

## **Impact of a cap on Access to Work grants**

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### **1. Introduction**

From October 2015, DWP introduced a cap on new Access to Work grants of £40,400. The cap will apply to existing recipients from April 2018. DWP say that there are 200 current recipients who will be affected by the cap in 2018, and most of these people are people with hearing loss. However UKCoD believes that the affects will extend far wider than the people directly affected, becoming a glass ceiling limiting Deaf people's aspiration and opportunities to progress in work and take on more senior roles. The case studies below appear to support this concern.

UKCoD organisations are currently looking at the impact of the cap. This informal update shares some of our findings so far from nine responses to our recent survey.

With the exception of one person, all the respondents have had an Access to Work grant since before the introduction of the cap. As such, the responses are based on what they anticipate is likely to happen when the cap comes into force. However, behaviour change in relation to getting, keeping or developing in work will derive from such thoughts and anticipation, corroborated by evidence such as the case study below. Such examples are likely to be widely shared in the Deaf community.

Furthermore, it is difficult to evidence discrimination, for example, where a person has not been recruited as an employer sees they are too expensive to employ, the reason given to the person would not be that they were too expensive, but that there was a preferable candidate to whom the job was offered.

### **2. Emerging themes from our survey**

#### **a) Employers may think it's too expensive to employ a person with hearing loss.**

Several of the respondents to the survey expressed concerns that employers will think that it is too expensive to employ deaf people if they are expected to meet the additional costs of any support.

Whilst in most situations it is impossible to prove this fear, that the cap has been a determinant in not making a job offer, we have one rare example of an employer putting this reason for withdrawing the employment offer in writing.

#### **Case study – a job offer with a local authority is rescinded**

In November 2016, X was offered a job within a local authority. The local authority (a Disability Confident Employer) had conversations with Access to Work, who provided incorrect information on the application process. After some delay, Access to Work informed the local authority of the annual cap of £41,000. As the role was customer facing, with a large number of meetings, full time interpreting support was required. X discussed amending the role to reduce the need for interpreting support, but the local authority said this wasn't feasible.

Once the local authority realised they were liable to meet additional costs of an interpreter, they withdrew the job offer. In a letter to the individual, the local authority wrote:

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“... the clear funding shortfall in terms of meeting the cost of a full time interpreter means that, with regret, we have no alternative but to withdraw our offer of employment to you on this occasion.

X was understandably devastated by this news, and now feels compelled to remain in her current role, unable to develop her career. Despite having the skills and experience, she now feels she may not have the opportunity to work in senior positions as she would require more communication support, and other employers may not be willing to pay additional costs beyond the cap.

This case study shows that the cap on Access to Work grants could discourage employers from recruiting people with hearing loss if they feel they will have to meet additional costs.

- b) Individuals are funding their own communication support beyond the Access to Work cap.

We have heard of a couple of examples of individuals who are funding their own communication support beyond the cap. These people work in small organisations where the company cannot afford meet the additional costs to fund the communication support that is required.

#### **Self-funding support to take a senior role**

A highly experienced charity director attended a job interview in September for the position of CEO at a local disability charity.

The charity wanted to offer him the job in October but wished to discuss his support requirements first. This took several weeks to reach agreement via email and two face-to-face meetings. The individual found the whole process slow and stressful and at times thought the charity may reconsider. In the end the employer offered £5,000 to top up the Access to Work cap and also offered their current part time PA to support him even though she is not a BSL user.

The individual now has to try to raise about £10k to bring his support up to the level necessary for the job. So far he has raised £2,400.

At times the individual doubted whether he should take the job as he felt this extra financial burden on him was so unfair. In the end he took the risk and accepted but having to manage his support funding shortfall gives him extra concern for his own future.

The case study highlights that there are deaf people who are funding their own support where it is not possible for employers to do so, particularly where those employers cannot feasibly afford to pay for any additional costs.

- c) There is a lack of evidence of engagement or support from DWP with those affected by the cap, about how they can continue their roles.

