

Disability  
alliance

Creating opportunities with disabled people  
LEONARD CHESHIRE 

MENCAP  
*Understanding learning disability*

 mind

N.F.B.  
  


NATIONAL LEAGUE OF  
NLBD  
THE BLIND & DISABLED

PAPWORTH  
CHANGING THE PERCEPTIONS OF DISABLED PEOPLE

 RADAR  
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Remploy

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RNID • III  
for deaf and hard of hearing people

scope

 Shaw Trust

# The Disability Employment Coalition

The Disability Employment Coalition (DEC) was formed in the mid 1990s to raise awareness of and campaign on employment issues affecting disabled people. Member organisations are Disability Alliance, Leonard Cheshire, Mencap, Mind, National Federation of the Blind, National League of the Blind and Disabled, Papworth, RADAR, Remploy, Royal National Institute of the Blind/Action for Blind People, Royal National Institute for Deaf People, Scope and Shaw Trust.

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# Executive Summary

There may be as many as 1,500 disabled people in each Parliamentary Constituency seeking work [1].

In his Budget Speech the Chancellor of the Exchequer said that unemployment, at 2.9 per cent, was at its lowest rate since 1973 and that:

“Britain today (is) closer to full employment than for a generation.”  
(Rt Hon Gordon Brown MP, Chancellor of the Exchequer. 17 March 2004)

However, only 49 per cent of disabled people of working age are in employment [1]. Disabled people are, on average, twice as likely to be unemployed as non-disabled people. Around half of all unemployed people who said they would like to work are disabled. This means that there are around 1.02million disabled people wanting employment [1].

This report, compiled by the Disability Employment Coalition, seeks to illustrate, using the experiences of disabled people, why the Access to Work scheme (AtW) is so vitally important to improving their employment opportunities.

We look at the impact that the funding, lack of publicity, narrow eligibility criteria and problems with the processing of applications for support under AtW currently have on the employment opportunities of disabled people. We also highlight the legislative changes due in October 2004 that will further impact on the ability of AtW to foster employment opportunity and combat discrimination.

The Access to Work scheme (AtW) has, since 1994, provided vital support to disabled employees and employers alike. It is an extremely successful scheme that has greatly improved the employment opportunities for many disabled people.

AtW can meet the costs of the additional support needed by eligible disabled employees. This might include support workers, fares to work and communicator support. For existing employees a cost sharing arrangement between employers and AtW can provide equipment and alterations to premises.

The perceived extra cost of employing disabled people is one of the barriers that reduces potential employment opportunities. In meeting up to 100 per cent of the costs of providing support to meet the needs of disabled employees AtW addresses this problem.

In addition to providing financial support, AtW ensures that employers and employees receive advice and practical support in areas such as assessing an individual's needs, identifying appropriate support and procuring equipment.

AtW makes such a fundamental difference to the employment opportunities for disabled people that we believe that the scheme should be further funded and extended to ensure that many more disabled people receive the valuable support that the scheme provides.

Consider that:

- only 49 per cent of disabled people of working age are in employment
- on average disabled people are twice as likely to be unemployed as non-disabled people
- approximately half of all unemployed people who said they would like to work are disabled
- seventy-four per cent of employers have not heard of AtW [2]
- for every £1 the Treasury spends on AtW, it recoups on average £1.48 in tax and NI contributions [3].

It becomes clear that AtW needs to be better promoted and its scope expanded.

## Recommendations

- Remove discretionary eligibility for the scheme – statutory entitlement for disabled people is needed.
- Increase funding.
- Increase publicity.
- The guidance issued to AtW Business Centre staff needs to be fundamentally reviewed.
- Extend the scope of AtW support to comprehensively cover job interviews, work preparation and voluntary work.

# What is the Access to Work scheme?

The Access to Work scheme was introduced in June 1994. The scheme provides vital support to both employers and disabled employees.

The advice, financial assistance and practical support available to employers and disabled employees through AtW helps to ensure that employers need not be concerned about possible financial and technical issues arising from the appointment of a disabled person. AtW ensures that disabled applicants, like other candidates, are more likely to be considered on the merits of their application alone.

There are many barriers that decrease employment opportunities for disabled people. One of the key problems is the perceived extra cost of employing disabled people. For some disabled employees the provision of specially adapted equipment, support workers or adaptations to premises are necessary to ensure full access to the workplace and ability to fully function in their role. AtW recognises all these factors.

Currently, following application to the scheme and assessment, within strict guidelines, all approved costs for additional support needed by eligible disabled employees are met by AtW. These might include support workers, fares to work and communicator support. Other requests for AtW, usually for equipment and alterations to premises will be addressed by a cost sharing arrangement between AtW and the employer.

During its lifetime the structures and processes through which AtW is delivered have been changed to improve service delivery. This is welcome, yet the Disability Employment Coalition and other organisations still find there are significant flaws in the scheme. In some instances the very guidance on which AtW is based, is impacting negatively on the employment opportunities of disabled people.

# Why is Access to Work so important?

As previously mentioned, only 49 per cent of disabled people of working age are in employment. Disabled people are, on average, twice as likely to be unemployed as non-disabled people. Around half of all unemployed people who said they would like to work are disabled. This means that there are around 1.02million disabled people wanting employment.

The arguments have been “won” about how, for unemployed people, employment is empowering, how it promotes social and financial inclusion and the value of these outcomes. Proof, if it were needed, comes in the form of different Government employment initiatives such as New Deal, WORKSTEP and Work Preparation.

The very existence of AtW demonstrates that successive Governments have recognised that disabled people face complex barriers in securing employment and that they see AtW as an integral means of addressing some of these issues.

AtW has played a significant supporting role in realising the present Government’s ambitions for disabled people under employment schemes including New Deal, a programme delivered by the Department for Work and Pensions (DWP), which gives people claiming benefits the help and support they need to look for work, including training and job preparation.

The Work and Pensions Select Committee Fourth Report, published in April 2003 entitled “Employment for All” said:

**“The Committee believes that Access to Work provides crucial and cost effective support to disabled people and their employers. It is a success story which could be repeated on a much larger scale if the budget were to be increased further.”**

Case studies, detailed later in this report, provide practical examples of how support through AtW has dramatically affected the employment opportunities and experiences of disabled people fortunate enough to receive timely and appropriate assistance.

