**DeafATW and evidence of change - Introduction:**

Problems with AtW provision started almost a year before the restructure in April 2014. Deaf, disabled people and interpreters started to talk to me and others about these problems in late summer/early autumn of 2013.

*So if attempts to solve the problems focus on the restructuring they will fail.*

*Whilst* many of the current problems were not a result of the restructuring, it has made solving them harder. It has led to delays in casework, and has resulted in advisers being even further removed from those who need this service.

Making sure the current process and structure are fit for purpose and accessible is important. But *clear leadership could lead to a cultural shift that would address many of these concerns, is low cost and relatively quick to achieve.*

The following is a summary of the key changes over time. The dates given are the first date I have seen email correspondence with AtW demonstrating the issue, so is just a guide to the start date.

Notably, many, many Deaf people are able to describe a change in tone and attitude that accompanied the change in approach.

**Emerging problems from early summer 2013:**

* The 30 hour guidance begins to be applied as a rule.
* Deaf customers start to be offered the (said to be) equivalent hourly rate of a salaried interpreter to purchase freelance support.
* Budgets are capped at £30,000.
* Restrictions on flexibility start.
* Reconsideration decisions mention a ‘policy intent’ to restrict high value awards.
* Advisers mention a ‘LEAN pilot’.

**From the autumn of 2013:**

* 30 hour rule continues.
* Letters say that there is ‘no right of appeal’ – right to a reconsideration not routinely mentioned.
* Reconsideration decisions do not mention the complaints process but suggest nothing further can be done.
* Hourly rate starts to be capped.
* Clear change in tone of correspondence / lack of flexibility.
* Attempts at complaining are not dealt with.
* AtW assessments become budget focused rather than needs focused.
* Decisions are made without informing the AtW user, and are applied retrospectively.

**March 2014:**

* Increasingly decisions are made to reduce or stop AtW support retrospectively, or are made without discussing with or informing the customer. As well as the impact on Deaf and disabled AtW users, this means that interpreters who have worked in good faith are often left owed thousands of pounds, with the only option to sue the disabled person for the money owed.
* Regional rates are applied in deciding awards, often below actual rates, however senior managers deny the existence of regional rates.
* AtW advisers increasingly tell customers that there are regional rates differentiated for Agency & freelance bookings, and qualification of interpreter. These rates are often substantially below the market rates for the area. AtW senior managers say that this isn’t the case.
* Communication Support at Interview no longer follows AtW guidance. E.g. Advisers increasingly ignore the clear guidance re CSI (Communication Support at Interview) – expecting interviewees to request Communication Support from the prospective employer (so having to declare their disability), insisting they speak to the prospective employer in each case, not approving CSI promptly.

**April 2014:**

* Whilst Communication Support Workers (CSWs) (i.e. people working as interpreters who aren’t interpreters) have been used for some time where AtW customers have requested them, increasingly customers who request interpreting support are given CSWs for all or part of their hours.

**From May 2014:**

* Minister for Disability announces review and suspension of 30-hour guidance for new applicants.
* The restructure takes place; call centre process established; there is a backlog and increased delays in settling invoices; increased difficulty in getting response from AtW advisers etc., as no named adviser, and no direct contact possible.
* Reviews of people affected by 30-hour rule, conducted by the named team, turn out to be ‘business as normal reviews’ assuming that the provision currently provided (that is the subject of complaint) is satisfactory, and there should only be change if something ‘new’ has happened.

**June/July 2014**

* Self employed people and people working for their own limited companies contacted begin being targeted for review. Many told that they no longer qualify for AtW support, either because they aren’t paying Class II NI contributions, or because they are not earning the National Minimum Wage. Support is then stopped, and in some cases, any support provided since the previous review is being claimed back as an “overpayment”. Reconsideration requests and complaints about the decision to claw back the costs of support previously awarded and used in good faith fail without explanation beyond that the customer had been ineligible. No explanations as to how the customer might have known they were ineligible, or why ATW assessed them as being eligible have been given.

**September 2014**

* AtW new complaints procedure in place, but no information for AtW customers about it. AtW has no web presence at all except for one brief page on the .gov website which gives minimal information.

**October 2014**

Customers are not told that after the two-stage reconsideration process has been completed, they can complain.

Rather than addressing the concerns raised in reconsideration requests, AtW uses a standard phrase to respond (below)*.* This appears to be intended to discourage complaints. It is also incorrect, as customers have the right to complain at any time and about any matter and AtW should signpost customers to the complaints process.

*“Access to Work is a discretionary grant that offers financial support as appropriate to assist disabled people and their employers to meet minimum essential needs in relation to barriers encountered at work as a result of a disability or health condition. As such there is not an appeal process for Access to Work, but the reconsideration process that has already been exhausted. This decision is final and there is no further review process within Access to work. As your continued dissatisfaction relates to our policy, guidance and the decision we have given you, we are unable to escalate this issue any further on your behalf.”*