# Written evidence submitted by Mencap

## About Mencap

We support the 1.5 million people with a learning disability in the UK and their families and carers. We fight to change laws and improve services and access to education, employment and leisure facilities, supporting thousands of people with a learning disability to live their lives the way they want. See www.mencap.org.uk for more information.

We are also one of the largest providers of services, information and advice for people with a learning disability across England, Northern Ireland and Wales.

## About learning disability

A learning disability is caused by the way the brain develops before, during or shortly after birth. It is always lifelong and affects someone’s intellectual and social development. It used to be called mental handicap but this term is outdated and offensive. Learning disability is not a mental illness. The term learning difficulty is often incorrectly used interchangeably with learning disability.

## Executive summary

1. Mencap welcomes the opportunity to feed into this most important inquiry by the Work and Pensions Committee. We especially welcome the emphasis that the Committee has given to learning disability within the call for evidence.

2. We recognise the vital importance of Access to Work for disabled people, especially those with a learning disability. About 15 per cent of the people who work in Mencap’s national centre have a learning disability; many of whom are in receipt of access to work for a variety of reasons. In addition, we have services around the country that advise, assist and help to find employment for people with a learning disability who are often supported with Access to Work. Without Access to Work supporting them, many people would be unable to work and would instead have to claim out-of-work benefits.

3. However, there are issues with Access to Work that have been encountered by the people claiming, those supporting them and their colleagues and managers. From problems applying initially, to issues maintaining their claims and a general lack of understanding by staff and a lack of accessibility throughout the claims process, access to work is often anything but easy to access. Therefore, this response will continually address the effectiveness of Access to Work in specifically supporting people with a learning disability.

4. Mencap is submitting two responses. This response has been developed in consultation with Mencap’s employment and support teams, and looks at both the policy framework of Access to Work and the experiences of practically supporting people to apply both as an employer and a support organisation. Where case studies are used, with the exception of Ismail, they have been fully anonymised.

5. The second response has been written by Mencap staff with a learning disability and discusses their personal experience with Access to Work, in particular...
discussing any difficulties that they have had applying and outlining how Access to Work helps them. We hope that the Committee finds this insight useful.

6. We urge the Committee to get in touch if they seek any further clarification or detail about any of the experiences described or points raised. Colleagues who completed the second response are keen to feed into this discussion as much as possible, as they have a personal stake in Access to Work, and would be delighted to discuss in this in person with the committee. We are happy to provide further written or oral evidence if the committee feels that would be useful.

Recommendations
7. Mencap advises the committee to investigate the delays that many new claimants are experiencing when having business cases developed and assessed by decision-makers.

8. We also urge the committee to prioritise the investigation of ‘permitted work’ and the restrictions placed on people who work part-time.

9. We would also advise the committee to investigate the support provided by DWP once people are in work. In particular, the efficiency of advisors and complicated bureaucracy that is seemingly built into the process should be explored.

Detailed submission

Mencap’s experience of the Access to Work application and assessment processes, from the perspectives of employees and employers:

10. There is no doubt how vital access to work is at supporting people in work. The majority of people with a learning disability who are in receipt of access to work would be unable to work without it. To the scheme’s credit, none of the research conducted for this response showed dissatisfaction with the support itself, once it was in place. In fact, the feedback was quite the opposite.

The application process
11. One complaint was repeatedly voiced by claimants and supporters alike: The application and assessment process. People with a learning disability, the claimants in this case, cite the complexity of the application process as a very real barrier to them applying. The majority of people say that they would not be able to apply without support and, therefore, would not be able to work. Example of this include the absence of easy read material when claiming, and a reported rigidity in questioning if claimants call themselves, often leading to a lack of understanding on the claimant’s behalf.

12. A colleague at Mencap with a learning disability shared the following experience of applying for access to work, and the benefits of being in receipt of it.
Case study one:

When Ismail started at Mencap, he did not know about Access to Work and the support that was offered by it. It was not until he was informed by a colleague, shortly after joining, that Access to Work was available to help, that an application was made on his behalf and eventually accepted. Even with the support of managers and colleagues, he often struggled with work during this period before he first received Access to Work.

