Written evidence submitted by Disability Rights UK (ATW0286)

Introduction

Disability Rights UK works for a society where everyone with lived experience of disability or health conditions can participate equally as full citizens. We are disabled people leading change and our top current priorities are getting a life – independent living – and getting on - career opportunities. Disability Rights UK was formed from a merger of Radar, Disability Alliance and the National Centre for Independent Living in 2012. This response has been developed in partnership with disabled people, many of whom responded to our surveys and calls for supporting evidence via our e-newsletter and social media.

1. Overview on the Access to Work programme and progress

Disability Rights UK believes Access to Work should be viewed as an investment in disabled people fulfilling their potential not as a programme to be tightly rationed through rules, bureaucracy and lack of promotion. A cultural and systemic change is still needed.

Access to Work is a Government programme widely praised for its ability to deliver tailored, flexible and effective in- work support. Its merits were recognised by both parties in the coalition agreement at the time the present Government was formed. In the thirty page coalition agreement the only specific commitment in relation to disabled people was in relation to Access to Work:

“We will reform Access to Work, so disabled people can apply for jobs with funding already secured for any adaptations and equipment they will need." Coalition Agreement, 2010.

This specific point, to give employers and job seekers confidence about funding any necessary supports at the point of recruitment, thus removing disincentives and fear, was a response to arguments made by disabled people and one of the legacy organisations that formed Disability Rights UK.

In June 2014 Minister Mike Penning echoed commitment to the programme:
‘This Government has expanded and strengthened this important programme by increasing the budget and implementing a wide range of improvements….. I want to continue to build on this success so that Access to Work can support more claimants per year’.

Commitments are welcome but greater progress in implementation and future strategy are needed. Numerous consultations have shown that disabled people value Access to Work but want to see it expanded and improved.

In 2011 Liz Sayce’s review made a number of recommendations, to turn the programme from Government’s best kept secret to a passport to successful employment; all recommendations were accepted by Government. An expert panel chaired by Mike Adams made further recommendations on practical implementation.

Some action has been taken in response to disabled people’s demands and the Sayce review. Notably Government has:

- Extended Access to work eligibility first to work experience organised through Job Centre Plus, then to supported internships, then to work experience you organise yourself – righting an injustice that stopped disabled people from making first moves into employment.
- Ended the hated ‘standard list’ of things Access to Work would not fund – which introduced bureaucracy and confusion, and was unnecessary (since large employers were expected to contribute to lower cost items – there was no need to specify them)
- Removed cost sharing for small employers employing under 50 people
- Undertaken some marketing of the programme
- Most recently, suspended the so-called ’30 hour rule’ to cap spending on interpreters.

However, some recommendations have not been implemented, not fully implemented or undermined by other developments. For instance:

- On work experience, more promotion is needed (as numbers appear low - see later sections) and process delays can still mean short opportunities (work experience, time-limited contracts) are half way through before the support kicks in
• There are fears amongst disabled people that the bureaucracy of the 'standard list' is being re-introduced by the back door. A strong focus on cost reduction is being powerfully experienced by disabled people as putting barriers in the way of getting the support needed to work (see below).

• Some recommendations made by the Sayce review have not been implemented, for instance: doubling the numbers of people benefiting from Access to Work (a plan to achieve this costed proposal with further increases long-term is still needed); the portal to open up knowledge of supports and equipment so employers and employees have far more choice and control; and making Access to Work available for temporary cover, to remove the disincentive to an employer from taking on someone with a fluctuating condition. People with fluctuating conditions experience great difficulties with Access to Work (see below) and action in this area is vital.

• Some have been partially implemented. The Coalition Agreement commitment that people would know their indicative entitlement before securing employment has been addressed through a downloadable general letter about eligibility – not an individualised indicative entitlement. There has been some piloting of peer support via DPOs: there is a huge need for a plan to scale up this work; in fields such as ex-offenders and homelessness, peer support, mentoring and sharing stories are a core part of the into work offer; surrounding a disabled person with others with similar experiences who are working is massively powerful – and completely under-developed.

