Written evidence submitted by Deaf Direct

Executive Summary:

- Information regarding Access to Work (AtW) is not fully accessible to deaf people. Support is rarely given when a candidate struggles with the system.
- A lack of specialist knowledge within Access to Work disadvantages deaf people when trying to access support and reach an appropriate agreement that meets their needs.
- The negative impact of AtW on deaf people’s opportunities to succeed and progress in the workplace.
- A lack of information about AtW services in the public domain.

Introduction:

Deaf Direct is a local charity working with deaf and hard of hearing people in Herefordshire, Oxfordshire and Worcestershire. We support our clients by providing a wide range of services including information and advice regarding employment.

We work with many deaf clients who are sign language users: individuals who are in employment and have Access to Work support and others who are unemployed and seeking work.

In addition the organisation also employs deaf sign language users who hold individual agreements with AtW, some of whom hold senior positions within the organisation.

The AtW application and assessment process, from the perspective of employees and employers:

1. As an employer offering job interviews to deaf candidates we have never been provided with information regarding AtW support that is available for job interviews. Fortunately, as a specialist organisation, we are aware of the support available but we repeatedly meet other employers who do not know that the AtW scheme exists.

2. Applications for interviews are usually processed swiftly, however, we always have to support our deaf clients to go through this process. Various difficulties feed into this: a lack of awareness among clients about AtW support; they struggle to deal with the paperwork involved; they are concerned a prospective employer will be put off by the ‘hassle’; they require support to book an interpreter.

3. In our experience, both as a service provider and employer of deaf people, there are difficulties in the initial application process. The system relies on English based communication, and can be protracted. Starting a new job can be the time that support is most vital as there
are lots of new people to meet and a lot of information to take on board. We are aware of cases where delays in the AtW system have caused delays in an individual being able to take up their post.

4. Those renewing their agreements are in a better position to understand the processes, however, AtW regularly update their guidelines and this information is difficult to find and not kept up to date in the public sphere.

5. Recent changes in the way AtW apply their guidelines has caused many deaf people great difficulties at work as they try to manage the requirements of the application/review process and reductions in their support alongside the demands of their workload.

6. The blanket application of the 30 hour rule appears to be in direct contravention of AtW’s guidelines as support should be assessed on the individual and the requirements of their current role.

7. There is a lack of awareness amongst generic AtW advisers on the needs of deaf people in the workplace. Frequently advisers come back with questions which clearly demonstrate the gaps in their knowledge. Advisers cannot be expected to be specialists in all subjects, but without individuals with such knowledge different advisers are dealing with applications in different ways.

8. There is no system in place to request a second opinion during the review process. Currently one manager has the power of veto, which appears to ignore all the hard work undertaken by the assessor who has looked in detail at the case. It should not be possible for a faceless person to make a decision arbitrarily without offering a full explanation of that decision. Were an explanation provided the deaf applicant could respond more effectively to the points raised if they wish to challenge the decision.

9. We are aware of the reconsideration process but this creates additional work for applicants, has an impact on workload, and causes additional stress due to the delays. If cases were to be reviewed by two people in the first instance this would save a number of cases needing to go to reconsideration or appeal and reduce the difficulties, delays and stresses caused by the reconsideration, or appeal, process.

10. Guidelines state that payments to customers or their employers should not be changed until their current AtW agreement period, normally 3 years, is complete. We have direct experience of an employee whose 3 year agreement regarding their support requirements were agreed and signed off only to be retracted a few months later which appears to be in direct contravention of the guidelines. There was no re-assessment as part of this process. This application has been to reconsideration and the individual is now attempting to start the appeal process. Despite repeated emails being sent to date no response has
been received. There appears to be no recourse when the system is failing those it purports to support.

11. The appeal process is complex with lengthy timescales that render current employment difficult to sustain, few employers are able to accommodate the reduction in staff output during this time and it causes significant stress for the individual.