When asked what the application was like, Ismail explained that his colleague completed the entire process for him, because he was unable to when he saw its complexity. There was no easy read information available, which there still is not today, and the advisors did not understand his learning disability and therefore did not make the reasonable adjustments on the phone that he needed. He said that had he not been in an environment where a colleague would help, he would have been unable to apply.

Without his support worker, Ismail says that he would be able to undertake only the most basic admin work and would certainly not have progressed in his career like he has done. Additionally, due to associated physical impairments that have increased in severity over recent years, he now needs to be driven to work as he is unable to climb stairs or stand for extended periods; therefore he is unable to take public transport. Without Access to Work supporting his travel, Ismail would likely not be able to work here.

Changes to the application process

13. Mencap employment services assist people in gaining employment and applying for access to work. Recent changes to the application process have increased the complexity and difficulty for supporters and, we believe, are causing ever-increasing delays. Here is a recent case study that highlights difficulties that are becoming more commonplace.

Case study two:

A claim for two people with a learning disability, who had just started the same role for an organisation, was first put in at the beginning of April this year and, as of 10 June, is yet to be completed. There have been new steps added to the process, seemingly causing delays.

Previously, advisors could make decisions on claims and levels of entitlement, sometimes consulting independent advisors in addition. This has now been changed, forcing advisors to construct business cases on behalf of people putting in claims. These business cases are then referred to DWP decision-makers. This adds an additional step into the process, presumably adding costs and causing delays.
Additionally, DWP decision makers now have to approve part-time work as ‘permitted work’ before people can even submit an initial claim – this is before the advisors can put forward a business case for the claimant to another set of decision-makers. In the past, a PW1 form submitted was enough to satisfy the advisors of the legitimacy of the work, but that form now has to go to decision makers before going back to the advisors.

This is clearly causing a delay in the system. It took over a month, in this case, for the decision-makers to approve the ‘permitted work’, to allow a business case to be formulated. Upon immediately starting their jobs, which involve giving presentations, it became clear that the two people in question needed a job coach. They have been unable to work since this was discovered, as they are waiting on a decision for their access to work claims.

These are wholly unacceptable delays, seemingly caused by additional layers of bureaucracy being added. Mencap urges the committee to investigate the use of ‘PW1’ forms, the delays in process for approving ‘permitted work’, and the unacceptable delays that many new claimants are experiencing when having business cases developed and assessed by decision-makers.

Applications and Advisors
14. While large issues, these are not the only problems cited with the application process. A Mencap support worker cited inconsistencies with the advisors and decision-makers when supporting colleagues to reapply for Access to Work. Two colleagues whose applications were essentially identical with regards to the level of support needed in work were awarded different levels of support; one was given 10 hours per week and the other 15. Should the criteria be applied consistently, these two people would be on the same level of support, yet they are not.

15. This was reinforced by a senior manager in Mencap’s employment team. They gave examples of calling an advisor and giving them the information and being told one thing. When they phoned back a few minutes later for a clarification of one point, after giving the exact same information again, they were advised something completely different.

16. Different advisors seem to ask for different information for claimants. Supporters in one particular area are applying on behalf of claimants who are, on paper, are almost identical and are applying for almost identical jobs with the same employer. However, some advisors are essentially ‘rubber-stamping’ the claim, while other ask whole series of in-depth questions. There seems to be no consistency with the advice given out.

Part-time work
17. Many of these jobs are also part-time and face the same issues identified above. One advisor said that they were lucky that the “employers are flexible and understanding… so far”.


18. Part-time work also presents problems in and of itself. Part-time workers will be entitled to, at the most, 52 weeks support. A colleague at Mencap, who works part-time, is stuck in this trap. He only gets support for one year in two, with his health and work visibly deteriorating during the year that he does not have access to work. Not only have advisors tried to use his year when he is not in receipt of access to work to justify denying his new claim, they also refuse to recognise his support needs when going to and from work and are not in a position to make an exception to the confusing part-time rule.

19. This stance defies belief. Several Mencap advisors have stated that they are sure people have lost jobs due to their access to work simply running out. If someone needs help getting to work, or a support worker while at work, they won’t be able to work properly without it.

20. Mencap urges the committee to prioritise the investigation of ‘permitted work’ and the restrictions placed on people who work part-time. We do not see how this bias against part-time workers is anything but discrimination and look forward to the committee’s findings.