• There has been some marketing activity, some growth in numbers using Access to Work in the last 2 years (see below), and a small rise in numbers from under-served groups, like people with mental health problems (from a very low base of under 1%). These rises are welcome. However, the overall numbers using Access to Work have only just passed the numbers using it at its peak in 2009/10. The extra £15 million invested brings the budget up to £108K – only just above the sum in the peak year of 2009-10, before a reduction (see later section for figures).

• The Sayce review recommended expanding personalised disability employment support – potentially linking Access to Work with new personalised resources from Work Choice, enabling disabled people to have far more say in the support
needed for employment, and creating links to other personalised funding for social care, health etc (as developed in the Right to Control). Progress in developing longer term strategy on specialist disability employment programmes has been slow: a review, expert panels, publication of a ‘discussion so far’ document, extension of existing contracts – but no clear roadmap to create personalised, evidence based employment support for disabled people as called for by Disability Rights UK (Crowther and Sayce 2013 Taking Control of Employment Support 2013) and NDTI (Employment Support for Disabled People, 2014).

It would be useful to set out clear success measures for Access to Work. These could include:

- Numbers and diversity of people helped
- Numbers helped to obtain work
- Numbers helped to retain work
- Social and economic return on investment: this calculation should include not only taxes paid and levels of benefit received but also use of health and other public services (for instance, hospital admissions tend to go down for people with mental health problems once securing employment with effective support)
- Customer (employee and employer) satisfaction with the process, including timeliness and customer service.

Our members report numerous problems with implementation. These are detailed below.

**Recommendation 1**: Government should publish and report against clear success measures for Access to Work

**Recommendation 2**: Government should set out a road-map with measurable milestones, to increase evidence based, personalised employment support for disabled people, of which Access to Work is a part.

**2. The AtW application and assessment processes**
There has been considerable reorganisation of Access to Work’s operations and these may have produced efficiency savings for the Government but it is right to assess these from the perspective of employers and employees for whom the programme exists.

The available statistics raise concerns in respect of the suggested success measures above. The DWP statistical release of April 2014 contained trend data for the programme. It showed that the peak year for the programme was 2009/10 when some 37,280 people were helped of whom 16,540 were new customers. Numbers then dropped – to 30,780 in 2011-12 – and started to rise again from 2012-13, when the figures stood at 31,500 of whom 10,830 were new customers. This rise is likely to be linked to the 2012-13 marketing, partnership work and outreach undertaken in response to the Sayce review and Mike Adams panel. The impact of recession and public sector cuts may partially explain the drop in numbers after 2009-10, as cuts kicked in – but given the untapped demand, strenuous earlier marketing might have minimised this reduction.

The same table (Annex A, table 1) only contains data for the first three quarters of 2013-14; this suggests numbers are set to rise again, although they may not exceed the number of new customers supported at the peak of 2009/10. Each number supported represents a good news story but the numbers are very small when set against possible demand – there are 3.6 million people out of work with disabilities as defined by the Disability Discrimination Act (DWP, Disability Strategy, 2013 p16) and the Government put the disability employment gap at some two million. A report by the charity Scope based on ONS and Labour Force Survey data from April/June 2012 to the same period in 2013 concluded that whilst 200,000 disabled people had entered work some 430,000 had exited the workforce. The report echoes earlier work by the charity RNIB (see RNIB 2011 The Business Case for Vocational Rehabilitation). These reports clearly show that the numbers assisted to retain their jobs are a fraction of those likely to require support of this type.

Historically the “Access to Work” programme was bedevilled by delays. The benchmarks introduced in 2008 for appropriate support and in the right time still seem to be holding good, however our contact with disabled clients of the programme suggest that the system may be being stressed by the monitoring procedures.

“Delays do occur a lot with ATW whether it is to do with processing the application first time or renewing it every three
years after the termination of the support. Delays also occur with processing the payment for customers.” (Banane Nafeh, Advisor, 3/6/14)

“First used the service on the 6th of May, sent the claim forms on the 9th of May with the receipt. Re-sent it on Thursday the 22nd of May with my bank details. Haven’t been reimbursed or heard anything. This is coming up to a month which is rather long.” (R.V., 3/6/14).

