1. Introduction

1.1) Inclusion London
Inclusion London is a London-wide organisation which promotes equality for London’s Deaf and disabled people and provides capacity-building support for Deaf and disabled people’s organisations in London (DDPOs).

1.2) Disabled People
There are:
- 11.5 million people in the UK who are covered by the disability provisions set out in the Equality Act. This is 19% of the population\(^1\).
- There are approximately 1.4 million Deaf and disabled people in London\(^2\).
- 31,500 disabled people received Access to Work (AtW) support in 2012/13 and 8,220 who received aids or equipment in the last two years.

Inclusion London welcomes the opportunity to respond to the call for evidence on employment support for disabled people: Access to Work.

2. Inclusion London evidence

2.1) Right to opportunity and employment
Disabled people have the right to equality of opportunity under the Equality Act 2010\(^3\), this includes the opportunity to be employed. Disabled people also have the right to employment on an equal basis with others under Article 27 of the UN Convention on the Rights of People with Disabilities (UNCRPD)\(^4\).

2.2) Barriers to employment
Disabled people experience barriers to finding work, which include low academic achievement\(^5\), discriminatory attitudes of prospective employers\(^6\), lack of flexible working conditions\(^7\) and lack of accessible

\(^2\) [http://www.inclusionlondon.co.uk/all-in-this-together](http://www.inclusionlondon.co.uk/all-in-this-together)
\(^3\) [http://services.parliament.uk/bills/2008-09/equality.html](http://services.parliament.uk/bills/2008-09/equality.html)
transport. As a result of these barriers, many disabled people who are willing and able to work cannot secure employment.\(^8\)

2.3) **Social model of disability**
The social model of disability highlights that people with impairments are disabled by various attitudinal, physical, communication and organisational barriers.\(^9\) All these types of barriers are relevant to disabled people’s employment. If these barriers are removed *and* disabled people are given the support they need to meet their impairment and disability needs, disabled will begin to experience equal opportunities to secure employment and progress their careers. The current government purports to follow the social model of disability but current government policy and practices are undermining a social model approach and de facto cutting back on support that helps disabled people tackle these barriers. We are seeing changes to Access to Work (AtW) which are significantly reducing support for claimants thereby threatening disabled people employment security and future employment opportunities.

2.4) **Numbers of AtW recipients dropped**
Not only has there been a cut in AtW support given to individuals, which we will detail below but also according to the government’s own figures the numbers of those receiving AtW support have dropped dramatically since the 2010 election as 37,280 disabled were ‘helped’ in 2009/10m, while this dropped to 31,500 in 2012-2013.\(^10\) This is borne out by the drop in expenditure on AtW, which fell from £107 million in 2010-2011 to just £93 million 2011-2012.\(^11\)

2.5) **Nothing about us without us - consultation with disabled people**
Disabled people have not been publically consulted about either the changes in AtW practice or the general way AtW now conducts their communication, assessments and reviews. Co-production of AtW practices with disabled people is urgently needed to address the concerns regarding AtW current practices.

\(^7\) [http://www.equalityhumanrights.com/sites/default/files/documents/research/rr77_opening_up_work.pdf](http://www.equalityhumanrights.com/sites/default/files/documents/research/rr77_opening_up_work.pdf)
\(^11\) [http://www.publications.parliament.uk/pa/cm201213/cmhansrd/cm121015/text/121015w0001.htm](http://www.publications.parliament.uk/pa/cm201213/cmhansrd/cm121015/text/121015w0001.htm)
Some of these changes have been made public such as the requirement that employers with more than 50 employees are to contribute to the costs of aids and equipment and adaption to premises by employers, while others such as the changes in the administration of reviews and the cuts in support, have not been announced publically nor has information been given to AtW claimants in advance of the changes. As a result the shock and impact of these changes has caused considerable distress to disabled people, as we will illustrate below with cases studies of disabled people’s experiences.

