

Equality analysis for the future of Access to Work

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1. Introduction

The Public Sector Equality Duty

1.1. This document records the analysis undertaken by the Department to enable Ministers to fulfil the requirements placed on them by the Public Sector Equality Duty (PSED) as set out in section 149 of the Equality Act 2010. The PSED requires the Minister to pay due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and those who do not. In particular:
 - remove or minimise disadvantages suffered by people who share a protected characteristic that are connected to that;
 - take steps to meet the needs of people who share a protected characteristic that are different to those who do not. The steps involved in meeting the needs of disabled people that are different from the needs of people who are not disabled include, in particular, steps to take account of their disabilities;
 - encourage people who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low; and
 - foster good relations between people who share a protected characteristic and those who do not.

1.2. In undertaking the analysis that underpins this document, where applicable, the Department has also taken into account the United Nations Convention on the Rights of Persons with Disabilities, in particular the three parts of Article 19 which recognise the equal right of all disabled people to live in the community, with choices equal to others, and that the Department should take effective and appropriate measures to facilitate full enjoyment by disabled people of this right and their full inclusion and participation in the community.

1.3. The Department has also taken particular account of Article 27 which recognises the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities.

Access to Work

1.4. Access to Work (AtW) is a discretionary specialist disability employment programme that provides individuals and their employers with advice and support with extra work related costs which arise because of an individual's disability or health condition. The type of support Access to Work provides is tailored to individual needs and can include travel to work, support workers and specialist aids and equipment.

1.5. Generally Access to Work is available to individuals who are in or about to start paid employment (or a Jobcentre Plus Work Trial) if their disability or health

condition affects the way they do their job. Recently the Department has expanded the scope of the programme to cover a number of additional areas, for example help for disabled people to prepare for employment, including work experience, supported internships and traineeships.

1.6. During 2013/14, Access to Work supported 35,540 disabled people to retain or find employment (up from 31,510 in 2012/13), spending £108m (up from £95m in 2012/13) at an average cost per person of just over £3,000.

1.7. Access to Work is unique amongst DWP employment programmes in that it provides support to disabled people who are already in employment. However, there is a small degree of overlap with some other provisions, including Motability's funding of adapted vehicles, and BIS's funding of traineeships.

1.8. Access to Work is not intended to replace or subsidise the reasonable adjustments an employer has a duty to make for disabled employees under the Equality Act 2010. Access to Work provides support that is over and above any reasonable adjustments.

1.9. The three core principles underpinning Access to Work are:

- **Additionality** – Support should be over and above what a non-disabled person would require in order to do their job and beyond the reasonable adjustments that an employer is legally obliged to make;
- **Meeting need** - Providing support that meets the customer's minimum needs;
- **Cost effectiveness** - Doing this in the most cost effective way.

1.10. This extract from the advisor guidance provides further detail:

“The adviser should discuss the options with the customer and employer with the aim of identifying the most cost effective solution that fully meets the customers employment related needs.

If the customer or employer wants to use an option that is more expensive than an alternative that also meets the customers' needs, take this into account when negotiating contributions. Explain to the employer and the customer that the AtW contribution will be based on the cost of the cheapest option that fully meets the customer's employment related needs. For example when three quotes have been received for a service, if the customer decides not to use the cheapest quote, Access to Work will only pay the agreed costs based on the lowest quote that meets the customers needs.”

The need for change

1.11. There has been a welcome increase in the numbers of people receiving Access to Work support (35,450 in 2013/14 up from 31,510 in 2012/13). There has also been an increase in the cost of average awards, creating additional pressure on funding. This has prompted a fresh look at how the scheme can continue to support more disabled people, within a finite budget.

1.12. One of the key challenges in administering Access to Work is managing a demand-led programme within a defined budget. We must achieve a balance between meeting customer need and achieving value for money for the taxpayer. It has been a long-standing aspiration of the programme to support more disabled people into work, so we must address the challenge of supporting this growth whilst keeping Access to Work affordable.

1.13. Furthermore, necessary operational improvements caused a temporary reduction in customer service standards as the administration of the programme has been reorganised and staff have been retrained. Service standards have now improved but the operation and transparency of the programme were criticised during the recent Work and Pensions Select Committee Inquiry. We are conscious that the public sector equality duty is an on-going one and therefore there is a need to consider it in respect of the customer service. DWP aims to continually improve the service that it offers its customers, and a number of changes have been proposed that will improve the general efficiency, transparency and accessibility of the programme.

1.14. To meet these challenges In line with these core principles, this Equality Analysis explores the impact on protected groups of people of reforms to the following areas:

- *Value for Money*
 - Caps on high-value awards and transitional protection
 - Expert teams
 - Central Contracting of Access to Work Services
 - Reforming guidance on:
 - self-employment
 - permanent support workers
 - Research:
 - The Return on Investment offered by Access to Work
 - Market Review of BSL interpretation
- *Customer service*
 - Personal Budgets
 - IT upgrade
 - Video Relay Service
 - Publication of Guidance
 - Strengthening the pre-employment eligibility letter
 - Expanding Access to Work

2. Protected Characteristics of Access to Work Customers

2.1. This section breaks down the protected characteristics of Access to Work customers. Those groups which are well represented in the customer group are likely to be positively impacted by changes that improve customer service or extend the scheme but negatively impacted by changes that reduce funding or restrict the scheme.

Gender

2.2. The Equality Act 2010 defines the protected characteristics of gender as:

- (a) a reference to a person who has a particular protected characteristic is a reference to a man or to a woman;
- (b) a reference to persons who share a protected characteristic is a reference to persons of the same sex.

2.3. **Table A** shows the gender split of Access to Work awards since 2007. 59% of people helped by Access to Work in 2013/14 are female. Looking at the trends over time, this proportion has remained around the 58-60% mark since 2007. More generally, Access to Work is a discretionary scheme targeted at disabled people. Of the 6.5m people in GB who are disabled¹, around 55% are female. So Access to Work support is only marginally higher for females than the general disabled population.

	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	Q1 and Q2 2014-15
Male	11,590	12,870	14,550	14,270	12,590	12,880	14,250	11,510
Female	16,040	19,170	22,660	21,520	18,160	18,600	21,220	16,960
Total	27,720	32,130	37,270	35,810	30,780	31,510	35,540	28,580

2.4. Although these figures show a marginal difference, current data suggests that women in the workplace are generally more disadvantaged (the average salary for a male in the UK is approximately £29,000 whereas for females it is approximately £23,000). Women are currently under-represented in the workforce, so this marginal difference means that Access to Work overall helps to advance equality of opportunity between men and women and therefore foster better relations between those groups.

2.5. Turning to the purpose of this EA, customer service impacts upon a greater number of women and any value for money considerations are in general, more likely to impact upon women than men given the gender profile of Access to Work customers.

