

LEARNING DISABILITY PROGRAMME BOARD MEETING 7TH MARCH 2013

DWP UPDATE – Learning Disabilities

Sayce Command Paper, published 7 March 2012, update

- The Sayce report found that Access to Work is an effective programme that boosts the confidence of both employers and employees – however, it is underused by those with learning disabilities, resulting in people needlessly losing jobs or missing out on opportunities.

Access to Work

- Further to the Government's response to Liz Sayce's review the Minister for Disabled People has announced other key changes to improve Access to Work so that it can support more disabled people into work.
- We are building awareness with individuals who could benefit from Access to Work and employers looking to recruit or retain a disabled person. We know that certain groups of disabled people, such as those with mental health conditions and those aged 16-24 do not benefit from the programme as much as they could. We have therefore launched a 12 month targeted marketing campaign to actively encourage more people from these under-represented groups to use Access to Work.
- Access to Work is now available to support young disabled people undertaking voluntary work experience under the Youth Contract. This change will help thousands of young disabled people take their first significant step towards employment by supporting them to benefit from a voluntary work experience placement over the next three years.
- We will also do more to raise awareness of Access to Work among young people in education. Our targeted marketing campaign will focus on this group by working with careers advisors to raise the programme's profile, and working with charities and other organisations involved in supporting young people as they move out of secondary education.
- Looking more widely across government, from autumn we are supporting the Department for Education's Supported Internships for 16-25 year olds with the most complex learning difficulties or disabilities. We ensure that Access to Work provision is in place to support young people accessing the Supported Internship trials, enabling them to receive a seamless package of support as they move from education into employment where their internship results in the offer of a job.
- These changes are the first steps in our programme to ensure that Access to Work is expanded to help more people, including young people.
- On 7 March we confirmed that we would be accepting all of Liz Sayce's recommendations on Access to Work, subject to further co-production with disabled people and employers to ensure that we get these right. We have already started work to implement some of the more straightforward changes such as strengthening the pre-employment eligibility letter and introducing a stronger triage system of Access to Work applicants. We have established an expert advisory panel to consider Liz Sayce's other recommendations and advise the

Department on the best way to take them forward. The Expert Panel has now sent its recommendations to the Minister for Disabled People and are currently being considered.

- In November 2012 the following changes were also announced:
 - Small businesses will no longer pay a contribution towards the extra costs faced by disabled people in work.
 - Disabled jobseekers in Merseyside who want to set up their own business through the New Enterprise Allowance (NEA) will be eligible for Access to Work to support them start their own business. If this proves successful the support will be made available nationally from early 2013.
 - The standard equipment list will be removed from Access to Work guidance, giving advisers the flexibility to work constructively to work with employers and employees to identify where Access to Work can assist.
- We want considerable modernisation of Access to Work, so we will also be asking the panel to make its own recommendations on how to significantly improve the programme. It will consider fundamental questions such as alternative delivery options and how to improve the programme on an operational level to make it more efficient.
- By March this year all of the Phase 1 and 2 recommendations will have been delivered. In addition to the changes above these include:
 - Awards to eleven Disabled People User Lead Organisations to run pilot projects providing “Peer Support” to AtW customers and potential customers;
 - A triage system has been introduced to minimise timescales between application and award;
 - Making awards transferable;
 - Simplifying the assessment process.
- This programme of work – from protected budget to dramatic expansion – represents the most radical review of Access to Work in the programme’s history and reflects the Government’s commitment to build on Liz Sayce’s work and deliver disability employment support fit for the 21st century.

Residential Training Colleges

As with Access to Work an Expert Panel chaired by Kate Nash has been set up to consider the future for DWP RTC provision. The Panel is expected to report later in the Spring.

Disability Living Allowance (DLA) reform

By reforming Disability Living Allowance the Government wants to create a fairer, more transparent and sustainable system, a benefit fit for the 21st century whilst ensuring that we continue to support disabled people who face the greatest barriers to participating in society. We think it right that Personal Independence Payment (PIP) focuses support on those with the greatest needs.

