Written evidence submitted by Maria Barroso (ATW0318)

Executive Summary:

- 30 hour rule
- Issues with the assessment process
- review processes
- making up rules
- inconsistent decisions
- no understanding about Deaf people or communication preferences
- no understanding communication and access needs in a hearing environment
- retrospective decisions

Introduction:

(About you or your organisation, and why you are sending evidence.)

I am the Deaf Access Officer for the Department of Education and Social Services based at Wandsworth Council.

Following my complaints to Access to Work (AtW), DWP and ICE, I am writing to inform you of the DWP’s on-going unfair treatment, lack of communication, proper consideration of my role, my communication needs and finally the decision to force the 30 hour ruling effectively reducing my funding for communication access by two-thirds.

I have worked in full time employment (and consequently a UK tax payer) for over nine years. During this time I have used the services of a small number of NRCPD registered, qualified freelance interpreters. This has met my communication needs as I have been able to use interpreters for specific areas of work matching their skills to my particular domains of work.

1. What is the AtW application and assessment process like for Deaf and disabled people, and for their employers?

The AtW advisors and managers I have communicated with have no Deaf or Communication Awareness. I have to repeatedly explain the reasons I require interpreters. AtW single approach to contact them via a call center immediately presents barriers for Deaf and hard of hearing applicants. As a Deaf person, access to an interpreter is essential to contact ATW via phone (or via email as this requires translation). If interpreter support is withdrawn or limited, effective communication is no longer possible.

No clear and concise information of the application, assessment process was provided in advance. The advisors quality of communication was poor and unprofessional i.e. no out of office automatic replies or notification of advisor changes. Gaps in communication were never explained. This led to delays of my assessment process. Letters and emails addressed to me, often listed the wrong name and job role.

In May 2013 I was offered full time employment with Wandsworth Council; again I
approached my AtW advisor who agreed additional hours for professional interpreting support were required with additional note taker hours. I have since been a full time employee and now without negotiations or full consideration of the consequences my budget has been ruthlessly cut by nearly two thirds. It is questionable if I can now fulfill my job role to the current standard without qualified BSL interpreter communication support.

In October 2013 I sent my support worker diaries to my regular advisor TP as requested in readiness for a regular review. Unexpectedly my interpreters informed me they had not been paid. I contacted AtW and was told TP was away; no out of office email was set up, no prior warning given and no hand over occurred. Payments to the interpreters had been stopped because TP was absent. On 25th November 2013 MK took over and said they would approve payments and continue with my review/supporting me.

However MK caused irreparable damage to my support structure on 28th November 2013 after he reviewed my case and seemingly arbitrarily decided to change my support under the 30 hour ruling and I would have to employ a salaried interpreter. He informed me ‘unofficially’ via email without explanation. MK did not read the information I supplied, caused duplicate work by requesting further information, provided inconsistent information and decisions. MK had no Deaf Awareness or Communication Awareness. MK was unprofessional and rude in dealing with me and my manager. I did not receive the official letter informing me of the change until 10th February 2014.

After 5th December 2013 MK ceased all communication with me. However MK continued to communicate with my manager, removing my name when responding to emails sent to him.

On 28th November 2013, my manager negotiated a 3 month extension to start immediately at the original budget with the advisor; however I did not receive official notification of this until 24th December 2013 and it was a reduced amount than previously agreed.

Between 28th November 2013 and 9th January 2015 I complained about the advisors conduct, decision making, the lack of information and communication five times. I escalated these complaints to AtW manager BM, my MP, Reconsiderations Team Senior Operations manager and Director of General Operations. On 9th January 2014 I received an acknowledgement of my complaint from the Reconsideration Team and was informed the decision to offer a 3 month extension at a reduced budget was upheld.

On 14th January the Reconsideration team (LS) informed me they would not reconsider the salaried interpreter’ decision until I received the official notification. Also the decision regarding the salaried interpreter due to start in February could not be changed. However the current extension budget ended at the end of January. This left me very little time to request reconsideration and plan my support for February. On the same day I was sent the ‘AtW guidance’ a 109 page document I had never seen before.

I feel AtW has given me funding for my current role under ‘false pretenses’ after fully funding my interpreters for four years. I applied for and got my current job while in discussion with my AtW advisor at the time. They actively asked about the new role and requested the job specification and job description, whilst we negotiated what my communication needs were in the new role. This included a written breakdown of interpreter and note-taker access. They never once mentioned I would face these kinds of cuts in the future.