Age

2.6 The Equality Act 2010 defines the protected characteristics of age as:

- a reference to a person who has a particular protected characteristic is a reference to a person of a particular age group;

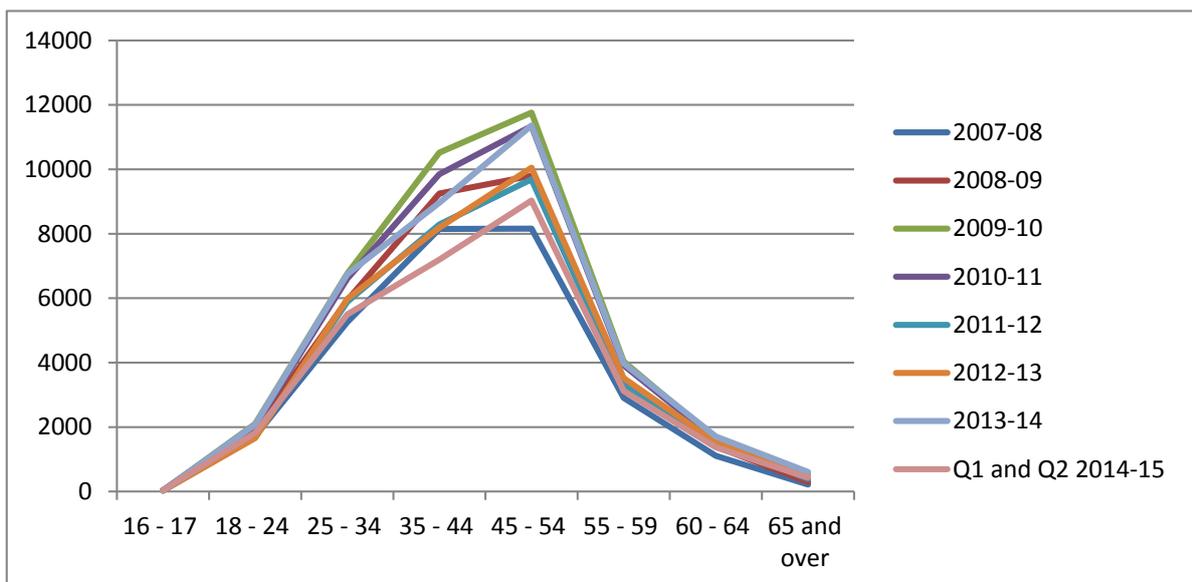
¹ Advice from analysts

- a reference to persons who share a protected characteristic is a reference to persons of the same age group;
- a reference to an age group is a reference to a group of persons defined by reference to age, whether by reference to a particular age or to a range of ages.

2.6. **Table B** and accompanying graph show the age split of Access to Work awards since 2007.

2.7. The data indicates an approximately normal distribution, which is what would be expected given the overall numbers of people working of different age groups. Therefore, we can assume that the age distribution of Access to Work customers is representative of the general population.

Table B – Access to Work age split by year								
	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	Q1 & Q2 2014-15
16 - 17	40	30	30	40	30	30	30	40
18 - 24	1,720	1,940	2,100	2,040	1,680	1,660	2,080	1,820
25 - 34	5,260	5,940	6,770	6,610	5,890	5,980	6,750	5,500
35 - 44	8,150	9,250	10,520	9,850	8,290	8,190	8,960	7,200
45 - 54	8,160	9,800	11,760	11,340	9,690	10,050	11,360	9,030
55 - 59	2,910	3,420	4,040	3,920	3,300	3,520	3,980	3,120
60 - 64	1,110	1,400	1,630	1,610	1,460	1,520	1,710	1,370
65 & over	220	290	380	380	410	540	610	430
Total	27,720	32,130	37,270	35,810	30,780	31,510	35,540	28,580



Disability

2.8. The Equality Act 2010 defines the protected characteristic of disability as:

"A person (P) has a disability if –

P has a physical or mental impairment, and the impairment has a substantial and long-term adverse effect on P's ability to carry out normal day-to-day activities."

2.9. People with disabilities are currently under-represented in the workforce², so Access to Work is a deliberate intervention by the Government to eliminate discrimination, advance equality of opportunity and to foster good relations between those who have a protected characteristic and those who don't. Access to Work also supports disabled people to enter into or remain in the employment market which in turn has a positive impact upon the ability to live independently.

Table C - Access to Work split by Primary Disabling condition (2013/14)	
Primary medical condition	No. of AtW customers
Missing/Unknown	10
Arms or hands	1,720
Legs or feet	2,690
Back or neck	4,230
Stomach, liver, kidney or digestion	110
Heart, blood, blood pressure or circulation	270
Chest or breathing	170
Skin conditions and severe disfigurement	20
Difficulty in hearing	5,640
Difficulty in seeing	5,130
Difficulty in speaking	90
Learning disability	1,770
Progressive illness	2,020
Dyslexia	4,280
Epilepsy	1,170
Diabetes	180
Mental health condition	1,410
Cerebral Palsy	480
Spina Bifida	100
Other	4,050
Total	35,540

2.10. **Table C** shows the distribution of Access to Work customers by primary medical condition. The largest four groups are customers with difficulty in hearing, customers with difficulty in seeing, customers with dyslexia and customers with

² Labour Force Survey

back or neck problems and therefore changes to the scheme in general are more likely to impact on these groups.

Race, Gender Reassignment, Sexual Orientation, Religion or Belief, Pregnancy and Maternity, Marriage and Civil Partnership.

2.11. With respect to the remaining protected characteristics of race, gender reassignment, sexual orientation, religion or belief, pregnancy and maternity, marriage and civil partnership, data concerning these characteristics is not collected for individuals receiving support from Access to Work however, but there is nothing to suggest that any of the proposed changes would have an adverse impact upon people in possession of one or more of these characteristics.

3. Value for Money Reforms

3.1 Capping

Background

3.1.1. The overall spend on Access to Work in 2013/14 was £108m. This supported 35,540 individuals – just over £3,000 per person. This has risen significantly over the past five years, increasing from £2.2k. This is an average of a very wide range of awards, from very small one-off awards to very substantial long-running support and has absorbed much of the increase in funding provided for AtW. One of the significant strategic questions we face is how to establish the right balance between the need to support as many disabled people as possible and what it is reasonable to offer individual users.

3.1.2. Many witnesses at the Work and Pensions Select Committee were frustrated by the Department's attempt to control costs via more consistent application of the 30-hour guidance (further detail in the next section). Many argue from a rights based perspective that support should be unlimited. Others appreciate the rationale for limits but have then suggested those limits to be set at such a high level as to be ineffective in freeing up funding to meet the needs of new users.

3.1.3. The recommendations of the Work and Pensions Select Committee did not make suggestions for cost control or solutions to the issue of high-value awards, instead arguing for HM Treasury to announce additional funding.

Options

3.1.4. One option is to set a cap on the maximum value of support per user.

3.1.5. There are many different arguments about whether capping is appropriate and at what level any cap should be set. It is unusual for Government to deliver uncapped support, particularly in the current economic climate. Although some people will argue for a "rights first" approach, a shift towards lower average awards would allow us to support more customers (see **table D**). Supporting more customers and meeting the hypothesised significant unmet need – particularly of under-represented groups including those with hidden impairments such as mental health conditions and learning disabilities, is something that many key stakeholders have strongly advocated.

3.1.6. In terms of setting a level, any amount could be seen as arbitrary, however given that many high-value awards purchase the wages of support workers, setting a cap at a multiple of average salary³ would reflect this whilst also ensuring that any cap level maintained its purchasing power over time. Some stakeholders acknowledged the elegance of this proposition. A range of multiples of average salary has therefore been prepared for comparing impacts.