12. There is now an email address to enable those who are unable to use the telephone to contact AtW, which is positive, however, information about the email address is not well publicised and therefore it is likely to be underused.

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:

13. In our experience AtW/DWP does not offer help and advice to individuals and employers, the service is process driven.

14. Onus should not be placed on the employee to mediate between the employer and the access to work advisor. Some employers find the process onerous and this creates tension which jeopardises the employees status within the organisation. Access to work advisors need to be more mindful of the delicacies around employment of vulnerable individuals already at risk of disadvantage and discrimination.

15. In general AtW advisers demonstrate a lack of understanding about the difference between a Communication Support Worker (CSW) and a Sign Language Interpreter who is registered with the National Registers of Communication Professionals (NRCPD). This leads to agreements that do not offer the financial support necessary to employ an interpreter of an appropriate standard, this has a negative impact on a deaf individuals capacity to do their job.

16. The process of expecting the individual to administer their own support (sometimes paying the support workers themselves and therefore being out of pocket whilst claiming money back) is discriminatory. They should not be expected to take on this additional role on top of their employment duties.

17. Recent guidelines state that the support worker element of AtW offers financial assistance to cover the full cost of providing support in the workplace. Current costs proposed by AtW do not reflect the marketplace. This is a disincentive to interpreters and interpreting agencies accepting work that is funded by AtW. This inevitably has an impact on deaf people in the workplace being able to identify and book suitable interpreters.
18. When an employer is expected to meet the additional costs of an interpreter this has a negative impact on a deaf person's ability to gain employment, hold down a job, or have opportunities for promotion. Whilst there are laws in place to protect against discrimination there are also many ways to obscure the fact that an individual's support needs has an impact on decisions made by employers.

19. In the case of SMEs and local third sector organisations it is not financially viable for the employer to contribute to costs thereby reducing a deaf person's employment options.

20. Deaf Direct is also an employer of deaf people and has direct experience of inconsistencies in the system. Different advisers/teams interpret the guidelines in different ways with some being much more conversant, supportive and helpful than others.

21. During a reconsideration process for one employee Deaf Direct have been told that as a deaf organisation we should cover the cost of a deaf person's support. Taken at face value this appears discriminatory, ie a Marks & Spencer employee could have an AtW agreement but not someone working in a deaf charity, and we are clarifying whether this appears to be AtW staff misunderstanding the guidelines.

22. The financial element of an AtW agreement is forcing individuals to employ an interpreter due to a low hourly rate, whether they believe this support meets their needs or not. When a salaried interpreter is contracted the hourly rate, along with tax, national insurance, sickness pay, annual leave and other employer contributions, is not a true reflection of the cost of employing an interpreter. AtW rates generally do not account for essential additional costs such as: annual registration fees; preparation/recovery built into non-contact time; providing professional supervision (not HR line management supervision); meeting training needs; ongoing continuous professional development or mentoring.

AtW’s effectiveness in terms of helping disabled people to: secure a job, stay in employment, and develop their careers:

23. Unless you already know that AtW exists it is difficult to find information about additional support that is available in the workplace, including the AtW scheme.

24. There is a lack of awareness amongst job seekers that interpreters can be provided for job interviews. Even if an individual thinks they can have an interpreter they do not know how to apply for the funding and do not know how, or who is responsible, to book a Communication Professional.
25. There is a lack of awareness amongst Job Centre Plus staff regarding the AtW scheme therefore accessible information is not automatically offered to deaf job seekers.

26. When information is supplied it is often a reference to the website or printed material, information in BSL is not on offer.

27. The application process is English based and the standard application process necessitates a telephone interview, both of which are barriers to deaf people accessing the service.

28. Job seekers that are offered an interview are not supported to make an application by Job Centre Plus staff. There is limited access to further information and advice regarding the application process.