“My last job interview, I was told it was my responsibility to book the interpreter as well as pay out of my budget……., I was shocked.” (Deaf BSL user, 2/6/14).

Some of our members have reported a cultural shift, to a greater emphasis on checking for fraud or misuse of money, rather than enabling people to meet their aspirations. As the UK Forum for Hidden and Fluctuating Conditions puts it: ‘The Access to Work grant has not traditionally been seen by applicants as a benefit, but as a lifeline that could enable 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 can present in differing ways both in and out of the work environment. Members/clients are fearful that the recent change in working practice within the service implies an element of malingering and fraud. This means that people are increasingly fearful of questioning decisions.’

The Access to Work programme aims to respond to diverse people’s needs though questions remain as to whether some groups require greater engagement and different forms of support. This issue is returned to in section 4.

**Recommendation 3**

The programme must continue to be demand led
Recommendation 4

The culture of the service should be one that first and foremost enables people to pursue their aspirations – and takes a proportionate approach to risk, rather than being risk averse and over-emphasising checking up on people.

3. The adequacy of ongoing support

Ongoing support is important both in terms of the aids, adaptations and support workers provided through AtW, and the help and advice offered by DWP.

The recent operational changes appear to have led to all outreach workers being moved into call centres. Whilst this change is likely to be presented as a means of dealing with more clients in a more consistent way, it is too early to know whether these benefits are being realised. Concerns have been raised with us in several areas:

- the loss of experience and first hand knowledge of the client compounded by reports that call centre staff are merely receiving a half day’s disability awareness training,
- in the absence of a named AtW contact an anxiety that several officers may end up dealing with one person’s support needs,
- the apparent lack of a comprehensive assessment to ascertain whether reduced support packages have led to people being selected on performance grounds for redundancy in the event of the employer needing to lay off staff and
- any unintended consequences from the drop in the cost of assessments such as less holistic assessments or non – specialists failing to adequately assess for people’s needs.

“On their part they were pretty good however due to the process which follows their assessment, (my trust’s staff ordering equipment and gaining approval for any funding and then delays in IT) it took a few months for my equipment to be finally set up. This is unacceptable really and had my disability been more severe or my job very different I may well have been unable to complete my job role fully for weeks and weeks.” (CSP member)
The effectiveness of AtW in supporting people with mental health conditions, learning disabilities or fluctuating conditions

The most recently available statistics for Access to Work released in April of 2014 by DWP reveal that only 3.5% of the caseload were people with a mental health condition and only a further 2% had a learning difficulty. These figures do not relate well to the fact that people with a mental health condition are the largest group of disabled people on ESA or the fact that both groups have very low employment rates: the Sayce review recommended targeted promotion and outreach to better serve these groups. This is still needed. A distinct service for people with mental health problems exists; we do not understand why this has to be separate, and why people with mental health problems cannot have the same degree of choice and control over how their support is provided, by whom, as other disabled people.

People with fluctuating conditions face particular barriers to employment. Support and adjustment need to be highly flexible – to suit changing requirements. People may have to have some time off for impairment related reasons – hence the Sayce recommendation for temporary cover, to remove the disincentive to the employer on someone who does not have a perfect absence record. It has to be better for people to work while they are able than not to work at all. Some people who are self employed also experience difficulties in accessing Access to Work - for instance, members have told us that if they go through a less profitable period, their entitlement is questioned, yet most businesses particularly in start-up phase do go through such phases. A submission to the Work and Pensions Select Committee from the UK Forum on Hidden and Fluctuating Conditions makes the point that knowing an advisor is particularly important for people whose needs change: ‘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 the need to repeat their personal information time and time 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,” as one person put it’
Recommendation 5

Government should undertake targeted outreach and promotion of Access to Work to people with mental health conditions, learning disabilities and fluctuating conditions

Recommendation 6

Government should implement the recommendation (accepted by Government in 2011) to enable Access to Work to be used for temporary cover – or achieve the same removal of disincentives to employ people with fluctuating conditions through another policy lever