# Current Access to Work provision

Although successive Governments have rightly recognised the importance of AtW in supporting both disabled people and their employers, shortfalls in the scheme or scope for improvement highlighted by disability organisations, industry bodies and the Employment Select Committee have not always been addressed.

## Inadequate funding

In April 2003 the Work and Pensions Select Committee Interim Report recommended:

**“... that the Access to Work budget should be increased by a significant proportion to reflect the number of disabled people who want to work and who need support to enable them to do so.”**

The AtW budget has risen over recent years. During 2002/03 expenditure was around £44million, which assisted 36,606 people at an average cost per user of £1,202. The increase in budget must be put into the context of expenditure on other Government schemes designed to assist unemployed people into work, and the fact that 36,606 out of a projected 1.02million disabled people seeking employment were assisted. Of the 36,606 people assisted by AtW in 2002/03, 15,199 were new applicants [4]. Recent expenditure has risen to £50million.

Guide 34, a non-statutory document, lays out the eligibility criteria for AtW. It states that eligibility does not give an applicant any rights to be awarded all or part of the support that they apply for. Funding for elements of support is budget-limited and Guide 34 allows for the prioritisation of three categories of application “if it is necessary to limit eligibility”. The priorities are: firstly unemployed people, then people in work who become disabled or who experience a “worsening of their disability” and finally people whose work circumstances change (for example through a change of job or a change of role within a job). If current funding of the scheme was adequate, such prioritisation would not be necessary.

Not only are applicants being prioritised, but the level of service that they are receiving is also being compromised by inadequate budgets.

There can be significant discrepancies in the amount of funding that different applicants, needing the same level or element of support, receive.

AtW budgetary constraints can lead to some contractors, responsible for supplying equipment and support required by clients, significantly undercutting competitors. This then results in the contractors being left with an operational budget that does not allow them to provide the service that they are contracted to.

## Inadequate publicity

Seventy-four per cent of employers do not know of the existence of AtW. AtW has been described by the British Chamber of Commerce as

**“... one of the best kept secrets in Government.” [5]**

The Employment Select Committee Report in 1999 recommended that raising awareness of AtW should be a priority. It quoted the Department for Education and Employment’s (DfEE) evidence illustrating that very few disabled people who needed help with adjustments at work had made use of AtW.

Again, in 2002/03 the Employment Select Committee said in its interim report:

**“We also urge the Government to embark on a much wider publicity campaign – aimed at disabled people and their employers – to increase awareness of Access to Work.”**

The Employment Service’s research undertaken in 2000 found that one in three respondents felt that they had missed out by not having known about the scheme earlier and consequently not having been able to access support.

Members of the Disability Employment Coalition frequently encounter disabled people who have not heard of AtW.

An RNID survey of 1,099 deaf people found that nearly half of respondents were unaware of AtW. Forty per cent of deaf people in employment, and fifty-five per cent looking for work, did not know about the scheme.

Jobcentre Plus invests around £300,000 each year in marketing and publicising its specialised services and programmes for disabled people [6].

AtW is included along with New Deal for Disabled People, WORKSTEP, The Job Introduction Scheme, Work Preparation, Employment Assessment, Remploy and Disability Symbol. AtW could be receiving as little as £37,500 funding to cover advertising and publicity. This may explain why 74 per cent of employers are unaware of AtW's existence.

The current inadequate level of publicity is unacceptable. People are missing employment opportunities for lack of information about the support available to them. Employers not aware of AtW may, at best, be meeting costs with which they could be entitled to help. At worst, employers might not be employing or retaining disabled people for fear of the costs involved.

Examples of disabled people for whom employment opportunities could have been taken, had they known about AtW earlier, are included towards the end of this report.

## Business Centres – have they improved service delivery?

In the last two years, following recommendations from Capita, DWP began introducing a new system through which AtW is administered and delivered. Later in this report we have case studies that illustrate that some existing problems do not appear to have been addressed. Worryingly, we also have some case studies that indicate that the new systems and procedures are causing new problems for disabled people.

The subsequent Capita Review (April 2003) of the implementation of the Business Centre model has not been fully publicised. For AtW users, organisations representing the needs of users, and for elected representatives, access to the full version of the Capita Review is essential. How else are we to engage with the issues facing disabled people if we do not know what conclusions have been reached and what recommendations made?

Our initial questions and concerns about the success of the changes, based on our experiences and the scant outline of the review that has been placed in the public domain, cover many areas.

We do not know what progress has been made on the recommendations in the Capita Review or ways in which service levels have improved. It is not possible to determine whether AtW Business Centres have been resourced to the levels recommended in Capita's initial report into the restructuring of service delivery. It is unclear why AtW centralisation has only taken place to some degree. This is confusing for clients and practitioners as things keep changing.

We do not know if the new software recommended in the Capita Review to administer the scheme is in place, and whether all staff are trained in its use, nor who will deliver the AtW Advisors Training which was also recommended.

There doesn't appear to be any indication as to how procurement information will be improved. We worry that requiring contractors to provide more detailed information will lengthen the time it takes to complete an assessment, this will result in increased assessment costs.

Given that it is nearly two years since implementation first began, why it is still necessary to invest time in obtaining "buy-in" from staff? Does this mean that staff do not like the new system, is it indicative of a system that is failing to deliver or unworkable?

## Review of Guide 34

Guide 34 is a non-statutory document that lays out the eligibility for AtW assistance, the kind of support that people may receive and the criteria for implementing the scheme.

We understand that the existing guidance is being streamlined to standardise service delivery nationally. Whilst we welcome moves to eradicate inconsistency in decision-making, we are extremely concerned that this will be used to cut costs by lowering service delivery and support to the lowest common denominator. A fundamental review of Guide 34 and AtW Policies is urgently needed.

Currently, implementation of AtW appears to be open to a significant amount of interpretation. Decisions made regarding eligibility for, or funding of, specific elements of support can widely differ across the country. Decision-making needs to be transparent.

There is currently no formal right to appeal or review on AtW decisions, and a process should be put in place which would encourage more uniform decision-making.