29. The application process is reliant on the individual, or company, being aware that AtW exists. Experience indicates that the onus is on the individual to know what support they can apply for and what their support needs are. Where this is the first application to AtW the deaf person has to cope with this, often protracted, process alongside learning about their new role. Delays in processing applications can leave deaf people with no support when starting a new job, creating difficulties from the outset.

30. Sourcing and booking appropriate communication support, which is the responsibility of the deaf person, can be a time consuming process. The individual may need to research different interpreters to identify which are most suitable for their needs. This takes up time that would otherwise be spent fulfilling their role which can disadvantage them in comparison with colleagues.

31. Historically many deaf people have made use of specialist agencies who already know the skills within the interpreting pool in any given area. This guarantees them a quality service and reduces the time spent on administering their support needs. This model of good practice is now being discouraged by the reduction in hourly rates being offered preventing deaf people accessing specialist services to enable them to continue working productively.

32. When an application for in work support is made the individual is assessed to determine the amount and type of support they can be offered. When an individual has been in post for several years, with appropriate Access to Work support, changes are being made to their AtW agreement without an assessment being carried out. This undermines work by previous assessors and renders some deaf people unable to carry out their role effectively. The results of this can be redeployment to an alternative role or dismissal on the basis that the individual can no longer fulfil the requirements of the job.
The steps taken so far by DWP to extend AtW, including its marketing and funding of the scheme:

33. The gov.uk website, eg [https://www.gov.uk/access-to-work/eligibility](https://www.gov.uk/access-to-work/eligibility), is not accessible to many deaf people as it is written in English with no British Sign language translation available.

34. As a specialist organisation working with deaf people we have never received any marketing information or materials about AtW. Any information we have on this subject has been researched by our own staff team.

35. There is no consistency of information given by advisers at Job Centre Plus, the initial port of call for many job seekers.

36. As an organisation we have seen no increase in awareness of AtW, either amongst our client group or employers.

37. Whilst AtW guidelines are available they are not applied consistently by individual advisers. It is understood that agreements are related to the individual’s needs and their role but the systems that enable this should be robust and transparent with guidelines consistently applied.

Recommendations:

1. Robust and transparent policies, guidelines and operational procedures that are applied consistently by advisers across the country.

2. There needs to be a demonstrable improvement on delivering to the standards that are outlined for advisors. Current guidelines state that advisers should work closely with customers and can draw on the expertise of independent specialist assessors to identify appropriate solutions to the customers needs. At every stage of the process there should be consistent application of the guidelines to ensure the process, as well as the package of support, does meet their needs.

3. Where an individual requires additional support to access and understand the system, to arrange an agreement, or go through the review process, this should be provided by AtW. No individual should be expected to organise their own support.

4. It is a reasonable expectation that any support costs include a portion for the administration of that support, for example agency costs for sourcing appropriate interpreters or other communication support.

5. Consulting with an individual and their employer regarding changes that will affect their support prior to decisions being made.
6. When an individual’s AtW agreement is affected notification is by letter and tight timescales are in place to affect that change, this has an impact on the individual’s capacity to work effectively. Consideration should be given to appropriate interim arrangements and timescales, for example maintaining the original agreement until matters such as reconsideration and appeals have been processed.

7. Independent advocates, paid by ATW, able to support deaf and disabled people through this process remotely, via webcam and telephone. They need to be fluent in British Sign Language and knowledgeable about the issues affecting BSL users specifically and the market situation.

8. A better understanding of the market place and the existing structures of those providing communication services. A detailed response has been made by the Association of Sign Language Interpreters (ASLI) which we support.

9. Working in partnership with existing organisations and networks that work with deaf and hard of hearing people at both a strategic and frontline level. This would serve two purposes: a resource to facilitate consultation with those directly affected by changes in service and the organisations can become a conduit to share accurate information and updates provided by AtW with the wider community.

10. A structured approach to marketing using existing channels; local and national organisations working with deaf people; professional associations for Communication Professionals (eg Association of Sign Language Interpreters, Association of Lipspeakers, etc); business organisations such as the CBI.

20 June 2014