

From compliance to culture change

Disabled staff working in lifelong learning

Commission for Disabled Staff in Lifelong Learning

Chaired by Leisha Fullick

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Access to Work Report

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Section 1

Introduction

- 1.1 On 30 October 2007 Commissioners David McKenlay and Stephen Jackson, accompanied by David Ewens of NIACE, met John Dumelow from the Department for Work and Pensions and Jane Iliffe from Jobcentre Plus to learn more about Access to Work.

Section 2

Background

- 2.1 Access to Work (AtW) began in its current form in 1994. It is a specialist disability programme delivered by Jobcentre Plus. AtW can pay up to 100 per cent of the cost of workplace adjustments to help a disabled person to take up or retain paid work. Applications for support are made by individual disabled people and not employers. Help can take the form of, for example, adaptations to premises and equipment, special aids and equipment, support workers and additional travel to work costs resulting from disability.
- 2.2 Since 1996 employers have been required to share AtW costs for equipment and adaptations for people they have employed for at least 6 weeks. Employers pay the first £300 plus 20 per cent of approved costs between £300 and £10,000. AtW pays 80 per cent of costs between £300 and £10,000, and all costs over £10,000. AtW will also meet 100 per cent of approved costs for people who are self-employed and those requesting help with travel costs or Support Workers.
- 2.3 Funding for AtW has increased year on year from £12.5 million in 1996/97 to a planned spend of £64 million in 2007/08. In 2005/06 AtW helped some 28,000 disabled people (8,386 new beneficiaries and 20,128 existing beneficiaries).
- 2.4 AtW is claimed by the individual and not the employer. This means that individuals often give different and varying descriptions of their employers. Consequently Jobcentre Plus is unable to keep or collate data about employers. This means that it is not possible to identify the proportion of AtW recipients that work in the Lifelong Learning sector.

Section 3

Current position

- 3.1 Last year, in response to criticisms about the length of time taken between an application being made and support being in place, Jobcentre Plus appointed a National Delivery Manager to oversee the delivery of AtW. Previously the 11 regional AtW Business Centres were separately managed. The National Delivery Manager now directly line-manages each centre and is charged with improving performance, consistency of decision-making and the customer experience.
- 3.2 To help improve performance a number of delivery benchmarks were introduced in April 2007. These recognise that some forms of support are more straightforward to put in place than others.
- 3.3 The benchmarks are:

Access to Work element	Target	Within (number of working days)
Special aids and equipment	75 per cent	40
Support workers	85 per cent	30
Travel to work	85 per cent	20
Travel in work	85 per cent	20
Adaptations to premises and equipment	70 per cent	60
Communicator support at interview	90 per cent	5
Miscellaneous	85 per cent	25

- 3.4 AtW is currently meeting or exceeding most of the benchmarks. Performance is improving against the two benchmarks that are not currently being met.
- 3.5 Although AtW support is tailored to individual needs there was felt to be something of a "post-code lottery" in terms of the decision-making. The introduction of a National Delivery Manager has started to address this. There are now working groups, chaired centrally, that bring together representatives from each Business Centre to share good practice. In

addition the central Jobcentre Plus Policy team is reviewing and updating guidance for decision makers.

- 3.6 A recent one-off survey of AtW customers produced positive comments from over 90 per cent of respondents.
- 3.7 A full evaluation of AtW started in late Summer 2007 and is looking at the effectiveness of the programme in terms of both customer and employer experience. The report is due towards the end of next year (2008). It is not clear at this stage the extent to which the evaluation will be able to identify specific employment sectors.