## Implementation problems

There are a number of issues arising from the systems and procedures in place for delivering AtW, that also form part of the picture of current provision. These issues are raised and illustrated by case studies in the “Flaws in the scheme – the improvements needed” section. Amongst other problems, the main issues include: delays in assessing clients, delays in sourcing and ordering equipment and the vagaries of interpretation of eligibility.

# Future Access to Work provision – 2004

Having already established that 1.02million unemployed disabled people wish to work, that many people aren't receiving the full benefit of AtW due to inadequate funding, inadequate publicity and difficulties arising during the implementation process, we now consider the wider implications for AtW in the context of legislative changes due in October 2004.

## Changes to the Disability Discrimination Act

In October 2004 the new Employment Code of Practice, issued by the Disability Rights Commission, comes into force. This will mean that the current exemption of small employers from the Disability Discrimination Act (DDA) will end. It also means that other excluded groups of employees will be covered by the DDA. This will include people on work placements and in vocational training.

It is estimated that these changes will bring a further 1.08million employers under the scope of DDA and will provide protection for 382,000 existing disabled employees [7].

### How will this affect the Access to Work scheme?

The DDA requires employers to make "reasonable adjustments" to meet the needs of disabled employees and potential employees. The resources available to the employer, to some extent, determine the definition of "reasonable". Both the DDA and the Employment Code of Practice give guidance regarding factors that can be taken into account when determining whether an adjustment is reasonable.

Amongst these factors is:

**"The availability to the employer of financial or other assistance with respect to taking the step..."**

AtW is not mentioned by name in the original Employment Code of Practice, or the DDA, but the Code uses the following example:

**“An employer, in recruiting a disabled person, finds that the only feasible adjustment is too costly for him alone. However if assistance is available e.g. from a Government programme or voluntary body, it may well be reasonable for him to have to make the adjustment after all.”** (Section 4.31, Employment Code of Practice).

The availability of AtW to employees can therefore make reasonable an adjustment that would otherwise be deemed unreasonable by being too costly.

Consequently, an employee’s right to an adjustment under the DDA might, in some situations, be entirely dependent on the availability of AtW.

The role that Government measures, designed to offset costs to employers, can play in determining reasonable adjustments is also recognised by Article 5 of the European Employment Directive.

The Disability Employment Coalition is amongst those organisations and bodies who believe that the changes, bringing more people under the scope of the DDA, and the expectation within the Code and the EU Directive concerning the determination of “reasonable”, place a greater burden on the existing scheme by significantly increasing the demands that will be made on it.

Given our concern that the scheme is currently under-funded, under-publicised, and consequently failing many disabled people, we are extremely concerned that some of the benefits extended to more disabled people by the Employment Code of Practice will be negated by AtW’s inability to provide adequate support to all who might need it.

## **Will there be an extension of the Access to Work scheme?**

As far as we are aware there are currently no plans to extend the eligibility criteria of AtW to meet the needs of everyone whose various employment situations will soon be covered by the Employment Code of Practice. We would like to see this anomaly addressed.

## Is an increase in budget or publicity planned?

Again, as far as we are aware, despite the increase in the numbers of people potentially eligible for support there are no specific plans to increase AtW budget nor to implement an enhanced publicity campaign.

A real concern is that the failure to adequately budget for the additional demands on the scheme will result in further prioritisation of eligible applicants and further cost cutting in terms of the levels and types of support available to employees.

Given that for every £1 the Treasury spends on AtW it recoups on average £1.48, there seems to be no obvious reason not to increase funding for the scheme. This would benefit disabled people, employers and the economy.

# The positive difference that the scheme can make

AtW really can make a significant difference to the employment opportunities of disabled people. We have collected together some case studies that illustrate how AtW has assisted people.

## Temporary work – a route into work

Support to clients through AtW during temporary work can be the determining factor that ensures that both the client and employer are confident in deciding that an offer of a permanent job can be fulfilled.

### ■ Case study 1

During her temporary work placement at Marks and Spencer, Naomi's colleagues helped her to learn the job and a Mencap job coach visited each week. Naomi did well, although her employers felt that she needed longer to learn the ropes. It was clear that while Naomi had potential, and her employers wished to develop her, they did not feel confident in offering her a full time position without more intensive training and support.

Mencap applied for further funding from the AtW support worker scheme. This funding meant that Naomi was then offered a further nine month temporary contract, during which time her Mencap job coach provided further training.

The Mencap job coach helped Naomi to apply for Disabled Person's Tax Credit so that she would be financially better off in her job. The job coach also attended all of Naomi's reviews with her employer. After only a few further months, Naomi was offered a permanent contract with Marks and Spencer.

**"I was very pleased to be offered a job at Marks and Spencer and felt very proud of myself. It is nice to have a job to go to where I feel needed. I have learned new skills that I didn't think I could do before. Getting a job has given me confidence and more money to spend. And I never have time to feel bored any more!"**

Naomi Colson, Sales Advisor, Marks and Spencer.

**“Naomi has responded very well to the training, support and encouragement she has been given.”** Irene Murphy, Human Resources Manager, Marks and Spencer.

## Providing creative solutions

A creative solution to a problem can mean the difference between someone being able to accept an offer of employment or maintain existing employment and having to pass up the opportunity to work.

### Creative solutions in mobility

#### ■ Case study 2

For Nicholas it was difficult to find work because he lived in a rural area with poor public transport.

Mencap arranged for Nicholas to have an interview for a job at a local farm. He was delighted to be offered a job on a six week Work Trial. The only problem Nicholas had with his job was the lack of public transport in the area. He had to cycle to and from work. This was 13 miles a day!

Mencap contacted the local Disability Employment Advisor to ask if Nicholas could get any financial support. They agreed he could have a second-hand motorcycle, which was paid for by an AtW grant.

After six months, Nicholas was offered a permanent, full time position at the farm.

**“I was unemployed for 15 years before I got the job here and I used to get really fed up. I had to do a six week Work Trial before they gave me the job, but I had nothing to lose because I could stay on my benefits while I was on the Work Trial. I was really pleased when they told me I could keep the job. The best thing about working is having some money of my own and having something to do every day.”** Nicholas Block, Farm Hand.

