Written evidence submitted by Rachael Parker (ATW0309)

Executive Summary:

1) I'm a Deaf BSL user and Director of my own business teaching BSL.

2) Because of my professional skills, I'm able to be supported by Communication Support Workers (CSWs), as long as they have sufficient BSL and English skills, and experience.

3) AtW has provided support that has met my work access needs for over 12 years.

4) In September 2013 my previous three-year package, that adequately met my needs, came to an end, needing to be reviewed and renewed.

5) The way in which AtW has reviewed my needs, made decisions, and engaged with me has dramatically changed from previous years.

6) This has been characterised by delays, a blanket rather than individual approach, application of 'rules' rather than using guidance, lack of support, bullying and hostility, refusal to address questions and concerns, an appalling complaints experience, and breath taking lack of any apparent empathy with the impact of these changes on my work, business, or health.

7) The budget reduction of 58% resulting from the imposition of the '30 hour rule' was unsustainable. Eventually I accepted a 'less bad' alternative of a reduction in hours support and budget per hour.

8) The budget cut, subsequent reduction in hours support, and appalling way that I have been treated in this process has led to a loss of the experienced CSWs who have successfully and economically supported me for years, reduction in the amount I can support my business, an increase in the work pressure for my co-director, reduction in business income, and depression.

9) My evidence to the committee is structured in date order, as this seemed the best way to demonstrate the continuous and cumulative effect of all the problems.
Introduction

10) I am a founder and director of BSLcourses.co.uk Ltd. We provide British Sign Language (BSL) training courses and accredited qualification courses online.

11) I am profoundly deaf and rely heavily on suitably qualified, skilled and experienced CSWs (CSWs are not to be confused with BSL Interpreters, the latter of which are considerably more skilled and more qualified; see next section).

12) I have had AtW funding for CSWs since 2001, first on a part-time basis to meet my freelance teaching and book publishing needs, then since 2008 for full-time support for my demanding directorial duties of the company I had set up.

13) Since 28th February 2014, the effective date of AtW's decision of the revised and dramatic (and arbitrary) reduction to my funding for CSWs, my inability to undertake duties as director has reduced my company's and personal income.

14) I am submitting my evidence to highlight AtW's inadequate processes for: review/assessment, reconsideration, complaints and aftercare.

Communication Support Workers:

15) Communication Support Workers are not trained and qualified as interpreters, and so can't work to the level of Registered Qualified Interpreters. There is no minimum standard of language skill, and no interpreter training or assessment.

16) As a BSL trainer and assessor, I'm in the unusual and fortunate position where I can choose talented CSWs and work with them to make sure they meet my needs.

17) Other Deaf people who are told they have to use CSWs won't have my specialist skills, and so are likely to end up with someone working as an interpreter who simply isn't. Deaf people need to be able to trust and rely on their communication support, especially since they can't hear the English being interpreted to check that it is accurate.
Timeline:

18) 9/13: Funding package due to end. AtW required me to keep 3 months diary of how the CSW were supporting my access needs. As AtW hadn’t given me prior notice they agreed to continue funding whilst I did this.


20) 29/1/14: Received an email from my AtW Adviser. Following the review their decision was to provide funding for a “salaried support worker” based on AtW’s “30-hour rule”, i.e. reducing funding by 58.4% from £22.50 per hour to £9.36 per hour.

21) In making their decision, other than having my diary, they did not discuss my support needs with me at all; this despite frequent emails asking them to do so.

22) Given their lack of engagement with me, I became concerned about the effectiveness and transparency of my review.

23) My concerns were proved accurate when, without warning, I was informed that the funding for my access would be drastically reduced.

24) I explained that my CSWs would not continue to work with me at the revised funding level, especially as they have level 3 BSL skills, and were in the process of achieving a Level 4 CSW qualification.

25) Despite emails to the AtW Adviser and their manager asking them to reconsider this unworkable decisions they did not do so.

26) However they did agree to continue to fund at the current level to 28/2/14, so that I could give the CSWs one month’s notice, as I could no longer afford to continue working with them.

27) 7/2/14: As discussions with the AtW Adviser and manager were achieving nothing, I was given the contact details of the Senior Operations Manager, AM, to submit a reconsideration letter.

28) 9/2/14: I submitted the reconsideration letter to AM; explained my needs; why the previous funding was sufficient and required; why the decision was not sufficient for my needs; and the consequences to my business.

29) 28/2/14: The funding reduced.

30) 5/3/14: I received AM’s reply to my reconsideration request.
31) The reply stated that as the decision was made “fairly and equally” and was keeping in line with their approach when making assessments; the decision remained unchanged.

32) The reply did not address any of the concerns I’d raised nor that I’d said it did not meet my access requirements.

33) It stated that I should only reply to AM should there “be any scope for [my] needs to be considered”.

34) I was not told that there was a complaints procedure, nor told that I could complain if I was not satisfied with this response.

35) **10/3/14**: I replied to AM saying that his response seemed a ‘standard’ response, as it did not address any of the concerns I raised.