2.5) **AtW Effectiveness**
ATW is a proven success story. Disabled people consistently report that AtW is one of the most positive services that enables the obtaining and maintaining of employment and developing a career. It is extremely important that government not only continues to fund and support AtW but expands and improves the service so more disabled people have a genuine opportunity to secure employment.

2.6) **Application and assessment processes and decision making**
There are several concerns with the application process:

- Form filling is difficult for people with learning difficulties and often support is needed, but this is not always readily available, so an easy read application form with questions appropriate to those with learning difficulties is needed.
- Difficulties are caused when AtW insist that the initial contact is made by phone, without recognising the need for reasonable adjustments to be made for those that find phone contact difficult, see details in the case study below.
- There is also confusion as to what disability related work needs can and cannot be met by ATW and what support / equipment can and cannot be provided. For example some people have been provided with wheelchairs by AtW, while others have been told they cannot receive this support.

Co-production of the assessment with disabled people would solve these difficulties. Awareness training regarding the impact of different impairments, particularly for people with dyslexia, dyspraxia, mental health conditions, British Sign Language/Deaf blind communication and learning difficulties is much needed, preferably by disabled people with training expertise.

2.7) **Case study 1**

2.8 “I work as a university lecturer, and have been in my current job since 2009. I have had specific learning differences all my life; dyslexia, dyspraxia, ADHD, epilepsy. I developed a mobility impairment in adult life, and began to need walking aides. As my condition deteriorated I ended up on sick leave for 9 months. As I fought my way back to work I applied for access to work the first time. I was told I had to apply over the phone, and I explained that due to my dyspraxia and dyslexia I was unable to talk to strangers on the phone. I was told that the only application procedure was phone based. I tried maybe 4 or 5 times, and hung up half way through the call. Eventually I got the full way through a phone call, and an adviser sent me an application form that she had 'filled in' for me. It was woefully inaccurate and I could not sign it as it contained statements that were not true. I threw it in the bin and gave up.

2.9) This year (September 2013) I decided to try again. This time I was much more sure what support I needed. I needed a wheelchair. In one week I fell in every lecture I taught, and also fell in front of a train getting to work. If I did not get a wheelchair I would need to go back on long term sick leave. Again, they refused my request for a blank from I could fill in myself, and refused to communicate with me via letter or email. I managed several conversations in full over the phone.

During these conversations I was told that they no longer provide any equipment as that is provided by the NHS, (as I understand, some people are still getting wheelchairs through Access to Work, but my advisor was adamant that no longer happens, and just shouted when I asked her for details such as when they stopped issuing them).

In the same phone call the adviser was firing questions at me about the names, email addresses, phone numbers and other details of my immediate boss and other people related to my employment. I was unable to provide this detail, and tried repeated to explain that I needed to send this information by email, as I could not verbally do so, due to my dyslexia/dyspraxia. She (AtW officer) clearly stated to me that -her exact words – “it is a lot for any employer to take on someone with learning disabilities as well as being a wheelchair user” and asked me did I really want to go
ahead with my job? She also said “it must me hard on your employer”, several other times during the conversation, which I found highly offensive.

2.10) Incidentally, I have amazing academic qualifications, receiving special titles and awards for getting the top grades in my year every year I was at university. I have always been scored as a 'highly effective' teacher at every annual appraisal as well as commendations for developing innovative and creative teaching strategies.

2.11) AtW is there to support disabled people into work, it is unacceptable that an AtW should have so little understanding of the impact of an impairment and then compound it by being insulting! While we recognise that not all AtW officers would react in this way this example does highlight the need for awareness training and reasonable adjustments regarding the application process and for consistency regarding the provision of equipment.

EC is a mental health survivor who receives support from ATW to get to work each day. The support she now receives has enabled her to increase her working hours to full time and to sustain and progress within a permanent salaried post. Before she had this support the stress of getting to work had a severe impact on her mental health and meant she had to leave previous jobs despite her employers being happy with her work and her being fully capable of the job roles. EC's condition is not considered treatable but is managed through medication under the supervision of a psychiatrist/mental health team.

