1.0. It is unfortunate - or some may say fortunate - that this submission is being written on the cusp of significant changes within Access to Work.

1.1. At best, the Access to Work grant develops a paradigm of Inclusive Economic Growth creating sustainable employment opportunities.

1.2. At worst, it engages individuals in a constant battle where they experience disbelief, mistrust, injustice, unfairness, inappropriate and ineffective proposals for support and threat of sanctions as they try desperately to access the support they need to remain in work.

2.0. Recent restructure within Access to Work has left our members/clients and in particular those who we support directly in the application/management of their award, extremely confused and feeling vulnerable:

2.1. The removal of direct access to an advisor: this individual support has been a lifeline for our members/clients who had established effective working relations, gained a level of trust and felt confident having open and honest discussions, without need to repeat personal information time and again. The Advisor's expertise, knowledge of one's condition and requirements and ability to make an on-the-spot decision have been critical to enabling people to effectively manage their condition and to continue working.

"I don't want to speak with someone who doesn't know my history." Mr.......

2.2. The replacement of direct access to an Advisor with a Call Centre conflicts directly with the aims and objectives of the service and spirit of the Equality Act 2010, where there is an inherent implication of the need to reduce the number of occasions a disabled person has to repeat the same story over and over.

“There was confusion whether or not you could receive support while doing permitted work. In the end, I just gave up!” Mrs.......
2.3. People generally need to contact an Advisor when they are most vulnerable. Members/clients are extremely concerned about the impact of this administrative change. For example:

"Why have they done this?" Mr........
"This is just adding to my anxiety and I don't want to be involved in the service." Mrs........

2.4. “Becoming an employer has caused me lots of issues. Access to Work wouldn’t pay for training for me to be an effective employer, nor acknowledge the increased responsibilities I face employing someone, such as employers’ liability insurance, NICS, PAYE and pension.” Mr......
“It took such a long time from making the application to getting something in place.” Mrs.......
“It seems to me that the original ‘can do’ approach with a degree of flexibility from the directive in 2012 has been replaced by an – albeit unwritten – sense of ‘can’t do’.” Mr......

3.0. Members/clients wonder if the true impact of this change in service-delivery has been considered in terms of the impact upon them and their ability to remain in work. There is a greater scrutiny of the members/clients who are self-employed compared to those in employment.

3.1. In the case of an employed disabled person, trust is placed in the organization or person responsible within the organization to implement recommendations made, often without the employee being involved and experiencing the stress and anxiety raised.
A self-employed disabled person is expected to negotiate for themselves and to then implement the recommendations – a far more stressful and anxiety-raising process.
This has been evidenced where employers have accepted recommendations, but then done nothing to implement them. There is no empirical evidence to justify this mistrust of the self-employed disabled community. Indeed, our observations have shown that it is easier for funding to be drawn down for an employed person, but when that person becomes self-employment, although the health condition remains the same, the award remains the same, a different set of
criteria is applied.

“I had a fantastic assessment, but, due to restructure, months down the line recommendations hadn’t been put in place in their entirety (by my employer, the NHS).” Mrs......

Awards for self-employed people demonstrate a variance from employed.

“Being self-employed my contract only covers 48 weeks of the year, on the basis that I would take holidays. If I had used an agency, the contract would have been for 52 weeks, plus on-costs.” Ms......

3.2. Due to the sometimes intimate and personal nature of their condition and how it impacts them within work, members/clients are have to disclose such information to call-centre staff, putting them in the position of "vulnerable adult".

3.3. New clients express immense frustration at the process, length of time taken from application to a decision being made and any subsequent award being put into place, with one client expressing "I wish I had never become involved with the process".

3.4. Existing clients report lengthy delays in both responses to requests for additionality/change of circumstances reviews and a move away from a level of transparency previously evidenced. The perception of working in partnership to identify the support required has been replaced by an underground swell of distrust of the service resulting from recent diktats on the sharing of information by the service and/or assessors with the clients. A newly introduced measure to pay Support Workers National minimum wage has further increased clients' concerns. The Support Worker Role is being paid to carry out a role that can necessitate specialist skills, yet the government is stating that it expects Businesses to pay a Living Wage. This means that oftentimes, the Support Worker role is difficult to recruit suitable applicants to and then to train, manage and retain. Additionally HMRC recommended mileage rate is 45p up to 10,000, however Access to Work appears to have decided that 26p is adequate. Members/clients find it harder to acquire a Support Worker who will accept the 26p rate stating that this doesn’t cover the costs of providing this service.
“I was told that I could only pay my support worker minimum wage. I could not get anybody to do the job that had the right skills who would work for minimum wage.” Mrs........

