When I get an entertainment job, my heart sinks as I know I have to deal with Access to Work.’

Lisa Hammond, Actress and Equity Member, currently playing the character ‘Donna’ in ‘Eastenders’

1. Equity is the UK’s leading trade union for professional performers and creative practitioners. Equity is known and respected nationally and internationally for the work we do with, and on behalf of, over 39,000 members working across all areas of the entertainment industry, many of whom are disabled and/or living on low incomes. The most recent statistics show that the Gross Value Added of the creative industries was £71.4 billion, accounting for 5.2% of the UK Economy.¹

2. We have worked with our Deaf and Disabled Members’ Committee and have sought further information from individual Equity members and other relevant organizations in the industry to identify the key problems that our members have been experiencing, and the ways in which Access to Work (AtW) could be improved to tackle these difficulties.

3. In this letter we wish to outline what we believe are the apparent operational and decision making issues that are affecting our members. We hope the Committee will consider the points that we would like to raise in this letter as part of their wider enquiry into Access to Work.

**Operational issues**

4. Members are reporting that there has been deterioration in the service provided by Access to Work over the past year or so. Members are reporting dissatisfaction with the length of time currently taken by AtW to process their claims. This is perhaps the most important AtW issue for our members. The competitive and short term nature of productions within the industry, often with limited budgets, means that members may lose out on job opportunities if they are not able to obtain AtW support. It is significant that as the majority of entertainers operate on a self-employed basis, no mandatory cost share is required by the engager² and therefore the member must be able to guarantee that their engagement will not create significant additional costs. Members argue that the AtW application process will need to be quicker and more streamlined if it is to help them access work within their industry. Several members have specifically reported that they would not have been able to secure entertainment jobs had they not informed the engager about the AtW scheme.

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¹ GVA 208-2012, Creative Industries Economic Estimates January 2014, Department for Culture, Media and Sport (p.7)
² AtW Guidance V.20_0, paragraphs 544 and 551.
5. Members find it extremely frustrating that they are no longer allocated an individual and experienced and/or specialist case worker to deal with when making their claims. They find that having to repeatedly explain their issues to a new worker each time they contact AtW incredibly stressful and time consuming. In addition, our members that use AtW report that, as a result of an apparent change in administration (they cannot be sure because they were not consulted or notified of changes officially); the quality of the service they now receive from each AtW adviser differs considerably regarding their familiarity and experience of AtW and disability in general.

6. Many members have told us that inappropriate and offensive comments have been made by call centre staff. One reported that an AtW officer had told her that she would not be able to get Access to Work funding if her acting role had been as a disabled character, because it would have been the theatres’ choice to employ due to her disability, and so they should fund the cost. Another organization reported that when they insisted on talking to an AtW manager in order to advocate in respect of a performers’ claim, the manager stated that her role was to “protect the public purse.” Similarly, many members say that AtW staff are continually reminding them of the cost and/or escalating cost of their claims, often claiming there are specific limits which do not appear to be outlined in the AtW guidance. As a result, our members state that they are made to feel that AtW is akin to a disability-based welfare benefit that must demonstrate their entitlement to. Equity does not understand why costs are (apparently) such a factor when we have learned that for every £1 spent by ATW, the Treasury gets back £1.48 in income tax and national insurance. The scheme appears to pay for itself at least. Even if costs were a major factor, we would have thought that it is contrary to the aim of the scheme - ‘to provide practical support with overcoming work related obstacles from disability’ - to be focusing the claimant on the cost factor (which may be unavoidable as a result of their particular condition) rather than the way in which AtW can help them. We would argue this is bad practice.

7. Members have told us that some AtW officers are asking irrelevant and intrusive questions, and calling them directly without prior notice or arrangement, often catching them off guard, when they are working or at other inappropriate times. Many members have requested that their employer/engager make the claim on their behalf and/or act on their behalf in respect of their claims, however they have been refused. They have told us that this used to be allowed and made the claiming process much smoother and allowed them to concentrate on the work at hand which is often short term and time limited (as outlined above). On this point one actress said:

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3 [http://disabilitynewsservice.com/2014/06/concern-over-governments-use-of-new-access-to-work-figures/](http://disabilitynewsservice.com/2014/06/concern-over-governments-use-of-new-access-to-work-figures/)

4 AtW Guidance V.20_0, paragraph 1.
worked at short notice. You want to be learning lines not tearing your hair out trying to find an interpreter when they are all booked up.’

In addition, one director said:

‘Without ATW disabled -performers are impossible to employ that is a desperate blow to them, disability arts and culture as a whole. Moreover, why cannot organizations apply for it? What does the guidance say? Why must the claimant make the initial claim?’

