Written evidence submitted by Higher Education Institutions (ATW0251)

1. Introduction

This is a joint response from University College London, Imperial College London, SOAS, University of the Arts London and the Universities of Oxford, Canterbury Christ Church, Royal Holloway, York St John and Durham. A further four institutions have endorsed this response. Our institutions have responded as employers and have consulted with, and incorporated the feedback of, disabled staff in our universities.

In 2013 365,289 people were employed in the UK higher education sector. Of staff who declared a disability status, 12,970 disclosed a disability (3.4%). No information was held for 7.8% staff in the sector. We have reasons to believe that disability is still under-reported for monitoring purposes, so it is likely that numbers of disabled staff are significantly higher than this. Staff employed in the higher education sector include academic, research and professional support staff.

It is important to state at the outset that the support provided by Access to Work (AtW) is greatly appreciated. It has enabled universities to employ the best person for the job, when they are disabled, or to keep staff with newly acquired impairments or (mental) health conditions in a job. This contributes to a diverse workforce that enhances the world-class teaching and research that our institutions deliver. Some universities provide disability-related teaching and research subjects and without support with additional costs of employing disabled people these subjects are at risk.

AtW has made a significant difference to the lives of some disabled people employed in higher education. The scheme is essential in enabling fair access to the workplace, helping people stay in employment and in some cases it has been critical in developing careers and securing promotion.

There are examples from our institutions of exceptional levels of support. For example at the University of Oxford, AtW funded a combination of assistive technology and a support worker to scan items in archives, which has enabled an academic to remain research-active despite a significant physical impairment. Also one dyslexic member of staff at Imperial College London received the support she required within a two week period and on request, additional support was granted without any stress involved whatsoever for the staff member.

Unfortunately however, our institutions have more commonly found that AtW processes and provision can be opaque and challenging. The poor level of service sometimes experienced can cause a great deal of stress and difficulty to disabled staff and their employers. It can impede their ability to perform well in the workplace by placing them at a substantial disadvantage in comparison to their non-disabled peers.

University structures can be complex and whilst some institutions make substantial contributions through central budgets to supporting their disabled staff, other universities rely on departments (which can have very tight budgets) to pay for reasonable adjustments, when these are required. All of the universities contributing to this response accept that there is a duty on employers to make reasonable adjustments (where these are necessary). It is understood that AtW exists to supplement and complement the actions of employers in this regard. Nonetheless,
where an institution is likely to face a substantial cost in order to put in place the
equipment and support necessary to enable a disabled employee to do her or his
job, it is a reality that this will be viewed as a significant disincentive for employment
or retention by many institutions. Given the under-representation of disabled people
in higher education, adequate AtW funding and support is critical if institutions are to
tackle this underrepresentation throughout the workforce. Poor service from AtW
and reduced funding provision not only impact negatively on disabled staff, but they
can also frustrate and undermine institutional efforts to employ more disabled people.

With far greater numbers of disabled people now working, it is recognized that there
is an increased demand for support from AtW from higher education institutions. The
AtW funding regime, culture and approach towards removing barriers to people in the
workplace who have impairments, long-term health conditions and/or mental health
issues, reflect closely that which was adopted by the Placement, Advice and
Counseling Team (PACT) the predecessor of AtW. Whilst this approach may have
been fit for purpose at that time, the various restructurings of AtW and the culture of
the organization have failed to keep pace with the demands placed upon the service
in the 21st century.

2. AtW application and assessment process

A number of key themes emerged from institutions regarding our experiences and
perceptions of the AtW application and assessment process.

2.1 AtW Advisors and Assessors

Our institutions note with concern that AtW staff, particularly in recent years, vary
widely in their understanding of disability equality and impairment. Some advisors
and individuals sub-contracted to act on behalf of AtW as assessors or to provide
mental health support do not seem particularly experienced in assisting disabled
people.

In one example, a member of staff who has learning difficulties but who did not
identify himself as a disabled person, had his application cancelled on the basis that
he (erroneously) did not consider his condition a ‘disability’. After intervention from
his line manager and the Equality and Diversity Advisor, the application was
reopened and eventually an assessment was undertaken and adjustments
recommended. This clearly demonstrates a lack of basic knowledge on behalf of the
advisor who should have had some understanding of disclosure issues.

There have been occasions when individuals felt that AtW advisors and assessors
have made inappropriate comments about their situation or medical treatment.
Unfortunately, a number of institutions have encountered severely negative
experiences with some advisors and assessors. As one respondent stated: “I had the
distinct feeling that this assessor was doing everything he could to avoid agreeing to
any AtW expenditure. He lacked empathy, knowledge and experience about
disability issues and he tried to bluster and bully instead of engaging effectively in a
discussion.” Poor quality written communication from AtW, including factual
inaccuracies also appears to be increasingly common.

