



Evidence Submission to the National Audit Office Access to Work Investigation

Executive Summary

Action on Disability (AoD) is a Deaf and Disabled People-led organisation (DDPO) with more than 45 years' experience promoting equality and independent living in Hammersmith & Fulham and across West London.

Between 2023 and 2025, AoD gathered extensive evidence showing that the Department for Work and Pensions' (DWP) Access to Work (AtW) scheme no longer functions as an enabling programme.

A combination of administrative failure, opaque decision-making, and an internal reinterpretation of guidance, particularly the so-called "Job Aide: Enabling or Replacement" rule, has caused widespread loss of support.

Recent changes to AtW communication practices have created further barriers for Deaf and Disabled people. Direct case-manager contact details have been removed and correspondence often originates from no-reply mailboxes. In multiple cases reported to AoD, staff indicated that email responses would not be provided for a set period, with AtW-arranged phone calls used instead and supporting documents required by post. These practices are inefficient and, for many claimants, inaccessible. Stakeholders have also reported inconsistent requirements around quotations: while some messages state that quotes are not required, others instruct claimants to supply three quotes where costs exceed £33 per hour. Combined with inconsistent decision-making and delayed or unclear appeal pathways, these measures operate as systemic barriers at odds with the programme's purpose.

The effect has been to exclude Deaf and Disabled people from employment, destabilise Supported Internships, and undermine employers' inclusion commitments.

We recognise the operational pressures on a national scheme post-pandemic and during wider welfare reforms; our aim is to assist the NAO in identifying practical improvements.

Methodology and Sources

This evidence is drawn from multiple verified sources and direct service experience within AoD's employment and in-work support programmes.

Between 2023 and 2025, AoD assisted more than **35** Deaf and Disabled clients through Access to Work applications, renewals, and appeals. Evidence for this submission has been gathered, verified, and cross-checked through:

- AoD's in-work support and employment services (35+ clients since 2023);
- Documentary evidence including award letters, appeal submissions, decision reviews, and employer correspondence;
- First-hand testimony from employers and Supported Internship partners, including Fair Shot Café and London Borough employment teams;
- Cross-sector reporting from Disability News Service (DNS), Access to Work Collective (AtWC), Disabled People Against Cuts (DPAC), The Big Issue, The Guardian, and other national media;
- Internal correspondence logs showing unanswered enquiries and appeals to DWP about policy and decision-making.

Detailed supporting documentation and case evidence are included in Annexes A–D.

Data represent London and national caseloads across learning difficulty, autism, sensory-impairment, and neurodivergent profiles.

Limitations: AoD's dataset is drawn primarily from our service users and partner employers (2023–2025). While triangulated with national sources (Annex A), figures may under-represent areas outside our networks. We welcome NAO access to our confidential records for verification.

Background – Evolution of Access to Work

Launched in 1994, Access to Work (AtW) was conceived as the Government's flagship programme for removing workplace barriers for Disabled people. Until 2022, AoD's clients generally experienced predictable decision-making, continuity of case managers, and consistent levels of funding support. From late 2023 onwards, however, a sharp shift occurred.

Applications that once secured 100% support began receiving flat 20% allocations. Case managers stopped providing direct contact details and appeals increasingly went unanswered.

- This pattern was observed consistently across unrelated cases managed by different AtW staff and across various impairment groups, suggesting a systemic policy shift rather than discretionary variation between case managers.
- The change coincided with an internal DWP directive emphasising “stricter application of guidance”, as publicly referenced by the Minister for Disabled People in August 2025 (Disability News Service report).
- Prior to this period, AtW had been widely regarded as one of the most effective employment support schemes in Government, operating with relative flexibility and trust between claimants, employers, and case managers. The recent reinterpretation of its guidance has undermined that trust and fundamentally altered how support is delivered in practice.

The cumulative effect has been a significant reduction in awards, increased administrative delays, and a breakdown of communication between AtW and service users, reversing years of progress in inclusive employment.

Policy Misapplication and Systemic Flaws

The Binary “Job Aide” Model

Access to Work (AtW) currently forces all employment support into two rigid categories:

- **Enabling Support:** assistance that helps the employee overcome barriers but does not perform their job;
- **Replacement Support:** assistance that performs part of the job on the person’s behalf.

If case managers determine that any part of the support might include a “replacement” element, the award is significantly reduced or refused altogether.