**“Nicholas is an excellent worker. He’s always here on time and we can rely on him completely. He was a bit quiet at first, but he’s been much happier since he got his motorbike, and now he’s one of the lads. I always know I can contact Mencap if I need advice.”** Chris Hills, Farm Owner.

## Creative solutions in communication

### ■ Case study 3

Catherine is profoundly deaf and works as an employment advisor for the Royal National Institute for Deaf People's (RNID) employment service. The job requires fluency in British Sign Language (BSL) and an understanding of the needs of the deaf community for which she is particularly suited. Catherine relies on AtW to pay for interpreters for meetings, training, telephone calls and all contact with hearing people. She requires between 14–21 hours a week interpreter support. Catherine's job requires her to write assessment reports, correspond by letter, fax and email with clients, employers, training providers, FE/HE colleges, careers and employment agencies, unions, solicitors, disability employment advisors, AtW Advisors, and other voluntary agencies. Although Catherine's English is of a reasonable standard she relies on AtW funding for a Communication Support Worker (CSW) to ensure that her grammar in business correspondence is accurate.

## Providing ongoing support and workplace solutions

Mental health support may be provided in a range of ways, for example by stress management training, developing return to work plans, negotiating adjustments with the employer and devising strategies for effective working, working alongside the person for a period on their return to work, or counselling.

However people with mental health difficulties may have other impairments as well or need more practical support, and a holistic approach is required that responds to changing needs.

### ■ Case study 4

Lindy works for a national charity in a senior management role. She has mobility problems, pain and ongoing difficulties with mental and emotional health. She was working on a part time basis, and after a period of severe depression learned that her job share partner was leaving. She decided that when she was well enough she would like to go back to work and build up to full time working. However she was living 100 miles from both her place of work and the organisation's national office.

Lindy arranged to meet with the Disability Employment Advisor at the local Job Centre, who told her about AtW and that under the scheme the advisor would be able to support her to not only remain in work, but to work on a full time basis. The needs assessment, carried out by Shaw Trust and involving her line manager, identified difficulties with travelling (pain-related), overnight stays (not accessible) and isolation (not being able to spend much time at home among her support network). It was agreed that Lindy could work half-time at home, and AtW and the Shaw Trust would meet most of the costs of equipment and training (e.g. in IT skills where an administrator would usually assist). AtW contribution was £1,300 and Shaw Trust set up a training fund of £2,000 to use over two years. Knowing that the employer did not have to worry about the financial implications of this change in working reduced Lindy's stress levels.

After the equipment was in place Lindy gradually increased her working week from 14 to 35 hours and continued to receive follow-up support from AtW. When her physical health deteriorated further such that walking became very painful she decided to move near to the national office to carry out her work commitments fully. This would entail different kinds of support, and AtW put her in touch with Shaw Trust locally to have her needs reassessed.

On the initial help from the Disability Employment Advisor Lindy said, "she made me feel totally optimistic about my plans", and on the support she went on to receive, "I feel very secure with the support I have had from AtW. The past financial year was the first year I have not had a long period of absence due to mental health difficulties, for a good many years."

#### ■ Case study 5

Adam, who has a sight problem, contacted the Royal National Institute of the Blind (RNIB), shortly after he was appointed as the Night Manager with a hotel chain in the West Midlands. Primarily a customer service role, his duties included checking guests in and out of the hotel and dealing with their inquiries, as well as auditing the bar accounts and point of sale machines. He therefore needed effective access to the detail contained within a wide range of paperwork, and to the hotel's computer system on a daily basis.

With support from his employer and from Jobcentre Plus under AtW, changes recommended by RNIB were made to Adam's working environment. These enabled him to effectively perform his role.

## Adjustments that are not necessarily expensive

As we have seen, sometimes AtW just provides the means by which practical solutions to difficulties can be explored and adopted. Although some adjustments to work places and some equipment can be expensive, this isn't always the case.

### ■ Case study 6

Margaret is a lecturer at a further education college where she works part time teaching students to sing, accompanying them on the piano or clavino. Her work includes one to one and group sessions predominantly in one of two music rooms at the college, but also occasionally in the drama theatre and main performance hall.

Margaret, who is partially sighted, initially contacted RNIB because she needed to improve her access to the sheet music she needs to read while playing the piano or clavino. She had identified this as an issue, particularly when working with music with which she was not familiar. For example where it was needed for an audition or drama production and she needed to go home and learn the music.

RNIB's assessment identified some further issues. These included the need for Margaret to know from the music when a student should breathe, and the need to be able to see the shape of the student's mouth as a way of checking whether or not they are singing correctly. Margaret was also required to mark the written work of her students and make her own notes about each one's progress and complete the college's student assessment forms.

During the assessment each aspect of Margaret's work was considered in turn and solutions found, including adjustments to working practice and use of task specific lighting.

## Helping employers comply with the DDA

The following cases were handled by the RNID Casework Service and demonstrate how support to both employer and employee through AtW has helped resolve Disability Discrimination Act (DDA) complaints.

As previously mentioned, we are concerned that the demands on AtW will be increased following the inclusion of an extra 1.08million employers and 382,000 existing disabled employees following the extension of the DDA in October 2004.

### ■ Case study 7

Steven is profoundly deaf and was working as a hospital porter. He felt unhappy and marginalised at work. Steven was often not present at team meetings, having been told only to attend if one of his teammates who had obtained BSL stage 1 was also attending and could attempt to interpret for him. He rarely had any face-to-face contact with his supervisor or manager and was often left without any management support.

Steven had been off work with a stress-related illness for three weeks when he contacted the RNID Casework Service. He was very concerned about “causing trouble” and did not want to take legal action. RNID advised him about the DDA and suggested that he talk to his line manager or personnel officer about the lack of awareness of the issues that cause deaf people problems and the difficulty regarding communication. Steven took this advice. His line manager acknowledged that he and other managers lacked a general awareness of these issues and that, as a result, Steven had been excluded from the team. He apologised and agreed to see what help AtW could provide.

Interpreters are now arranged for team meetings and training and there are plans for the team to receive deaf awareness training. The line manager has also agreed to have regular face-to-face meetings with Steven to monitor the situation and to ensure that further problems do not arise.

