



Bar Council Equality and Diversity Guides Access to Work

What is Access to Work?

Access to Work is a Department for Work and Pension's (DWP) programme, delivered by Jobcentre Plus, which covers either advice and/or potential financial support for practical measures to overcome work related barriers based on a disability. Access to Work is available to barristers with a disability who are in paid employment or self-employed.

Access to Work can help with things such as:

- Assistive technology;
- Travel costs;
- Support workers;
- Adaptation to buildings;
- Training

When can I apply for Access to Work support?

Access to Work support can be applied for at any stage of employment or self-employment. This recognises that someone may be unaware of support that could be available, or may become disabled during their career.

How do I apply for Access to Work support?

Any application (or additional application) should be made by the individual themselves but they may be assisted by their chambers or employer. Applications should be made to the nearest regional Access to Work centre.

Step 1: Starting the Process

An application for Access to Work support for pupillage, tenancy or employment should be made by telephone to the First Contact Team¹ as soon as there is a definite offer with a start date or at any stage of employment or self-employment.

Applicants should provide:

- A brief overview of the nature of their disability;

¹ See contact details for Regional Access to Work Centres on page 4

- An explanation of the barriers they face in practice (e.g. the individual cannot use standard IT, or because of reduced mobility, the individual cannot use public transport);
- An outline of the key solutions they require to overcome barriers (Note: any applicant will be able to expand on this initial application, as necessary, later); and
- The individual applicant's national insurance number.

Step 2: DWP will respond

Access to Work will then send a completed application form for signature and return. If this is an urgent application it can be faxed. If the applicant is unable to sign the form (electronic signatures are not acceptable), the applicant should make Access to Work aware of this during the initial phone call (Step 1).

The Timeframe for Applications

An advisor should contact the applicant within 48 hours of receipt of a signed application form.

The service aims to provide a decision within 25 working days from application.

Equipment is seen as the area which has the longest potential for decision making time and there is a benchmark of 40 days.

Warning

It may take longer than the advertised time frame to process your application

The process outlined here is about agreeing support, as opposed to getting the equipment in place. It may be that interim support needs to be considered to facilitate a particular activity in advance of the technical solution being implemented.

TIP

If necessary, during the initial application over the telephone, you can ask to be fast tracked.

Step 3: The Evaluation Process

Applicants are allocated an advisor who will confirm the range of duties/tasks undertaken, identify barriers to practice related to the disability and the potential solutions and discuss these with the applicant. The objective of this is to identify what is reasonable in the particular circumstances.

There is no maximum limit on the cost of support. However the most costly items may need to be approved at a higher level.

Support Workers

Access to Work will grant a contract for a salaried support worker if they are required for over 30 hours a week. For less than 30 hours a week a worker can be funded on an hourly rate. Three quotes will usually be required and agency charges for support workers will be checked to ensure they are reasonable. All of the “on” costs of a support worker can be covered by Access to Work. If the barrister uses a support worker who is working on a freelance or employed basis Access to Work may agree an hourly rate.

The evaluation process will begin with a workplace visit from a contractor from Access to Work who will prepare an assessment report and send it to the applicant to agree and/or suggest amendments. The report will be sent to an assessor who will notify the applicant of the result. Access to Work will decide on each element of support separately. For example, different evaluations may be received for equipment and training. Ergonomic support needs may be assessed by a different assessor than support/IT needs. Assistance with travel to and in work may also be assessed separately.

If the applicant can make out a strong case for a particular solution a workplace visit may not be necessary. For example, someone who has had a particular type of support in higher education might be able to ask for similar support without the need for a workplace visit. Also barristers do not fit easily into the typical example of a person with one “workplace.” Barristers often will have different workplaces, for example going regularly to different court/client offices as well as working from chambers. Those in the profession will not usually be able to predict when they will be required to work in those different places.

Time Limits on Financial Support Provision

Support decisions run for three year periods after which a renewal application should be made.

Change of Circumstances

A change of employer will require a fresh application. A tenant changing Chambers should not result in the need for a fresh application. In-house counsel moving to a different department/section within the same organisation will not require a fresh application but a change of government departments will require a fresh application.