Recommendation 7

Government should consider replacing a separate mental health Access to Work service with a process to embed mental health support in the main programme and empower people to have choice and control over the support available

5. Funding

Despite the wide array of friends for the scheme it has not been able to command support to substantially increase its budget or its total number of customers, this despite the fact that the scheme is a demand led programme and as unemployment has been falling for some time it might reasonably be expected that there would be many more disabled beneficiaries. In 2010/11 the spending on the programme was £107 million, in 2011/12 this fell to £93 million and is now – following a recent injection of £15 million, promised following the Sayce review – up to £108 million.

Any increase is extremely welcome, the more so when most budgets are subject to cuts. However, an increase of £15 million moves the overall budget on only very incrementally (less than 1%) from the most recent peak year for funding.

The funding also needs to be set against the reach for the programme and the commitments of new policy, for instance the extension to work experience and internships. It is Disability Rights UK’s understanding that the most recent figures for the extension of the programme include around one hundred recipients of Access to
Work under the “New Enterprise Allowance”, some twenty people benefiting on work experience and around 60 other pre-employment roles.

It is instructive to consider what the reach of the current spend on Access to Work is in order to make some estimation of what the size of the programme could or ought to be. There is some evidence to suggest that “only 4% of disabled people of working age require additional aids in the workplace or need health related treatment that would impact on their work (CSR Europe quoted in “Employment Retention Policy, Fox and Stafford, 2007). If this figure were to be applied to the 3.6 million economically inactive disabled people or the 2 million disability employment gap it would suggest a range of 80,000 to 144,000 potential beneficiaries of the kind of support provided by Access to Work. If the figure of 13,000 new clients was achieved in the most recent year then this would suggest that the programme was reaching between 1 in 6 and 1 in 11 of those potentially eligible. Since many people require support that is not of the nature of aids or equipment but instead is of the nature of a support worker or travel to work etc these figures are certain to be minimum ones and the true ratio much greater.

The insufficient spending and consequent low numbers of customers when set against potential demand and the seemingly very low numbers of people on work experience and internships receiving help coupled with the uncertainties created by the many procedural/operational changes suggest that the Select Committee’s investigation is very timely.

The oft quoted value for money ratio (for every £1 of investment there is a flow back to the exchequer of £1.48 in direct return on investment and £1.70 including social return) provides a strong argument for much greater levels of investment.

“We agree that the funding mechanism used by government to finance welfare to work programmes should be reformed to reflect the fact that initial investment delivers later savings in lower benefit expenditure.” – The coalition agreement, 2010

Recommendation 8

The funding of the Access to Work programme must increase in line with the numbers of disabled people being found fit for
work, employees acquiring an impairment or long-term health condition and disabled students leaving education. The increased funding must be statistically related to the average cost of supporting people into or staying in work.

**Marketing**

The Scope report referred to earlier found that awareness of Access to Work had not changed in ten years and that it was still the case that three in every four disabled people had not heard of the scheme.

The coalition Government put a freeze on marketing of all Government programmes and during some periods this has covered Access to Work. However there are methods of promotion that have little cost because they take advantage of other government communications. Examples of these changes include carrying details of the programme to small and medium sized enterprises when HMRC send out the tax return forms, or alerting newly disabled people through health services and HR professionals.

**Recommendation 9**

DWP should develop a marketing plan for the Access to Work programme that takes advantage of existing Government communication with employers and employees, including through HMRC.

**Conclusion**

Access to Work is popular amongst disabled people; yet many describe actually experiencing it in terms of frustrated ambition. It is a cost-effective programme. It needs to grow faster than currently, with a clearer future strategy; and be assessed against meaningful criteria including outcomes of gaining and retaining employment and satisfaction of both employees and employers with process.

The culture and system should be changed from a rationed and bureaucratic programme to an investment in people’s potential – enabling people to identify and manage their support and realise their aspirations.

The headline statistics from the programme suggest many individual good news stories, but relatively slow progress in expanding the
programme to increase the numbers able to use its support to get and keep employment.

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