Although EC is just about able to manage with the support she receives now through Access to Work, it took a long period of time and a number of complaints before she was able to get her support needs met. ATW advisers initially denied her requests for low level daily support and suggested instead interventions such as a 6 week counselling course or sessions with a 'job coach' so she could "get better". This was due partly to the lack of MH awareness held by ATW advisers and partly as a result of ATW system for contracting out MH related support needs. EC was herself best placed to identify how her support needs could best be met. Had this been respected it would have saved a long period of distress and having to leave two previous jobs.

EC currently receives support to travel to work. On the basis of ATW rules she cannot receive support from before she leaves the front door. However her local borough does not provide personal budgets for
mental health service users (her psychiatrist told her there is no mechanism in the borough to do it and this was confirmed when she wrote to her local social service head of commissioning). If she was able to receive support at the point of need (ie before she leaves the house) she would need less and more cost effective support.

2.12) Ongoing support

Lack of notice regarding reviews/changes
Recently many disabled people are finding that the level of support provided by AtW has reduced, despite their needs remaining the same. Not only has support been reduced or cut altogether but AtW does not inform the disabled person that this has happened and the review or re-assessment has occurred without their knowledge. This practice is having a disastrous impact on Deaf and disabled people. Previously disabled people were informed of their review and of any changes in funding, which gave claimants and opportunity to appeal against any proposed changes before it was implemented.

2.13) Deaf people are reporting cases where the AtW funding for the Registered British Sign Language Interpreters (RBSLI) has not only been stopped without the Deaf person’s knowledge, but consequently they have continued to employ the RBSLI incurring large debts. Deaf people have also not been informed that the rates of pay for RBSLI have been capped at a lower rate or why this decision has been made. The difficulties are illustrated by the case studies below which are far from a one-off occurrence:

2.14) Case study 2
M’s previous support package from AtW was stopped on 31st January 2014, but M was not informed and only found out when his interpreters informed him in mid-March they had not received their pay. M therefore employed his interpreters during the period from January to March in good faith and had no way of knowing there would be this problem. His interpreters are currently working without any guarantee of pay and are not receiving pay, in one particular case this means the interpreter is owed close to £6000 to the end of May and more now including work carried out this month.

2.15) AtW have now agreed to backdate payments to cover the period from January to the present but only at the reduced hourly rate of pay and only for the reduced hours per week. This means
that even when the backdated money is released by AtW and paid to the interpreters there will be a shortfall in the money owed to them for work already undertaken. M was not aware of this reduction at the time and the decision to backdate with the reductions has been made retrospectively.

2.16) The reduction in the hourly rate of pay also comes with a proviso that all interpreters have to be employed through an approved agency. M’s interpreters need to be able to translate from BSL into accurate and precise written English and to do this to a standard that means M can be sure the written assessments, reviews, case notes and Safeguarding reports are accurate and a precise translation of his own words. This means they need to be of a quality that is fit for Court if needed. M cannot be sure that the agency interpreters will be able to interpret for him at the level needed and described above.

2.17) The requirement for interpreters to be employed through an agency rather than freelance might appear sensible in terms of accountability it cuts across the principals of choice and control which lies at the heart of Disability equality and inclusion. It also is less cost effective as a significant proportion of the money paid by AtW goes to an employing agency and not directly into actual interpreting provision.

Currently while M is appealing against the changes, meanwhile his interpreters have not been paid for 4 months.

M’s case also highlight’s the need for fully qualified BSL interpreters which may charge above the government’s recently imposed cap.

2.18) Case study 3 is provided by a Director of a Deaf and disabled people’s organisation:

“I received a letter dated 4/2/14 saying that I had been sent an email on 6/12/13 telling me my support expired on 29/11/13. I never received this email and it later transpired that it had been sent to an incorrect email address. Invoices dating back to December 13 were returned unpaid, so I had no provision for support. It was only through the extreme goodwill of one of my interpreters, who was owed approx £15,000, that I have been able to do my job. I spent hours trying to get through on the telephone
to the advisors and sent various emails, only to receive holding responses”.