A fundamental change in the job role will require a fresh application. If there is a change of circumstances which do not require a fresh application, extended support can be applied for. An example of this might be a barrister who requires a BSL support worker moving Chambers from the south coast to London. Due to the higher living costs in London, the wages of the support worker are likely to increase and therefore the funding level may need to be reconsidered. Another example is where a barrister's condition deteriorates and further support is needed.

An application for extended support will follow the same evaluation process as a standard application.

The equality officers at the Bar Council can offer advice or ask advocates who share or have an expertise in a particular disability for their assistance. Please contact:

EOOs@barcouncil.org.uk

Regional Access to Work Centres:		
Regional Centre	Region coverage	Contact details
London	South East England, London, East of England	Jobcentre Plus Access to Work Operational Support Unit Nine Elms Lane London SW95 9BH Telephone: 020 8426 3110 Textphone: 020 8426 3133 Fax: 020 8426 3134 atwosu.london@jobcentreplus.gsi.gov.uk
Cardiff	South West England, Wales	Jobcentre Plus Access to Work Operational Support Unit Alexandra House 377 Cowbridge Road East Cardiff CF5 1WU Telephone: 02920 423 291 Textphone: 0845 602 5850 Fax: 02920 423 342 atwosu.cardiff@dwp.gsi.gov.uk
Glasgow	Scotland, North-East England, North-West England, Yorkshire and Humberside	Anniesland Job Centre Plus Access to Work Operational Support Unit Baird Street Glasgow G90 8AN Telephone: 0141 950 5327 Textphone: 0845 6025850 Fax: 0141 950 5265 atwosu.glasgow@jobcentreplus.gsi.gov.uk

Some examples of how Students, Pupils and Barristers have used and benefitted from Access to Work

Case Study 1:

Nature of Disability: Dyspraxia and Dyslexia

Barrier: I sometimes find it difficult to keep up with what is said in Court in respect of note taking.

Assistance provided by Access to Work (AtW): Provision of funding for a note taker to help me with note taking in Court (or during discussions) and other paper work connected with any court appearance.

Other support provided by Chambers/Inns: I have a list of key reasonable adjustments agreed with my employer.

Experience of AtW: I had a positive experience with AtW, applying after I was employed (I had already completed Pupillage). I've also successfully reapplied for my Note Taking Support, which proved a straight forward process.

Tips: It is good to make an educated guess as to how many hours any note taker is likely to be in Court per week and to explain the distinct nature of Court work to AtW.

Case Study 2:

Nature of Disability: Difficulty in walking

Barrier: Mobility (getting to chambers, court etc. and in using trains/public transport).

Assistance provided by Access to Work (AtW): Assistant to push wheelchair and to help carry scooter up stairs and around train stations (reimbursed by AtW). Assistance with costs associated with taxi journeys.

Other support provided by Chambers/Inns: Reserved disabled parking bay labelled by Temple (charged for); replacing cobblestones from by the disabled entrance to chambers with tarmac. A ramp to access the main entrance to chambers.

Experience of AtW: Without Access to Work I would not have been able to work. I was 18 months into practice at the junior bar so would not have had the finance to be able to cover all the costs. They were quick when they needed to be as I made the application to AtW at the end of June and they took just a month to put in place the assessments, equipment, support and recruit an assistant.

Tip(s) for others: Although making the application is daunting (especially if you are junior) it is highly worthwhile.

(1) Chambers support is essential, but AtW may work best if the barrister themselves is the point of contact.

(2) A more senior member of chambers (e.g. an EDO) can be helpful in assisting with explaining to AtW/their assessors the unpredictable nature of our job. Many applicants for

AtW do the same thing each day. We don't. This can make adjustments difficult to work out. Specifying the job accurately is essential to persuading AtW to provide the most suitable support.

Case Study 3:

Nature of Disability: Rheumatoid arthritis in hands and wrists.

Barrier: Difficulty in turning pages and managing papers/bags/heavy objects during a flare up. Intense Fatigue.

Assistance provided by Access to Work (AtW): Being able to absorb all adjustments internally is important so that clients know they won't incur additional costs. AtW provide speech recognition software and training; ergonomic split keyboard plus pads; a vertical mouse and fund an assistant to help especially for court.