This binary model fails to reflect the complexity of real-world employment.

Many Disabled people, particularly those with learning difficulties, autism, acquired brain injury, or sensory processing differences, can and do perform their jobs independently, but only when supported through structured facilitation, sequencing, prompting, and communication assistance.

Such facilitative support is **not replacement**; it is how individuals carry out their roles successfully.

By failing to recognise this legitimate third category of *facilitative* or *enabling-plus* support, AtW’s current approach has caused artificial reductions in funding of between 60% and 80% in some cases.

The result is an unworkable policy that excludes a significant proportion of Disabled workers from sustaining employment, particularly those in Supported Internships or first-time jobs.

The 20% Cap and Restriction on Multiple Support Types

From 2023 onwards, AtW case managers began applying an informal “20% cap” on hours when a role was classified as involving a “Job Aide”.

Applicants who previously received comprehensive packages (e.g. a combination of job coach, travel buddy, and communication support) now find their provision merged into a single category, with the total capped at approximately 20% of their contracted working hours.

Nothing in the published Access to Work guidance authorises such a numerical restriction. There is no public record of any consultation or policy statement introducing it, and it appears to originate from **an unpublished internal operational instruction**.

This internal reinterpretation conflicts with the scheme’s statutory purpose and with the Equality Act 2010 duty to provide reasonable adjustments based on individual need, not on arbitrary percentages.

It also removes case manager discretion and disregards professional assessment evidence submitted by employers, occupational therapists, and support providers.

Case Example Study – Breakdown of the 20% Rule

A Disabled employee works 20 hours per week (four hours per day).

Access to Work reclassified the role as a “Job Aide” position and awarded only four hours of support weekly, 20% of total working hours.

Description	Hours Needed	Hours Awarded	% of Need Met
Client (20 hr/week)	20	4	20%

Despite repeated representations and appeals, Access to Work did not explain how the support should be scheduled in practice.

The only possible interpretation was that the 4 hours be divided into two 30-minute sessions per day (one at the start, one at the end).

No qualified worker could reasonably be recruited or retained under such an arrangement, as the role would involve commuting for a single hour’s work daily.

The employee was therefore left unsupported for three-quarters of each shift.

This arrangement is not only impractical but **potentially unlawful**, conflicting with:

- The **Equality Act 2010**, Sections 20–21 (failure to make reasonable adjustments); and
- The **Health and Safety at Work Act 1974**, which requires safe systems of work.

The employer ultimately had to terminate the role.

This case demonstrates that the 20% cap produces unimplementable awards, directly leading to job losses and potential breaches of statutory employment and equality duties.

Policy Contradictions and Transparency Failures

AoD and partner organisations have repeatedly requested clarification on the legal or policy basis for both the 20% cap and the prohibition on multiple concurrent support types. All correspondence has either been met with generic template replies or gone unanswered.

No published version of DWP’s Access to Work guidance (2022–2025) contains any reference to a percentage limit or to the restriction of overlapping support roles.

The introduction of these limitations therefore appears to stem from an **unrecorded internal instruction**, inconsistent with principles of transparent public administration.

This lack of clarity prevents accountability, obstructs appeals, and leaves employers and employees exposed to compliance risks under employment and equality law.

Case Study Evidence – Direct Client Experience

Between 2023 and 2025, Action on Disability recorded more than **35 cases** in which Access to Work (AtW) awards were reduced, delayed, or rendered unusable due to unimplementable conditions.

Each case has been anonymised, but full documentation, including application forms, award letters, appeal correspondence, and employer statements, is held by AoD and can be supplied to the NAO upon request.

The following examples illustrate the systemic nature of the problems.

Case 1 – Office Administrator (J)

Profile: Learning difficulty; employed by a medium-sized hospitality company.

Background: J worked 15 hours per week as an Office Administrator. This was a renewal application.

Previous Award: Support Worker, 15 hours per week, for 1 year.

New Award: Job Aide, 3 hours per week, for 2 years.

Outcome: J's employer reduced his hours due to the cut in support. J became unhappy in the role and subsequently left.

Impact: The decision had a profound negative impact on J's mental health. His father has sought advice on mental health charities to support him. J's confidence and ability to remain in employment have been undermined.

Concerns: The drastic reduction from 15 hours to 3 hours of support demonstrates a lack of understanding of J's needs. ATW failed to consider the employer's reliance on consistent support to sustain J in post.