2.19) **Case study 4** involves a disabled person who needs taxis to work to maintain her employment by Metropolitan Police. Parts of this case are taken from the letter of complaint written to AtW:

‘On Friday 11 April I received a telephone call from someone at DWP AtW Payments section who gave her name only as 'A'. She informed me that my AtW claim had ended in February 2014 and that AtW would not be paying my February, March and April invoices - that meant I would have to find in excess of £2000. I explained to A that I would not be able to pay that bill and no-one had informed me that my claim had ended. (The last contact I had with AtW was in February, to request a change of details form because my taxi firm had been taken over. This was sent to me with no mention of my claim having ended earlier that month.)’

The claimant rang AtW a second time and became so distressed about the bill of £2000 the call handler suggested she contact the Samaritans.

After further communication with AtW the claimant was finally informed that that AtW would honour the February, March and April invoices because AtW had not sent a letter giving information that the claim was ending and they also would continue to get taxis to/from work until I received another claim pack in the post.

The level of distress caused by the lack of communication by AtW regarding changes to funding is unacceptable. We recommend that that Deaf and disabled people are given a minimum of a month’s written notice in advance of support being reduced or terminated and why.

2.20) **Reviews - lack of awareness of impairments**

The case below illustrates the need for those carrying out reviews to have an understanding of the impairment of the AtW claimant. To some extent the problem has been increased by AtW outsourcing the reviews.

2.21) **Case study 5**

RH is a young man labelled with Asperger’s. He currently receives 6 hours support per week from a support worker.
After his current package of support ended he was told it could not be renewed until he had been assessed by a Rehabilitation Vocational Consultant from Remploy. When the review meeting took place the consultant said she needed him to complete some tests about his self-esteem that she could use as a benchmark. She said AtW had instructed her to work with him over a number of sessions to teach him coping strategies to help his mental health condition. RH does not have a ‘mental health condition’ and does not have any issues with self-esteem. It transpired that the consultant has no specialist training in Autism Spectrum Disorder. The intervention by Remploy is based on an idea that by learning ‘coping strategies’ from them he can ‘get better’ and no longer need ongoing support from a support worker. RH has lived as a person with Asperger’s for 27 years. The idea that a ‘consultant’ lacking even the most basic understanding of Asperger’s can ‘cure’ him in a matter of weeks is extremely upsetting and offensive to him.

2.22) RH enjoys his job. When his support needs are met he is a very good staff member who works to a very high standard and is a valued member of the team. The review and intervention are causing extreme amounts of stress and he has not been sleeping as a result, causing a negative impact on his mental health, which has never previously been affected by his job. If his support package is not renewed he fears he will no longer be able to continue in his job which would mean an enormous backwards step having spent many years previously unsuccessfully looking for work.

2.23) As mentioned previously there is a need for AtW officers and those that are sub-contracted to have Deaf and disability awareness training that will provide a good understanding of the social model of disability. This training will provide a good understanding of how society’s barriers and attitudes impact on disabled peoples employment and work opportunities and impairments. AtW officers will then be able to understand the importance of supporting and encouraging disabled people to express their individual support needs.

2.24) **30-hour rule**
Deaf and Deafblind people were told by AtW that if they have 30 or more hours interpreting a week they must recruit their own full time interpreter. Also funding for interpreters will be capped at the market rate. This
policy has been suspended but not abolished. Problems with this policy include:

2.25) Deaf people are not able to fully fulfil their work responsibilities because of not having a sufficient budget to:
- Access to an BSL interpreter when needed.
- Cannot employ freelance BSL interpreters with the appropriate skills and experienced because AtW have reduce the hourly rate of pay.
- Where Deaf people need to employ 2 interpreters for training or full day meetings/event. AtW are refusing to pay for the second BSL interpreter

2.26) Also employers will have to employ an additional full time member of staff, (the BSL interpreter) with all the additional on costs that involves. This will act as a serious barrier to getting, keeping employment and getting promotion.