8. We do not think it is clear from the guidance that AtW claims must be made by the individual as opposed to a group, or that it would not be possible to allow for someone to act on the claimants’ behalf. Equity would welcome greater flexibility from AtW in this regard.

9. As we have previously mentioned, most entertainment work contracts are offered on a self-employment basis and the majority of entertainers operate as self-employed for tax and national insurance purposes. Members are reporting a lot of inconsistency with determinations of their employment status for AtW claims, leading to inaccurate awards. One theatre has told us that although the actress they engaged was operating on a self-employment basis; they were told by AtW that mandatory cost sharing applied. They have since requested a review of the decision, however have not received a response in over two months. Members argue that it is crucial that AtW officers understand the nature of work in the entertainment industry and are able to apply the appropriate rules in accordance with own guidance. It should also be noted that as our members mostly do not have employers, let alone large employers, they cannot rely on the financial cushion that this often provides to other AtW employee claimants in the event that AtW funding takes time to be approved.

10. Deaf members who are unable to use the telephone claim line have expressed the wish to be able to claim online for AtW. We understand there is a textphone function that can be used, however we have been told that in reality few deaf people within the industry use text phones as they are costly to buy and require a landline. Many deaf members cannot afford this equipment, and/or are moving around a lot due to the itinerant nature of entertainment work. As a result, they have told us that it is easier to access the internet. Therefore Equity would welcome the introduction of online claims for our deaf members, and any other disabled member that would find it easier to apply online.

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5 AtW Guidance V.20_0, paragraph 159-170, in particular paragraph 168 which states ‘The customer or their Representative must check that the details on the AtW1 are accurate.’
6 As per the repeal of the Social Security (Categorization of Earners) Amendment Regulations 2003 on 6/4/14.
be essential written confirmation throughout the claiming process, and particularly the key
junctures of initial claim, receipt of claim and decision award. Many would prefer to
complete a paper claim form so that they have time to provide as much information as
possible in support of their claims. Members have told us that the decision notices they
finally receive are too basic and do not explain why they have or have not qualified for the
item requested, which would help with repeat claims and/or reconsideration requests.
Members would like to see full written explanations on their decisions so they can be clear
that the AtW worker has understood their needs, taken all relevant factors into account and
applied guidance correctly.

12. Members have told us that AtW have advised them that it is no longer possible to
make repeat AtW claims. They feel that this is unnecessary and time-consuming. They say
they would welcome the introduction of rapid reclaim process for repeat claims and the
creation of a database that clearly records AtW awards made for items that entertainers
require in particular (especially as they are often unusual) so that AtW decision makers can
draw upon and learn from this information and make decisions quicker.

13. Members argue that AtW delays, coupled with their self-employment status and the
unpredictable nature of the entertainment industry (which offers limited job opportunities)
disabled performers who are already under-represented have even less of a chance of
securing work. Our members feel that if Access to Work processes were more
streamlined and aware of the needs of disabled entertainers, it could enable them to take up
those (often rare) opportunities that they get to perform on stage, screen and any other
relevant media platform, raising the profile of disabled people in the industry and society as a
whole.

**Decision making issues**

14. Equity members have told us that AtW decision makers rarely understand the needs of
disabled entertainers, leading to poor decisions. They have reported a marked
deterioration in the quality and standard of decision making over the past year.

15. Many members have to travel widely in order to obtain jobs in the industry, as
opportunities can be scarce. We have chosen three examples which we feel illustrate
problematic decision-making:

**Member 1**

This female Equity member is a self-employed actress who is a person of restricted growth.
The condition causes her to have a low immunity, mobility difficulties, chronic pain and
fatigue. She is unable to use public transport safely at most times.
acting role in a “mainstream” show in London’s west end. She is the only disabled member of the cast playing a non-disabled role. Unable to find accessible digs\(^8\) she applied to AtW for the costs of accommodation as she would be unable to travel to her adapted home each day due to (among many other factors) the unpredictable nature of theatre/show timings, her mobility related pain/fatigue and risks to her personal safety on transport, especially travelling at night. It took several months of what she felt was ‘bartering’ with AtW in order for them to accept her request which caused her considerable stress. She was initially told by AtW that accommodation costs could not be given as they could only provide for the costs of aids or adaptations or special equipment. This appears to be contrary to AtW’s own guidance, which allows for such an item to be considered under a ‘miscellaneous’ category.\(^9\) In addition, the same theatre had applied for the same costs previously for another actor. The decision also appeared to fail to take into account the member’s self-employment status, imposing a mandatory cost share on the theatre, contract to the self-employed rules outlined in AtW guidance (see above). The member states that she would not have been able to take up this important work opportunity if the theatre had not provided the accommodation costs upfront while she was waiting for AtW to approve costs.