4.0. Processing payments: New and existing members/clients report being in dire circumstances due to recent delays in processing and making payments attached to their awards. Advisors have apparently been told not to chase up on claims. There appears to be a hidden tier of processing and a general ignorance of who now makes the decisions. This impacts negatively on the members/clients' ability to remain in work. Where a member/client has a Support Worker, they are experiencing an inability to retain their support worker because of delays in processing payment.

“(I) just wanted to let you know that I’m extremely grateful for your continued support. I am, however, unfortunately finding the management of my award exhausting; in particular the lack of payment response to claims submitted for my support worker. I hope you can help me please?

I have sent in the support worker claim forms at the correct times and have been asked to re-submit them when due to changes in your mail supplier meant that items already went missing at the mail site once before.

Apart from the forms that were stated to be originally missing, I sent all the other claim forms by recorded and signed for delivery. The last forms I was asked to re-submit were for (-)

These re-submitted forms were sent the second time by special delivery before 1pm (at a cost of £6.22) and signed for at the Access to Work end (see attached receipt/tracking number).

I am now really worried how I am going to pay my support worker and am wondering what I have got involved in as the support is fantastic but the back-room management of the payments is causing me stress and anxiety. I am spending so much time and energy chasing things within a system that seems to be undergoing some changes that are impacting negatively on me as one of your service users.
I had put in a request for someone from the payment team to speak with me urgently. I was promised a call back within 48 hours and I have heard nothing back as yet. I understand you asking me to re-submit but I have no confidence in the system.

Indeed if they are re-submitted it could be another 2-3 weeks before I have any money to pay my support worker. I am at risk that she may have to look for another job; it is unreasonable to expect her to work for 6/7 weeks without pay.

Can you please help me? Sorry to put this onto your desk but neither my advocate nor I am getting any response from the payment team. It is therefore counterproductive. Where previously people have seen this as an effective and supportive service, they experience it as ineffective and not supporting their needs, leaving them fearful about the future support they can expect from the service.” Ms….. 2013

4.1. The Access to Work grant has not traditionally been seen by applicants as a benefit, rather a lifeline that enables them to achieve their aspirations, reflect their tenacity, demonstrate a commitment to working and being an effective contributory member of society. Applicants were not made to feel like 'benefits scroungers'. This in part was due to an acceptance that medical conditions present in differing ways in and out of the work environment.

4.2. Members/clients are fearful that recent change in working practice within the service implies an element of malingering/fraud. This means that people are increasingly fearful of questioning decisions made by Access to Work.

5.0. Traditionally, there was no 'right of appeal' within the Access to Work procedure. Fortunately, the introduction of the 'Reconsideration Team' offered applicants/service-users an avenue to express concerns. Whilst this was not widely publicised, the number of requests for reconsideration has increased, which appears to mirror recent changes in working practice. Client/members report further delays of up to 6 months, increased levels of stress and anxiety as a direct result of having to enter into this process.

5.1. Most worryingly, members/clients are reporting what can only be...
described as bullying tactics when expressing a desire to enter into the Reconsideration/Complaints procedure. Recent changes are counterproductive to the Reconsideration process. Actions by the Advisors and the impact of their response make members/clients fearful of losing their award should they make waves.

5.2. Members/clients express concern about entering into the Mental Health Support Service recently introduced to Access to Work and are fearful that the "label" may be used against them within the service and beyond.

5.3. Inconsistent messages from the service following the restructure have led to members/clients being subject to additional criteria and asked to provide additional information/evidence which was not required at the time their award was made, laying them open to potential fraud allegations and/or sanctions. i.e. some clients are told that certain forms are obsolete, while others are allowed to continue to submit the same (allegedly out-of-date) form or letters referring to procedures upon which failure to comply can bring sanctions, thereby implying they are historical.

6.0. In 2012, there was a directive to Access to Work Advisors to consider more innovative solutions and listen more effectively to disabled people, as they know what will best help them to remain in work. The spirit of this appears to have been forgotten.

6.1. Members/clients report a lack of understanding of the complexity of the application/management of the grant including the recruitment and selection of support workers. Clients have repeatedly been refused funding to access services which would enhance their ability to do this and they have not been granted any additionality to facilitate this process. To date there has been no increase in the level of the grant made to reflect this significant, time-consuming and not-without-personal-risk element of the grant.

“When I approached Access to Work with a request for training in recruitment, selection and managing my support worker and the Access to Work grant, they would not pay for this. My Support Worker is expected to be able to do this. I have had to fund this myself.” Mrs.......
Not only does this demonstrate a major way in which Access to Work disempowers the member/client, it also shows that there is little understanding of the complexities of managing the grant and reasonable adjustments clients require in implementing the support it affords.

7.0. Members/clients express concern at the lack of appropriate/timely responses to contributory factors covered under the Equality Act 2010, such as language barriers or other reasonable adjustments that could be made at the point of application.