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I have followed the correct procedures; requesting reconsideration of the budget awarded. The AtW advisors/managers have repeatedly ignored requests for the decision making process to be reviewed and for the extensive information supplied by me to be read. I supplied detailed support worker diaries and provided additional information: regarding my role responsibilities and working environment justifying the required interpreting support I have been using. No consideration was given to this information. There have been some glaringly obvious errors in emails, letters and conversations proving the advisors and managers have not read this information.

Further information regarding my support needs was requested by the advisor with no explanation and no understanding that this required translation which either couldn’t be supported due to my working hours or was completed with support in working hours which directly affected my performance at work. The questions were often repeated causing me duplicate work.

Advisors frequently provided conflicting information and withheld information regarding the assessment process e.g. the reconsideration process, complaints process and how to escalate matters to senior managers. The advisors communication with me became increasing unhelpful and rude. I presented compromises and solutions to the barriers AtW presented however these were repeatedly ignored. I have sent several complaints to the original Advisor, Regional Manager and Director General to no avail. There has been no constructive discussion for the last 6 months.

After repeated requests for information AtW have ceased all communication with me. I have not had response from the advisor since: 5th December 2013, the Regional Manager since 19th December 2013, Reconsideration team since 14th Jan 2014 and received no response to the letter sent to Director General of Operations on 15th Jan 2014. The AtW advisor and manager have been communicating with my employer, bypassing me altogether.

I have contacted my MP who sent a letter to Mike Penning Minster for DWP. However his response gave no consideration my individual working environment or my job role. Unsatisfied I requested a meeting with my MP who then contacted the AtW advisor and again his response gave no consideration to my communication needs, job role, responsibilities working environment.

2. Is AtW support for Deaf and disabled people good enough, and does it meet your needs?

AtW's single blanket approach to assessing a whole community with varied and multiple communication preferences, diverse communication support needs, wide-ranging job roles, responsibilities and workplace environments is incomprehensible.

The cut to the AtW budget has restricted my right to equal access to communication.

Until 2013 I have successfully used AtW to access communication in my working environment, my job role and to be an effective and productive employee. As a profoundly Deaf employee working in a wholly hearing environment, accessing communication is vital if I am to be treated as an equal with my hearing colleagues. Also accessing communication and the culture of a hearing working environment is fundamental if I am to be an effective employee and perform my role to the high standard I set for myself.
Following a review of the communication support AtW informed me my budget was to be cut almost by two-thirds. I would be forced to employ one full time interpreter with no budget for co-workers, note-takers, or to cover the interpreter's annual leave, sick pay, insurance or training costs if they were to become employed. I received a new budget notification on 10th February 2014 due to start retrospectively on 1st February 2014 stating £18 per hour for a ‘support worker – BSL interpreter’ It would be impossible for me to recruit an interpreter for the budget awarded in the time allowed, the recruiting process usually takes three months minimum.

The new budget totals approximately £35,000. AtW have stated this is the ‘average’ interpreter wage and that this amount was provided by ASLI (Association Sign Language Interpreters). ASLI have released a statement announcing that at no point have they been consulted regarding this matter.

My previous award was sufficient and met my needs, allowing me to book NRCPD registered qualified interpreters (including co-workers when required) and professional note-takers. This means they have met the national standard for interpreter training and are suitably qualified to work with a professional person such as myself. At salary of £18 per hour I would not be able to employ someone with the skills and experience required.

This means my everyday access to communication will be severely limited; communication with my colleagues in the Access Team, access to communicate with other professionals (internal and external) via email, telephone and face to face. Being able to communicate and participate within a team of hearing professionals is vital; integration into this culturally hearing environment will be severely impeded without properly qualified interpreted support. Important information is imparted in a variety of means that my hearing colleagues take for granted which I cannot access without an interpreter present.

This lack of interpreted support also impedes my ability to understand and responded to correspondence e.g. BSL translation for letters, documents, notices and forms. I am facing an uncertain future. I will be unable to attend the meetings, events; conferences and training I have already committed to and also limit my future opportunities to attend the above. Therefore affecting my ability to meet my responsibilities and duties set out in my job description.