2.2 AtW Process

There is a two-stage process to making an application. Initial applications are
handled centrally, typically by a telephone call centre. Irrespective of the number of applications an individual may have made previously, the process does not vary. The call handler follows the script contained on the AtW1 (application) form and goes through it with the applicant. If the AtW1 is completed by the individual (remotely) all fields are mandatory.

Once the form is completed and submitted into the system, an adviser is assigned. This appears (externally at least) to be a fairly random process: thus no adviser and employer or adviser and AtW service user are able to build up an established rapport. This current approach arises from a recent restructuring and in our view represents a retrograde step for AtW and its relationship with employers.

Where an individual has for example made previous applications for support, an awareness or knowledge of these previous applications appears to form no part of the current consideration process.

The application process appears completely inflexible which paradoxically, and very worrying, means it can be inaccessible for some disabled people. Once the application is received, AtW informs the applicant that they will receive a telephone call. This has been raised as a cause for concern for some disabled people who find the telephone a difficult method of communication. It is not always straightforward for the employee to receive this phone call during working hours, especially if individuals are working in open-plan offices and have not disclosed their disability locally. The process then requires individuals to reveal sensitive personal information about their condition/s to a completely unfamiliar person and to give details of the barriers they face at work. This is not easy for an individual to do at first contact, without developing a relationship of trust and may result in support being arranged on the basis of incomplete information.

Following this, there is an over-reliance upon hard copies of letters and agreements, which can be unsuitable for visually impaired people. AtW will not accept applications or the submission of claims via any other means than the use of hard copy documents which are completed and signed by hand.

Delays at every stage of the process are common and the time it often takes from initial contact to the adjustments being put in place causes significant stress and difficulty for disabled staff and their employers. A number of institutions have experience of AtW advisers not phoning at the time agreed for the initial conversation. Other problems include the discussion and agreement of support arrangements, but letters confirming this support are then frequently not forthcoming. This means that the employer is unable to put in place the agreed support as doing so prior to receiving written notification puts AtW funding at risk. If delays are unavoidable, clear communication from AtW concerning a revised time frame would be helpful.

There have been delays in arranging support for new starters who contact AtW well before their start date. Where an individual relies on assistive equipment or human support to carry out their work, this lack of support means that disabled new starters have been disadvantaged from the start of their employment.

Conversely, the requirement to apply for AtW support within a certain number of weeks of commencing employment (in order for adjustments to be funded primarily by AtW) can be stressful for newly employed disabled people. Although it is desirable to have adjustments as soon as possible, there can be competing priorities, such as
getting to know the job and the environment. It is not always clear to new staff that adjustments are required until they have been in-post for some time.

There are numerous examples of employees who found the whole process too stressful and as a consequence decided not to pursue their applications to AtW. The majority of disabled people will not be aware of the range of equipment and support which is available or of how this could impact upon their ability to do their job more effectively. Disappointingly, it is increasingly rare to find an AtW adviser with a breadth of knowledge in these areas. It is therefore hit-and-miss as to whether or not an individual identifies and/or obtains the support and equipment they need.

The AtW system can be very opaque. It is extremely difficult to find out what AtW funding definitely will and will not provide. Decisions often seem to be arbitrary and inconsistent. At UCL, one member of staff was expected to deal with several different advisors each of whom gave conflicting opinions about what AtW would provide.

In some cases, AtW’s recommendations have been excessive and inappropriate to the individual's circumstances. At one institution, a member of staff with dyslexia worked in a manual role. He received an assessment without any management involvement and the subsequent recommendations included a laptop with voice recognition software at a significant cost. The employee did not need to use a computer for any part of his role and the institution then became embroiled in a difficult and long-standing dispute around the purchase of the laptop. It can therefore seem that there is a ‘set’ package of support offered to people with specific conditions, such as dyslexia, without any flexibility or consideration of their roles, whilst other staff are required to submit substantial justification for any provision that goes beyond very minimal requirements.

2.3 Decision Making

In recent months, it has proved difficult and occasionally impossible for employers to obtain clear verbal or written decisions from AtW regarding applications. In one instance, a new employee and the institution advised AtW of minor workplace adaptations that would be necessary prior to him starting work. AtW was informed of this requirement one month ahead of his start date and eventually made a written decision that it would not fund these adaptations. This decision was made without a workplace assessment five months after the start date. In the same case, AtW agreed to fund fulltime human support for the length of one individual’s employment contract. Without a workplace assessment, this funding was reduced two months into the employment contract of the disabled employee. This AtW decision changed after a support worker had been appointed. AtW eventually agreed to replace the funding for the support worker, but at a reduced level. This demonstrates a fundamental lack of awareness with regards to employment law, including the duties and obligations upon employers.