Table D – Savings and extra customers supported at theoretical cap levels

³ http://www.ons.gov.uk/ons/dcp171778_385428.pdf

Cap level at April 14 rates (14/15 forecast)	£27.2k Cap	£40.8k Cap	£54.4k Cap
Savings generated	£7,920,000	£2,990,000	£1,240,000
Extra Customers Supported (at average 13/14 award of £3,045)	2,601	982	407

3.1.7. Controlling the cost of high-value awards and encouraging customers to explore alternatives including technology solutions and better partnership with employers will enable Access to Work to support more people by rebalancing spending towards more cost-effective solutions. New measures including personal budgets and high-value award teams will improve customer service and personalisation, enabling customers who do receive high-value awards to make the most efficient and effective use of their support.

Numbers Affected

3.1.8. **Table E** sets out the number of users who would be affected by a cap at various levels.

Table E – Impact of setting absolute cap at various levels			
Cap level at April 14 rates	£27.2k (Full-time UK average salary)	£40.8k (1.5 x average salary)	£54.4k (double average salary)
Users affected 14/15 (f 'cast)	540	200	79
%age	2%	0.5%	0.2%
%age Deaf or hearing loss	67%	89.5%	94%
%age male v female	57% v 43%	50% v 50%	44% v 56%
Amount Saved 14/15 (f 'cast)	£7,920,000	£2,990,000	£1,240,000
Percentage	8%	3%	1%

3.1.9. **Table F** expands on the gender and impairment characteristics of these customers based on forecast data for 14/15.

Table F - Gender and Impairment impacts at various cap levels (14/15 forecast)						
Cap level at April 14 rates	£27.2k (Full-time UK average salary)		£40.8k (1.5 x average salary)		£54.4k (double average salary)	
Male	309	57.2%	100	50%	35	44.3%
Deaf/hearing loss	188	60.8%	86	84%	33	94.3%
visually impaired	68	22%	3	3%	1	2.9%
Other	53	17.2%	11	13%	1	2.9%
Female	231	42.8%	100	50%	44	55.7%
Deaf/hearing loss	173	74.9%	95	95%	41	93.2%

visually impaired	46	19.9%	2	2%	2	4.5%
Other	12	5.2%	3	3%	1	2.3%
Total	540	100%	200	100%	79	100%
Deaf/hearing loss	361	66.9%	181	89.5%	74	93.7%
visually impaired	114	21.1%	5	2.5%	3	3.8%
Other	65	12%	14	8%	2	2.5%

3.1.10. The above table illustrates that the number of users affected would depend on the level at which the cap was set. The profile of whether more male or female users affected shifts towards females as the cap rises. At a level of 1.5x salary there is however an exactly even split.

3.1.11. For any cap, the majority of users affected would be Deaf or hearing loss customers, rather than belonging to any other impairment group. There would also be a greater impact upon visually impaired users as the next biggest single group although much less significant.

Equality Impact

3.1.12. If high-value awards are limited, some of the cost of support may fall back on employers. There is a risk that this may discourage employers from employing disabled people, increasing the likelihood of unlawful discrimination and reducing equality of opportunity. If current Access to Work customers are no longer able to remain in employment, where they are likely to come into contact with non-disabled people and foster good relations, this may also damage relations between people who share a protected characteristic and those who do not. There may also be an impact upon the ability of disabled people to enter into employment in the first place which may have an impact upon independent living, inclusion in the wider community and the ability to work on an equal basis with others. We do not have the evidence to be able to quantify either of these risks as to a large extent; the degree and extent of any risk will depend upon employer behaviour but, as with all of the proposed changes, we will take steps to monitor the impact and will consider if further flexibilities are required should an adverse impact be found.

3.1.13. Additionally, users who currently receive high-value awards are predominantly from particular impairment groups e.g. hearing loss customers, so these groups may be especially affected by capping. There is no evidence to enable us to quantify how likely this is but the figures in the tables above indicate the worst possible scenario so far as potential numbers affected are concerned. We will continue to monitor the impact and will consider if any changes are necessary should an adverse impact on employment outcomes for disabled people in general, or upon a particular group of disabled people, be identified.

3.1.14. Access to Work does not subsidise or replace the provisions of the Equality Act. Employers will still be required to meet their commitments under the Act, including the legal obligation placed upon them to make reasonable

adjustments for disabled employees and it may be the case that a fresh consideration of whether or not the support that was previously provided by Access to Work properly falls under the auspices of a reasonable adjustment means that any adverse impact upon disabled people is reduced. As mentioned previously, we are unable to quantify the extent to which this will mitigate any adverse impact as it depends upon employer behaviour, but any disabled employee who feels that their employer has not made reasonable adjustments can legally challenge that decision under the Equality Act 2010.

3.1.15. Secondly, High-value Award customers will be offered access to other support e.g. technology solutions and training to help them achieve independence, which may reduce their reliance on expensive support. Furthermore, the introduction of personal budgets and expert teams will deliver greater personalisation of support, enabling customers to use their awards in the most effective and efficient way.

3.1.16. Finally, an offer of transitional protection will ensure that customers and their employers have time to adapt to the reduced award and to explore alternative solutions. The transitional protection offer for current award holders could extend:

- Until the end of the current award, subject to a minimum of one year's protection for those whose awards are due to expire within twelve months.
- For three years from the date of announcement of any change
- For one year from the date of announcement.

Stakeholder feedback has naturally supported the longest possible interval and also a period of delay before implementation to recognise the position of those who may have a job offer prior to announcement that they had intended to take up on the basis of current terms. Therefore in order to minimise the impact on affected customers and to provide the maximum timeframe to allow users to adjust, adopting a three year notice period for existing users and a six month window for new users would represent the most generous position as it would align everyone with the longest outstanding awards possible regardless of remaining duration.

3.1.17. The equality impact of capping would thus be on a sliding scale depending on how long a period of transitional protection was given. For the three year or one year offers, all customers affected would be affected at the same time. For the 'end of award' offer, approximately one third of customers affected would be impacted each year. There would of course remain a significant level of funding available to capped users to support them in remaining in work. **Table G** illustrates how much support would still be provided for users post implementation at 13/14 prices.

Table G – Resource still allocated to support capped individuals post cap			
Cap level at April 14 rates	£27.2k (Full-time UK average salary)	£40.8k (1.5 x average salary)	£54.4k (double average salary)
Numbers Affected	540	200	79
Resource still allocated	£14,670,000	£8,160,000	£4,297,600
Percentage of 13/14 spend	13.6%	7.5%	4%

Equivalent numbers at scheme average	4,817	2,680	1,411
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3.1.18. It is difficult to quantify what effect these mitigating factors including maintaining still considerable funding levels and transitional protection would have on the equality impact of capping, but we will continue to monitor this if capping is implemented and will consider further flexibilities if an adverse impact upon equality emerges.

3.1.19. Any cost savings will be reinvested into Access to Work to support other customers and increase the numbers of disabled people supported by the programme. See **Table D** for the numbers of extra people who could be supported as a result of each potential cap.

3.1.20. With reference to the UN Convention on the Rights of Persons with Disabilities, this measure will support the rights of persons with disabilities to work on an equal basis with others contained in Article 27 by ensuring that increasing numbers coming to the scheme for help can be supported whilst also maintain significant levels of funding to support those current customers affected by the introduction of the cap.