2.27) **Supporting people with mental health conditions**

The case below both shows how valuable AtW is to maintain employment but also the lack of understanding of mental health conditions that initially prevented the claimant from receiving support:

**Case study 6**

2.28) EC is a mental health survivor who receives support from ATW to get to work each day. The support she now receives has enabled her to increase her working hours to full time and to sustain and progress within a permanent salaried post. Before she had this support the stress of getting to work had a severe impact on her mental health and meant she had to leave previous jobs despite her employers being happy with her work and her being fully capable of the job roles. EC’s condition is not considered treatable but is managed through medication under the supervision of a psychiatrist/mental health team.

2.29) Although EC is just about able to manage with the support she receives now through Access to Work, it took a long period of time and a number of complaints before she was able to get her support needs met. ATW advisers initially denied her requests for

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13 [http://www.deafatw.com/30-hour-rule.html](http://www.deafatw.com/30-hour-rule.html)
low level daily support and suggested instead interventions such as a 6 week counselling course or sessions with a 'job coach' so she could "get better". This was due partly to the lack of MH awareness held by ATW advisers and partly as a result of ATW system for contracting out MH related support needs. EC was herself best placed to identify how her support needs could best be met. Had this been respected it would have saved a long period of distress and having to leave two previous jobs.

2.30) EC currently receives support to travel to work. On the basis of ATW rules she cannot receive support from before she leaves the front door. However her local borough does not provide personal budgets for mental health service users (her psychiatrist told her there is no mechanism in the borough to do it and this was confirmed when she wrote to her local social service head of commissioning). If she was able to receive support at the point of need (ie before she leaves the house) she would need less and more cost effective support.

2.31) **Marketing and funding of the scheme.**

AtW has often been described by DWP as thev departments ‘best kept secret’. There continues to be unacceptable low levels of awareness of AtW both by disabled people and by employers. Not knowing support is available for disabled people directly contributes to employer discrimination, poor working practices and exclusion from the job market.

2.32) We recommend that nationwide rolling programme of marketing is done to raise awareness of AtW:

- In schools and colleges:
- With service providers:
- In Employment Schemes:
- With Self-Advocacy Groups: and supporters within the SA groups
- In both the public and commercial business sectors

2.33) **3. Recommendations**

Based on the issues of raised in this response Inclusion London is proposing the following the recommendations which echo and support many of the recommendations made by Action on Hearing Loss:
• Collaboration and engagement should be at the centre of AtW working practices as a person centred service. The design of the assessments should involve Deaf and disabled people and the assessment itself should represent a process of engagement between scheme users and AtW staff, to determine the most adequate support.

• Improved Deaf and disability awareness training for AtW staff should be implemented, ideally delivered by experienced Deaf and disabled trainers.

• The scheme must provide an amount of support that is sufficient to enable Deaf employees to perform in their job roles.

• The scheme must implement personalised and flexible support. This could potentially be achieved by giving Deaf and disabled people more control over the support they access.

• Where AtW users identify their access needs and / or propose cost effective solutions, and AtW Advisers do not agree or use these, there should be a clear, written explanation of the reason for this, with signposting to the review and complaints process.

• Scheme users, AtW staff, employers and professionals / support workers should be actively involved in and consulted about service improvement processes. This would promote the implementation of effective service improvements and avoid instances where ineffective and unworkable policies are imposed on scheme users.

• AtW guidance should be made much clearer and more transparent and should be publicly available.

• A revised reconsideration / complaints procedure should be developed, which is clear and accessible to all AtW users. This mechanism should be proactively offered to customers who are not satisfied and have complaints about service delivery.

• AtW should consider implementing an informal ‘feedback’ mechanism, for scheme users to report issues with service delivery. This would be particularly beneficial to highlight issues in a timely manner, particularly following changes to policy or service delivery. Feedback should be considered regularly by senior management.

• AtW should remove the rule that communication support providers cannot claim for administration costs when sourcing communication support for their own staff.
The ‘30 hour policy’ as it has been applied to communication professionals should be abolished

20 June 2014