**​​The first three parts of this on page 1 are also on** [**DeafATW/Updates.com**](http://www.deafatw.com/updates.html) **in BSL and English. The “Notes from the meeting, including questions and discussion” are just in this document.**

**Any questions, please contact me through** [**DeafATW.com**](http://www.deafatw.com/about.html)

**The ATW cap - why did we meet?**

Access to Work awards are now capped at one and a half times the national average salary, which changes each year.  This is currently [£42,042 per year](https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/bulletins/annualsurveyofhoursandearnings/2016provisionalresults#main-points).

People who had an ATW award before 1 October 2015, and who haven’t changed their award since October 2015, won't be capped until 1 April 2018.

ATW expect Deaf people to ask their employer to pay for communication support above £42,042 a year.

DeafATW and UKCoD are worried that the cap will act as a ‘glass ceiling’, making it more difficult for Deaf people to get and progress in customer facing, professional and more senior roles.

**Which Deaf people went to the meeting?**

We wanted to make sure the Deaf people who came reflected a range of different employment (professional and managerial roles), ages, and balanced women and men.

* 5 women and 5 men.
* 3 work for a Local Authority / Council.
* 2 for large or small charities.
* 2 for the NHS.
* 1 for an arms-length public body.
* 1 in the creative / media industry.
* 1 is a clinical psychology student (using AtW for work placements)
* 1 is an advocate.
* 2 are mainly or partly self-employed.
* 1 is deafblind.

Some people who attended the meeting preferred to be anonymous.  People who attended the meeting and were OK to be named were:

Camilla Arnold, Ben Fletcher, Andrew Jordan, Thomas Mulloy, Josie Smith, Mariam Qazi

**Notes from the meeting, including questions and discussion:**

We started the meeting with a short explanation of what the ATW Strategy Lead hoped to achieve from the meeting:

* to learn more about Deaf people’s experiences of how the cap has affected or will affect them, their work, and their employer;
* and what ideas, strategies and resources they have used to manage this now or in the future to retain and progress in employment.

The plan was that each Deaf person would take 5 minutes to present their answer to the four questions below, and then we would have a discussion, however what actually happened was that there were questions after each presentation, which led to short discussions.

*1)  Have you discussed the cap with your employer?  If you have, what has happened?  If you haven’t, why haven’t you?  And when are you planning to?

2)  If you have already been capped - what have you done to try to manage this?  (E.g. has your employer paid some or all of the difference?  Have you started using more remote interpreting?  Etc.)  If your award will be capped in 2018, what do you think you will do to manage?*

*3)  What has the impact been, or what do you think the impact will be, on your ability to stay and progress in work?*

*4)  Do you have any other ideas of what may help you or other Deaf people affected by the cap to stay or progress at work?  This can be things that your employer, you, or the DWP can do.*

The meeting went well, and people appreciated that they had been invited to this meeting.

However:

* Most of the people in the room could not think of anything that would make a significant difference in the amount or cost of the support they needed to be able to do their work effectively. Most people assumed they would just have to have more ‘non-communication’ time.
* Most of the people in the room believed that their employer could not or would not fund the difference between the cap and what they needed to be able to do their work appropriately. There were six different contexts for this, people who worked for:
	+ Large private companies, who thought they might get the support, but that there often weren’t designated budgets available to pay access costs, and that even if there were, in any future rounds of cost cutting, as ‘more expensive’ staff, they would expected to be got rid of.
	+ Services already having to make large cost savings (Local Authorities) where they thought the employer could not / would not be able to.
	+ Larger charities, where fundraising for core costs, especially access costs, was more difficult.
	+ Small charities / organisations, where they were clear they couldn't pay the difference or fundraise to do so.
	+ One clinical psychologist trainee who has to do six month placements with different NHS services, and can’t see that any of them would be able to fund the access costs for someone on placement.
	+ Themselves, i.e. were self-employed, so there was no employer to make the difference.
* For this reason many had not discussed it with their employers, as they were scared about the negative consequences of doing so.

I.e. despite their professional successes and intelligence, those gathered had no idea how to manage after the cap, and were fearful that they would no longer be able to follow their career or in many cases keep their job.

At the meeting, Deaf people found it difficult to think of anything that would help them manage with the ATW cap. Their ideas are below, with some of their comments about it:

* Get rid of the cap.

This was felt by Deaf people to be the only way to completely move the risk of a limit (glass ceiling) on the kinds of professional and senior work Deaf people can do.

* Have the cap more sensitive to employment context, e.g. not applying to people without an employer, for people where the employer couldn’t make afford to make up the difference, or where the nature of the profession / senior position requires higher communication support use.

Whilst some people thought this was a good idea, some did not, because of the difficulties of deciding what employment contexts would qualify. It would also be likely that people who didn’t meet the criteria would challenge it.

* Have some days without communication support.

For most of the Deaf people at the meeting the work they did, e.g. requiring regular contact with staff, colleagues and/or clients meant that it was not possible to do this. However for a couple of Deaf people, their employers are already agreeing to this as a reasonable adjustment, e.g. with staff working one or two days without communication support in the office or at home, in order to manage within the ATW budget. In these cases the cap would mean increasing the number of non-communication days, which would not be possible. Non-communication days don’t work for Deaf people who use BSL and aren’t fluent English users.

