**Support Worker**

208. The Support Worker (SW) element of AtW offers financial assistance to cover the full cost of providing a SW in the workplace and can also be used to pay for a SW to help the customer get to and from work.

209. In all cases, support is provided to help the customer to do their job, the SW should not be doing the work of, or replacing the disabled person. The only exception to this is where we are providing a Job Aide SW, and then the SW support should be limited to 20% of the customer’s job.

210. There are many different types of SW who can provide different types of help; some will be ad-hoc or short term whilst others will be needed on a more regular basis.

211. Access to Work customers may need more than one type of support worker to cover their support requirements. The following list shows the types of support workers typically provided to AtW customers.

 British Sign Language (BSL) Interpreter

 Carer

 Counsellor

 Driver

**General Considerations for all Support Workers**

333. The Support Worker (SW) element of AtW offers financial assistance to cover the full cost of providing a SW in the workplace. It can also be used to help the customer get to and from work.

**Considering Alternatives**

245. When more than one effective solution is identified they should all be recorded on the Business Case (AtW2) with the pros and cons of each alternative.

246. 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.

247. 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.

**Assessment of Need**

341. For each SW application you will have to consider whether the provision of a SW is the most appropriate and cost effective solution that can be put in place to meet the minimum needs of the customer.

342. It may be that some equipment, such as a loop induction system or use of a video relay system for someone with hearing difficulties, may be a more cost-effective solution than providing a SW for communication support in

some cases.

**Does Deadweight Apply?**

358. Under AtW, we cannot provide help in situations where an employer has been providing support for an employee and then withdraws help as a money saving strategy. Employers have a legal obligation under the Equality Act 2010 to make reasonable adjustments, and if adjustments have already been made, employers cannot withdraw them just because AtW funding may be available.

**What if the SW is booked through an agency?**

387. For infrequent and ad hoc requirements this is usually the most suitable option. Access to Work may have a call-off contract for this type of support which you should use if available.

388. If the customer or employer wishes to use an alternative supplier confirm that the rate quoted is reasonable. All quotes should be a total amount, including all support, travels costs and any necessary booking fees.

This allows the AtW Adviser to see which agency offers the most cost effective solution for the entire service. If the alternative supplier’s charges are greater than those that would be incurred from using the call off contract, limit the AtW support to the cost of providing suitable support through the call off contract.

**Additional support worker costs / travel expenses**

394. SW travel expenses should be included in the hourly rate quoted for support. Doing this will ensure that we agree the most cost effective solution for the entire support.

395. If you have existing cases where we have agreed to pay travel expenses, then you should reimburse costs of either standard class public transport or the AtW mileage rate (25p per mile) if they have driven to the assignment. Car parking charges cannot be reimbursed.

**Employer’s Equality Act 2010 obligations**

461. Jobcentre Plus cannot give legal advice on Equality Act 2010 obligations.

462. If employers are unsure about their legal responsibilities they should be referred to the Equality and Human Rights Commission website or asked to phone the helpline, details are on the website.

463. The Equality Act 2010 places a duty on an employer to make reasonable adjustments for disabled employees. Access to Work funding cannot be used to support these adjustments. Before agreeing AtW support, confirm that the employer is taking steps to support these adjustments. The fact that Jobcentre Plus agrees to provide AtW support does not mean that an employer has satisfied their duty under the Equality Act 2010.

464. Detailed advice for employers can be found at the Equalities and Human Rights Commission website

465. A fact sheet with information about landlord and property managers responsibilities can be found on the Office for Disability Issues website

**Principles of Cost Share**

537. Mandatory Cost share applies to applications for APE, SAE or Miscellaneous (except Travel in Work) elements made by employed earners who have been in employment for more than six weeks at the time they make an application for AtW support.

From 30th August 2010 mandatory cost share also applies to applications for APE, SAE or Miscellaneous (except Travel in Work) elements made by employed earners who have been in employment for less than six weeks when they made their current application for AtW support and then make a subsequent application for a cost share element more than six weeks after their employment has started because of a change of condition or work circumstances.

538. Cost share is applied because the employer will have additional costs whether or not they retain the employee. The AtW support provided encourages the employer to retain the employee rather than incur the costs involved in recruiting and training a new employee.

**Contacting the Employer**

562. Advisers must obtain the applicant’s permission, in writing, to disclose information before the employer is approached.

**Eligible Costs**

580. The Business case authorises all foreseeable AtW spending for a customer over the three year AtW period. Ensure that all relevant costs are included.

581. Some costs over and above basic purchase are allowed as part of the AtW award. The following paragraphs give examples of other costs that may be incurred when meeting the customers support requirements. These costs

must be identified or where necessary estimated and included on the ATW2 business case.

582. For Access to Work purposes the eligible cost is the cost of the lowest suitable estimate. If the customer or employer decides to use a different supplier, AtW will only fund the cost based on the lowest suitable estimate.

**Support Worker Employment Costs**

584. Access to Work must ensure that the employment of Support Workers, with AtW support, meets all relevant statutory obligations. Support Workers must be paid at least the national minimum wage and have the opportunity to take the breaks and leave defined in working hours regulations. Confirm that the amounts or rates shown in the business case are appropriate.

585. Interpreters should not be expected to work for more than two hours without a break. When a customer requires continuous translation for a longer period eg an all day meeting, the costs of two interpreters are eligible.

586. Support Workers and customers should not be expected to align their leave dates and so the cost of holiday and sick leave cover should also be included.

587. If the customer’s employer is employing the Support Worker directly, AtW can reimburse: full salary, NI, pension, leave and sickness payments plus costs such as advertising for employers who have to recruit a SW from scratch. AtW can also pay for (if requested by an employer) management

costs to cover the costs of adding a new employee on to payroll and any HR activities. This will generally be capped at 5% of the SW’s gross salary.

However, if an employer can provide information to show that they have had to pay over this percentage (such as a sole trader who has to use an agency), then we will reimburse the full cost.

588. If the customer chooses to employ the support worker directly, AtW can also provide support for this additional cost, but this should not involve increasing the support workers hours.