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1 Introduction

1.1 BID Services (BID) is a registered charity founded in 1872. Based in Birmingham, we work in partnership with people with a sensory impairment, as well as those with a physical disability or mental health. We have experience of delivering a variety of complex contracts and services both regionally and nationally for children, young people and adults.

1.2 We currently employ over 165 highly trained professional staff and 53 dedicated volunteers, who are all committed to delivering individual, tailored services to clients. We are focused on improving the lives of those we support and empowering our clients to live independent, happy and richer lives through the support services we provide.

1.3 We hold Supporting People accreditation with a number of local authorities and are a registered provider with the Care Quality Commission. We have achieved Investors in People and the Quality Standard ISO9001. We have also achieved the Investors in Volunteers award and are a member of In Control.

1.4 Our high quality provision includes British Sign Language (BSL) interpreting and training, deaf awareness training, specialist equipment, residential placements, personal and social care, cancer care, advocacy services, support for tinnitus, employment support, as well as providing advice and guidance on a range of issues and topics, relevant to the client groups that we work with.

1.5 BID currently employs 44 deaf people placing us among the largest employers for deaf people in the UK. We have worked with Access to Work (AtW) for many years providing BSL support to our deaf staff, enabling them to engage effectively in the day to day working life of BID.

2 Executive Summary

2.1 This paper sets out to illustrate some of the problems currently being experienced by deaf people in employment and their employers as a result of changes by Access to Work (AtW). It sets out solutions that can meet the needs of all stakeholders in a time of austerity. It shows that AtW has, historically, enabled deaf people to obtain employment and realise their potential. It concludes that without this support, the long term future for deaf people in employment is bleak.

3 AtW application process

3.1 The application process is, at best, inconsistent and difficult for deaf people and BSL users in particular to access. There are frequent inconsistencies in approach by AtW advisors: recently advisors have offered widely different hourly rates for two deaf people working in the same service and undertaking broadly similar jobs.

3.2 Another example of inconsistency is demonstrated by a recent request to re-evaluate a deaf person’s job in order to change it to what they are able to do without support. This does not meet the wider objective of facilitating deaf people to work effectively and realise their potential and, as well as disempowering, it is redolent of behaviour from another century.

3.3 There are frequent delays in the assessment and decision making process and communication with the advisers is difficult although this should not be taken as a criticism of advisers personally as the problem is more often one of resourcing.
3.4 AtW assume all deaf people require support in BSL. This is not the case and provides another instance of lack of real awareness of the full extent of the disability. Some deaf people do not work in BSL and require their support in Sign Supported English or even from a Palantypist.

3.5 While acknowledging that the rights of deaf people to receive support that meets their specific requirements are paramount, in organisations where a number of deaf people are employed, it makes strong administrative and economic sense for the employer to provide the primary link with AtW. Given effective working relationships, it will be entirely possible to respect the rights of a deaf person while ensuring that the support meets overall organisational requirements. Establishment of a nominated AtW advisor, who fully (as distinct from superficially) understands the implications of deafness, to handle applications from an organisation would go a long way to improve the situation.

4 Adequacy of ongoing support

4.1 Until recently, support has allowed deaf people to engage effectively in the work situation. Current experience of AtW suggests that this will not continue.

5 Recognition of administrative costs

5.1 AtW Guidance states that employers cannot make a profit from AtW. Whereas the additional costs of administering support for one person is small and, in an organisation of reasonable scale, something that can be absorbed within the existing administrative infrastructure, supporting a group of 40 plus deaf people, representing around one third of our headcount, requires significant additional administrative commitment. In our case we employ the equivalent of 7 sign language interpreters to support our deaf staff. Like all employees, they require effective supervision, ongoing training and professional development and this adds substantially to the overall administrative costs incurred by the organisation.

5.2 BID has worked with AtW to develop an efficient process that meets the monitoring requirements of AtW and, by integrating systems within BID, we are able to operate a cost effective, efficient system. However, recent requests to provide additional evidence by way of monthly payslips (with full personal details, something we release only under duress) and a primary reporting form (DP222) that does not allow for different rates for different support interventions suggests that AtW itself has given little thought to the efficiency to the overall administrative process. Their changing requirements, paper based, arguably disproportionate, will simply add further to the overall cost to an employer and is at variance with wider government notions of using IT systems to increase efficiency and reduce cost.