3.2 Expert Teams

Background

3.2.1. Expert teams could be used to review high-value cases to provide guidance to people adjusting to reduced levels of support

Numbers affected

3.2.2. The number of cases that could be reviewed by the expert teams would depend on the size of the team. We could set up a team to deal with any number of cases depending on what was defined as 'high-value'. However only a minority would fall outside the ambit of the Deaf & Hearing Loss and Visual Impairment specialist teams which were established in 2014. It is logical that those established expert teams are best placed to provide the necessary advice and guidance in adjusting to new levels of support.

Equality Impact

3.2.3. By investing more time in high-value cases, we would ensure better customer service, consistency, value for money, and access to alternative sources of support. Expert teams would also have a fraud-prevention function. This would ensure that Access to Work funding was not spent on fraudulent cases, increasing the support available for genuine claimants and improving equality of opportunity. The advice that teams can deliver include on making reasonable adjustments which furthers peoples ability to enter into and remain in employment, the provision of travel and job coaches to promote independence and the commissioning of impairment awareness training for colleagues which contributes

to fostering good relations between disabled people and non-disabled people, and eliminating discrimination.

3.3 Central Contracting of BSL interpreters

Background

3.3.1. There are around 1,100 registered BSL interpreters serving around 25,000 BSL users in the UK. Hourly rates are typically £35-£45 ph. but AtW has been quoted up to £90. This is significantly higher than foreign language interpreting.

3.3.2. Currently needs are assessed using diaries to calculate required hours of support. This has been described as “onerous” by some users, but in the absence of any better mechanism, it is a reasonable basis for calculating awards.

3.3.3. The WPSC commented:

“**12.** The way in which DWP has recently applied the Access to Work guidance on full-time Support Workers, and capped the hourly rate at which it is prepared to reimburse Support Workers' costs, has had a profoundly detrimental impact on many service users, particularly deaf people who require a significant amount of British Sign Language (BSL) interpretation in order to do their jobs effectively. DWP's recognition of this adverse impact, and the temporary suspension of the guidance, is welcome; however, its stringent application of the guidance in this context demonstrated a lack of understanding of how BSL interpretation is currently provided and highlights the need for much improved consultation with stakeholders prior to significant changes to service delivery in the future (Paragraph 79).

13. *We recommend that DWP fulfil its commitment to undertake full and proper award reviews in all cases where service users believe that the guidance on full-time Support Workers, or caps on hourly rates, as applied to BSL interpretation, has rendered them unable to source effective BSL interpretation appropriate to their needs at work (Paragraph 80).*

14. *We recommend that DWP re-issue the guidance on full-time Support Workers, making it clearer that reimbursement of costs on the basis of an annual salary, rather than an hourly, half-daily or daily rate, should be considered on a case-by-case basis, and only applied in circumstances where it reflects the reality of how effective support can be provided. We further recommend that the guidance explicitly state that this does not typically apply to BSL interpretation (Paragraph 81).*

15. *We recommend that DWP consult the BSL interpreting profession, through the Association of Sign Language Interpreters and the National Union of British Sign Language Interpreters, to establish suitable maximum permissible hourly, half-daily and daily rates for BSL interpretation funded by Access to Work, based on robust research. The Government should also consult formally on improving the efficiency of the market for BSL interpreting services across the public sector. This consultation should consider steps which could be taken to increase the number of BSL interpreters in the UK (Paragraph 82).*

16. We recommend that DWP establish a specially trained team to deal with high-cost on-going Access to Work awards, including those for BSL Interpretation. This team should receive intensive training in deaf awareness and on the full range of communication support options, including the latest technological innovations and the most cost-effective solutions. DWP staff and Access to Work service users should be encouraged to consider technological solutions to communication support, where it is appropriate to needs and cost-effective (Paragraph 83). “

Options

3.3.4. A cross-government interpreters' contract could offer consistent standards of accreditation and provide Access to Work users with a choice between the Government's provision and the open market. It will also enable us to achieve better value for money on the support that we offer our customers.

Numbers Affected

3.3.5. The rates available on the framework have not yet been finalised, so it is impossible to say how many people would have their awards reduced if maximum tariffs were set in line with the framework.

3.3.6. Access to Work currently has 5,750 Deaf and hearing loss customers, 3,084 of whom have awards for BSL interpretation and might be impacted by the framework.

3.3.7. Whilst overall the scheme supports more women than men, high-value BSL awards (ie >£27.2k) are disproportionately held by men (see **Table F** above) so this proposal would probably affect more men than women, although this statement cannot be precisely quantified.

Equality Impact

3.3.8. There is evidence that for deaf people in particular, having a BSL interpreter is a central part of the support they need in order to fully participate in the workplace. Some AtW users have said:

“I am a deaf person and I rely on having a BSL interpreter in order to communicate with the whole team, face-to-face contact with service users, telephone conversations, meeting, supervision etc.”

“Based on the budget allocated I would only be able to book a freelance interpreter for three hours per day or three full days, with the remaining two days without interpreter support, thus not providing me with 37 hours a week support. This immediately puts me at an extreme disadvantage to that of my colleagues and renders me ineffective in carrying out my role....I would also like at this point to state the AtW provision has enabled me over the past six years to carry out my role effectively and has allowed me to develop my career to the point of becoming team leader”.

“I do not want to recruit a salaried/employed interpreter. I do not want my employer to have that extra burden. Why should they? I am the employee of

the organisation...this is my life and my career. I feel completely disempowered with this whole process. I want to have a career and I am frightened that companies will be put off employing deaf people in the future if they suddenly have to employ 2-3 people rather than one”.

3.3.9. Deaf stakeholders have raised concerns that reducing maximum payable rates to those available on the framework will put Deaf employees at risk of facing under-performance action, redeployment, demotion or losing their job, reducing equality of opportunity for this group, increasing their risk of discrimination or harassment, and reducing opportunities for them to build relations with non-disabled people.

3.3.10. It is claimed that these measures will place Deaf people at a disadvantage because:

- There is a shortage of BSL interpreters and therefore the market does not display ‘perfect competition’ – there is a risk that rates will actually increase if people leave the profession.
- Deaf people who require BSL support for non-employment scenarios would have less access to BSL interpreters if they were driven away from the profession by reducing rates.
- The framework may not deliver the required standards of support.

3.3.11. Customers could still be free to source support outside the Crown Commercial Service framework, so choice is not limited. Whilst rates payable will likely be reduced as a result of the introduction of the framework, customers will have the reassurance of quality support, as the framework stipulates that BSL Interpreters must be qualified NRCPD interpreters. Furthermore, customers will have the option of a personal budget, enabling them to use their support in the most efficient and effective way possible. There will be no arbitrary restriction on the numbers of hours of support available – as now a thorough examination of level of need and reasonable adjustments that can be put in place will inform the determination of an award level.

3.3.12. In addition to addressing quality issues via the requirement for all interpreters to be NRCPD/SASLI registered, the CCS will monitor any anomalously low bids to ensure that the framework is not awarded on the basis of unsustainably low bids

3.3.13. The introduction of the framework is expected to have a positive impact on the Access to Work customer’s administrative overheads. Access to Work customers or their employers will no longer have to spend time booking interpreters to cover their requirements each week but can instead be confident that the support they need is in place for the foreseeable future. This will make it more convenient for them to access the support they need, increasing equality of opportunity. The growth of the market could be helped by ensuring there is suitable recognition for registered trainee interpreters where customers want to use them for roles appropriate to their competence – this will provide support to those trainees who otherwise could not afford to establish themselves.