Section 4

Policy position

- 4.1 AtW is projected to spend £64m in 2007/08. Whilst this is not a large amount of money when compared to other government programmes it has increased significantly in the last 10 years.
- 4.2 The government is keen to ensure that AtW funding maximises the difference it can make for disabled people.
- 4.3 In 2005 the Prime Minister's Strategy Unit published the report *Improving the life Chances of Disabled People* (www.cabinetoffice.gov.uk/upload/assets/www.cabinetoffice.gov.uk/strategy/disability.pdf). The report contained specific recommendations in relation to AtW. In line with one of the recommendations, from October 2006 ministerial government departments (those overseen by a Secretary of State) are now required to fund, from their own budgets, support that would previously have been provided via AtW. These departments are still able to call on AtW advice and assessment expertise and at the outset Jobcentre Plus offered a 'safety net' in case departments felt unable to fund particular support. In the event there was no call on that safety net provision. An assessment of the impacts of this change will form part of the AtW evaluation that is currently being undertaken.
- 4.4 Although the budget for AtW has increased significantly over the past ten years, both the threshold for employer contributions (£300) and the proportion of the approved costs (20 per cent) have remained unchanged. DWP expects to publish its public consultation document on its review of the specialist disability employment programmes later this year, and will seek views on how to improve the Access to Work programme.
- 4.5 As part of their ongoing work to ensure that maximum benefit is gained from AtW funding, Jobcentre Plus has recently signed an agreement with the Royal Mail Group (RMG) which will see RMG contributing more than the mandatory employers' contribution in return for being able to use a single assessment process. This is a new and potentially exciting development which is supported by the Employers Forum on Disability who are keen to see similar agreements signed with other large employers. The new arrangements only came into force on 1 October

2007 and will be subject to evaluation to ensure that the arrangements draw in greater financial engagement from employers whilst delivering improved work opportunities for disabled staff and potential disabled new recruits.

Section 5

Issues

- 5.1 AtW is a successful programme that helps disabled people to both gain and remain in employment. It could therefore be argued that more money should be allocated to AtW so that more disabled people may benefit from the programme. DWP economists have looked at the relative cost-effectiveness of AtW and the return to government on money spent on AtW. Whilst the programme generates a positive net return to the Exchequer at its current scale of operation, this may not be the case if the programme were significantly increased.
- 5.2 Expanding the programme may increase the likelihood of AtW subsidising the adjustments employers would have made in the absence of the programme, significantly reducing the net impact of the programme and reducing its cost effectiveness. Furthermore, other elements of public spending across government might also demonstrate positive flowbacks, and the government has to make difficult decisions about how to prioritise the allocation of limited resources.
- 5.3 Although AtW has been described as the government's best kept secret, Jobcentre Plus do undertake targeted publicity of the scheme – for example with lobby groups and Jobcentre Plus advisers – to ensure that relevant people are advised about AtW. There is inevitably a trade-off. The government does not want to deny disabled people the opportunity to work simply for want of a suitable adjustment. However, it is not the function of AtW to provide all the support people might need. Employers have a responsibility to make and fund reasonable adjustments.
- 5.4 The Jobcentre Plus representative was asked if, as part of their targeted publicity, Jobcentre Plus had done any work with GPs and practice nurses. Jobcentre Plus does have links with the Health Service and has piloted placing advisers in surgeries but there has been no specific link to AtW. As people receiving medical care may have multiple barriers to work it is often more beneficial for them to see a Jobcentre Plus Disability Employment Adviser (DEA) in the first instance.

Section 6

AtW and the Disability Discrimination Act (DDA)

- 6.1 AtW is based on an assessment of individual support needs. However, there is no 'right' to AtW support and no right of appeal. The DDA requires employers to make reasonable adjustments and DWP would expect employers to make and fund such adjustments. The difficulty arises when considering what constitutes a reasonable adjustment because the Act is not prescriptive about the types of adjustment that must be made. DWP and Jobcentre Plus can't (and won't) define what is a reasonable adjustment and each case is taken on its merits and dealt with by talking to employer and employee, negotiating and compromise. Whilst it is reasonable for a large employer to make and fund adjustments this is often more difficult for small employers. In addition AtW is able to help the self-employed and those who work freelance.
- 6.2 The introduction of the Disability Equality Duty (DED) is having some impact on AtW with fewer applications now being made for building alterations and a shift towards more applications for personal support such as Support Workers and Travel to Work costs.

Section 7

Conclusion

- 7.1 In conclusion, AtW continues to be successful but it is not standing still. The government wants to ensure that the money spent on AtW helps as many people as possible whilst at the same time recognising that employers have a responsibility to make and fund adjustments.
- 7.2 Changes made over the last year have brought about significant improvements in the way in which the programme is administered with support being put in place much more quickly in many cases.