The adequacy of ongoing support, both in terms of the aids, adaptations and support workers provided through Access to Work, and the help and advice offered by DWP:

21. When discussing the quality of support provided, the general feedback has been good. On the whole, support workers and job coaches have proved to be invaluable where they have been provided. They not only help with the day-to-day work, but they have also helped to develop the skills and careers of the people they support. Where computer technology has been paid for under the scheme, people are also generally positive about the difference that it has made to them. The same is true for taxis.

22. While, of course, the quality of service is dependent on the company contracted, the fact that people do not have to worry about struggling into and at work, with their health deteriorating as a result, is part of the real value of that ongoing support.

23. It goes without saying that the support provided has helped people with a learning disability to stay in work. From providing a supporter in meetings to help with transport into work, the support has been invaluable for many people. It is fair to say that the support has enabled people to stay in work and, in many cases, develop their careers.

24. The main issues with the support that is provided seemingly lie with the DWP and their internal claims processes. One issue which has arisen often is again about delays, but this time delays when processing invoices and paying claims, even those that have been pre-approved.
Case study three:

One case study highlighted during research for this response, which appears to be relatively common, involves people who need to get taxis to work, due to various impairments. For people at Mencap, this is usually a combination of a learning disability and quite serious physical impairments, which limit the distance that people are able to walk.

Several examples of taxi firms refusing to invoice Access to Work have been discovered. The common reason is that Access to Work seem to have a reputation among some for being unreliable, often taking several months so settle invoices that, understandably, taxi companies do not want to be responsible for.

This leads to people with a learning disability having to pay out of their own pockets and wait for Access to Work to reimburse them weeks or months later, often plunging them into financial hardship. Understandably, family and friends often have to help with the completion of forms and, in situations where they are unable to help for short amounts of time, the forms are often left incomplete and no reimbursements are made.

25. This is another example of the inefficiency present within Access to Work, but also the complexity and inaccessibility of the continual claims process. The fact that people are sometimes missing out on reimbursement is shocking, and highlights the poor quality of support that can be provided to people with a learning disability.

26. If this can happen to people working for Mencap, which has an inbuilt understanding of learning disability and the support needed, then one wonders what hurdles others face.

27. The same points discussed in the previous section also apply here, especially the inconsistency of advice offered, even to funded Access to Work support workers when they have queries, and the inaccessibility of communications to the claimants with a learning disability.

28. Advisors often find it hard to even grasp that some people need ongoing support. Their aim often seems to be to provide support initially and then to ‘taper it off’. Mencap advisors have described struggles to explain why ongoing support is needed and that it will not be possible to taper it off.

29. This points to a lack of training and understanding among advisors with regards to learning disability and, potentially, other conditions and impairments. Advisors must have an understanding of disability in order to adequately and completely help people access the support.

30. Mencap support workers, who are paid from Access to Work, have also highlighted difficulties that they face when submitting claims. The process seems,
from their point of view, to be extremely complicated. In addition, advisors contacting people with a learning disability again seem to lack insight into reasonable adjustments that should be made, leading to the all too common scenario of the claimant simply not being able to effectively discuss their claim with the advisors.

31. As was discussed in the section above, there is no ongoing support for part-time workers. The stop-start approach does not help to support people to stay in work, or to develop their careers. Providing the support initially enables people to work, while withdrawing it just serves to disable them and, in some cases, disables them so much that they cannot continue working.

32. Mencap urges the committee to investigate the support provided by DWP once people are in work. In particular, the efficiency of advisors and complicated bureaucracy that is seemingly built into the process should be explored.

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

33. There was unanimous agreement among the employment team members consulted that they had never seen any Access to Work marketing. This is reinforced by the fact that many employers they work with are unaware that Access to Work exists until Mencap tells them. This has included large nationwide organisations. Consensus was that awareness raising is urgently needed.

34. Some people had, however, seen promotional material, for example from events run by DWP. There was agreement that these materials did outline the purpose of Access to Work. However, criticism was levied at the content of the materials, specifically around the fact that the descriptions of the application and assessment process did not reflect the reality of the process; they made the process seem much easier than Mencap has found it.

35. We hope that this submission, in addition to the easy read submission sent by colleagues at Mencap, is useful and informative for the committee. We would welcome any questions that the committee may have and would be happy to provide more evidence to the committee, either written or oral.

20 June 2014