3.3.14. Overall, these proposals aim to improve the Value for Money that we achieve on BSL interpretation, without compromising the quality or flexibility of

support. This will free up funding for new Deaf customers (including younger deaf people newly entering the labour market) and non-BSL awards, enabling us to support more people on the scheme. Although the savings available from the framework are not yet clear, it is apparent that government money being used to “bid against itself” has meant that governments buying power has not worked for the benefit of taxpayers or Deaf customers for whom competition has driven up costs including instances when they need to source support from their own funds.

3.3.15. There is also a potential impact on people with protected characteristics outside of the customer group. Research by the Association of Sign Language Interpreters suggests that most interpreters work as freelancers and around 80% of the approximately 1,100 interpreters in the UK are women⁴.

3.3.16. Because women are more likely to be responsible for childcare than men, they are not attracted to working as an employee because the work patterns will not suit their childcare responsibilities, so freelance interpreting is a desirable job. If rates reduce, this may have an adverse impact on equality of opportunity for women. However, as noted this is a limited market of around 1,100 providers.

3.4 Reforming Guidance – Self Employment

Background

3.4.1. Self-employment is an important route into the labour market for many disabled people. 16 per cent of disabled people who are in work are self-employed, compared to 13 per cent of non-disabled people who are in work.

3.4.2. Access to Work is a key source of support for many disabled people who are self-employed. We have taken steps to strengthen our offer of support for self-employment by extending Access to Work’s eligibility to cover aspiring jobseekers wishing to set up their own business through the Government’s New Enterprise Allowance scheme.

3.4.3. Currently, all applicants who state they are self-employed must provide proof of self-employment, which could include their HM Revenue and Customs Unique Tax Reference and evidence of relevant National Insurance payments. There is no requirement for a self-employed customer’s business to be profitable, however their business must have a history of (or a reasonable prospect of) generating income within a reasonable timeframe (although there is no lower limit on that income).

3.4.4. There is no requirement for self-employed individuals applying for Access to Work to earn the minimum wage. As a matter of urgency we have inserted an amendment in the guidance to ensure that Access to Work staff recognise that under the current system, the requirement for employed people to be paid national Minimum Wage does not apply to those employed as company directors. For Access to Work purposes, self-employment is defined as:

4

https://www.asli.org.uk/files/downloads/472_asli%20fees%20and%20salaries%20report%202011.pdf

- operating a business either alone or in partnership, or working for an employer on a self-employed contractual basis;
- operating a franchised business on a self-employed basis;
- paying Class II or Class IV National Insurance contributions;
- If the applicant is over retirement age (and therefore no longer liable to pay National Insurance) AtW staff will seek to determine that the person is self-employed by requesting a business plan approved by a bank or other financial authority.

3.4.5. There is currently no requirement for a self-employed customer's business to be profitable within a specified timescale.

3.4.6. We want to support profitable and sustainable self-employment through Access to Work. We have always been clear that Access to Work grants are not intended to be an income stream or wage for any business or individual. However, we have encountered problems of fraud and abuse whereby businesses have been set up to deliberately channel funds from Access to Work.

3.4.7. Where such activity is identified, Access to Work staff work closely with the Fraud Investigation Service to ensure individuals are investigated and, where appropriate, prosecuted. We need to take steps to better protect Access to Work from such activity in the future.

3.4.8. A further problem relating to self-employment has arisen where a customer's business is not – and is unlikely to become – profitable. Sometimes this is because the business is more akin to a hobby, and in other cases the business is simply not viable. In such cases there is a risk that the policy intent of AtW will not be achieved and we will also not achieve value for money by providing access to work support.

3.4.9. The select committee said:

“21. We believe that Access to Work should aim to level the playing field for disabled people in the labour market, including by aiming to facilitate the same chance of success in self-employment and entrepreneurship as applies to the rest of the population. We therefore welcome the Minister's assurance that the clarity of the guidance in relation to self-employment will be a priority within DWP's internal review. We also welcome the Minister's urgent amendment to the guidance in relation to minimum earnings requirements for Company Directors (Paragraph 100).

22. *We recommend that the guidance on support for self-employed people be substantially re-drafted and clarified. In cases where the applicant is a business owner the full history and circumstances of that business should be taken into account in determining AtW support, including whether it employs staff. The guidance also needs to be amended so that it encourages DWP staff to take greater account of the financial realities of working on a freelance basis, including intermittent and fluctuating earnings (Paragraph 101).* “

Options

3.4.10. In line with the recommendations of the WPSC, we think it is important to redraft and improve the guidance regarding self-employed Access to Work customers. Some stakeholders have pointed to Universal Credit as offering a potential model. The Department agrees that these definitions are clearer and more up-to-date than existing definitions used by Access to Work. These definitions are:

- Recognising that a business is unlikely to meet target turnover levels within the first 12 months of trading.
- In order to continue to qualify for AtW support, the business should be generating UC minimum turnover levels (ie NMW x 16 hours – adjusted for disability) by the end of the second year of trading as assessed at the annual review.
- Continued payment of either class 2 or 4 NI contributions should remain a measure of substantive self-employment (on a voluntary basis if below Lower earnings Limits).
- In line with UC and to prevent deliberate circumventing of the rules, customers should be allowed one start-up period every five years.

Numbers affected

3.4.11. Currently, approximately 1,770 Access to Work customers are self-employed. However, the disc database has 15% of employment data fields left blank, so there is a sizeable margin for error in these figures. Of the self-employed customers on whom we have data, all are disabled as defined by the Equality Act and **Table H** shows their different impairment groups compared to the overall distribution of impairment groups for Access to Work:

Table H – Self-employed customers by impairment group			
Self employment data	Customers	%of S/E	% overall
Arms or hands	55	3%	5%
Back or neck	88	5%	11.2%
Cerebral Palsy	33	2%	1.4%
Chest or breathing	6	0%	0.4%
Difficulty in hearing	358	20%	16.7%
Difficulty in seeing	666	38%	15.4%
Difficulty in speaking	11	1%	0.2%
Dyslexia	94	5%	11.2%
Epilepsy	55	3%	3.5%
Heart, blood, blood pressure or circulation	6	0%	0.8%
Learning disability	33	2%	4.9%
Legs or feet	61	3%	7.4%
Mental health condition	17	1%	2.8%
Other	149	8%	11.6%
Progressive illness	138	8%	6.1%
Grand Total	1,770	100%	100%

3.4.12. There is no data to indicate what proportion of these customers would be unable to receive funding under the proposed new rules. This is because we do not collect data concerning the viability of customers' businesses. We are therefore unable to quantify the extent of the potential impact of the proposed changes on self-employed customers, but 1,770 customers are self-employed and there are a further 15% of customers whose employment status we do not know. Customers with difficulty in seeing are most likely to be self-employed, and 38% of Access to Work self-employed customers have difficulty seeing, compared to only 15% of Access to Work customers overall. Therefore, restrictions on self-employment awards are likely to have a greater impact on people with difficulty seeing than other impairment groups. Because we do not collect data concerning the viability of customers' businesses, we are unable to quantify the extent of this potential impact, but 666 customers fall into this group (please see previous comments re 15% of AtW customers employment status not being known). There are no data on the age, sex, gender, religion or ethnicity of these customers but there is no evidence to suggest that the proposed changes to AtW awards made to self-employed people would have an adverse impact upon any of these particular groups.