36) If the decision was not to be changed, I requested the following information: the policies/Guidance that they were “keeping in line with”, the “Business Case” (as should be recorded on their AtW2 form), their analysis of the “pros and cons” of salaried vs. freelance support (as per AtW’s Guidance), their written consideration of how the rate of £9.36 per hour was calculated, an explanation as to how their decision was made “fairly and equally” when it did not involve me nor consider my requirements, and how I could make a formal complaint to AtW.

37) **10/3/14**: I wrote to my local MP explaining what had happened, the impact on me, and my business, and that I’d lost confidence and trust in AtW and their processes.

38) **11/3/14**: My MP referred my letter to the Disability Minister.

39) **20/3/14**: Given my reduced funding, I was desperate for a response. As I’d not had any reply to my letter of 10/3/14 after several emails and phone calls I eventually got hold of AM. In the conversation, AM explained:

40) The £9.36 was based on “AtW’s feeling” that it was a suitable rate for a CSW possessing Level 2 BSL, and was commensurate with a CSW qualification. This despite frequent prior explanations that such CSWs do not have the minimum level of skill to support me.

41) He could not provide information on what “approaches” (policies or Guidance) were being kept in line with.

42) There was no information available re the “Business Case”, as should have been recorded on the AtW2 form.
43) He then suggested that I request support for 26 hours, i.e. less hours than I have been assessed as needing, in which case the 'final offer' would be 26 hours a week at £18 per hour. He had no response to my concerns that this would mean I would have to reduce my hours as director.

44) Nor that AtW would be discriminating me of my freedom and independence as per the United Nations’ Human Rights articles (Article 3.a, 3.c, 3.e and Article 6.1, 6.2).

45) I asked that AM responds to my earlier letter and confirm what we had discussed in writing. Following the call he sent an abrupt email providing an email address to send a complaint to, and reiterating how AtW deals with applications fairly and equally!

46) **25/3/14:** I submitted my formal complaint to the email address supplied.

47) **26/3/14:** Disability Minister replied stating my award “has been assessed against an equivalent reasonable expectation of an annual salary payable to a suitably-qualified individual providing the communication service that [I require] in [my] work.” and that that the “Department has confirmed funding using a benchmark annual salary of £18,000” concluding, “the grant has been confirmed as being consistent with operational delivery guidance and programme policy intent”

48) This reply again fails to address any of my questions, concerns, the impact on me or my company, and using the phrase “suitably-qualified” avoids acknowledging both that a CSW with level 2 BSL skills is not ‘suitably qualified’, and that I have specifically said that this doesn’t meet my needs.

49) **1/4/14:** As no response to my complaint to AtW, I email again to ask they at least acknowledge receipt.

50) **2/4/14:** I receive an acknowledgment to my email of 1/4/14 from SM.

51) Given that my complaint includes AM, and AM manages SM, I email that I’m concerned about impartiality.

52) SM replies promptly, saying I should complain to the Director General DWP, NS, giving me the address.

53) **3/4/14:** Formal complaint posted to NS via recorded delivery. No acknowledgement or reply to date.

54) **8/4/14:** SM emailed to confirm that my grant was 26 hours a week at £18ph as previously discussed, and that a formal letter confirming this offer was sent 7/4/14.
55) **24/4/14:** After chasing receive letter confirming offer.

56) **14/5/14:** I hear that Disability Minister has suspended the “arbitrary rule on 30 hours” and that applications can be “re-reviewed”.

57) AtW have not informed me of this.

58) **20/5/14:** I email the Operational Support Unit’s general team to request a ‘re-review’. LS informs me that my request has been forwarded to the Team Manager, BM.

59) **28/5/14:** I contact LS for an update as I've heard nothing, and am advised to email BM directly. I do so.

60) **11/6/14:** No reply, I chase again.

61) **18/6/14:** A different staff, LS, emails explaining there is to be a review of AtW guidance, that my application warrants reconsideration, and that either they or MK will contact me “in due course” to discuss my specifics tasks in my job role and to engage with myself as well as my employer. I still have not had any contact from them to date.
The AtW application and assessment process, from the perspective of employees and employers:

62) As the timelines and decision making process demonstrate, it isn’t fit for purpose.

63) It is not an assessment process since the decision was about AtW policy rather than my needs.

64) It is poorly administered.

65) I experienced the interactions as hostile and at times bullying, and the process left me feeling constantly fearful, emotionally and mentally tired.

66) The decision has left me unable to effectively fulfil my role and responsibilities.

67) Taken together these have led to my depression.

The adequacy of on-going support, both in terms of the aids, adaptations and support workers provided through AtW, and the help and advice offered by DWP:

68) See above re advice and support.

69) AtW have consistently demonstrated they do not understand the roles, skills and experience required of interpreters and CSWs.

70) The CSWs, who have worked with me for many years, have had to stop working with me as the rate I could offer was too far below their fees.