7.1. There is no allowance for supporting vulnerable people through the application process. E.g. someone for whom English is not the first language, may require an advocate to ensure they are able to communicate effectively. This is paraphrased below: “The difference in interpretation of terminology and the nature of my medical condition, which affects my attention span, mean that I would have found it impossible to go through this process without an advocate for which no funding was available.” Mr........

8.0. More and more of our members/clients turn to self-employment. This is proving to be the preferred option for people with hidden and fluctuating conditions as employers struggle to create environments where the specific complexities of managing such conditions within the workplace are successfully met.

8.1. This brings new challenges re: career development as our members/clients report a lack of understanding within Access to Work about the notion of career development citing ‘any support in this area would be seen as a business advantage, not a genuine need’.

“I had to give up my employed position because I felt I couldn’t tell my employer about my condition and how it affected my work. I decided to become self-employed instead, where I could mask my condition.” Mrs....

8.2. This further fuels demand for a fresh approach and the creation of a strand within the award specific to disability and entrepreneurship.

8.3. Members/clients report a lack of understanding within the service about the unique relationship between disability and enterprise finding
it difficult to respond and put in place appropriate measures to capture and evidence this unique aspect of the Access to Work grant. This leads to members/clients being asked to justify the relevance of entrepreneurship and the activities that go hand-in-hand with such innovation. This shows a complete lack of understanding of the realities of self-employment, enterprise and entrepreneurship.

9.0. The Access to Work award has traditionally been one of the most successful - yet most hidden - measures designed to enable disabled people remain in work. The intended flexibility and scope of aids and adaptations for both the employed and self-employed has led to disabled people remaining in employment, which in turn leads to a reduction in disability benefit payments. For our members/clients, the first time they hear of Access to Work is through our Workforce Retention Programme, that has seen a 98% success rate in return to work.

10.0. The Benefits of Inclusive Economic Growth.

10.1. Government
Direct reduction in DRB

10.2. Employer
Direct reduction in sickness absence, recruitment and selection, training
Improved Workforce Retention
Enhances compliance with CSR and ethical business planning
Visible commitment to not only the rights of disabled people, but their valued, effective and contributory role in society
Demonstrates society's commitment to disabled people, should someone become disabled during their working life
Little or no financial contribution required from the employer.

10.3. For Self Employed and Individual:
Increase in innovation and economic growth
Increase in self-worth
Positive impact on mental health and well-being - leading to a reduction in healthcare costs
Supports a vast industry - aids and adaptations, assessment, support etc.
The creation of support worker posts adds a further layer of economic benefit.
11.0. Summary
Members/clients report that people with hidden and fluctuating conditions find it harder to predict how and when their condition may manifest itself in the workplace, meaning that they are being asked more frequently to provide medical and other administrative evidence, come under more scrutiny. Their claim is more likely to be considered fraudulent. The same level of scrutiny is not applied to people with physical and/or obviously visible disabilities.

11.1. Members/clients believe the grant enables them to manage, pace and optimize the periods they can function at a strategic level. However, this comes at a cost of constant scrutiny and requests for justification, despite the illness being recognized as a medical condition covered by the Equality Act 2010.

11.2. Members/clients are concerned about the lack of transparency in relation to the restructure and question the DWP’s commitment to consultation, participation and equality impact assessments.

11.3. All members/clients report having not been consulted about the restructure and significant changes that are being put into place.

In particular, our members/clients have asked:

Has there been any consultation?
What is the rationale behind the restructure?
What training has the Call-Centre staff received?
How is the training validated and evaluated?
What did the minister think would happen when so many centres were closed so quickly?

11.4. Should some real consideration not be given to the current restructure in light of the concerns raised? We are fearful the significant slump, both in new applications and on-going support, will continue in a downward spiral as disabled people view the grant, not as a programme designed to support their continued career pathways, but reducing them to dependent, second-class citizens.
11.5. There may be valid reasons that the DWP has gone down this route re: to Access to Work, the sad thing is our members/clients - and from what we can see disabled people in general - have not been actively engaged in the conversation leading to the changes or proposals for improvements going forward.

11.6. To date there appears to be no public explanation behind the restructure other than an unfounded reference to evidence of fraud by the Minister for Disabled People at an APPDG. The Minister cancelled a subsequent meeting.

11.7. This service requires the utmost personability to support disabled people effectively and the new measures which have been put into place are impersonable and counter productive.

11.8. It is essential that members/clients have direct access to their personal advisor to establish and maintain the level of trust required to facilitate an effective return to work/retention within the workplace.

12.0. More information, case studies or documentation relating to any of the above can be provided in an anonymised format. Please contact:

23 June 2014