Equality Impacts

3.4.13. Witnesses at the WPSC raised concerns that any proposal to limit self-employment awards would disadvantage disabled entrepreneurs. Based on the data above, it could be argued that such measures would have a greater impact on people with difficulty seeing.

3.4.14. However, these proposals are not designed to limit Access to Work to self-employed customers, but to ensure that the original policy intent is achieved and that support is targeted at only customers who are in substantive self-employment, rather than customers who use Access to Work as a principal source of income. There will be no requirement for profit, only a low minimum turnover. Therefore, disabled entrepreneurs will not be disadvantaged. Indeed, money that might have been spent propping up unviable businesses will be saved for the true policy intention of Access to Work: supporting disabled people in employment. This policy might in fact be advantageous for disabled entrepreneurs, as it would save money which could in turn be used to support substantive self-employment.

3.5 Reforming Guidance – Travel to Work

Background

3.5.1. Travel to work is an important element of the support offered by Access to Work. Disabled people face barriers in using public transport and therefore incur additional costs in getting to and from work. Access to Work aims to meet those additional costs.

3.5.2. In 2013/14 over £30m of Access to Work spend went on supporting travel to work – predominantly through taxis but in some cases on things like travel training and travel buddies. We want to ensure that travel to work support is well targeted and, wherever possible, promote and encourage independence.

3.5.3. In addition to travel to work, Access to Work supports disabled people who need to travel as part of their job in two other ways:

- **Travel in work** is for the extra costs of travel within work if a customer cannot drive or use public transport because of their disability. Just over 1,100 awards for this element of support were made in 2012/13; and
- **Support abroad** can be provided for up to three months of work outside the UK in any 12 month period. The policy intention has always been that customers who need to travel abroad as part of their job would typically go for no more than a few days at a time.

3.5.4. For travel in work support, an employer's legal duty to make reasonable adjustments extends to travel in work and therefore whether or not Access to Work should fund this sort of support depends on what part of the cost is above and beyond a reasonable adjustment.

3.5.5. There are a range of adjustments that an employer can explore and that may be reasonable to make if a disabled employee faces barriers to travelling as part of their job, including job redesign, use of technology such as video conferencing facilities, or moving an employee to a different role that removes or reduces the need for travelling. As mentioned earlier in this document, Access to Work aims to meet only those additional costs that are above and beyond a reasonable adjustment but by not fully exploring the role of employers funding travel in work we risk subsidising or even replacing an employer's legal duty to make reasonable adjustments.

Options

3.5.6 We have considered whether or not to make changes to travel to work, travel abroad or travel in work, but we have decided to monitor the impact of the other proposed changes before further considering whether changes in this area are necessary. However delivering taxi support via contracted provision does offer some significant advantages in terms of establishing consistency and quality of service, realising better value for money for taxpayers and using government buying power to leverage wider societal improvements for disabled people by ensuring only providers meeting accessibility standards are accepted for example. Rolling out to the largest towns and cities, subject to satisfactory piloting, would be a low risk approach. There are no identified adverse affects on protected groups of people arising from this initiative.

Numbers affected

3.5.7. 13,120 customers in 13/14 had awards for travel to work. All of these customers are disabled as defined by the Equality Act. There are no data on the age, gender, sexual orientation, religion, or ethnicity of these customers.

Equality Impact

3.5.8. There are no data on the impairment group, age, sex, gender, religion, or ethnicity of these customers. However, it would be expected that customers with physical disabilities, mental health conditions or visual impairments are more likely to be affected by changes to travel to work. This Equality Analysis will be kept under review; where appropriate we will include any new information and update any relevant data to ensure that this analysis remains up to date.

3.6 Reforming Guidance – Permanent Support Workers

Background

3.6.1. Existing guidance states that:

“If a Support Worker is required full time, for example 30 hours or more a week, Access to Work will normally fund on the basis of an annual salary rather than an Agency worker employed on an hourly basis.”

3.6.2. Both staff and customers have interpreted this more generally, assuming that if a person needs more than 30 hours of support per week, Access to Work will provide funding on the basis of an annual salary rate, rather than a freelance rate.

3.6.3. In his Ministerial Statement on AtW in June 2014, Minister of state for Disabled People, Mike Penning suspended the guidance for new claims pending the outcome of the Internal Review. He did not announce a re-consideration of all cases impacted by the guidance but customers were informed that they are able to request a re-consideration of their awards and many have done so.

3.6.4. The 30 hour guidance has been subject to scrutiny at the oral WSPC sessions. Witnesses have not been highly critical, instead reflecting on the need for reform of the interpreter market so supply better matches demand.

3.6.5. The written evidence on the 30 hour rule was more forthright. Witnesses observed that implementation of the guidance limits the hours disabled people are able to work; creates a mismatch between interpreters’ rates and Access to Work funding; and doesn’t reflect the way deaf people source interpreters (i.e. they don’t use a single interpreter, especially if their work involves travelling around the country).

Options

3.6.6. While it has worked as a cost saving measure, the 30 hour guidance has been criticised as a “blunt instrument” and not had much effect in terms of market prices. It has also created cliff edges for users requiring more than 30 hours of support. We believe the current guidance can be discontinued so as to ensure equality of opportunity for disabled people who require full time support from more than one worker.

3.6.7. To avoid a return to an uncontrolled growth in spend in this area, which would reduce the amount of Access to Work funding available for other types of support, more sophisticated, mechanisms need to be employed. These could include:

- a High-value Awards /Support Worker Team to perform in-depth examination of high-value cases. This would improve customer service and reduce potential for fraud – The new Deaf and Visual Impairment teams could have this role;
- direct contracting with support workers. This would allow us to control costs, ensure the quality of support workers and reduce fraud and error;
- greater employer responsibility to cost share, particularly for larger companies (although stakeholders have made strong representation that

- this would make disabled employees less attractive – particularly from Deaf stakeholders and other groups who use on-going support); and
- ensuring that employers are meeting their legal obligations to make reasonable adjustments;
 - personal budgets, which would give customers an incentive to manage their allocations;
 - blended solutions featuring more technology;
 - capping awards.

Numbers affected

3.6.8. There is no data to indicate how many customers may have been affected by the 30 hour guidance, but Access to Work currently has 5,750 Deaf and hearing loss customers, 3,084 of whom have awards for BSL interpretation (although not all of these would be for more than 30 hours a week). The average spend on interpreters per BSL user is £9,582. Although this is significantly higher than average spend, it is comfortably within any of the options for a cap level.

3.6.9. Whilst overall the scheme supports more women than men, high-value BSL awards are disproportionately held by men (see Table G above) so the guidance probably affected more men than women, although this statement cannot be precisely quantified.

Equality Impact

3.6.10. There is evidence that for Deaf people in particular, having a support worker (a BSL interpreter) is a central part of the support they need in order to fully participate in the workplace. Most of the concerns we have received report that the 30 hour guidance will result in individuals being less able to fully participate and contribute and less able to perform effectively in their role, which would put them at a disadvantage to their colleagues. Some Access to Work users have said:

“I am a deaf person and I rely on having a BSL interpreter in order to communicate with the whole team, face-to-face contact with service users, telephone conversations, meeting, supervision etc.”

