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Introduction

1 TLT LLP is a law firm with offices in England, & Wales, & Scotland. TLT employs almost 1,000 people across all of these locations, with the majority of employees being based in the Bristol office.

2 Disabled employees at TLT have engaged support from Access to Work on a number of occasions to assist with barriers that are presented through standard practices and other environmental factors. In total, over the last 2 years, we have supported 6 employees with the assistance of Access to Work. This is a combination of both new employees and existing employees who have become disabled during their employment at TLT.

3 The impairments have included both mobility and sensory, and also indirectly the mental and emotional impact in many cases.

4 In a general sense, we have found Access to Work to be a positive service with which to engage, however there have been occasions where we have needed to challenge the decisions made.

5 Within this submission we have explained some of the key points that we feel could improve the service both for employees and their employers.

Summary

The main themes to the evidence submitted in this document are detailed below.

1 A solely paper-based approach makes this quite cumbersome to manage.

2 The employer is often excluded from discussions and decisions that can be detrimental to the employee.

3 There is a lack of promotion of Access to Work to employers and employees, in particular the use of advocacy where appropriate.

4 Information relating to the criteria used is not readily available to employers to support their employees in gaining funding.

5 There appears to be little information provided that is aimed at employers and how they can support their employees in navigating Access to Work.
### Engagement with Access to Work

1. **Overall**, we are happy with the services provided by Access to Work. One observation we would make is that the paper-based approach can be a little cumbersome. We would not suggest that the opportunity to submit paper-based applications should be removed as this would be of benefit to many people. However, an electronic version would be useful and also provide an alternative method that could benefit people with differing needs.

   We have elected to undertake the administration of Access to Work claims on behalf of our employees which makes it quite time consuming in respect of the amount of paperwork that is required.

2. Accessing the service for individuals can sometime be an emotional hurdle. Feedback from our employees suggests that many will not define their condition as ‘disability’ whether or not this meets the legal definition, and therefore feel that this does not apply to them. Also, the ‘label’ of disability can sometimes resonate negative connotations with some and bring about a reluctance to self-define as such.

   We would welcome the opportunity to engage with Access to Work as an employer on behalf of employees, where this would be appropriate to do so.

3. Due to the nature of Access to Work, in that it is user led rather than employer led, there can sometimes be less engagement with the employer. It can also lead to an individual being left to deal with employer negotiations, which is not always appropriate for the person concerned.

   **Example**

   TLT has an employee who is receiving Access to Work funding for a condition which has an associated impact on mental wellbeing. In particular, the anxiety led to feeling overwhelmed about having to deal with Access to Work and felt that there was little to no support available.

   In the above example, arguably this could be addressed by appointing an advocate. However, there is little information available to people engaging with Access to Work about the possibility of using advocacy where necessary.

4. We feel that a toolkit for employers would be a positive step to ensuring that employers are able to support their employees through the process of engaging with Access to Work.

### Awareness of Access to Work

1. It is well documented that Access to Work is ‘the government’s best kept secret.’ Active promotion of this would be useful to raise awareness of this to both individuals and employers.

2. At TLT we have a procedure whereby anyone who discloses a disability at interview stage is offered a separate discussion with our Equality & Diversity Officer to learn about TLT’s initiatives. The main thrust of this is to ensure that the time allotted to the interview is about skills and experiences and not about barriers and adjustments.

   Through these discussions it is our opinion that there is a general lack of awareness of Access to Work to very few people who have met with us have heard of it.

3. As an employer, we see the benefits of Access to Work, and as a signatory of the Law Society Diversity & Inclusion Charter, we are required to share our practices with other law firms. Therefore, we have conducted free workshops with other law firms to promote Access to Work. None of the firms that we have trained had previously been aware of it.

   We work with the national charity, Action on Disability & Work UK (ADWUK) and are in the process of conducting workshops for employers in Bristol, London, Manchester and Glasgow to promote Access to Work to all employers. We would like to see the promotion of Access to Work to be driven by DWP.
Where an employer is approved to use the DWP Two-Tick Disability Symbol, it might be useful to amend the criteria to include active promotion of Access to Work to raise awareness amongst employees.