### ■ Case study 8

Alison had worked in an office-based job for the same company for a number of years. Shortly after being promoted, she was sent by her employer on an in-house training programme, aimed at new managers to provide them with skills and confidence when dealing with line managing new staff. The course was due to last for three days. Alison's hearing loss was severe and she wore two hearing aids.

After the first day of training Alison told the course trainer that she was having difficulty in following the conversations, particularly when group discussion was required. She also found it difficult to follow what the trainer was saying when she was facing the blackboard and continuing to speak with her back to the training group. Alison was told that she should see this as a challenge to overcome. Not surprisingly Alison was very upset and felt that she could not continue with the course, as she was unable to participate or get any benefit from it, so she withdrew.

Alison was advised by the RNID Casework Service about the DDA and the employers' duty to make reasonable adjustments. She wanted to resolve the issue herself rather than take legal action and used the information provided to discuss the situation with her line manager and personnel officer. The personnel officer apologised for the mistake, and enrolled Alison on the next available training course. Alison also obtained a portable loop system with funding from AtW, which she can take to meetings and training sessions. The employer is also considering whether it can provide deaf awareness training for staff.

### ■ Case study 9

Michael is hard of hearing and had worked in a warehouse for a number of years. Following his annual medical test at work, Michael was told by his employer that he would have to stop working on the forklift trucks as his test indicated a significant drop in his hearing levels. The employer felt that there was a health and safety risk in allowing him to continue to operate vehicles in and around the warehouse on his own. The RNID Casework Service provided information to Michael about the DDA, and he subsequently arranged a meeting with his line manager. They discussed the concerns and possible solutions that would reduce any health and safety risk. The employer agreed to contact the local Disability Employment Advisor to establish what support was available from AtW. Michael now has a pager for use at work, which AtW contributed towards.

# Flaws in the scheme – the improvements needed

## Statutory entitlement to the scheme

Currently entitlement to support under AtW is entirely discretionary, consequently there is no formal right to appeal or review decisions made about eligibility to receive AtW support, or about the level or type of support offered.

We would like AtW to be a statutory right for all disabled people regardless of the type, duration or nature (i.e. paid, voluntary etc) of the work they are seeking or undertaking.

## Increase in funding

The Employment Select Committee, DEC members and others have all urged the Government to significantly increase funding for AtW. In the light of the forthcoming legislative changes, the need for increased funding becomes even more important if the scheme is to deliver both the necessary support to disabled people in employment and the outcomes that the Government seeks from its employment programmes, and from its extension of the DDA to cover small employers.

Every £1 invested in AtW by the Treasury recoups, on average, £1.48 from employee contributions. For example a disabled employee earning a salary of £17,000 would return, on average, £3,790 to the Treasury in tax and National Insurance contributions. If funding for the scheme were increased then disabled people, employers, and ultimately the economy, would benefit.

## Increase in publicity

Employment Service research found that people are missing out on opportunities by not knowing about AtW [8]. The Employment Select Committee, the British Chamber of Commerce, DEC members and others have tried in vain to encourage the Government to publicise AtW more.

Many disabled people, whose employment situation makes them currently eligible for AtW, are unaware of the support available to them. How many more disabled people will be missing opportunities after October 2004?

It is surely counterproductive for the Government if a scheme, that is supposed to be helping disabled people back to work, is failing to provide support to people who might need it purely because DWP refuse to adequately publicise the assistance available. What impact does this have on the effectiveness of other Government schemes such as New Deal for Disabled People?

AtW needs to be adequately publicised, it needs to reach all eligible groups and to demonstrate its relevance to all disabled people whatever their access needs.

## Consistent and transparent decisions

Too often the interpretation of Guide 34, and the imposition of budget constraints, result in decisions regarding the eligibility for support, and the form and financial value of that support, varying greatly across the country. Effectively some disabled people are receiving a reduced level of support on an arbitrary basis. The current exercise in streamlining Guide 34 may address some concerns about inconsistent decision-making. Statutory entitlement to AtW and the introduction of robust, accessible and transparent appeal and review procedures, might encourage a more uniform approach to decision-making.

## Internal and external awareness of the scope of the scheme

AtW can fund a wide range of supports and a strength is its flexibility, providing scope for creative solutions. In addition to publicising the existence of the scheme, the breadth of what it can fund needs to be illustrated as well. For example, the fact that mental health support, and the practical needs of people with mental health difficulties, can be met through the scheme should be made explicit and reinforced by training for those operating the scheme. Mental health support could include working alongside the person for a period on their return to work; stress management training; developing return to work plans; negotiating adjustments with the employer; and devising strategies for effective working, or counselling. These examples of support can equally apply to people with other disabilities.

## A fundamental review of Guide 34

A fundamental review of the policies and guidance is crucial to ensuring that AtW provides appropriate support to disabled people.

## Confidentiality

Some kinds of support that can be funded through AtW do not need to involve the employer. For example a person with mental health problems may be enabled to take up a new job through out-of-hours support, mentoring, counselling or stress management. This will often only be needed in the short term while they establish themselves in the job. However the administrative procedures of AtW, and employer contribution, mean that the employer knows about the employee's need for support. This effectively denies AtW support to those who are not willing to share this personal information with the employer and who do not want to expose themselves to the very real risk of discrimination. This means that either the person starts work at a disadvantage, or that they do not access work at all. We would like AtW procedures to be adjusted to allow the scheme to fund support for individuals without involving the employer where this is practical and the individual's choice.

## Arrangements for face-to-face contact with clients

Following the restructure and change to Business Centres, some people have found the reduction in one-to-one contact with advisors extremely problematic. Heavy reliance on telephone or email contact with clients can impact on the effectiveness of the relationship between client and advisor, in some cases it has led to a complete breakdown of communication and the resultant loss of support or help for a potential AtW recipient.

Some people with communication difficulties, particularly people with a learning disability or mental health problems, may find dealing with Business Centre staff face-to-face much easier.

We urge Business Centres to make appropriate arrangements so that clients for whom exclusively telephone or email contact is not appropriate, are offered suitable alternatives.

