Abstracted Summary:

- Access to Work (AtW) support is crucial for disabled people to be able to gain and retain work, or indeed any form of equality in the workplace. It has been a highly prized model of support amongst disabled people who have been able to successfully negotiate a full working life, with support from AtW. Nonetheless, there are a number of significant issues with the delivery of AtW which require attention.

- AtW is still not widely known to disabled people, people with long term health conditions, employers or health and social care providers. There are also specific issues in relation to the information provision, as well as the service as a whole, in terms of appropriate formats (such as Easy Read, BSL and electronic formats), which also need to be addressed.

- Advisors need more appropriate training on AtW guidance and its applications. AtW can only be successful in its aim if appropriate and relevant decisions are made by the advisors, in a timely and efficient manner. Lack of appropriate decisions and lengthy delays can have a very negative impact on disabled people (such as not being able to do their job, losing their job or indeed losing reliable support workers/interpreters). Contact and responses from AtW should reflect this urgency.

- Disabled entrepreneurs and those with high support needs seem to be disproportionately affected by the application, assessment, renewal and payment difficulties in the current model. Consideration should be given to specialist advisors for clients with more complex situations, who have an understanding of the real life issues faced by disabled people in these circumstances.

Introduction:

1. I am submitting this evidence, as an individual who has the following perspectives of the AtW Programme:

   a. I am a disabled entrepreneur, with high support needs, who has received AtW support for over 15 years. During this period, I have also received AtW support for part time employed positions. I therefore have longitudinal knowledge of AtW from both an employee and self employed perspective.

   b. I have employed people with learning difficulties for many years. (Note: I use the term learning difficulties throughout this submission, rather than the term “learning disabilities” as this is the preferred term suggested by my clients). I have therefore experienced AtW from an employer perspective.

   c. For over 15 years, as Development Officer for the Association of Disabled Professionals and more recently through START Ability Services (as an External Consultant to Action on Disability and Work UK), I have supported many thousands
of disabled individuals and people with long term health conditions, as well as employers and organisations, in the area of work.

d. My business provides facilitation support to people with complex long term health conditions, people with learning difficulties, people with alternative communication methods, as well as providing a specialist mental health support service. As many of our clients are experiencing complex and difficult circumstances, we often provide information about remaining in, returning to or getting work. I also provide support to self advocacy groups and have facilitated the inclusion of the views of a number of people with learning difficulties in this evidence.

e. Due to my personal experiences of impairment and an unpredictable health condition, I am a Member of the NICE Collaborating Centre for Social Care Guidance Development Group for Transition between inpatient hospital settings and community or care home settings for adults with social care needs. I am also a member of various patient involvement groups and have contributed to numerous health and social care guidance issues. I am particularly interested in the coordination of available support measures to enable disabled people to live as full and equitable a life as their non-disabled peers.

The AtW application and assessment process:

2. I have made numerous applications to AtW and have had numerous renewals. I have also advised people about AtW and supported individuals (and their employers) to make applications. However, the current contact centre system is causing significant confusion and delays for many disabled people and their employers. Additionally, there have been several reports that despite being promised contact within a specific time, this contact is not forthcoming. Disabled people and employers are then often left with no clear way of establishing contact with appropriate individuals in AtW.

3. I have previously benefited from contact with advisors who knew me, my work and my level of impairment, so reassessments were straightforward and met my needs. I have, however, recently experienced significant delays in resolving issues with Access to Work reconsiderations at both assessment and renewal stages. I am aware that my situation is far from unique and comments from other disabled people include:

   “I didn’t get the name and contact details of my Access to Work advisor until I saw it on the Workplace Assessment. It was too late by then!”

   “It has been 7 weeks since my assessment and I haven't heard anything, is this normal? Have tried to phone the London office ... but the telephone number has changed and they haven’t updated their website contact details. Have called the central 0345 number and they will forward my message on but will take up to 7 working days.”

4. As an employer of disabled people, I found the contact I established with a named person invaluable. My existing knowledge of the scheme (and particularly helpful advisors)
enabled me to resolve difficulties that had occurred with the initial contact with AtW, made by a then Workstep (now Work Choice) Provider. With recent changes to the administration of AtW, this would no longer be possible and is of significant concern.

5. A further option, often considered by those with more complex barriers to work, is self employment. As self employment is more popular amongst disabled people than their non disabled counterparts (and the only option for many people with high support needs who wish to work), appropriate and relevant AtW support is vital. However, disabled entrepreneurs appear to be disproportionately affected by inappropriate decisions and delays by Access to Work, as small businesses often have a paucity of resources.