5.3 Recovering costs reasonably incurred in providing support to deaf and disabled staff is not profit, it is about reimbursement of additional costs reasonably incurred in providing this support. Not meeting this reasonably incurred additional cost will add to financial pressures on organisations and will, ultimately, result in deaf people not being able to engage effectively in the work situation and hence reduce their opportunities for employment and advancement.

5.4 As the system currently operates, most, if not all, of the financial risk of providing the support is transferred to the employer. AtW’s monitoring requirements result in a long process to obtain necessary signatures and, even when the invoice and evidence is submitted to AtW, it is often three months or more before payment is received. Valid claims are reduced without reasons being given and discussions by way of resolution are often fruitless. Add to that the lack of control of the paperwork and, by extension, an employer’s unmediated exposure to the vagaries of ATW’s payment process, the situation verges on untenable.
5.5 AtW states that it has to be consistent although gives no good reasons for that. Conditions in London are very different from those in, say, Lincolnshire; the support requirements of BID as an organisation are very different from those of our larger national and smaller local peers. AtW seeks to impose its view on all stakeholders of the support provision, whatever their differing requirements. It has not and does not engage in meaningful dialogue, hence their offer is very much AtW’s view of what is required. The view is not based on evidence and is not one that will work effectively for deaf people and their employers.

5.6 As already noted the costs of supporting one person in an organisation are very different from the costs incurred when supporting a group that represents in excess of one third of the staff group and, a clear outcome of AtW’s drive for consistency will be that less deaf people will be employed.

6 The 30 hour rule

6.1 This is where the deaf person or their employer is required to recruit a salaried support worker when support is assessed at 30 hours or more per week. This approach fails to recognise differing communication requirements in differing situations. One specific type of support does not meet all the needs of an individual, nor does the rule recognise the costs, skills and risks associated with direct employment. It also assumes, in our view incorrectly, that a post such as this will attract a suitable candidate.

6.2 ATW will pay the basic salary, NI and pension (or equivalent hourly rate), but this does not cover supervision, training, equipment, travel costs, personal development and other staff related costs, leaving employers to top up the balance.

6.3 One specific type of support does not meet all the needs of an individual. A Communications Professional could help with some office support tasks while a fully qualified interpreter is needed for complex meetings. No one undertakes the same task all day every day and to engage effectively in day to day organisational activity, hence flexible support is required.

6.4 Interpreters need a variety of work to maintain continuous professional development (CPD). Interpreter registration requirements specify a fixed number of annual CPD hours and they require time off to attend courses to maintain them.

6.5 AtW’s expectation assumes that there will be a pool of appropriately qualified interpreters available and wanting to apply for such a job. AtW’s allowance of 6 weeks for a recruitment process is totally unrealistic, not least because the successful candidate from any recruitment process would be subject to DBS checks which can take a number of weeks after acceptance of a job offer.

6.6 There is no recognition that, given the finite pool of qualified interpreters, that it may not be possible to recruit to such a post given its implicit constraints and particular requirements that will limit that individual’s professional development and what would happen in that event. Further, there is no evidence of thought being given to the provision of support during the recruitment period or what to if the recruitment process is unsuccessful. In addition there is no detailed written explanation to the deaf staff member of how they should go about recruiting, paying and supervising such a person as well as the risk employment necessarily brings, should they choose to take that option, let alone in BSL.

7 Imposition of restrictions on organisations who directly employ BSL interpreters.
7.1 BID Services is among a number of organisations in England that employ BSL interpreters to provide sign language interpreting as a service to deaf people and organisations engaging with them. By forcing them to use an in-house provision, ATW are removing the choice from deaf staff to purchase support from their choice of provider and are forcing employers to provide BSL support to staff from that pool, regardless of the fact that our interpreting team is employed primarily to support deaf people in the wider community and, by so doing, cover their full cost of provision plus a modest surplus which is used in line with our charitable objects.

7.2 We simply cannot afford to re-direct staff to work at the rate determined by AtW as it does not cover the full cost of delivery, and, by diverting resource from operating in the market at a reasonable commercial rate to one that is below the cost of production, it would have a huge impact on the organisation as a whole. We are a long-established BSL Interpreting agency and expect to operate at a reasonable market rate. Being forced into diverting resource into providing service at below cost is neither fair nor reasonable and an abuse of monopsonist power. It is also contrary to AtW’s professed consistency requirement as it seeks to impose a different set of conditions which are detrimental to organisations operating BSL agencies.