Member 2

This female Equity member is a person of restricted growth who has endured severe and continual joint pain from birth. Her mobility is limited and she uses a wheelchair. She applied to AtW for a lightweight wheelchair that would enable her to independently mobilize on stage and screen. She was refused on the basis that it would cost too much compared to the costs of employing a support worker to wheel her around. The member reports that it took 6 months of reasoning with the department until it was finally accepted that support work assistance would not be appropriate and would interfere with her performances on stage and screen. The same member has also described difficulties with persuading AtW to give her a taxi/cab allowance to travel to her place of work. The member reports that the decision maker insisted that as she receives DLA highest rate mobility, she should use this to pay for and use a mobility car, ignoring the fact that our member is often called to shoot at short notice and may not be able to drive as her pain levels may be too high.

Member 3

This male Equity member is a dancer and acrobat who uses a wheelchair. He requires a support worker to help him with personal care and getting around. As part of his condition he also experiences depression. He works on a self-employed basis

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\(^8\) ‘Digs’ is the term used to refer to short term lodgings that entertainers can access when they work away from home. They are most often a room in a house with shared facilities often owned by another industry professional, with shared facilities, therefore they are rarely disability adapted.

\(^9\) AtW Guidance V.20.0, paragraph 205.
for a small dance company of disabled and non-disabled dancers who tour both nationally and internationally. In the past they have applied on his behalf to AtW, mostly making repeat/similar claims. They appoint an experienced member of staff to do this. However this summer, when the staff member attempted to re-apply, she was told that our member had to re-apply personally. Our member did this; however the process then went on for several months, which he found very difficult as he had to repeatedly explain what his difficulties were to a different staff member each time. He found much of the questioning to be presumptuous, inappropriate and unnecessary. For example, he was asked whether he was receiving help from Social Services or the Independent Living Fund, and whether he could drive an adapted vehicle if his DLA mobility award were converted into a mobility car. It is not clear to us how any of this was relevant to his AtW entitlement. In addition, the onus was also put on him to complete a support worker log to illustrate every access need he required during an entire working day, and to provide a GP or Consultant's written medical opinion as to why he needed the support requested. Again, it is not clear why this was required as information about his condition and support needs had already been provided in recent prior claims.

Our member was also asked whether there was any surgery planned to “alleviate” his disability, which is not only potentially irrelevant for the current claim, but arguably thoughtless and offensive. As a consequence the member then became overwhelmed with depression and would have given up on the application were it not for the dance company who insisted that they take over the claim for him, which was allowed, raising the question as to why this had not been allowed in the first instance. Having now completed a substantial part of the tour, he has only just received a decision; he has been allocated costs for a support worker’s daily wage, yet no allowance for their travel and accommodation costs, making the support work impossible to provide and resulting with the member currently not having access to work.

16. Equity would welcome the introduction of a sector specific guidance on entertainers, self-employment and AtW, and would be more than willing to work with the department to create this, alongside other interested parties as necessary. It is hoped that this guidance would help decision makers to understand the way the industry currently operates and the needs of disabled entertainers, illustrated by examples and case studies of which we have many. Our members have explained to us that establishing their AtW needs within an individual performance environment, such as a film set that changes every day, can be a creative process in itself for them, and one that they and their experienced support workers are very willing to share with AtW. We hope that the DWP will be prepared to engage positively with us on this in order to help improve AtW both for our members and all users of AtW.

10 AtW Guidance V.20_0, paragraph 174-175.
Conclusion

“Sometimes I have given up with the endless rounds of phone calls to get the help I need, when you’re working, juggling life with a disability these extra battles are so much harder to do.”

Cherylee Houston, Actress and Equity member currently playing ‘Izzy’ in ‘Coronation Street’

17. As much as the Paralympics athletes at the London 2012 Olympics were role models for disability on a world stage, so too were the Equity members that performed in the opening ceremony, and continue to perform in UK television, film, theatre and variety. We believe that the ‘real world situations’ in which they often act/perform provides an crucial representative and reflective role for disabled people in society, to which the audience can relate, and by doing so, accept disability into the mainstream.

18. The government are committed to promoting welfare to work. We believe Access to Work is a fantastic scheme in theory, for helping disabled people to obtain and sustain work; however it is not working in practice. Unless it is dramatically improved, our disabled members, who are trained and highly skilled professionals in their own right, will be left no choice but to claim out of work welfare benefits.

19. We hope that this letter will help the committee to see the need for AtW to have a better understanding of the self-employed disabled (often itinerant) worker and, in addition the particular needs of disabled entertainers working in the industry as a whole.

6 October 2014