71) AtW have put me as the customer in the position of trying to find support at rates below the market rate. This simply isn’t possible. They don’t seem to care.

AtW’s effectiveness in terms of helping disabled people to: secure a job, stay in employment, and develop their careers:

72) Prior to September 2013, AtW had helped me develop my career as a BSL teacher, assessor, Internal Verifier, External Verifier and write and publish my BSL books. When AtW agreed to fund for full time support, in 2008, after I have set up the company, this has helped hugely in terms of growth, both from an employment aspect and the number of students we provide courses to. There is no doubt the company would not have achieved as much as it has without the support from AtW.
73) However, since the effective date of the decision, I have hugely suffered in trying to achieve my directorial duties. For the whole month of March until 7th April, I could not recruit a suitably qualified and experienced CSW for the rate of pay that AtW had allocated to me. As a result of this, and my not being able to do my duties, the company lost £4,000 income for March.

74) From 7th April to date, with AtW's revised offer of 26 hours a week at £18 per hour, I have had to also restrict my own hours to 26 hour a week, resulting in a 32% reduction in the amount of work I can put in to the business. This is having a direct effect on my relationship with my clients, and introduces fear that I may not be able to provide them the service that the company promises them. To minimise the risk, my co-director has had to take on much of what was my workload.

75) I believe that if I had been employed rather than self-employed, given these problems, I would have been unable to keep my job.

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

76) I've discussed AtW with many hearing employers and the general public. Most have never heard of it, let alone know how it works, or that it is not a ‘benefit’ but rather employment support.

77) According to the Sayce Report June 2011, for every £1 AtW spends on support funding, they receive an average return of £1.48. Whilst AtW may argue the exact figures, it is not disputed that AtW funding brings more back to the treasury than it costs to provide. So it causes me great confusion why AtW would even consider making cuts in the first instance, particularly in my case. I run a company that employs freelance tutors, teachers, assessors and Internal Verifiers. The company pays its taxes as well as VAT. I would therefore be very surprised if AtW does not see back more than £1.48 to fund my support needs.
My Recommendations:

Commitment to change:

78) Given the level of feedback and complaint from individuals and organisations, the Disability Minister should properly announce an independent review of AtW support for Deaf and disabled people, that will accept evidence from AtW customers.

79) The Disability Minister should commit to learning from and acting upon the recommendations of the DWP Select Committee inquiry.

80) As the Disability Minister has committed to reviewing the support offered to Deaf customers who were affected by the ‘30 hour rule’ AtW should proactively contact all those so affected. It should not be left to chance whether customers find out about this and apply.

Person centred and informed approach:

81) AtW must review each application on their individual requirements and merits.

82) This includes AtW understanding the customer as an individual; their communication needs, the company they work for, their role and responsibilities, whether they are employed, self employed, run a company, etc.

83) AtW decisions should be shaped by guidance, and not by indiscriminate ‘rules’, e.g. the 30 hours ‘rule’.

84) AtW must understand the customers’ language and work access requirements, so that appropriate communication support can be funded.

85) AtW must understand the difference between a Registered BSL/English interpreter and a CSW, and understand the meaning of the BSL Levels of assessment.

86) AtW must recognise the actual pay and working conditions of communication support, including interpreters and CSWs, and fund Deaf customers accordingly. Otherwise they put the customer in an impossible position where they have inadequate funding to meet their needs.

87) AtW should recognise differences in customer requirements, and therefore the commensurate differences in the registration, qualification, skill and experience of the communication support required, and fund accordingly.
Broad funding bands as used now (e.g. which assumes CSWs with Level 2 BSL) are not sensitive enough to reflect this.

88) AtW need to make it clear to customers which AtW staff are responsible for what, giving clear contact details and job roles, and wherever possible having one responsive point of contact and coordination.

Open decision making:

89) AtW decisions should in writing show how the customers’ individual circumstance work requirements, and support needs, have been taken into account in the support offered.

90) AtW must follow their Guidance and provide justified information to claimants on their decisions, explaining why and how the decision has been made in that way (particularly so if the claimant is requesting a reconsideration).

Reviews:

91) AtW need to conduce reviews in a timely fashion (i.e. decisions made 4 weeks before support is to end), to enable continuity of support for customers.

92) Where AtW are unable to achieve this through their fault, the default should be that support should continue at the current level until a decision is made, and allowing sufficient time to book continued communication support.

Reconsideration and complaints:

93) AtW must have a clear publically availed complaints process, with clear and reasonable response and resolution target times adhered to, and a clear and proportionate escalation process.

94) AtW should separate the Reconsideration and complaints process, as they are different processes. E.g. reconsideration is one potential resolution to a complaint.

95) Customers who are unhappy with decisions, behaviour etc. should be proactively signposted to the complaints process.

Promotion:

96) AtW must be more open about their programme to the general public, the working industries and public/civil sectors. It must be clear the programme is not benefit-based and is, in fact, a win-win (self-proficient) situation for all concerned.

11 July 2014