“Based on the budget allocated I would only be able to book a freelance interpreter for three hours per day or three full days, with the remaining two days without interpreter support, thus not providing me with 37 hours a week support. This immediately puts me at an extreme disadvantage to that of my colleagues and renders me ineffective in carrying out my role....I would also like at this point to state the AtW provision has enabled me over the past six years to carry out my role effectively and has allowed me to develop my career to the point of becoming team leader”.

“I do not want to recruit a salaried/employed interpreter. I do not want my employer to have that extra burden. Why should they? I am the employee of the organisation...this is my life and my career. I feel completely disempowered with this whole process. I want to have a career and I am frightened that companies will be put off employing deaf people in the future if they suddenly have to employ 2-3 people rather than one”.

3.6.11. Therefore, removing the broad brush “30-hour guidance” and replacing it with more sensible cost-control mechanisms is likely to improve equality of opportunity for Deaf people– most obviously in terms of entering into and remaining in employment, and hence supporting independent living, but also in terms of fostering good relations between disabled people and non-disabled people, and eliminating discrimination in terms of removing unnecessary barriers between Deaf people and their employers

3.7 Additional Options

2.8.1. Research can be carried out to identify further ways to improve the Value for Money delivered by Access to Work.

2.8.2. In particular, establishing the return on investment delivered by Access to Work will build the case for increased funding.

2.8.3. Furthermore, working with Action on Hearing Loss and other stakeholders, we can work to develop a market review of BSL interpretation, which may deliver some insights on the potential future supply and demand and present findings to other government bodies that may have more direct influence on the future of interpreter supply such as the Skills Funding Agency. This could happen in concert with market intelligence work to support a BSL framework based call off contract.

2.8.4. Specific changes have not been proposed and the fact of carrying out research does not have equality impacts. Any proposals for action that arise from this work will be considered in future Equality Analyses.

4. Customer Service Reforms

4.1 Personal Budgets

Background

4.1.1. Previous trials with personal budgets in AtW (Right to Control) had very low uptake and whilst they did not demonstrate significant benefit Proper targeting of impairment types and award levels which may benefit the most could well achieve a more positive outcome.

Options

4.1.2. Personal budgets would be calculated based on need i.e. hours of support and type of support required. This would only be a proxy – once the amount of funding required was calculated customers would be free to spend the award on employment support as they saw fit.

4.1.3. Any customer with a high-value award would be offered the option of a personal budget.

Numbers Affected

4.1.4. The proposed rollout would involve manageable numbers of targeted customers on a voluntary basis starting at some point in 2015/16 after the model had been defined – including in co-production with stakeholders. All of these customers would be disabled as defined by the Equality Act. There are no data regarding the sex, age, gender reassignment, sexual orientation, ethnicity, religion or belief of customers who would volunteer.

Equality Impact

4.1.5. Whilst not every customer would benefit from or want personal budgets, there is considerable stakeholder support for introducing personal budgets In particular users would have a stake in their support and managing that should drive better value for money as they seek to achieve the greatest support within the agreed funding.

4.2 IT Upgrade

Background

4.2.1. Although the Access to Work Operational delivery model has changed significantly, the IT system (DiSC) has not changed since 2006 and is now outdated. The absence of IT enhancements has resulted in a need for clerical “workarounds” leading to increased administration costs. AtW operations are hampered by old, inflexible and inappropriate IT with the associated reputational risk. Additionally, current Management Information is inadequate for accurate modelling of potential strategic policy changes.

4.2.2. The WPSC commented:

27. Access to Work's reliance on paper-based processes is outmoded and inefficient. We recommend that DWP establish an online application system and an electronic invoicing system for Access to Work, at the earliest

opportunity and in advance of the programme being scaled up. Paper-based applications should be retained for service users who choose that option. In the longer term DWP should implement Liz Sayce's recommendation of a "web-based portal", through which suppliers can compete, driving down costs and service users can search for, and compare, the range of available support, increasing choice and the effectiveness of support. (Paragraph 121)

Options

- 4.2.3. We are due to enter the discovery phase of a combined Access to Work IT and Disability Confident front-end/portal IT project. Initial funding up to the "Alpha phase" has already been put in place.
- 4.2.4. The on-going savings are considerable and future expansion is needed to cope with large numbers – eg any significant expansion of the Mental Health Support Service post December 2016 when contracts come up for renewal (subject to realising cap savings from new users and any other funding streams), may be jeopardised without robust IT.
- 4.2.5. Reformed IT will be transformative for the programme and our customers, and realise many of the ambitions that stakeholders have held for Access to Work – an online portal and application, online marketplace or "Amazon", customer and employer fora etc.

Numbers Affected

- 4.2.6. These changes will affect all Access to Work customers, current and future. The characteristics of these customers are described in section 2.

Equality Impact

- 4.2.7. Upgrading the IT system will make it easier for disabled people to apply for Access to Work support, in turn increasing their equality of opportunity by making it easier for them to work. If this led to more disabled people being in work, this would create opportunities to foster good relations between groups with a protected characteristic and those without. Many disabled customers – particularly with sensory impairments have provided evidence that digital accessibility is more critical for them to participate fully and independently than for non-disabled people who may have access to a broader range of channels. The introduction of emailed data exchange in December 2014 was strongly welcomed by disabled groups and complete start to finish online access has been long called for.

4.3 Video Relay Service

Background

- 4.3.1. Witnesses at the Work and Pensions Select Committee complained that the Access to Work application process is inaccessible for users from some impairment groups. In particular, Deaf customers have struggled to access the predominantly telephone-based service.

Options

4.3.2. Although email applications have already been introduced as of December 2014 and well received by stakeholders, a BSL Video Relay Service (VRS) would further improve accessibility, as some BSL users are not fluent in English and struggle to use email.

4.3.3. The Crown Commercial Service led contract framework will make provision for VRS. The framework should be ready by summer and a DWP call off based on it by October/November 2015. One simplification is that as our three sites are remote there is no need to upgrade face to face facilities; advisers just have to be able to take incoming calls.

Numbers Affected

4.3.4. Access to Work currently has 5,750 Deaf or hard of hearing customers, 3,084 of whom have awards for BSL interpretation. It may be that other Deaf or hard of hearing customers are also BSL users who would benefit from the Video Relay Service (VRS), even if they do not currently use this form of support in their jobs.

4.3.5. The 2011 Census reported that 15,000 people identify BSL as their first language. Although figures from the British Deaf Association report this as an under-estimate. There is no data on how many of these people are of working age and/or might wish to apply for Access to Work support.

Equality Impact

4.3.6. The public sector equality duty is an on-going one. We acknowledge the points made about the Access to Work application process. Introducing VRS would help to address the potential for an adverse impact upon the groups referred to above.

4.3.7. VRS may make it easier for Deaf people to apply for Access to Work support, in turn increasing their equality of opportunity by making it easier for them to work. If this led to more Deaf people being in work, this would create opportunities to foster good relations between groups with a protected characteristic and those without. It supports relations between disabled people and non-disabled people, and eliminating discrimination by allowing Deaf people to engage with AtW in real time, at a time of their own choosing and promotes independence by removing the need to have a BSL interpreter physically present.

4.4 Publication of Guidance

Background

4.4.1. The full Access to Work guidance has now been published on gov.uk. The guidance was available by request but we were aware of the criticism about transparency as acknowledged in the Written Statement of 18th December 2014 and responded accordingly.