# Improving employment prospects

## Increasing awareness of the scheme

The lack of awareness of AtW amongst employers and potential employees is obviously impacting on disabled people's employability. Either disabled people are not aware of the support to which they may be entitled and are ruling themselves out of the job market or out of specific types of employment, or employers are unwittingly discounting disabled job seekers because they are unaware of the support, both financial and practical, that they can receive.

### ■ Case study 10

A client, Rosemary, who had been fighting cancer for 13 years and regularly needed hospitalisation due to treatment, sought assistance from Papworth in finding paid work. Rosemary had previously sought work in her immediate locality because the treatment made her very tired and ruled out any but the smallest amount of travelling to and from work. Rosemary is a Doctor in Genetics but was looking for work as an administration assistant. Once she learnt about support, such as Fares to Work, available to her under AtW, the potential job market expanded for Rosemary, and she was able to seek employment across a wider geographical area. Rosemary is now working in a University's Department of Genetics inputting research and researching on the internet. AtW is meeting the costs of taxis to and from work, enabling Rosemary to travel much further to work than she would previously have been able. Finding out about AtW has allowed Rosemary to remain in her chosen field and to work more hours than she had initially thought she could do.

## Ongoing and ad hoc support for permitted work – expanding the eligibility criteria

From 8 April 2002 there are special rules if you want to try some paid work while getting Incapacity Benefit, Severe Disablement Allowance, National

Insurance Credits or Income Support because of illness or disability. The new rules are called the permitted work rules and the work is called permitted work.

As these case studies illustrate, ongoing and ad hoc support can make the difference between increasing the amount of hours that a person is able to work, indeed it may actually mean the difference between someone maintaining their employment, or being forced to give up because they are not receiving even a nominal amount of support and guidance.

As shown in earlier case studies, extending the amount of time that a person receives support can help them to progress from part-time temporary employment into working longer hours on a permanent basis. Each case is different so it is not appropriate to be rigidly prescriptive about the length of time that someone will require support.

#### ■ **Case study 11**

Maggie has a learning disability and has been working at a hotel for six years with relatively few problems. She works less than 16 hours per week under the permitted work scheme. She was initially supported by Mencap through a work experience programme and was then supported by a Job Coach through AtW for her first six months in paid work. Support was tapered off as Maggie integrated into the workplace and became used to her routines.

Subsequently the hotel contacted Mencap as there has been some issues identified with Maggie's work. These stemmed from some changes in Maggie's duties and also worries about changes in the way that she was going to be paid (from cash to BACS). These worries made Maggie quite stressed in the workplace and this was also affecting the quality of her work. The employer wanted a Job Coach to come and visit Maggie to support her through these changes to help her through this stressful period.

Mencap contacted the local AtW Business Centre to apply for support on Maggie's behalf. They were told that unless they can provide firm evidence that Maggie can progress towards coming off benefits by increasing her hours to 16, it is inappropriate to ask for support. The AtW Advisor questioned how Mencap could evidence progression when Maggie has been in her job since 1997 without progression so far.

It is not impossible for Maggie to progress to 16 hours or more but it may take some time. In fact the danger is that Maggie may lose her job and be further away from that goal without any support at all. It is worrying that it seems that AtW cannot support disabled people to overcome ad hoc problems. Continued ad hoc support may be necessary for people who have reached their optimum or are making progress very slowly but will fall backwards without a little bit of support.

### ■ Case study 12

Neil has a learning disability and has a paid job as an office. He is on Supported Permitted Work and works eight hours a week.

Neil needs two hours of support from his Job Coach a week. Neil's Job Coach helps him learn any new tasks that his supervisor gives him and talks over any concerns Neil has about his job. His Job Coach has approached his employer on occasions when he has been given too many tasks and has also broken down new tasks into smaller parts that Neil can understand.

Neil has been in his job for six months. He applied via Mencap for a Job Coach funded by AtW. Neil was able to get three months support and then was successful in his application for a further three months support after that.

However the Job Coach has been told that Neil cannot have any more support paid for by AtW unless he is going to work 16 hours or more.

Neil would like to work 16 hours a week but neither he nor his Job Coach feel that he is ready to do this yet. Neil is worried that he will not be able to manage as well as he is doing in his job without support and certainly will not be able to progress forward to 16 hours without it. Neil's Job Coach thinks that with support Neil may be able to work 16 hours a week in a year's time (after being in the job for 18 months).

Without ongoing support it is most unlikely that Neil would be able to progress to 16 hours per week, it is also possible he would not be able to continue in his job.

# Problems with administration and implementation

It seems that many employees, employers and AtW staff are confused about some very basic aspects of AtW. Who is the client? Is it the disabled person or is it the employer? Although this might seem a fatuous question, it matters. The balance of the relationship between disabled people, their employers and AtW staff can sometimes founder on this.

## “Voluntary” contributions by employers

### ■ Case study 13

Carol had identified her own software IT product, which was specific to her situation and disability. It would be of no use to other colleagues and would be required to overcome the effects of Carol’s disability. The AtW Advisor was insistent that she had the right to contact Carol’s employer to request a financial contribution towards this specialist product. Carol was extremely uncomfortable with this and was concerned that her employer would think that they were incurring extra costs due to her disability.

Carol was told that it is AtW policy to ask all employers for contributions. Carol’s concerns were being ignored so she wrote to her Advisor clearly stating that she was not giving her permission for her employer to be approached. The Advisor wrote back to say that “on this one occasion” no approach would be made but reserved the right to do so in the future.

Carol now questions whether she is the client or whether it is her employer. If disabled people are the clients then they should have some control over the manner in which support is provided in the workplace.

## Who does the equipment belong to?

Just who does equipment issued to disabled people belong to? Again, this is another area where there is immense inconsistency across the country. Although there are central guidelines, these do not appear to be uniformly understood or implemented.

### ■ Case study 14

Howard, who has a sight problem, has been employed as a co-ordinator for about three years at a transportation company.

About a year ago Howard had problems with his power braille equipment. Reluctantly AtW paid the £1,200 to repair the computer disk within the equipment. A more recent problem required repairs that would cost in the region of £1,000 – this included the hire of a comparable replacement computer. AtW said that Howard's employer should pay for repair. The employer would not pay and on 4 June 2004 informed Howard that he would be issued with a week's notice to leave as he was not able to do his job without the equipment.