7.3 AtW’s justification for this is what they call Deadweight. In essence, AtW are saying that as BID has provided ATW support in the past, we cannot, under the terms of the DDA, withdraw it on the grounds of cost. In essence they are saying that a previous reasonable adjustment has to be maintained whatever the financial consequences for the organisation. One can reasonably ask, given limited case law, on what authority they base this interpretation of the DDA as our legal advice does not support this.

7.4 The result of this is that ATW are refusing to engage directly with our staff and ourselves. However we respond in the short term, the long term effect is that deaf people will be excluded from full participation in the work environment, something that has taken many years to achieve successfully. The long term effect, at complete odds with the government’s objective of increasing and maintaining employment, will be that less deaf people will be employed as fewer and fewer employers will want to fund the cost of supporting them.

8 AtW’s effectiveness in helping deaf people

8.1 BID has worked successfully with AtW over many years. This has allowed us to increase the number of deaf people we employ from around 10 in 2002 to the 44 today, representing in excess of one third of our staff. Without an effective relationship with AtW, it would not have been possible to do this as they would not have been able to engage successfully in organisation life, let alone work outside the organisation in a very predominantly hearing environment.

8.2 The growth in the number of people we employ with hearing impairments demonstrates that AtW helps deaf people secure a job and stay in employment. In addition it has enabled deaf staff to realise their potential as evidenced by us developing the first qualified deaf social worker in the country and by deaf people obtaining supervisory positions within BID. In short, it has been successful.
9 Conclusion

9.1 That disabled people and, more relevant in this case, deaf people have difficulty accessing the labour market is well known and evidenced. By the time they are 26, disabled people are nearly 4 times as likely to be unemployed or involuntarily out of work as non-disabled people. Research conducted in 2011 by DWP reported those with sensory impairments are twice as likely to be out of work as non-disabled people. Latest research conducted on Deaf people’s experiences of employment by Action on Hearing Loss in report ‘reported 63% of deaf people being employed compared to hearing peers quoted at 75%.

9.2 The way the situation is currently evolving, it seems likely that AtW will cease to meet the needs of our deaf staff which is neither in the long term interests of BID nor AtW. It is also running against the substance of the Social Value Act as, putting lack of effective consultation on one side, it fails to recognise the significant social return on investment that accrues from meaningful employment of deaf people. Removal of effective support will quickly result in reduced employment of deaf people and reduced opportunities for their employment. Deaf people already suffer linguistic isolation and reducing their employment opportunities is the antithesis of government policy and, perhaps more importantly, not in the interests of wider social inclusion and cohesion.

9.3 We recognise the economic situation in which we are operating and that government policy requires savings as well as a reallocation of AtW resource to a wider group of disabled people. However the solution of protecting the position of deaf people does not lie in ill-founded Whitehall edict. Top down imposition is a known route to inefficient resource allocation, particularly when dealing with complex adaptive systems, the model that best characterises the nature of what we are dealing with.

9.4 Progress that will meet and balance the differing requirements of all stakeholders will only be achieved through meaningful dialogue and pragmatism. Simplistic consistency across widely differing institutions and individuals is little more than a cloak from which to hide from making and defending balanced judgements. Civil servants are capable of making sensible decisions that bring effective practical solutions to differing circumstances and this is what is required.

9.5 Equality Law still lacks teeth and reasonable adjustment is far too subjective, hence deaf job seekers or employees still have little protection in terms of reducing inequalities and ATW being reduced adds further concerns and is in direct contradiction to political aspirations to get more disabled people off benefit and in to work,

9.6 Solutions are available – for example, if it is necessary to make savings, pooling of hours by way of a bulk allocation can be made to work. In this case we should be allowed to work with our deaf staff to make the most effective use of the time available, meeting AtW’s requirements but without their attempts at micro management from afar.

9.7 Solutions that work for deaf people and their employer will only be accessed through effective and meaningful dialogue with AtW representatives who engage openly, honestly and flexibly. Without this, the future for deaf people in employment is bleak.

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