Written evidence submitted by Remark Ltd (ATW0271)

Summary
Remark! greatly welcomes the Inquiry into the DWP Access to Work programme, particularly in terms of timing and impact and the critical need for reform of the way this hugely valuable initiative is managed and delivered.

It is not the broad objective of the Access to Work programme which is under scrutiny. The focus is more on how the scheme is properly and appropriately delivered to best outcomes, which support disabled and deaf employees in the work place.

The inappropriate, uneven provision and poor responsiveness of Access to Work has serious consequences on Remark!’s professional capability to deliver first class services and its viability as a business. Even if a deaf individual may be the outstanding candidate for a job or role, the way things stand, we feel a huge disincentive to take on deaf employees despite our values as a deaf-led company.

Our recommendations, based on the remit of the Committee Inquiry, are as follows:

1. Enable deaf/disabled employees a choice in how they choose to manage their ATW budgets and agreed allocations.
2. Clarity in terms of protocols and pathways for deaf/disabled employee's applying for support along with clarity regarding guidelines on how ATW funding may be allocated.
3. An efficient and smart assessment framework which takes all relevant factors into consideration.

Introducing Remark!

Remark! is the largest Deaf-led company in the UK, with £2.4m turnover and employing 50 staff delivering media, translation, access, supported living, event management, interpreting and BSL training services. This does not include the very large and skilled freelance pool we draw on, commissioned to work with us every day.

As a dynamic company offering a diverse range of services, we work with clients from DWP, British Airways, Buckingham Palace Google, BBC, BSLBT, Channel 4 to local authorities, NHS and individuals who register on our BSL Training courses (from Level 1 to fully qualified interpreter status), request interpreters to provide communication support or support workers to help with everyday living and personal care.

Intrinsic to our ethos is to champion Deaf talent in the workplace.

We employ 14 deaf people within the company, and regularly collaborate with over 90 deaf freelancers in our project work and client commissions. 3 deaf people are also employed by the charity, Remark! Community, operated separately from the company, accountable to a Board of Trustees. This charity is also based in the same office as Remark!, the company.

Our evidence
Our practical learning and experience as an employer is given below:

Access to Work application and assessment processes

1. The quality, consistency, responsiveness and integrity of the application and assessment processes seem to have fallen apart in the last two years – particularly during the current
drive to bring together all regional service centres to a centralised and national focal point for programme delivery.

2. Even within just one floor of our office, 5 deaf employees are subject to very different experiences in being guided and advised by Access to Work case managers to wildly different outcomes. One employee received a decision on AtW support within 5 weeks, one employee is still waiting for a decision on allocated support 12 weeks after starting having been passed round through 7 different named contacts in 3 different offices. This requires re-stating the case for support over and over again, often providing answers to the same questions. Taken together, this creates a stressful experience to both employee and employer during the application and assessment process.

3. Remark!’s new Managing Director, who is deaf himself, is still waiting for a decision on his Access to Work assessment and allocation despite having submitted a full application on 6 May. Two ‘escalation’ requests were placed in the last fortnight, and a third ‘escalation request’ involving a manager was agreed last week – with no appropriate response from any DWP advisor received to date.

4. From an employer perspective, AtW is critical in ensuring deaf employees function on a level-playing field alongside their hearing peers and ensuring full productivity as soon as a deaf colleague starts a new job with us. We are having to ‘carry’ staff who have their communication wings clipped until a settlement is made, which is very difficult as we work to tight economic margins.

5. As a responsible employer, we have made countless representations to DWP on behalf of our deaf employees. The blanket response is always this – DWP can only talk to the AtW beneficiary.

6. There is a huge disparity of advice given in each individual case about AtW entitlements with an obvious lack of consistency in how the assessment process is conducted and managed. The root cause of this is a lack of structured guidance and a transparent assessment framework. There is no AtW guidelines or assessment criteria that have been made publicly available to all applicants and assessors.

7. The impact of the AtW chaotic management of the programme in recent months is such that it has diverted valuable working time away from our core business activity and service delivery. This in turn makes it much harder for us to stay competitive in the wider market place, safeguard jobs and restricts our ability to grow and offer more employment opportunities to disabled and deaf people.

