Written evidence submitted by the British Deaf Association (ATW0222)

1. Executive Summary

1.1 The British Deaf Association (BDA) welcomes this independent parliamentary inquiry into Access to Work (AtW), along with the Minister of Disabled People’s own review in ensuring a fairer AtW system for Deaf people.

1.2 The AtW scheme is much valued by Deaf people, it is crucial in enabling them to gain and stay in employment. It enables Deaf people to overcome challenges within the workplace, and provides support in pursuing their career.

1.3 Although the 30 hour rule has been temporarily suspended for 3 months, we are concerned by evidence that AtW advisors continue to make inconsistent decisions. This has had an impact on Deaf people’s ability to sustain their employment along with losing their jobs causing an inordinate amount of stress and anxiety amongst Deaf people in seeking employment and staying in employment.

1.4 In this submission, we outline the main areas of concern in relation to the quality of the service from the DWP and the level of support that Deaf people receive through AtW.

2 British Deaf Association - Background

2.1 The BDA was founded in 1890; the organisation’s primary purpose is the status and recognition of the Deaf Community and British Sign Language (BSL) in the United Kingdom. We have a strong presence throughout England, Scotland, Wales and Northern Ireland.

2.2 As a member-led organisation, our work is focused on achieving equality for Deaf people through community empowerment, membership and campaigning. Working with local Deaf and BSL communities is crucial to the success of BDA campaigns and creates opportunities for Deaf people to develop, participate and contribute in wider society.

3 Evidence provided by the British Deaf Association

3.1 In February 2014, we prepared a briefing paper for the Minister of Disabled People and the DWP. This paper outlined several reasons why the 30 hour rule was not working and why this was an unrealistic proposition for many Deaf individuals as well as employers. This asked for this ruling to be suspended. At this current time it has been suspended for just 3 months.

3.2 In March 2014, the BDA published a report that consulted with 135 Deaf people on their experiences with AtW. Since the report has been published, new information has come to light that further highlights the inconsistencies with decisions made regarding AtW. These decisions have placed unnecessary stress and even penalised Deaf people in gaining employment, and staying in employment.
3.3 In our consultation report, we also highlighted that Deaf and disabled people benefit the economy, for every £1 spent on AtW, the government recoups £1.48 (Sayce¹, 2011). Deaf people want to be economically active and pay taxes instead of being unemployed and claiming benefits.

4  **Application and Assessment Process**

4.1 Many Deaf people report very positive experiences of AtW; however several have mentioned the lack of awareness on the AtW advisor’s part when they ask questions relating to their package. This means they find it increasingly challenging to access the support they need in the workplace.

4.2 There is a glaring lack of transparency and information on the policies and guidance provided; these appear to change all the time. When they do change, they are not communicated effectively to recipients.

4.3 The assessment criteria needs to be made more transparent. Frequently there is little rationale for rulings made in Deaf people’s cases. As a specific example, the hourly rates awarded appear to vary widely and lack consistency, in some cases Deaf people are told there is a cap of £25 per hour, and in others that it is based on individual’s needs.

> “I think AtW is not a postcode lottery, but a person’s lottery. Even in the same place of employment with large teams of Deaf employees, everyone has different hours and level of support”.²

4.4 At present the Reconsideration process consists of multiple stages, and is difficult to pursue. If a Deaf person feels they are not getting the level of support needed in order to do their work, the process of Reconsideration, in its current form, is not made clear to users on how they can seek reconsideration. In addition, AtW users are frequently told, “there is no right of appeal against decisions”. Many Deaf people think this means they cannot complain.

4.5 The guidance notes provided by AtW reads as bureaucratic and proves difficult for many Deaf people to understand. For many pre-lingual Deaf people, those who became Deaf before acquiring language, English is their second language; British Sign Language (BSL) their first. Deaf readers often fail to achieve age-appropriate reading levels; they frequently leave education with literacy levels considerably lower than their hearing peers. Additionally, BSL is structurally and grammatically different to English, which means adjustments are required when translating into a written form. The current AtW process of asking users to refer to notes shows, on the DWP’s part, a lack of awareness of Deaf people’s language skills and demonstrates no flexibility on guidance. There is no BSL content online explaining how AtW and its procedures work.

---

¹ Sayce L (June 2011) Getting in, staying in and getting on – Disability employment support fit for the future. Report presented to the DWP.

² British Deaf Association Access to Work Consultation – March 2014
4.6 The Reconsideration process also relies heavily on English; this makes it overwhelming for Deaf BSL users who do not have English as their first language. As a result, it impacts on their confidence in using the process and leaves them vulnerable to poor decision making by AtW that impacts on their ability to stay in employment.