* Ask the employer (unless self-employed) to pay the difference between what they need and their AtW budget.

Whilst a couple of Deaf people thought that their employer may be able to afford to do this, and agree, for most of the Deaf people either: they were self-employed; or their employer couldn’t afford it; or if the employer did agree to pay for it, it would put them at risk of being managed out as “expensive” staff in an austerity environment.

* Use remote interpreting (VRS / VRS).

There were two different ways that remote interpreting can be used.

1) With a generic VRS/ VRI service. This works well in some work situations but is not suitable in others. For most of these Deaf people it was not appropriate, either because of the specialist nature of their work requiring specialist interpreters, because of the settings – e.g. at a patient’s bed side or working with people in adult / child protection settings, and/or because of Wi-Fi connectivity and reliability problems.

2) For some Deaf people they may be able to work with one of their regular interpreters remotely, organised direct rather than through a VRI / VRS service provider. This is useful in emergency situations etc. This was the way most of the people at the meeting would use VRS / VRI, but it doesn’t represent any cost savings since the interpreter is booked for the whole period time as if face-to-face.

* Having a salaried full time interpreter, although this was not seen as a viable option, for all the reasons experienced when the 30-hour guidance was implemented as a rule.
* Reduce working hours / go part time.

As well as simply not being an option for some roles, it was felt to be unfair that Deaf people should have to do this, affecting their potential income, pensions, etc., as well as likely being a barrier to career progression.

* Have a capped time based rather than capped value based award - e.g. getting 30 hours support rather than a capped amount.

Deaf people felt this wasn’t workable, as many people need to work longer hours, this didn’t include the need for two interpreters to be booked for meetings tec., and that there would still be a maximum amount per hour allowed, effectively making it a value based award again.

The ATW Strategy Lead then suggested ideas that he had received from other people. (These are ideas that had been suggested for discussion, and are not ideas that DWP / ATW have said they will do).

These ideas are below:

* Having ATW award budgets agreed for three years, but then being able to spend more in one year (i.e. over the cap), and less in another year. This would potentially help people who have to buy equipment in the first year as well as use their budget for personal support.

Deaf people saw this as useful in that situation, but not really relevant to Deaf people.

* Not to automatically reduce someone’s award if they used less than their award in one year. This would help people not feel that they have to use up all of their award, and so could reduce costs to ATW. This might be managed by having an ‘envelope’ of spending around the award, e.g. if they spent 90% of the award, it wouldn’t be reduced without agreement the following year. [Explanation of this from DTH’s understanding of what was meant].

Deaf people saw this as useful in reducing overall ATW costs, but not in helping individuals manage with the cap.

* Having personal managed budgets. Building on the success of the personal budget pilot, but removing the need for people to have and manage the finances themselves (i.e. with their own bank account), as this was an issue for some people. This would give customers the ability to use their award flexibly, e.g. booking two interpreters where needed, booking a note taker, being able to book interpreters etc. at a fee agreed between the customer and the interpreter, rather than a fee agreed by ATW.

Deaf people saw this as useful, and welcomed it, but not in helping individuals manage with the cap.

* Extending the transitional protection period past March 2018.

Deaf people currently affected would welcome this, but it wouldn’t solve the issues, rather simply delay them.

* Give customers the opportunity to test out support options with the possibility for alternatives to be tried if not suitable.

This was welcomed for ATW broadly, although for these Deaf people it was difficult to see how it would help manage with the cap.

* Implement an expert panel which will help identify needs, often of people with experience, deaf people who can provide advice and guidance to capped customers.

It was felt that this could offer ATW a way of ensuring that higher value awards were actually needed as requested, and that people knew of all of the communication options available to them and could reduce costs as appropriate for the work.

* Capacity sharing. ATW already allows Deaf people who work in the same organisation to pool part or all of their awards. This idea is different, that if someone no-longer needs an interpreter, e.g. because an all-day meeting has been cancelled, they could release the interpreter to work with another Deaf person who needs them, and so not pay cancellation.

This idea would need a lot more work with ATW and interpreters to see it if was possible, and if it would help people affected by the cap.

* ATW have greater emphasis on and guidance around reasonable adjustments, e.g. setting out more clearly what a reasonable adjustment would be.

This was welcomed, though people were worried that the guidance may show that the support they needed above the capped award was either part or not a reasonable adjustment, and that guidance without enforcement may not make any difference.

* Working with equality and Human Rights Commission to have better enforcement of the Equality Act.

This was strongly welcomed, especially as the cost to the individual of bringing legal action in this context, was prohibitive. However those present were still concerned that this may not help Deaf people get, keep or progress at work.

* Have more workplace assessments by skilled assessors. A lot of Deaf customers have their award calculated on a diary/support log basis rather than having an assessment which might be able to suggest alternative or novel solutions.

At the end of the meeting the ATW Strategy Lead said that he would let the Minister for Disability know what Deaf people had fed back at this meeting.