association of Sign Language Interpreters advised us that £30,000 a year is an acceptable wage for interpreters’. Nobody knows where this figure came from.

6. Several of my clients have had to fight with their ATW Adviser to avoid losing their communication support budget. This has meant that they are prevented from doing the job that they are paid to do and instead spending hours on the phone or writing to justify why they need this support. Some employers are more supportive of this intrusion than others. ATW funding is meant to be there to enable a Deaf person to do their job not put it on hold while they battle with ATW. Deaf people have very little choice as they only have access to interpreters to assist them with phone calls and written submissions in the workplace.

7. I am aware of one organisation that employs several Deaf sign language users. The nature of their work is extremely high risk and they are only able to use RSLIs to ensure the safety of the worker, their clients and the interpreter. Despite continued reconsiderations the adviser continues to offer a rate that only a very lowly qualified CSW would accept. This is
worrying as interpreters are not only linguistically proficient they are also skilled in enabling ‘no harm’ to occur. The nature of this work could result in someone being injured or even killed, yet ATW insist that a CSW is sufficient. Previously this organisation’s staff, and many other Deaf people across the country have been assessed as requiring RSLIs, it is rather strange that suddenly so many Deaf people are being assessed as not needing this. ATW have no specially qualified assessors that understand Deafness and Deaf BSL users are being treated less favourably as a result of this.

8. Despite having no specialist staff recent cutbacks to staff at ATW / DWP mean that a lot of expertise is being lost. Interpreters and Deaf people are having to educate staff, again, about their needs and why two interpreters are required for a booking lasting two hours or more and the difference between a ‘signer’ and a fully qualified, registered interpreter who follow a professional code of conduct with professional indemnity insurance and a DBS check.

9. It is a well-known fact that employment among Deaf people is much lower than that of the general public. Of those Deaf people who have managed to get a job, many have become very successful, which would not be possible without skilled interpreter support and this is being removed or not offered at all. I am aware of Deaf people who are now facing capability procedures because they are no longer able to perform at their usual level as a result of reduced ATW support.

10. Interpreter fees have remained at around £35 to £40 per hour for the last 10 years. By reducing these rates to the recently suggested £25 for freelance interpreters outside London and £35 for an interpreter via an agency is appalling. 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 less than 50% of 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.

11. No previous model of a salaried interpreter exists, with the exception of ‘in house’ interpreters within agencies or universities who function in a very similar capacity to freelance interpreters in terms of supporting many people. DWP/ATW have failed to undertake a feasibility assessment for this new kind of ‘salaried’ role. There has been no investigation into what is an acceptable wage – the £30k appears to have been plucked from thin air and the fallacy that it was advised by ASLI further demonstrates that no actual research or consultation has taken place and that it is obvious that this suggestion has come from people who have no understanding of the provision of sign language interpreting and acceptable wages.

12. Many assumptions have been made. I received a letter from Mike Penning, via my MP Maria Miller, who claims ‘it clearly make sense to
employ someone full time, providing the support, rather than contacting multiple agencies and freelance workers to find support...’ ‘Clearly makes sense’? Based on what evidence? This may be true for other types of disability but using multiple agencies and freelancers is the norm for assignments that take place in any environment for Deaf people and it enables many Deaf people to be supported. Although, in the case of ATW bookings very few Deaf people can now afford to go through an agency because ATW have capped the fees to such a low level that there is not enough money to pay the interpreters fees and expenses, booking fees and any VAT that an agency may need to add. In reality, Deaf people identify a pool of suitable, and usually local, interpreters that meet their needs and the administration is largely an additional duty for the Deaf person. But in this model the ATW claimant has choice and control and is able to select the best interpreter to assist them in their tasks. There are no ‘hiring/firing’ difficulties in using freelancers should an individual not be suitable.

12. It is essential that Deaf people have choice and variety in who they choose to interpret for them. Different interpreters will have different skills to suit different environments or situations.

13. Often a Deaf person will have a pool of preferred interpreters to support them over weeks, months or years. Between the Deaf person and the interpreter pool it is quite simple to arrange cover when it is required without the need to contact one or more interpreting agencies. Working in this way is also more cost effective as it is not necessary to pay agency booking fees.

14. It has taken years of struggling to educate employers and service providers of the need for properly trained and qualified sign language interpreters. The blanket cuts being imposed now are setting the communities of Deaf people and interpreters back 20 years.