Other support provided by Chambers/Inns: Careful diary management and pacing to allow for recovery after intense periods of work. Chambers photocopiers print to A5 (A5 Papers are much less taxing on hands/wrists). Disability related photocopying is charged to me/chambers and never to the client.

Experience of AtW: 'AtW has permitted me to present a profile to solicitors which demonstrates I am 'no different' to other barristers. There was a spot reassessment in 2011 which I dealt with by phone and we worked out a new way of accounting for the support worker hours and moved to a system where AtW paid a % of the wages (chambers manages the payroll etc. on my behalf). I reapplied after 3 years in 2012 without any problems'.

Tip(s) for others: It is important that the assessor appreciates the nature of a career at the Bar and the nature of the difficulties experienced in that job with a fluctuating condition. It may be necessary to explain why (in career progression and business development terms) it is necessary to be able to do work in any court a solicitor needs you to go to, whenever they need it, not just access to "local" courts or to do small hearings.

Case Study 4:

Nature of Disability: Spinal Muscular Atrophy ("SMA")/independently immobile from the neck down.

Barrier: All physical tasks need to be assisted by another person.

Assistance provided by Access to Work (AtW): Funding for specialist disability related equipment (e.g. software, Dictaphone etc.). Funding for a PA to whom I could dictate, who could push my wheelchair, drive my car and fetch books from the library.

Experience of AtW: 'Overall my experience of AtW has been positive. Shortly after my application, I was visited/interviewed at home by one of their assessors. At the end of pupillage when I ceased to be an apprentice, I had to re-apply as a self-employed individual running my own business. The process was simple'.

Tip(s) for others: Start early, make sure you establish good and regular lines of communication, and most importantly be determined and willing to look for solutions.

And more specifically:

- (1) It is important to be clear to the assessor about what the job entails because they are not lawyers and have no idea about the Bar.
- (2) It helps to quickly build some sort of rapport with the assessor because they have significant discretion in what they can help you with.
- (3) AtW will not cover all needs (e.g. personal care which is funded by local authorities and organised via social services). When multiple fund providers are involved e.g. covering professional and personal needs requiring multi-party liaising/communications, it was very helpful having both my social worker and chambers' manager on-board.
- (5) Handling multiple accounts (record keeping associated with public funding) and a PA being treated as one's personal employee (with tax and insurance connotations) is difficult but both AtW and Direct Payments provide that funds may be used for administration so hire a professional (in my case my professional affairs accountants also do my PA record keeping, payroll and claims for reimbursement applications).

Case Study 5:

Nature of Disability: Difficulty with hearing.

Barrier: The need to be able to lip-read/inability to follow speech in groups of three or more. A requirement for a speech-to-text writer in group situations and inability to use the telephone.

Assistance provided by Access to Work (AtW): Speech-to-text writers (palantypists). A Textphone for use in Chambers.

Experience of AtW: 'Once the difficulties of explaining the way pupils/barristers work had been addressed, the application process was smooth (AtW advisers change frequently so this process has had to be repeated when re-applying). It is necessary to justify at length the need a support worker for the length of time that I do. AtW will not fund a full-time support worker (for me) which has a bearing on the amount of court and conference work I can take on. Nor does it cover (in my case) the market rates for speech-to-text writers'.

Tip(s) for others:

- (1) Always apply for more funding than you think you need – it is very easy to decrease funding and almost impossible to increase it.
- (2) Investigate potential support options via work experience before reaching a decision on what support you will use. Chambers will be more amenable if you do the research first and appear confident as to the support you will use.
- (3) If you encounter difficulties then engage with the relevant person and cooperate, especially if this is a judge. Judges are usually very aware of courts' obligations but may just need some initial guidance on what works best for you individually.

Case Study 6:

Nature of Disability: Acquired deafness (Otosclerosis)

Barrier: 20% of normal hearing

Assistance provided by Access to Work (AtW): Enhanced hearing aids (which were not available on the NHS). A gadget to help hearing at meetings. Three years later AtW provided upgraded digital aids and a new "Smart Link" to help at meetings.

Other support provided by Chambers/Employer: The total cost of equipment/aids was £6,000 which was split three ways between the individual, the employer and AtW

Experience of AtW: 'I have nothing but praise for the scheme'.

Tip(s) for others: Do the research yourself and persevere!

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