

UKCoD | Access to Work Group

Meeting 20 May 2014 | Minutes

In attendance

- Dan Sumners, Signature (minutes)
- David Buxton, BDA (chair)
- Eva Fielding Jackson, Action on Disability and Work UK
- Jim Edwards, UK Council on Deafness
- Karen Rutherford, BID
- Laura Arrowsmith, Action on Hearing Loss
- Linda Ahmed, VLP
- Nicky Evans, ASLI
- Paul Lennon, RAD
- Rob Burley, Action on Hearing Loss
- Susan Daniels, NDCS
- Suzie Jones, NADP
- Vicki, VLP
- Wesley Mehaffy, ASLI

Activity to date

1. At a meeting on 14 May the Minister for Disabled People said he would establish a review of the impact of Access to Work. Whilst the experiences of deaf people would be a key focus, the review would necessarily seek to make general recommendations to improve the scheme for all. The review could take three months to complete and would most likely be completed over the summer.
2. The involvement of the UK Council on Deafness would be crucial in any review. The Minister said it was important we spoke to him with one voice.
3. The Minister said the 30 hour rule would be suspended immediately, until any review had concluded. It would not be applied to new claims or those currently being processed. Anyone whose support had been reduced under the rule could have their claim reassessed under the normal Access to Work reconsideration process.

4. Delegates told the Minister other rules were also creating immediate problems. They included
 - not funding the administration costs when an organisation sourced communication support for its own staff; and
 - only funding one interpreter to be present at a time.
5. The Minister agreed to consider whether he could take immediate action on these and other issues. If there were other issues which should be highlighted to the Minister for potential immediate action they should be sent to Dan Sumners.
6. The Minister would formally announce the review in a written statement after the 21 May-3 June recess. Department for Work and Pensions (DWP) and Office for Disability Issues (ODI) officials were drafting the terms of reference for the Minister. There was an opportunity to influence the terms.
7. The outcome of the review would be options for the Minister. We needed to be prepared to respond to various scenarios and show we understood the various factors that would affect his decision.
8. The Chair therefore suggested the focus of the meeting be changed to
 - agreeing a suggested terms of reference for the review;
 - deciding what skills and knowledge the review group would need; and
 - discussing how to collect more evidence of the impact of Access to Work on deaf people.

Update on action points from 23 April meeting

9. There were two changes to the action points from the 23 April UK Council on Deafness Access to Work group meeting:
 - the proposal for an independent inquiry did not need to be agreed as the Minister had agreed to a review; and
 - the survey to collect quantitative data about the impact of Access to Work would be drafted after the Minister had formally announced the review and its scope.

Campaign tactics and plan

Terms of reference for the review

10. Suggested terms of reference were circulated by email on Monday 19 May. They would define what we wanted the inquiry to do and help us decide
 - a. what skills, knowledge and experience we thought the inquiry needed;
 - b. how we thought the inquiry should be done; and
 - c. who we wanted to be on the inquiry panel.

11. Their drafting referred to
 - a. the problems identified in the UK Council on Deafness proposal for an independent inquiry; and
 - b. the terms of reference of the [Work and Pensions Select Committee inquiry into Access to Work](#).

12. The terms of reference covered all the categories of problems identified in the proposal (referenced in brackets) other than
 - a. purpose of scheme; and
 - b. abuse/misuse.

13. 'Purpose of scheme' was not covered because there was agreement on this: to help people who were disabled or had a health condition to find or stay in work. That was clearly stated by the Minister. Problems had rather been the result of practical measures taken by the DWP that went against that aim.

14. 'Abuse/misuse' was not covered because it was raised by DWP, not us. They should ask for it to be included. But we should say it was not relevant. Even if some people were abusing or misusing the system, it had no bearing on whether or not the scheme was meeting its intended aim.

15. The terms of reference of the Work and Pensions Select Committee inquiry should be referred to because
 - a. it would make it easier for individuals and organisations to submit evidence to both;

- b. the inquiries should complement each other; and
- c. it would help us influence the Committee's inquiry with regard to deaf people.

16. The opening sentence of the suggested terms of reference should refer to the stated aim of Access to Work. That would make sure 'purpose of scheme' was clearly included.

17. The following suggested terms of reference were agreed. They would be sent to the DWP and ODI officials who were drafting the terms of reference for the Minister. They would be sent to Stephen Lloyd MP, chair of the All Party Parliamentary Group on Deafness, to inform his discussions with the Minister.