15. By reducing funding it will only be possible to attract lesser qualified or inexperienced interpreters that will not be able to provide the quality service to allow Deaf people, especially at managerial level, to be treated equally and therefore perform to their potential. Please see the submission from the Association of Sign Language Interpreters who explain the difference between BSL learners with a conversational level of BSL versus Interpreters who have all levels of conversational BSL (to NVQ Level 6), interpreter training and interpreting qualifications and registration with the NRCPD. It is important to understand that anyone can be a ‘signer’ but not all signers can be an ‘interpreter’. Being able to sign does not enable anyone to step into the role of an interpreter and ATW need to understand the added value given by interpreters and why interpreters are paid more, all of which equates to value for tax payers money. Using anything less than an RSLI is a shocking waste of public funds.
16. Deaf people who work are being discriminated against by this government’s changes to the Access to Work (ATW) fund.

17. It should be recognised that most deaf people need a different type of support to people with other types of disability.

18. BSL interpreters train for a minimum of seven years and registered interpreters are trained to postgraduate level as a minimum.

19. When Communication Support Workers are suggested as being a cheaper alternative to a qualified interpreter this results in the Deaf employee receiving an inadequate level of support.

21. It would assist everyone involved if the title and role of BSL/English interpreters were to be distinguished from the generic title and role of ‘Support Worker’ currently used throughout all ATW provision. Currently the term ‘sign language interpreter’ is not protected so many people who hold conversational BSL qualifications can work as CSWs (a role that people confuse with interpreters) or they can also claim to be ‘interpreters’. NRCPD is now working with Trading Standards to try to prevent such individuals from passing themselves off as interpreters – DWP/ATW’s ill thought through model will enable the market to be flooded with the sign language equivalent of ‘cowboy’ builders and rogue traders – all of which they intend to fund using public funds.

22. The default provision should be for NRCPD registered interpreters, not unqualified, unregistered (and possibly uninsured) workers with a basic qualification in conversational British Sign Language. Deaf people should have an automatic right to an NRCPD registered interpreter. Fees also need to recognise the difference in standard and ability. Currently there is only £5 an hour difference between RSLIs and TSLIs. The sorts of fees that are a pro rata of the plucked from the air £30k are no different to the fees that under qualified people get paid as CSWs. IF there is no distinction or graduation within the fee structure this will simply discourage people to fully train and it will see the most experienced, genuine interpreters leaving the profession.

23. The Sayce report ‘Getting in, staying in and getting on - Disability employment support fit for the future’ of June 2011 stated the value of Access to Work (ATW) to Deaf and disabled people and the value to the economy of more people in work:

23.1 “When Government spends around 20 times as much on out-of-work benefits for disabled people as on specialist disability employment support (£7 billion compared with just £330 million) something is wrong: we need to invest more in a menu of disability employment support that individuals can control if they wish (Access to Work, peer support and mentoring, support to get and keep employment). This makes economic sense: for every £1 spent on Access to Work the Exchequer recoups £1.48, and the social return on the investment is even higher. This would
(with other measures) help reduce some of the need for out-of-work benefits, which would make the whole change self-sustaining."

24. Deaf people in work are taxpayers and they are contributing towards the ATW fund that in turn helps them to find and keep a job and also to compete with hearing people. Why would DWP/ATW punish Deaf people that are willing to work and stay away from the benefits system?

25. I was recently contacted by an ATW Fraud Investigator looking to book an RSLI for an investigation. It struck me that there is a double standard here. ATW are clearly aware of the difference in standard between a genuinely trained, qualified and registered interpreter versus someone with conversational sign language qualifications in order to approach me for an assignment of this severity. ATW are clearly interested in employing a freelance RSLI for their own benefit, but how would they do this if all interpreters are engaged in being salaried and employed to support one person? I was not available so I was not able to ask about fees but I suspect that they would have honored my usual rates and T&Cs, that they would not have forced a fixed amount upon me for my services because there is no individual’s budget being used here and I could refuse to accept lower fees (which all other RSLIs would refuse too). Is ATW price fixing when they set budgets that are lower than the going rate? (Which is illegal and should be looked into). Why is it acceptable for ATW to seek to use my services in the normal way yet force unworkable fees and conditions on the deaf people it supports, their employers and the workforce of interpreters? It is clear to me that ATW do know exactly what the normality of sign language interpreting provision is yet they are trying to force it in an unnatural direction that will fail and is discriminatory. It is a double standard that ATW expect to engage my services differently to the manner in which they are forcing Deaf claimants to accept.

26. VAT – I am not VAT registered so this does not affect me directly but the fees available to me when a booking comes from an agency are massively reduced because ATW state that VAT must come from within the hourly rate set. HMRC confirmed that ATW are not exempt from VAT. This is an unfair practice that results in only lower qualified or underqualified people being available to Deaf people in order for the agency to afford to accept the booking.

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