Since I began my employment in May 2012 my role as Deaf Access Officer as part of Wandsworth Adult Social Services has gone from strength to strength and the ‘Wandsworth Deaf Service’ has continued to develop. With upcoming changes to my department, and across Wandsworth Council I have new opportunities to grow and increase the scope of my service. The AtW changes mean these opportunities would be severely limited.

A) help and advice they offer you and your employer

Advisors frequently provided conflicting information and withheld information regarding the assessment process e.g. the complaints process and how to escalate matters. Their decisions were applied retrospectively with no explanation of their decision making process.

The process to organize claim forms, invoices and paperwork AtW has currently forced upon my employer is unworkable and requires considerable amount of my working time to organize.

B) support they offer – interpreters
The retrospective decision to apply the cut in funding presented serious difficulties for my committed team of NRCPD registered interpreters. The retrospective budget meant they could not be paid for work already done and future work they agreed to could not be guaranteed. This caused an extremely stressful and situation and financial hardship for the interpreters.

AtW staff, advisor or finance teams were extremely unhelpful when contacting them via phone. Refusing to discuss the issues and problems the interpreters faced due to their decision as they claimed they were not the interpreter’s clients.

Payments to interpreters were delayed twice by two months in the first instance (30th October 2013 – mid December) no explanation for this delay was provided and approx. 3 months (28th February 2014 – 2 week in May) because they failed to explain the correct procedure to complete the claim form.

3. The effectiveness of AtW in supporting people with mental health conditions and learning disabilities: Stress

Since October 2013, AtW assessment, decision, lack of clear process, rude and incomunicative staff has caused me huge personal and professional stress. It has put unexpected and unfair pressure on me which has affected my ability to meet the high professional standard I set for myself. Throughout the entire process I was left confused and seriously concerned about my future.

The inconsistences in information, processes and the treatment by AtW advisors meant I felt I was being victimized because for my communication needs.

The extra information requested put pressure on me and interfered with my duties and responsibilities this caused me extra stress and unhappiness as I worked to meet my responsibilities.

4. AtW’s effectiveness in terms of helping disabled people to develop their careers:

I am very concerned if the 30 hour rule continues I will be trapped in my role without any opportunities to develop my career. Career development involves accepting more responsibility, broadening of the job description, training/learning new procedures and possibly managing staff. These all require access to communication of a high professional standard. With a fixed and limited budget I will not be able to access the required standard of communication or be able to plan my support as and when it’s needed. A promotion/career development requires advancement into different domains of work, without access to interpreters with specialist skills I would be unable to have full access equal to my hearing peers.

5. What do you think of what DWP and AtW have done to help more Deaf and Disabled people use AtW, including both:

   a) How well they let Deaf and Disabled people, and employers, know about AtW

I received no notification of any expected changes, publication of guidance notes or the implementation of guidance.
Many employers are unaware AtW is available for potential employees who would benefit.

b) How well you think ATW funded

AtW is not a benefit, it is necessary to ensure Deaf people are employed and productive valued members of their community. AtW claim cuts are necessary if funding is to continue long term. However the Sayce report states as employed people I, other employed Deaf people and interpreters are paying tax thus bringing more money to the government then they spend in funding AtW. The 30 hour ruling ultimately means potential employers will be dissuaded from employing capable deaf people because of the AtW complications.

My Recommendations:

1. Face to face assessments which occur in the workplace, so advisors can see individuals complex communication needs occurring ‘live’ in the working environment.

2. Advisors to receive training in Deaf Awareness and Communication Awareness.

3. I would like AtW to communicate with me throughout the process and clearly communicate at each stage of the process; what is happening, what is likely to happen next and to clearly explain their reasoning for any decisions made and how I am expected to continue my current duties.

4. I want be treated with respect as a Deaf professional person.

5. For requested information e.g. my support worker diaries and further information supplied to be read so the Advisor fully understands my communication needs, working environment, job responsibilities and duties.

6. I would like also like to have the support I am currently lacking reinstated until this has been resolved at the original budget so my professional duties are not comprised further.

7. I would like AtW to apologies and explain how they will avoid this situation occurring again in the future.

8. Clear information regarding the structure of the organization, AtW processes, decision making, reconsideration process and complaints process to be clearly explained in English and BSL with expected timelines. In an open and easily accessible for public via a dedicated website.

17 July 2014