We want the assessment for PIP to be simpler and clearer for individuals who are claiming, leading to more consistent awards. The activities that the assessment examines will provide an

holistic assessment of the impact of impairments, whether they are physical, sensory, mental, cognitive or developmental.

Face-to-face consultations, with a trained health professional will be a key part of ensuring that the assessment is more objective and consistent. But they may not be appropriate in every case.

Before the individual is invited for a face-to-face consultation the health professional will have reviewed all of the evidence provided, and requested any further evidence they feel might help them in providing advice in respect of the impact of the individual's condition. If they cannot provide advice to the DWP decision maker at this stage, only then will an individual be invited for a face-to-face consultation. Decisions need to be taken on a case-by-case basis, as impairments can affect people in very different ways.

Ensuring that the claimant is able to tell us which professionals are best placed to provide supporting evidence will form a core part of the approach. Such evidence can come from a variety of sources, including GPs, hospital consultants, social workers and carers.

We recognise that for some individuals – for example, those with mental, intellectual, cognitive or developmental impairments – attending a consultation at an unfamiliar location could create an element of anxiety. We have made it very clear that individuals will be able to bring someone with them – for example, a family member, friend or possibly a professional who supports them.

PIP assessment criteria

The key to Personal Independence Payment will be a more accurate, objective and consistent assessment of individual need, focusing priority in the benefit on those individuals who are least able to participate in society. As part of this, we want the criteria to provide a more holistic assessment of the impact of impairments, whether physical, sensory, mental, cognitive, intellectual, or any combination of these.

The assessment will look at an individual's ability to carry out a range of key everyday activities – for example, relating to their ability to prepare, cook and eat food and drink, manage personal care and treatment, communicate and get around. Priority in the benefit would be awarded to those least able to carry out these activities.

PIP assessment delivery

- The full criteria, scoring methodology and specification for the competition, along with copies of suitably redacted tender documents from the successful bidders, were published in the public domain on Business Link's Contract Finder website.
- We are working closely with both successful bidders to implement their service delivery proposals.
 - The assessment for PIP is not a diagnostic assessment, but one which will look at the impact of conditions and impairments on individuals' everyday lives. Therefore it is not our intention to make assessors experts in every condition. Instead they will have a broad training in disability analysis as well as training on specific impairments.
 - In his report on the Work Capability Assessment Professor Malcolm Harrington recommended that there should be mental, intellectual and cognitive champions available to support assessors when they are reviewing evidence, in order for them to provide the

most appropriate advice to the DWP decision maker. We have ensured that the PIP assessment providers will be required to provide Mental Function Champions to perform this role.

- Both organisations providing the assessment, Atos and Capita, will have to conform to a rigorous set of quality standards regarding staff recruitment and training, which the DWP will be closely monitoring.

PIP Award durations and entitlement reviews

- The length of awards in PIP will be tailored to individual circumstances and the likelihood of claimants' circumstances changing. Some individuals will receive short awards, such as one or two years. Others will receive longer awards such as five or ten years. A minority may receive ongoing awards.
- We do appreciate that some individuals will have conditions that are lifelong and this will be reflected in considerations on appropriate award duration. This will ensure that individuals are not unnecessarily reviewed. Even where conditions are permanent, however, an individual's needs and barriers may still change, so we do intend to keep all awards subject to review.
- It is important to be clear that, like initial assessments, reviews of awards will be carried out in a sensitive and proportionate way and will not always require a face-to-face consultation. In some cases they may be based solely on information and evidence provided by the claimant and supporting professionals.
- Following comments received from disabled people and disability organisations we made a number of changes to the assessment. As a result we believe we now have an assessment that will be able to accurately and consistently assess individuals and result in a benefit award that reflects their ability to participate in society, whatever their impairment. This is supported by testing we have carried out.