UK Council on Deafness suggested terms of reference for the DWP review of Access to Work

The inquiry should assess the effectiveness of Access to Work in meeting its stated aim: helping people with a disability, health or mental health condition find and stay in employment.

The inquiry should explore

- the application and assessment process from the perspective of employees, employers, including the advice and guidance provided by the Department of Work and Pensions (interaction with deaf users and process);
- the Department of Work and Pensions' understanding of the needs of deaf people in employment and the adequacy of the support provided in terms of aids, adaptations and support workers (level of support); and
- the understanding of the communication support market, including the various factors influencing supply and demand (cost of communication support)

with a view to identifying

- short term cost effective measures that will improve the process and bring immediate benefits to deaf people in or seeking employment;
- long term structural changes to the scheme that will benefit all stakeholders; and
- measures that will positively influence the communication support market.

Skills and knowledge the review required

18. We needed to influence who was involved in the review. ODI officials had confirmed it would be a DWP review and an independent chair would not be appointed. We could accept that if

- a. there was distance between the delivery of Access to Work and whoever led the review, such as a senior civil servant; and
- b. if the review was, and was seen to be, objective, finding solutions all stakeholders could accept.

19. The members of the review panel or those called to work with it would need an understanding of

- the economics of the industry;
- the market;
- deaf people in an employment context;
- the employer perspective;
- employment and equality law; and
- general deaf awareness.

Collecting evidence

20. At the meeting on 23 April, it was agreed more case studies needed to be collected, in particular

- a. positive stories of people who had successfully challenged Access to Work;
- b. examples of people who had lost their job as a result of an Access to Work decision; and
- c. those which demonstrated all the problems that had been identified.

21. All UK Council on Deafness members would be asked to collect case studies. A Googledoc spreadsheet had been set up so they could be stored centrally.

22. Further guidance on the types of case studies needed would be circulated once the terms of reference of the review had been announced.

23. It was also agreed on 23 April that more quantitative data was needed. A survey would be drafted once the terms of reference of the review had been announced.

24. ASLI and VLP would ask their members to tell clients about the need for case studies.

The other professional associations would be asked to do the same.

25. The Employers Forum for Disability would be approached for case studies.

26. If possible, we would use the evidence collected to draft an exemplar of how Access to Work should operate.

Tactics

27. The tactics listed in the discussion paper circulated with the agenda would be held in reserve. Once the review had been announced they would be reconsidered.

Web pages

28. The draft web pages circulated with the agenda would be posted on the UK Council on Deafness website.

29. The BDA would explore translating the pages into BSL.

Work and Pensions Select Committee inquiry into Access to Work

30. On 12 May the Work and Pensions Select Committee announced the 'Employment support for disabled people: Access to Work' inquiry. The deadline was 20 June but Committee officials said this might be extended to September.

31. Terms of reference for the inquiry were

- a. submissions of no more than 3,000 words from interested organisations and individuals;
- b. the Committee was particularly interested in:
 - i. the AtW application and assessment processes, from the perspectives of employees and employers;
 - ii. the adequacy of ongoing support, both in terms of the aids, adaptations and support workers provided through AtW, and the help and advice offered by DWP;
 - iii. the effectiveness of AtW in supporting people with mental health conditions and learning disabilities;

- iv. AtW's effectiveness in terms of helping disabled people to
 - secure a job;
 - stay in employment; and
 - develop their careers; and
- v. the steps taken so far by DWP to extend AtW, including its marketing and funding of the scheme.

c. Submissions did not need to address all of these points.

32. Committee officials were exploring if the inquiry would accept submissions in BSL. If the inquiry decided not to accept BSL submissions we would encourage individuals to submit them anyway. The BDA would determine a maximum video length equivalent to 3000 written words.

33. The messages submitted to the inquiry and the review needed to be consistent. The same evidence should be submitted to both in the spirit of openness.

34. The UK Council on Deafness would make a submission. Member organisations would be encouraged to submit their own responses. They should include a paragraph stating they were signatories to the UK Council on Deafness submission. They should urge the Committee to call on the UK Council on Deafness to give evidence.

35. Organisations would encourage individuals to submit responses. Guidance would be made available on the UK Council on Deafness website.

Any other business

36. The meeting planned with Access to Work for 22 May had been cancelled due to the Minister agreeing to a review. The planned UK Council on Deafness Access to Work meeting on 30 May would go ahead if members felt there were issues to discuss.