Joint written submission from Deaf AtW, the Stop Changes to Access to Work Campaign and National Union of British Sign Language Interpreters (NUBSLI) (ATW0342)

We are writing to provide an update regarding the current situation for Deaf BSL users of Access to Work. Since the Ministerial announcement by Mike Penning MP on the 15th May 2014, the situation for many BSL users has worsened and they are experiencing discrimination and stress from a scheme designed to alleviate it.

**Communication with Access to Work**

Since the moratorium, communication has deteriorated significantly. All contact with Access to Work has to be via an inaccessible call centre (with no provision such as VRS to enable deaf customers direct contact), and emails are left unanswered. The response time given was initially 48 hours, this quickly changed to 14 days, and then 14 working days.

**Reviews of individual support following suspension of the imposition of the 30 hour guidance.**

Despite the moratorium, individuals who requested a review of their case (due to the suspension of the 30 hour rule), have been told they had to reapply on the basis of any new / current changes, not taking into account any negative impact on their AtW support package of the imposed 30 hour guidance. This is not what was stated or intended.

So caps on budgets (hourly rate of support and/or total budget) have continued at below market rates.

In many instances employers agreed to fund interim support for deaf employees whilst they were challenging this decision, and/or were waiting for the review. The lack of progress with this is having an impact on Deaf AtW users relations with their managers / employers, and job confidence.

Also, the unbudgeted spend caused by AtW’s change of practice means in Local Authorities and the NHS, areas already under financial strain, money for public services is being used to supplement access to work, diverting money away from budgeted services.

Lastly, the split AtW / employer contribution double both the administrative workload, and introduces tension into the employer / employee relationship, through having to agree budgets with both Access to Work and their employer, as well as having to source support.

**Self Employed Deaf People**

This issue has substantially worsened and developed after the final submission date to the inquiry. Self employed Deaf AtW users were being reviewed and told that if they did not earn the equivalent to the national minimum wage they were not eligible for AtW, and support was stopped. In April the Reconsideration panel overturned this decision for one customer, saying the Guidance clearly doesn’t require it. Despite this, use of this reason for stopping support has increased. Self-employed customers are also now being contacted to ask for evidence of their Class 2 and 4 NI contributions, and if they don’t pay them, again support is being stopped. The guidance taken as a whole seems clear that NI contributions is one way of evidencing self-employed status, and is not a gateway requirement. Customers earning below a certain amount (currently £5,885 per year) would also have been eligible to apply for an exemption. Previous to stopping the support AtW has not informed customers this is a requirement, nor given them the opportunity to put right any possible error once informed.

**Communication Support Workers (CSWs)**
Whilst evidence was supplied about the increasing use of CSWs, AtW have increasingly begun to make two element awards including $x$ hours of a CSW and $y$ hours Interpreting. AtW advisers, and the reconsideration panel, are rejecting Deaf people’s requests for an interpreter to meet their work access needs, and ignoring explanations that CSWs are unable to meet those needs.

In response to a FoI request (link below for background reading) AtW have said that their Advisers are making these substantial changes on the basis of no written information and guidance of any kind at all.

We have also attached a more substantive analysis and illustration of this issue for background reading if useful.

**Interpreters’ non-payment**

Interpreters are experiencing more problems in obtaining payment since the moratorium. With deaf people struggling to establish their support, this has a knock on effect on interpreters, who have provided their service in good faith, yet are struggling to get paid.

**Further background reading:**

[https://www.whatdotheyknow.com/request/guidance_for_atw_advisers_about#incoming-560647](https://www.whatdotheyknow.com/request/guidance_for_atw_advisers_about#incoming-560647)

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