4.7 Contact with AtW is mainly telephone based, which is inaccessible for many Deaf people. The initial assessment is done as a telephone interview, and does not allow flexibility for Deaf-friendly communication via other means e.g. online chat via BSL or face-to-face interactions. Considering that this is a Government Department that deals exclusively with disability, this is a clear barrier, there is very little flexibility on communication and how advisors communicate with Deaf clients.

4.8 Deaf consumers face a limited choice of Sign Language Interpreters (SLIs) due to the national shortage of appropriately qualified SLIs. Highly qualified SLIs are few in numbers (NRCPD 1,116 and SASLI 78) in the UK and there are 900 registered SLIs available (allowing for overlap between NRCPD and SASLI where individuals may be registered with both). Often bookings are made several weeks in advance, and advisors need to make timely decisions on support packages with this in mind.

4.9 There is much stress placed on the Deaf individual when they apply for jobs and secure an interview. Due to the shortage of qualified SLIs securing provision at short notice is problematic. In some cases AtW have asked the employer to cover the cost themselves. This places the Deaf individual at a disadvantage, because they are seen as an immediate cost before they have gone through the selection process for the job.

4.10 In other cases decisions from AtW have not been processed on a timely basis to enable Deaf people to attend job interviews with communication support.

5 Ongoing Support

5.1 There appears to be a lack of awareness on the advisors part regarding human/ongoing costs as opposed to one-off costs. There have been frequent examples of cutting hour rates excessively, with little rationale.

I had an agreement of £35 an hour for 21 hours a week to pay for my Qualified SLIs. At the beginning of June 2014, AtW contacted me and stated that I now had £25 per hour for my SLIs; this was with effect from 1 July onwards. I or my employer was expected to make up the difference. I fail to understand the rationale behind such a drastic drop in awards. AtW has given me independence and support in pursuing my career ever since I left University 20 years ago. Never before have I felt so disappointed or upset that such a decision could change the course of my career- It looks as if I will now become unemployed because I cannot afford to make up the difference from my income to pay for my SLIs. 
5.2 Advisors have repeatedly told Deaf people who previously used Registered Qualified SLIs to use Communication Support Workers (CSWs) as they are cheaper. Several Deaf people commented that they felt demoralised, but had no option but to accept this. Dickinson\(^4\) (2009) outlines what level of language competence can be expected from a CSW. The qualifications can range from a Stage One BSL qualification, which is a very rudimentary conversational level, to NVQ Level 6 BSL language units, which are taken before completing interpreter training. None of these language qualifications include any element of interpreter training. Communicators (CSWs) at this level will therefore have had no training regarding the complexities of the interpreting process, or vital issues such as confidentiality, ethics and boundaries. Unlike trained and qualified interpreters, they are not required to demonstrate any competency in written or spoken English. In addition Registered SLIs must have Professional Indemnity Insurance and an Enhanced DBS check that must be updated every 3 years. CSWs have no such requirement.

5.3 To become a Registered Sign Language Interpreter (RSLI) or Trainee Sign Language Interpreter (TSLI) qualifications are gained at degree and postgraduate levels. Rigorous training will have been undertaken to get to this level; candidates will need to demonstrate\(^5\) competence, knowledge of interpreting as well as professional conduct. They will also belong to a professional registration body and be insured. In the workplace, most SLIs will be required to interpret across a range of settings, including one-to-one meetings, team meetings, training, supervision and informal interaction with hearing peers. They will carry out telephone interpreting and the translation of written English into BSL, and vice versa. All these interpreting tasks require a high level of skill in both languages. In contrast a CSW will often have minimal level of skills e.g. basic BSL skills. They are not qualified SLIs. They will not be able to manage demanding work assignments.

5.4 Travel costs and VAT are now part of the hourly rate, and this has been imposed on several users in the past year, making it hard for users to manage their budget. There appears to have been no consultation with key organisations such as ASLI (Association of Sign Language Interpreters) and VLP (Visual Language Professionals) on why the rates have been imposed. This has meant, in many cases, Deaf people are unable to employ qualified SLIs, having to use lesser-qualified CSWs instead.

5.5 For many individuals in long-term employment, they undergo a review of their support on a timely basis. In some cases, some are unaware that their support has stopped. For others, during the interim whilst waiting for a decision, they are unable to book support. As a specific example we are aware of a user who has been waiting to hear about the outcome of his review since March 2014.

\(^3\) AtW user Personal Communication to the BDA, June 2014


\(^5\) http://www.nrcpd.org.uk/page.php?content=59
5.6 Current rules mean any extra hours have to be applied for in advance, going through the process from the call centre, awaiting forms, completing forms, awaiting the decision and then through the appeal process if applicable which can take in excess of 7 days.

5.7 The system in its current form is heavily paper based, and relies on postage. This causes delays with decisions, and reimbursement. This could be solved by the introduction of an online system.