The repair company questioned who would pay for the repair and loan of the equipment and Howard said he would pay himself rather than lose his job. The repair company said that as it was Howard, and not his employer or AtW paying, they would only charge him £136 and sway the rental charges.

Without the generosity of the repair company, Howard would have been forced to pay a significant amount of money out of his own pocket in order to stay in employment.

We are aware of situations where some people are allowed to retain equipment in order to search for alternative employment. In other cases it is taken away.

We know of several instances where AtW equipment has been stolen during the course of a workplace burglary and employers have declined to include the equipment on their insurance claim.

## Inconsistency of decisions

The arbitrary and inconsistent nature of many of the decisions regarding eligibility for support, the scope and level of support and the funding of elements of support are extensive. Across the country almost identical sets of circumstances are approached differently.

These inconsistencies are not limited to the decisions on support, they extend to the manner in which different Business Centres choose to administer the scheme. A simple example of this is that some centres will allow clients to apply online, others will not.

### ■ Case study 15

Suzanne has in the past had problems with retaining employment. She has diabetes and upper limb disorders which can cause her some considerable discomfort when at work.

Suzanne was referred by a Jobcentre Plus Disability Employment Advisor (DEA) to a provider (contracted by Jobcentre Plus) to undertake a Work Preparation Programme. The purpose of the programme was to establish the type of support Suzanne needed and identify solutions on practical matters that could enhance any employment she might find.

Suzanne was successful in gaining employment as a result of her placement. However, as expected, the provider had identified that Suzanne might need some adjustments to her workstation in order to make her new job as sustainable as possible. The provider based this on their knowledge of difficulties Suzanne had experienced when trying to keep previous jobs, as she had found in the past that over a period of time she had experienced a build up of discomfort. This had been due to unsuitable working positions and had resulted in her losing her job either through dismissal or leaving voluntarily. Either way her employment had ended due to her disability.

The provider therefore advised Suzanne to apply for an AtW assessment within the first six weeks of her new employment.

Suzanne contacted her local AtW Business Centre and was refused an assessment on the grounds that the company she was working for was expected to carry out a Risk Assessment before she was entitled to any further assistance. The AtW Advisor did not give any reason for this requirement.

The provider then contacted the AtW Business Centre to check this was correct and were given the same information regarding the availability of AtW assessment for their client.

The provider had previously believed that clients referred by DEAs and participating in Jobcentre Plus initiatives should be supported in order to enhance employment they have gained as a result of a Jobcentre Plus programme.

The AtW Manager informed the provider that costs such as installing a footrest and smaller adjustments are expected to be met by the employer.

As the provider was left unclear about the AtW Business Centre policy on this matter, they have written to the AtW Business Centre Manager asking for clarification as to whether or not the information that they have been given is correct and to investigate whether they have any record of an application for assessment from Suzanne, and to inform them as to a decision regarding her application.

Suzanne has not started her new job but is currently working without any additional help from AtW – already she is struggling to cope.

This case has been frustrating for both Suzanne and the provider. The provider commented on the matter: “What’s the point in helping people get jobs via Jobcentre Plus programmes if another Jobcentre Plus programme won’t support the disabled person at work?”

## Delays

The route from application for support, through assessment, to receipt of equipment and training or provision of support workers etc can be complex and is prone to extensive delays. Many disabled people have experienced delays in the application and assessment processes or having completed these find themselves waiting for equipment or adaptations.

For the year 2002/03 and from April to December 2003, 15 per cent of first time applicants’ cases were not dealt with “within standards” [9].

These delays can have a serious impact on AtW clients and their employers. Waiting for equipment or training to arrive can result in employees being unable to fulfill their full potential in their role. This can seriously undermine an employee's self-confidence and can affect an employer's faith in the scheme and in extreme cases in their decision to employ a particular candidate.

#### ■ **Case study 16**

Kelly, who has a sight problem, was offered an administration job in a London hospital. When applying for AtW support, Kelly and her employer were informed by the Advisor that it would take 12 weeks for her access technology equipment to be delivered. Kelly's job offer was subsequently withdrawn because her employer was not prepared to wait that long.

One reason for these delays is that an assessment will not be carried out until the client has a job offer.

Deaf people, for example, need communication support from day one when they start a new job. However, there is usually a time lag between the start date and the AtW award being made where no one is funding interpreter support. This can lead to deaf people struggling to perform their job without interpreters during a crucial probationary period.

Similarly, a person with mental health problems can be adversely affected by delays – in a crisis situation they could lose their job if support were not in place. In the case of someone looking for work, the opportunity to have an assessment and think through any necessary supports and/or adjustments before job offer could make the difference between applying or not applying in the first place.

Successful experiments addressing this issue were carried out in some local New Deal for Disabled People (NDDP) pilot schemes. New Deal Managers implemented a process whereby AtW assessments were completed when they first took on an AtW client. This meant that as soon as a job offer was made the main requirements were already known and approval of AtW could take place usually before the person started.

In some instances, such as for clients with sight problems, this may be a little more complex. If however, the initial assessment has been done this would only leave an assessment of the work place to check the environment and compatibility of systems etc.

## Delays in application processing

### ■ Case study 17

Prior to the establishment of the Business Centre system, Andrew applied for a job as an assistant administrator with a local charity. The job was a temporary post to cover maternity leave.

Andrew applied for AtW within a week of the job offer being made. AtW then referred Andrew to a contracted organisation for the completion of an AtW assessment to determine what support he would need. It was established that he would need equipment support and assistance with travel to and from work.

Following the assessment AtW were not able to respond and provide the support quickly enough for Andrew to start the job. Andrew received no help with progressing the application and felt the attitude of AtW staff was that the application could not be rushed. Eventually the charity had no choice but to withdraw the job offer. This disappointment was added to by the fact that Jobcentre Plus did not even apologise for the delays that had caused Andrew to lose the job.