**The adequacy of ongoing support:**

6. Enquirers to AtW are currently being treated inappropriately and given inappropriate decisions. This situation seems to have been deteriorating. I have often felt like I am justifying my existence to AtW advisors and have received comments from others that they were treated “like scroungers”. Examples of inappropriate decisions include:

a. suggesting that highly specialised seating for an employee, at a cost of more than £2000, was standard equipment and the cost should be met by a small business;

b. suggesting that support workers should travel in a 2nd class carriage and be telephoned when needed, by an entrepreneur with unpredictable health, who could only travel in 1st class;

c. suggesting that an entrepreneur should install their own complex assistive technology software (to be posted from the cheapest supplier of each item), when they had visual and dexterity difficulties and no IT support;

d. telling several entrepreneurs that costs for meetings where overnight stay was necessary would not be included, as they already had “full time” job support.

With appropriate intervention, each of these decisions has been challenged and equipment/support costs awarded, upon reconsideration.

7. It appears that advisors require much more training, with both the application of the AtW guidelines, as well as their attitudes towards people applying for support. The comments above and my own personal experience suggest that advisors currently see AtW as a benefit entitlement which must be restricted at all costs. Indeed, although www.gov.uk/access-to-work states AtW is a grant for the practical support disabled people need to work, the same page later states, “The money doesn’t have to be paid back and will not affect your other benefits”, implying that AtW itself is a benefit.

8. Advisors also require more specific training on self employment, as there is significant confusion. For example, many self employed people are asked about their income (and whether they will receive minimum wage), despite DWP guidance on the issue that, “there is no requirement for a self employed customer’s business to be profitable within a specified timescale. Their business must have a history of, or a reasonable prospect of generating income, but there is no lower limit on that income.” They are also often asked how much they will pay towards the cost of equipment or told that specialist equipment is
of “business benefit”, when it is in fact clearly impairment related and all costs should be met by AtW. This is clearly inappropriate as AtW recipients are prevented from working during this period of reconsideration.

9. Delays in dealing with payments for support staff are particularly problematic. I have always employed my own support staff and have personally held a £5000 overdraft to cover the delays associated with payment of support worker costs from AtW (this amounts to approximately 3 payments of wages). I arranged this after having had several issues with unauthorized withdrawals, as a result of non payment for several claim forms. I also had a number of complaints from support workers whose mortgage/rent payments had “bounced”, because my payment was declined. Moreover, I also often have to use my own earnings to pay my staff (as claims are already 4 weeks in arrears and delays of a further 4 weeks for payment mean that 2 sets of wages have been paid with no reimbursement). The issue of delays in receiving payment also came up for a number of other disabled people.

The effectiveness of AtW in supporting people with learning disabilities:

10. My employee for 18 years, who has learning difficulties and has recently retired, commented:

   “Access to Work did make my job easier. It was easy to get to work, having Roy as my own taxi driver. Having a support worker made the job easier too, because things were explained. Having someone with me makes it easier to get through the day.”

However, there were significant issues raised, as my employee needed a support worker (due to the fluctuating tasks involved in his job), but could only have this for 6 months. This was entirely inappropriate for my employee and I arranged for his support as a reasonable adjustment. However, the additional costs associated with this were particularly difficult to meet as a small business operating on a sole trader basis. Additionally, reimbursement from AtW was far from predictable. I was paying £13.76 for a position that had been allocated minimum wage in my financial forecasts, which did not give me a viable business reason to continue employing disabled people! Fortunately, for my employee, he was in a job that was safe, regardless of his support needs. I was also in a position to support my employee to access quotes for AtW and to complete the application process. Few employers would, however, be as supportive.

AtW’s effectiveness in terms of helping disabled people:

11. Too many individuals who would qualify and benefit from AtW are unaware of the programme. It appears from recent statistics about AtW that figures for new applications have remained stable (around 10000 new applicants) for the past 3 years. Indeed, figures are down by around 6000 from 2009/2010. This confirms that the existence of AtW remains elusive. This finding was confirmed by people with learning difficulties at self advocacy group meetings, who said:

   “Everyone knows I want a job, but they didn’t tell me about Access to Work.
Not my social worker, not the job centre, not Centre staff, no-one... apart from you. Why don’t they tell you what you need to know? I’m very angry about it!”

“I’m retired now, but I would have been able to work if I had had the right support from Access to Work when I was younger.”