2.4 The Reconsideration Process

Where an employer or a disabled employee is unhappy with any aspect of the decision reached by AtW concerning an application, there is no transparent process for making an appeal. There are, we understand, a substantial set of rules governing all aspects of AtW practice and procedure but as these remain unpublished, it is impossible to judge the extent to which these have been followed in any case.
In the event that an employer or employee wishes to challenge an AtW decision (or the lack of a decision) one is advised to contact the ‘Reconsideration Team’ which appears to be based at the Newcastle upon Tyne Jobcentre. In the experience of those universities contributing to this submission, the ‘Reconsideration Process’ appears to be a paper-based exercise which tends to confirm the original decision.

There seems to be no transparency about how evidence is gathered or evaluated during the reconsideration of an application. Nor does there seem to be any opportunity to question procedural or factual inaccuracies which have led to anomalous decisions being reached at the application stage. Finally, where a disabled person or their employer remains dissatisfied with the outcome of a reconsideration, the process of ‘Further Reconsideration’ (which appears to involve resubmission of the same material to someone else in the Reconsideration Team) is also unclear. How determinations are reached at this stage, the justification and/or basis for these determinations is not explained and cannot be obtained if requested.

3. Ongoing support

The majority of institutions who contributed to this response were not aware of ongoing support that is available through AtW. Since engaging with AtW can be so time-consuming and frustrating, it is likely that employers and employees are deterred from doing so once the initial adjustments are in place. There are certainly exceptions to this. Some staff may have benefited greatly from ongoing support.

One area that seems to create particular challenges is provision for British Sign Language/English Interpretation. Where universities employ deaf people who use British Sign Language (BSL), they have had to make extensive justification for continuing longstanding and effective BSL interpretation, even though it is essential for the members of staff in question. There are inconsistencies in the decision-making about support for individual deaf employees with similar roles and needs. The provision that is offered by AtW is usually minimal and does not allow the staff member to participate in many relevant work-related activities, thus hampering their career progression and placing them at a substantial disadvantage in comparison to their hearing peers.

The administrative arrangements around payment for ongoing support are burdensome, particularly where different providers are involved (e.g. different sign language interpreters) with every single invoice requiring a claim form that has to be signed both by the deaf person and the line-manager – and in some cases the provider too –, to be posted to the Jobcentre for payment. At the very minimum, this process should be digitalized to reduce the paperwork.

4. Effectiveness in supporting people with mental health conditions

Communicating about mental health is notoriously challenging and to be addressed successfully, this area needs to be given particular consideration. Our institutions appear to be seeing an increase in the number of employees facing barriers in the workplace as a result of complex and long standing mental health issues. NHS provision appears extremely strained and this clearly has consequences for the workplace.
People with mental health difficulties find the process of applying for AtW support particularly difficult. These individuals may not be in a position proactively to contact or engage with AtW. This includes chasing up aspects of a pending application to AtW. AtW sometimes treats a reluctance on the part of a disabled individual to engage with some aspects of the application process as a reason to close an application. This results in increased stress and more delays, thereby placing the disabled employee at a greater disadvantage.

Again, the process does not appear to have the flexibility to support people with mental health conditions adequately. AtW’s unwillingness to accept a variety of communication methods, particularly email, places some disabled employees at a significant disadvantage. This problem is exacerbated when planned communications, such as phone calls from AtW staff, are not received.

Feedback from our institutions about Remploy is mixed. One university has two members of staff who feel that they have received effective, ongoing support from Remploy. Another felt that it was mainly a signposting service that has limited value.

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

Unlike for small private employers, there is no problem with lack of awareness about AtW in the higher education sector.

None of our institutions were aware of any evidence of an extension of AtW or its funding. On the contrary, the general perception is of a growing restriction in provision and support available through the scheme.

Recommendations

- Employers would prefer to build up relationships with a small number of AtW advisers, rather than having a different adviser for every employee who seeks support.
- Employees would prefer the past practice of assigning disabled staff a personal advisor who can provide face to face contact and who can liaise on the employee’s behalf with the central administration of the university
- There should be dedicated advisor(s) for the higher education sector, who gain understanding of academic roles and structures.
- As employers we would prefer to see detailed costs and justification for recommended support, before agreeing to fund this.
- AtW Advisors need to be better trained, especially in the application and consistent use of the Social Model of Disability.
- AtW needs to ensure that there is more flexibility in the application process and not adhere rigidly to phone conversations followed by paper trails. This is so that the process is more accessible to people with a range of impairments and flexible enough to take account of individuals with an application history to AtW.
- The rules governing AtW procedure and practice should be published and made available on their web pages
• A clear and transparent process should be established, published and adhered to for the handling of appeals against AtW decisions.
• Realistic timescales should be set and adhered to for each stage of the application process to AtW.
• AtW should accept applications and claims submitted via email, a secure online portal or other forms of media that takes a disabled employees disability into consideration
• A consultation / advisory committee should be established that consists of representatives drawn from employers who interact with AtW and from disabled employees who receive AtW support

**This response has been endorsed by:**

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