Fortunately for Andrew circumstances changed, the charity offered him another opportunity to take up the same post and this time, although temporary, it is guaranteed for two and a half years. With the help of the DEA it was agreed that, rather than completing a second assessment, last year's assessment would be used for the same job. It would be fair therefore to expect that equipment support would be approved quickly – this was not the case. Andrew needed to continue to chase the AtW Advisor who each time questioned him on why an old report is being used.

Andrew had hoped to start his job on 8 September 2003 but as of January 2004 he could not start as no equipment was in place. He was told by AtW that they would prefer him to start and then approve the equipment. The employer would not agree to this, as understandably they did not want to pay Andrew's salary when he was unable to work. This demonstrates a lack of disability awareness on the part of AtW, and in particular the needs of someone who is blind.

Andrew said: "It is so easy to fall through the net. It seems that they don't do checks and it is left to you to chase it. There always seems to be some little problem."

## Delays in assessment

### ■ Case study 18

Mark was offered a job on 9 July 2003 with a large supermarket. As a wheelchair user he needed a specially adapted chair so that he could work at the tills in comfort. The AtW claim was submitted on 23 July. Mark was unable to start his job until 23 October 2003 because it took so long for the AtW team to come out to assess his needs and then for the order to be placed. These delays resulted in a three month delay in Mark starting work. The employer was not happy that they had to wait so long for Mark start.

### ■ Case study 19

Robert was referred to the RNIB in November 2002. At this time he was working for a social services department on a temporary work placement due to end December 2002. Robert had already been successful in securing employment within the civil service, a job offer had been made and he should have started work in July 2002. With the best intentions, the employer was concerned about the need to give Robert duties that he was able to do. They had therefore not developed a detailed job description or a final start date, wanting to complete an assessment of Robert's abilities and of his support needs. The employer hadn't approached anyone to arrange for the assessments to take place.

Robert made contact with his local AtW Advisor who refused to take any action because the employer was "being too vague about the job description and for AtW to become involved they require a job description and a start date."

RNIB advised Robert of a course of action to progress things more quickly. It wasn't until a whole year after an offer of employment was made that this impasse was resolved and that Robert was able to start work.

## Stress of support worker reviews

People who receive support worker help through AtW live with the constant threat that the level of support they receive could be changed or halted at any time. Whilst recognising that people's circumstances can occasionally change, we dispute the arbitrary and non-evidence based changes that are sometimes made to existing arrangements.

## ■ Case study 20

Ronjit, who is registered blind, has worked for his employer, a library in a major city, for several years. He was awarded AtW support in March 2001 for three years up to March 2004. The approved AtW costs were to provide a support worker for 40 hours per month.

Ronjit had been working successfully and found the support worker hours invaluable. However following an AtW review, he was informed by his AtW Advisor that his support worker hours had been withdrawn. He was notified in February 2003 that this decision was retrospective and backdated to December 2002.

Ronjit could not understand why such a decision had been made particularly as nothing in his job description had changed, none of the support worker duties had changed, and he was due to retire in September 2003.

When he contacted his AtW Advisor to find out why, he was informed that there had been a change to the guidelines and that it was now up to the employer to pay these costs as the duties that the support worker were doing should be the responsibility of the employer.

Both Ronjit and his employer were very concerned about this and although the employer was prepared to pay for the support worker, he felt that this decision was unjustified and wanted to support Ronjit in his fight to get the costs of his support worker reinstated until he reached his retirement. The City Council therefore wrote to the AtW Business Manager asking him to reconsider the case and putting forward excellent arguments expressing concern not just for Ronjit, but also for the precedent that could be set for other disabled people.

Following this and several other communications, during which Ronjit received advice from the RNIB, the newly appointed AtW Business Manager did review his case and overturned the decision stating that it had been a mistake to stop Ronjit's support.

## Inconsistency of communication support

### ■ Case study 21

Jane, a deaf caseworker with a national deaf charity, provides advice and advocacy for deaf clients on a range of issues. It is essential that she can communicate fluently in BSL and has an understanding/empathy with deaf sign language users with whom she works. Jane's duties involve writing to solicitors, housing officers, social workers etc, using appropriate English language. She must also be able to understand legal and technical documents, which are often written in "difficult" English, and she must respond using a similar language. Jane needs a Communication Support Worker (CSW) to ensure that her letters and documents are grammatically correct and comprehensive. The CSW does not write the letters because she does not know the subject but she merely corrects the English. However, Jane was refused funding through AtW for the language support element of her communication support.

### Paying below the market rate – resulting in sub-standard services

RNID recommends that only Registered Qualified Sign Language Interpreters (RQSLI) should be used for workplace interpreting, particularly in formal settings, e.g. interviews, appraisals, meetings, seminars and conferences, where accuracy of interpreting is essential. However there are ongoing problems with AtW Business Centres paying below the market rate for RQSLI.

This has two outcomes: hearing impaired people are not receiving appropriate professional support, and it also fuels a black market in unqualified interpreters.

Standards must be established concerning the quality of support that is bought for clients through AtW.

# Suggestions for extension of the scheme

For disabled people to be able to fully participate in the job market, AtW would need to be extended to include other vital elements of the various routes into employment. Access to equipment, training and support in the areas of work preparation and voluntary work would ensure that disabled people have every opportunity and confidence to pursue jobs of their choice. AtW support at job interviews should be extended to cover more than just communication.

# Conclusion

AtW is an incredibly valuable scheme. The support provided by AtW can dramatically increase the employability of disabled people.

Whilst championing AtW as a powerful means by which disabled people can maximise employment opportunities, the Disability Employment Coalition is concerned that the scheme is not currently providing the support that is required by many disabled people. There may be several reasons for this, but key factors would seem to be inadequate funding, inadequate publicity, the discretionary nature of the scheme and the urgent fundamental review that is needed of Guide 34.

The inclusion of 382,000 people working for small employers, or for example on a work placement, within the scope of the DDA will place a further burden on AtW.

We very strongly urge the Government to increase the funding of, and publicity for, AtW. In not addressing the fundamental issues that affect the support AtW can give to disabled people, the Government is effectively undermining its own ambitions for the greater financial and social inclusion of disabled people and is negating the impact of its employment policies.

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Royal National Institute of the Blind  
105 Judd Street  
London WC1H 9NE

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