Options

4.4.2. Given the different needs of different customers, we consider it beneficial to develop a summary of the guidance for customers (similar to the summary that exists for employers) including a clear description of the reconsideration and

complaints procedure in particular. This will be published in Easy Read and BSL formats as well as in Standard English in order to make it more accessible to customers with learning disabilities and Deafness or hearing loss.

Numbers Affected

4.4.3. This would affect all Access to Work customers, current and future. The characteristics of existing customers are described in detail in the introduction.

Equality Impact

4.4.4. This change will make it easier for customers to understand the Access to Work application process, which may increase equality of opportunity for disabled people by making it easier for them to work. If this led to more disabled people being in work, this would create opportunities to foster good relations between groups with a protected characteristic and those without.

4.5 Expansion of the Mental Health Support Service (MHSS)

Background

4.5.1. The Access to Work Mental Health Support Service was established in December 2011 and is delivered by Remploy Employment Services. It offers support to individuals with a mental health condition who are absent from work or finding work difficult.

4.5.2. AtW struggled to support people with mental health conditions before the introduction of the service however there has been an almost threefold increase in the volumes supported compared to 2010/11 (to 1,410). The scheme has capacity for around 3,000 places per year. It has a 92.8% retention rate at an average cost of almost £1,000 per job retained – just under a third of the cost of the average AtW award (£3K in 2013/14).

4.5.3. However, the scheme has faced criticism because the move to contact centres has removed referral routes other than customer self referrals. There have also been criticisms of the lack of choice. However, if there are needs that are not being met by the MHSS that would ordinarily be supported by Access to Work, then an application in respect of those needs can be made in the usual way.

4.5.4. Witnesses at the WPSC acknowledged the benefits of the service, but there was significant discussion about the scope of the service and the relative priority of mental health, compared with physical disabilities. For example, Liz Sayce recognised that it was a “good thing that it (mental health) was given some attention” but questioned the use of one provider to deliver the service. Other witnesses spoke to the limitations of the service Access to Work provides for people with mental health conditions, both in terms of sorts of support provided and the engagement mechanism.

“It might be okay for people with mild to moderate symptoms, but it certainly would not be applicable to people with more severe mental health conditions.”

“When people with mental health conditions contact Access to Work, they are not necessarily sure about what support would be available, or how to verbalise the difficulties they face.”

4.5.5. The select committee said:

“8. While the Department has made some progress in broadening the emphasis of Access to Work to include support for people with mental health problems as well as physical and sensory impairments, there is clearly a very long way to go in this regard. We agree with the Minister that addressing mental health needs has a big part to play in closing the employment gap between disabled people and the rest of the population. While its introduction is welcome, the current Access to Work provision for mental health, the Workplace Mental Health Support Service, is far from sufficient, given the scale of mental health problems in the UK and their impact on employment. (Paragraph 63)

In scaling up Access to Work, priority should be given to supporting people with mental health problems, and other more hidden intellectual, cognitive and behavioural impairments, and learning disabilities, to gain and continue in employment. We recommend that DWP take steps to publicise the Access to Work Workplace Mental Health Support Service (WMHSS) to mental health service providers. It should also ensure that the provider of the new Fit for Work service is fully aware of the WMHSS and refers people where appropriate. (Paragraph 64)

To increase the reach of the service, we recommend that DWP change its practice and begin to accept initial referrals to the WMHSS from employees' advocates and employers, where the employee's consent has been given. DWP also needs to take immediate steps to ensure that all of its call centre staff are aware of the WMHSS and that they refer callers appropriately. DWP should publish case studies on the Access to Work webpages to illustrate to potential service users and employers how the programme can support people with mental ill health; learning disabilities; and other cognitive, intellectual and developmental impairments. (Paragraph 65)

People with physical and sensory impairments have an element of choice in how their Access to Work support is provided; there is currently a lack of choice in Access to Work mental health support. We recommend that DWP develop a range of mental health provision, in addition to the WMHSS, with a broader focus and which is better able to address difficulties faced by people with more severe and enduring mental health conditions. Once this additional provision is in place, we further recommend that DWP make clear that the Access to Work pre-employment eligibility letter is available to all disabled job applicants, including those with pre-existing mental health problems. (Paragraph 66) “

4.5.6. A joint Response from Mind, Rethink Mental Illness, Centre for Mental Health, Mental Health Foundation, Northern Ireland Association for Mental Health (NIAMH), the Royal College of Psychiatrists, Hafal and the Scottish Association for Mental Health (SAMH) mentioned:

- the low numbers of people with mental health problems supported by Access to Work;
- reforming the system to allow for an agreement of support before someone secures a job;
- the ineffectiveness of communications and marketing of Access to Work.

Options

4.5.7. Within the current contract we can increase the numbers supported to 3,000 through offering referrals via Fit for Work and GPs and marketing the scheme via Disability Confident events. In the longer term capacity of the service could be expanded through additional funding – particularly to deal with expected numbers referred from a fully operational Fit For Work Service. The next round of contracting is due in December 2016.

4.5.8. We could also examine the referral process to see if direct referrals to MHSS might be possible, however there would be a need for some AtW control over the gateway for governance purposes.

4.5.9. We could also strengthen the pre-employment eligibility letter to reference that can provide support for a prospective job applicant's mental health once they are in work.

Numbers Affected

4.5.10. 1,410 Access to Work customers with a mental health condition were supported in 2013/14. A £3m increase in funding would enable the scheme to support 3,000 more people with mental health conditions – doubling the current capacity which we intend to maximise in 15/16 via promoting the service and its current capacity to help more people (to 3k up from ~1,400 last year). Any significant increase in future years is dependent on extra funding.

4.5.11. 1 in 4 people in the general population have a mental health condition at some point in their lifetime.

4.5.12. Mental health conditions are more common amongst women; roughly 29% of women have mental health conditions whilst only 17% of men have a mental health condition.

Equality Impact

4.5.13. There could be concerns that weighting funding increases towards people with mental health conditions would disadvantage people from other impairment groups. However, beyond recycling part of any funding freed up by introducing a cap (which could also go to mainstream new users) only substantial extra funding *increases* will be significantly weighted towards mental health, so large scale expansion – to say more than 6k people supported per year will not reduce support for other groups. People with mental health problems are currently under-represented both in the workforce and in Access to Work: the employment rate for working age disabled people overall is 46.1% whereas for working age

people with mental health conditions it is 42.7%⁵ - significantly lower than other groups such as those with sensory or mobility impairments. Only 4% of Access to Work customers have mental health conditions⁶, whilst 1 in 4 British adults experience at least one diagnosable mental health problem in any one year and 1 in 6 experiences this at any given time⁷.

4.5.14. These proposals will improve equality of opportunity for disabled people with mental health conditions, and by helping people with mental health conditions into work will create new opportunities for them to foster good relations between people with this protected characteristic and people without it. We would also expect a positive impact upon the ability of disabled people to enter into employment in the first place which would have a positive impact upon independent living, inclusion in the wider community and the ability to work on an equal basis with others. We do not have the evidence to be able to quantify these impacts as to a large extent the degree and extent of any improvements will depend upon employer behaviour.

4.5.15. Furthermore, as mental health conditions are more common amongst women, this proposal will make a small contribution to addressing the gender imbalance that currently exists in the labour market.

⁵ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/406369/labour-force-survey-disabled-people.pdf

⁶ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/396151/access-to-work-jan-2015.pdf

⁷ The Office for National Statistics Psychiatric Morbidity report, 2001.