8. To summarise our understanding of the application and assessment process, as an employer, there is:

- Inconsistent assessment and ATW awards – which do not match the real nature of employee’s communication support needs and the nature of their job.
- Lack of clarity and lack of autonomy/choice in working out solution which best meets the individual communication support needs of a deaf employee, taking into account the precise nature and demands of each job.
- Lack of trust in the AtW beneficiary to work out their own communication support needs, particularly where this involves the requirement to take on salaried interpreters or communication support workers (CSWs). Our deaf employees understand the interpreting market intimately. Salaried interpreters/CSWs can work well in some settings, but it is not a
‘one size fits all’ concept and does not reflect the reality of the workplace environment or market to recruit suitable interpreters/CSWs.

**Adequacy of ongoing support**

9. Ongoing support is not adequate, an appropriate AtW support package and a named advisor to liaise with is a necessary development.

10. From an employer viewpoint, it is important for the DWP case worker dealing with our deaf employees to understand the unique demands of our business as informed context to advise and guide AtW beneficiaries in our workplace. Right now, we have 17 different DWP case workers advising our deaf employees within the same company. Communication support needs need to be understood in the context of job requirements and responsibilities, which are driven by the unique and specific nature of each business, and the market in which they operate.

11. Deaf employee's who have been able to secure support are being required to do so at rates which are not representative of the cost of the support they require. The per hour costs of support which are being offered often do not allow deaf employee's to secure the interpreters they need and a rigidity in the use of the budget can render the allocation useless.

12. **Effectiveness of Access to Work in terms of helping disabled people to secure a job, stay in employment and develop their careers**

13. 14. The current set up of Access to Work offers a very significant economic disadvantage to all employers in employing deaf talent – including Remark!, even though this is intrinsic to our ethos and values. If ATW forces deaf employees to take on a salaried interpreter/CSW, Remark! has to fund at least 20% of salary on costs (e.g. providing desks, phones, office space, line management and office management support). This cost does not include staff training, and does not consider the HR implications of employing additional staff.

15. If we grow our pool of deaf employees, we run out of capacity – it’s an extra cost on the employer to move to larger premises. This principle applies to all employers who take on disabled employees. Hence, this gives employers a huge disincentive to take on deaf/disabled employees under current policy.

16. This would not be a factor if deaf employees are allowed to manage their ATW budget and draw from a freelance pool of interpreters/CSWs.

17. A number of AtW settlements are simply inadequate and poorly thought out, creating an uneven playing field between different deaf colleagues themselves, as well as in relation to their hearing peers performing similar jobs and roles. This creates tensions in the work place which take our energy away from the clients whom we are meant to serve.

**Additional observations**

18. Remark! also operates an interpreting agency, working as a broker to match client requests for communication support with available interpreters and communication support workers. Many AtW beneficiaries turn to us to fulfil emergency bookings when their preferred
freelance support is not available and they do not know where to look. It is important to recognise the critical role of interpreting agencies in the market place, working alongside AtW beneficiaries and freelancers – we all belong together. 25% of Remark! Interpreting bookings benefit clients with mental health and advocacy needs.

Our recommendations:

i. Enable deaf/disabled employees a choice in how they choose to manage their ATW budgets and agreed allocations – giving a degree of autonomy whilst holding them fully accountable. The 30 hour rule should not apply in any scenario.

ii. Any approved budget allocation awarded under Access to Work should be intelligent and flexible, with full transparency and accountability. This means not having one fixed budget assumption e.g. a cost per hour of communication support. A realistic approach should reflect the real nature of the market in providing supply and demand for communication support. We recommend that DWP adopts a national ‘rate card’ with thresholds for costs per hour for communication support provided by: a) freelance interpreters, b) communication support workers and c) interpreting agencies who charge VAT.

iii. Clearer and more transparent guidelines on how ATW funding may be allocated e.g. what the eligible and ineligible costs are.

iv. Smarter assessment framework for determining ATW budget allocations in individual cases – this should include: a) specific communication support requirements of each deaf employee which do vary b) understanding the nature of specific job requirements, responsibilities and the industry they work in.

v. Clearer protocols and pathways for ATW users including; who they should engage with at DWP, better information about the DWP decision-making process, how to appeal and who to put representations forward to.

vi. One designated DWP manager dealing with each employer on Access to Work – Allowing the manager to understand the unique needs of an employer and the ability to offer support which is reflects the circumstance of both the employee and employer.

Deaf and disabled employees need to be given the ability to make intelligent choices on how they spend their ATW allocation within a clear accountability framework – in line with wider practice elsewhere in public services such as patient choice in the NHS and individual budgets for elderly people.

These are simple steps that would make implementation of ATW less fraught & maximise the impact/outcomes of what ATW was actually designed for in the first place – to benefit disabled and deaf people in the workplace, giving them a level playing field with their hearing peers and colleagues.

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