6. **AtW effectiveness in helping Deaf People in Employment to:**

- Secure a job;
- Stay in employment; and
- Develop their careers; and

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

6.1 The latest figures\(^6\) show 48.9% of disabled people are in employment, compared to 76% of non-disabled people. Deaf people are competing in a competitive job market. AtW needs to be a system that supports Deaf people in employment, in line with Mike Penning, Minister of State for Disabled People, who commented earlier this year that:

> “People with disabilities account for a fifth of the workforce and are tremendously valuable to the British economy. This government is determined to boost the employment rate for disabled people and is helping more and more people with a disability into work.”

*Minister of State for Disabled People Mike Penning\(^7\)*

6.2 In the past month (June 2014) we are aware of several Deaf self-employed people that have been asked to provide evidence of their income to determine whether they were still eligible for AtW. This appears to be a new procedure where the assessments show if they earn less than the minimum wage then their AtW support would be stopped. The emails seen from AtW appear to provide little room for negotiation or reassurance to enable them to stay in employment:

> “Your Access to Work funding ends on the 20th June 2014. I am reviewing it at the moment. Your claims show you have not used support as anticipated so I am likely to reduce your support. However, if it is clear that you are not earning national minimum wage in this business you will not be eligible and your support will not continue. Once we have checked your earnings we will advise you whether or not you are eligible for more funding (email from AtW\(^8\)).”

\(^6\)http://www.bbc.co.uk/news/blogs-ouch-25006133
\(^7\)http://www.larkstoneliving.co.uk/opportunities-grow-for-disabled-workers-794/
\(^8\)AtW user Personal Communication to the BDA, June 2014
6.3 The cuts in an individual Deaf person’s budget and AtW’s refusal to pay for two SLIs for one day’s work has had an impact on SLIs abilities, particularly for meetings over two hours. In some cases, AtW have stated that they are no longer supporting additional interpreters, citing this is now the employer’s responsibility. Interpreting is a mentally and physically exhausting task. At times the volume of work may require two SLIs to allow for effective working, prevent RSI, prevent fatigue and help to maintain the SLI’s health and long term ability to continue working as a SLI. It also appears to go against AtW’s own guidance in relation to co-working. 543 version 20.

"General consideration for all interpreters". "Interpreters cannot be expected to work for more than two hours without a break, if an event will require continuous interpretation for more than two hours, two interpreters will be required."

6.4 We can report several instances were Deaf people were unable to stay in employment because AtW offered no flexibility. In one case, a Deaf managing director reported they faced the decision of making themselves redundant because their hours were cut and they were no longer allowed to use more than one interpreter. In a further case a Deaf recipient was left without any interpreters for the first month of her job, and also had to keep a diary of all the support she had to justify her needs. At the same time she had to learn about her role. This impacted on her ability to fulfil her job role and she left her job due to stress:

*I didn't like the way AtW advisor spoke to me. It made me feel I was asking too much, or greedy. Unfortunately I left my job due to stress. The issue with AtW was one of them. I am now looking for work again and now worry what AtW will do to me*.10

6.5 In yet another case, a Deaf person started their new job with interim support of £35ph x 40 hours a week for three months before he was then offered £18.16ph x 37 hours per week or £25ph x 25 hours per week for a salaried interpreter. The company were unable to employ a salaried interpreter because they’d already reached their maximum head count as a public service provider, so it was not possible to employ someone. He was told by AtW that he needed to sort it out himself with his employer, placing an inordinate amount of stress on him.

7. **Recommendations**

7.1 All organisations recognise the importance of efficiency savings, keeping within budget and reducing wastage. However, any policy changes or decisions made should not be undertaken that places Deaf people at risk of underperformance, redeployment or redundancy.

---


10 AtW user Personal Communication to the BDA, June 2014
7.3 We would like to see the DWP providing more flexibility and choice, allowing a more person-centred approach. Along with this, there is a clear need for more transparency on any guidance and the Reconsideration process.

7.4 There is a need for AtW to work with key organisations in achieving solutions for keeping Deaf people in work. Embedding good practice is crucial for supporting confidence in the workplace amongst Deaf employees. The system, in its current form, is inefficient and is having a real impact on Deaf people’s ability to work and stay in employment.

7.5 A more efficient online procedure is essential in order to minimise bureaucracy and save time.

7.5 Advisors need to undergo Deaf Awareness Training.

7.6 Advisors need to be clear about any decision-making in relation to budgets and maintain consistency with the hourly rates awarded. The support given must be sufficient to enable Deaf employees to operate in their job role and should not be means tested.

7.7 Communication systems need to be more accessible, Deaf-friendly and less telephonic centric.

7.8 The 30 hour policy should be abolished.

7.9 Deaf people should be able to have flexibility with their support package, and the ability to use more than one type of support. The use of technology could be explored further. For example Video Relay Services that provides remote interpreting.

7.10 The Government need to look at steps to increase the supply of language and communication professionals.

20 June 2014