Those who responded to the survey expressed concerns or fears about what could happen once the cap comes into effect. They know that changes will have to be made, but at the moment individuals are struggling to work out how they can continue in their roles, if they are unable to fulfil their duties. Where deaf people or those with hearing loss have roles which involve communicating with other people for the most part, there is a particular concern that

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they will have to cut the number of hours of interpreter support, which will not allow them to maintain this communication with important stakeholders. As one respondent stated:

“The AtW cap will have a detrimental impact on my career because my position entails a lot of collaboration and liaison with key stakeholders in meetings (both remotely and office based), delivering presentations and making a high volume of phone calls.”

The point was also made that office-based individuals may feel limited in carrying out day-to-day tasks even where it does not involve face-to-face or telephone communication. For people who use British Sign Language, English is not their first language, which means that they can find it harder to read written documents, or compose reports and emails. BSL interpreters will also translate written English text into BSL and vice versa. As one person explained:

“The cap may mean that I reduce the number of support hours per day, and I may have days where I am not able to access support. This would mean I would struggle to complete day to day work tasks, such as composing emails, reading and replying to email, composing reports and documents for external use.”

As these examples highlight, individuals are yet to receive support or engagement from DWP on how they could work flexibly or make appropriate adaptations in order to carry out their role. In this period of uncertainty, people need reassurance and advice on how to manage the situation from April 2018. This obviously has not happened yet. UKCoD believes that DWP has a duty to offer support and advice to individuals who will be affected by the cap from April 2018 to ensure that they do not come to a cliff edge. Members of UKCoD are happy to work with DWP to develop information and advice for people with hearing loss.

d) Employers are not equipped to support colleagues once the cap comes into force.

Research by Action on Hearing Loss has found that employers perceive there to be a lack of information and advice available on employing people with hearing loss.<sup>1</sup> Employers may need additional support and advice to come up with practical solutions in making reasonable adjustments for their employees who are facing the cap.

Respondents to our survey reported that the cap could impair career development or act as a ‘glass ceiling’. Several of the individuals believe that the cap would disincentivise people with hearing loss from seeking promotion, or moving to a different organisation, especially where their current package of support is functioning, an employer has agreed to meet the costs above the cap, or they have made adjustments. This was highlighted by one respondent who said:

“Deaf employees would be trapped in the same organisation without the choice to move to other companies for fear of losing the communication support.”

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<sup>1</sup> Cook (2017) *Working for Change: Improving attitudes to hearing loss in the workplace*, Action on Hearing Loss, London

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Every time a deaf person changes their job they need to report a material change, which often feels as if they are making a completely new application. This was already a consideration for deaf people before the cap; however, the issue is exacerbated by the cap, as many deaf people now know that they have to discuss financial support with new employers or following promotion. We believe that employers need to be supported to understand what reasonable adjustments mean so they do not fear recruiting a person who is or has hearing loss.

In the longer term, we believe that individuals should have more control over Access to Work, having the ability to take their grant with them between jobs.

The introduction of the cap could also mean that people are excluded from work-related activities, such as meetings or training, which would allow a person to progress their career. One respondent, who already has the award up to the cap, explained the limitations of being able to access staff training or all-day meetings, which requires two interpreters, putting her at a disadvantage to her colleagues:

“[The impact of the cap is a] lack of flexibility and cannot use two co-working interpreters for training and all day meetings.”

This example serves to highlight that employers may not understand their duties under the Equality Act 2010. DWP has a role to promote understanding of the Equality Act 2010. While the House of Lords recommended that the Equality and Human Rights Commission (EHRC) works with disability organisations to raise awareness of the Equality Act, the Lords also recommended that the EHRC should prepare a specific Code of Practice on reasonable adjustments to supplement the existing Equality Act Codes.<sup>2</sup>

#### Contact:

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<sup>2</sup> House of Lords Select Committee on Equality Act 2010 and Disability (2016), The Equality Act 2010: the impact on disabled people, House of Lords, London