**Employer engagement & cost sharing**

1. TLT feels that the cost sharing element is easy to interpret in terms of the financial responsibility of employers.
2. The different financial contributions based across the different areas of support can sometimes result in an incorrect financial burden on employers.

**Example**

TLT was approached by an employee who had been told that the adaptation to their vehicle was an adjustment to the workplace and therefore employer contributions would be necessary. He asked if we would consider contributing approximately £2,000 towards the required adaptation.

The employee in this example felt uncomfortable approaching TLT for this money but was faced with having to find the top-up from other sources which he would have found difficult.

As this is a private vehicle, is not required as part of his role, TLT felt that this would fall under the Travel to Work and Travel from Work categories. Also, TLT did not feel that there would be a wider benefit to the firm and its employees through the provision of this adaptation.

We negotiated this with Access to Work and presented our position. This resulted in 100% funding being granted to the employee in respect of the adaptation.

In this example, it would have been useful if a cost sharing discussion could have taken place directly between TLT and Access to Work to avoid the situation of the employee asking the firm to essentially fund his private vehicle.

That being said, Access to Work in this instance demonstrated a willingness to take our considerations into account and were quick to review and change their initial decision.

Additionally, it would be useful to have access to the full criteria when negotiating with Access to Work as the employer, or indeed employee, is negotiating criteria to which they are not privy.

3. TLT does not object to the current funding liability of employers and feels that the staggered structure based on the number of employees appears to be reasonable. But, any additional funding streams would not be contested.

4. At TLT we are able to bear the outlay of the costs that would usually be the responsibility of the individual. In respect of Travel to Work and Travel from Work, we are able to use our existing service provider to cover the cost of taxis. For example, recoup this money from the employee and Access to Work with the individual having to be out of pocket during the intervening period. But we sometimes find it takes a long time for the money to be refunded from Access to Work. Swifter processing of claims would make it easier, particularly for smaller organisations.

TLT bearing the cost of the taxis and dealing with the claim, was invaluable to me. This eased the financial burden that I would not have been in a position to manage myself. Also, on a more practical note, I was not able to get to the bank to withdraw any cash.

It was also a great relief to me to know that there was support available to deal with the claims and management of the process. At the time, the fewer things to worry about, the better. If it weren’t for Access to Work and my employer’s support, I wonder whether I would still be at work.

It might sound melodramatic, but it seriously saved my life. By life, I mean my ability to continue to work, keep my house and live independently. Without it, I fear that I would have lost everything.

Contributed by a TLT employee who was supported by Access to Work
The importance of disability awareness

1 At TLT, we endeavour to create an environment that harnesses the abilities of people through knowledge and awareness, rather than simply defaulting to the legal position and the duties that these prescribe. We use the government Disability Confident initiative, coupled with our own specialised programmes to ensure that everyone is able to perform at their maximum potential, in an understanding and sensitive environment. We feel that awareness of Access to Work will only really be embedded into the culture of the firm if it runs alongside awareness of disability.

2 Our internal ‘Enabled Employees’ programme combines specific awareness surrounding a physical or mental health condition and support with engaging Access to Work. With the individual’s permission, we aim to give those with whom a person will be working the appropriate level of information regarding the impacts that it may have. We believe that understanding why an adjustment is in place, colleagues are less likely to feel resentment towards that individual. This can at best eradicate or, at least, reduce comments along the lines of “Why does she get a parking space?” or “Why can he come in late every morning?”. We feel that it is important to stress that nothing is communicated without the individual’s permission or awareness.

‘Reasonable Adjustments’

1 We feel that the definition of ‘Reasonable Adjustments’ is necessarily vague in terms of not being prescriptive as to a list of what might be considered reasonable.

2 We feel that it is not possible to define every condition as we believe that no condition is the same and, furthermore, people who share a diagnosis will benefit differently from different adjustments.

3 We have not been in a position where we feel that our view of the reasonableness of a proposed adjustment is at odds with any other view.

4 We take our lead from the individual and consider them as the expert in their needs. We will consider any requests fully before deciding if it is reasonable or not, considering the role, location and any other contributing factors. Discussions surrounding Access to Work will always be undertaken where relevant.

7 October 2014