12. Employers often do not know about AtW. Although large organisations are often aware of AtW, few small or medium businesses would know of AtW. It may be useful for the wording about AtW (at www.gov.uk/employing-people/recruiting-hiring) to be changed to reflect the relevance to employers. Currently, it may not be obvious. It reads, “Access to Work is money to help you do your job if you have a disability or health condition - eligibility, how to apply”. It may also be useful to provide a reference in the Employing People section to the useful guide that is already currently available at www.gov.uk/government/publications/employing-disabled-people-and-people-with-health-conditions/employing-disabled-people-and-people-with-health-conditions

13. All types of work should be covered by AtW. For example, people, who have been on sickness/ incapacity benefits for a lengthy period, could consider some voluntary work initially, to establish routines conducive to work. This is particularly key for people with complex health conditions or impairments which may fluctuate, people with mental health difficulties and for those individuals who require full time support. For example, many people would consider working a few hours a day, but may not know whether they are able to do so. However, without appropriate equipment and support, they are unable to attempt a voluntary position. Additionally, as it is more difficult for people with complex impairments/high support needs to secure work trials (as they may not be able to predict when or if they can work), they do not have the same level of opportunities to consider work of any sort. The situation is then further complicated by a lack of experience and lengthy gaps in employment history, which result in fewer successful applications for jobs (regardless of the skills of the individual concerned). The myth that people with complex impairments are unable to work is thus continually perpetuated. Disabled people should therefore be able to draw up a skeleton support package that is approved in principle, in order that they know that they can apply for job or start a business, safe in the knowledge that their support will be in place

14. Staying in work and developing a career is becoming increasingly problematic for disabled people, as a result of inappropriate decisions being made by AtW at assessment or renewal stage. Examples that are have been challenged include:
   - disabled people who are told that their support workers must now be employed by them or become self employed (in spite of TUPE or HMRC regulations);
   - previously agreed additional support costs not being covered at renewal;
   - lack of understanding of additional costs relating to employed support workers, e.g. employers national insurance contributions, annual leave and sick leave entitlement, annual leave and sick leave cover additional costs, contractual cost of living increases year on year, payroll costs, etc.
many disabled people are now being refused additional support worker costs to attend training events, conferences or indeed, in my own case, face to face paid meetings.

**Recommendations:**

15. Information about AtW provision should be highlighted to professionals and workers in a variety of educational, health and social care settings. A greater emphasis is needed on promoting the scheme to teachers, careers advisors, GPs, those involved in discharge from hospital/rehabilitation units, Occupational Therapists, Social Workers and frontline health and social care staff. This early knowledge of the availability of the scheme would then enable conversations about employment or self employment (and indeed support to remain in work, for those who become disabled) at the onset of impairment. Thus, people are much less likely to lose their jobs, business or career aspirations, after many months or years of dependence on sickness benefits. They are therefore more likely to become and/or remain economically independent. This approach would also support both the government’s initiatives to get more disabled people into work, as well as proposals within the Care Act 2014.

16. Enquirers to AtW should be provided with named advisor contacts and their contact details, at the very early stages of application. They should also be informed if their advisor changes. The current system is causing significant confusion and delays for many disabled people and their employers. It is also particularly problematic for people with complex support needs.

17. Self employment is the only option for many people with high support needs, or unpredictable health conditions, who wish to work. Therefore, appropriate, prompt and relevant AtW support is vital. However, disabled entrepreneurs appear to be disproportionately affected by inappropriate decisions and delays in assessment, at renewal and with payment. Specialist advisors for clients with more complex situations, who have an understanding of the real life issues faced by disabled people, may be needed in these circumstances. Additional consideration should be given to the fact that many disabled entrepreneurs have to meet the additional costs associated with impairments personally. This has an exceptionally negative impact upon small businesses, particularly for sole traders who need specialist equipment or support workers agreed in advance, in order to start up and operate.

18. Disabled people and enquirers to AtW are currently being misadvised. With appropriate support, these decisions are being challenged and upheld, upon reconsideration. Disability Advisors should be given more specific training in relation to the appropriate application of DWP guidance to the provision of AtW support. There also appears to be significant confusion about what is “standard equipment” or of “business benefit”. This is creating disparities in provision.

19. Consideration should be given to providing an interim budget to enable people to begin/continue working whilst AtW applications or renewals are being processed and assessed. It may also be of benefit for disabled people and those who develop impairments
to have skeleton AtW support packages agreed and approved. This could become a staple jobhunting tool, as well as a good CV, in order to promote success.

20. Consideration should be given to offering an online assessment and renewal process, as well as extending the range of contact methods (e.g. Skype) to make AtW more accessible to more people. An online claim and payment processing system would also assist. This would not only avoid issues with forms getting delayed or lost in the post, but would also enable people to be notified more speedily if there is an issue with payment.

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