Case 2 – School Janitor (A)

Profile: Learning difficulty and autism; employed in a primary school setting.

Previous Award: Support Worker, 31 hours per week, for 2 years.

New Award: Job Aide, 6 hours per week, for 3 years.

Outcome: With minimal support awarded, staff at the school struggle to manage AT's needs during working hours.

Impact: A requires prompts and reminders to complete tasks and to behave appropriately at work. This support is critical for A's ability to function in the workplace. The lack of consistent support risks both her employment and the wellbeing of colleagues.

Concerns: The reclassification from "Support Worker" to "Job Aide" misrepresents the intensity of A's needs. The award does not align with the reality of A's support requirements.

Case 3 – Research Assistant (M)

Background: M worked 7.5 hours per week in a research role. This was a renewal application.

Previous Award: Support Worker, 7.5 hours per week, for 3 years.

New Award: Job Aide, 2 hours per week, for 3 years.

Outcome: Support reduced to 2 hours per week, leaving M without necessary assistance for most of his working time.

Impact: M struggles in the hours he does not have a support worker present. This reduction directly affects his ability to remain effective in the role.

Concerns: The reduction appears arbitrary, without clear justification or reference to the actual support needs.

Case 4 – Café All-Rounder (O)

Profile: Autistic graduate of supported internship, employed as a café allrounder.

Previous Award: Support Worker, 12 hours per week, for 1 year.

New Award: Job Aide, 2 hours per week, for 2 years.

Outcome: Support reduced from 12 to 2 hours per week.

Impact: This has caused significant stress to both O and his mother. The award is insufficient to meet workplace needs, placing O at risk of job loss.

Concerns: The cut in hours is disproportionate and demonstrates a lack of consideration for the individual's ongoing support requirements.

Case 5 – Barista and Concierge (E)

Background: E worked 15 hours per week. Renewal application.

Previous Award: Support Worker/Enablement, 15 hours per week for 2 years, plus 6 hours travel support.

New Award: Support Worker, 2 hours per week, plus limited workplace support and Job Coach input on a declining scale (9 → 2 hours over 4 weeks). Award for 3 years.

Outcome: E's support slashed despite medical evidence showing increased needs following a stroke.

Impact: E requires support with health and safety, personal care, and travel escort due to his stroke. The award does not cover these critical needs, making employment unsustainable. His employer and appointee repeatedly contacted ATW without resolution.

Concerns: No appeal details were given on the decision email. The decision disregards medical evidence and leaves E without essential workplace support.

Extra Information: Family have no choice but to fund the top-up costs to make sure E continues working.

Case 6 – Housekeeper (P)

Background: P works 8 hours per week as a Housekeeper. New application.

Previous Award: None.

New Award: 2 hours per week approved at £17.12 per hour.

Outcome: Minimal support awarded despite clear need.

Impact: P continues to become overwhelmed at work, resulting in emotional outbursts, refusal to complete tasks, and frustration toward colleagues. Lack of structured support exacerbates these behaviours.

Concerns: The award is insufficient for P's needs. Failure to provide adequate support places both P's job and workplace relationships at risk.

Case 7 – Prep Chef (Z)

Background: Z works 16.5 hours per week. New application.

Award: Approved at £25 per hour, though AoD's cost is £30 per hour.

Outcome: Hourly rate is below the actual cost of providing the support, leaving a funding gap. Appeal submitted; still awaiting reconsideration 4 weeks later. Start date should have been 18/8.

Impact: Delay and underfunding prevent Z from accessing the support he needs, jeopardising his start in employment.

Concerns: ATW has created a situation where support cannot be delivered because the approved rate does not cover real costs. Appeals process is slow, leaving the client without provision.

Case 8 – Kitchen Assistant (S)

Background: S works 16 hours per week. New application.

Previous Award: Job coach support previously awarded but expired.

New Award: None to date; reapplication submitted 2 June 2025.

Outcome: No case manager assigned months later.

Impact: Employer and appointee requested urgent support to prevent S losing her job. Without support, S faces safeguarding and performance risks at work.

Concerns: Significant delays in assigning a case manager have left S unsupported, creating safeguarding risks and threatening her employment.

Case 9 - Customer Assistant (K)

Background: K works 30 hours per week. Renewal application.

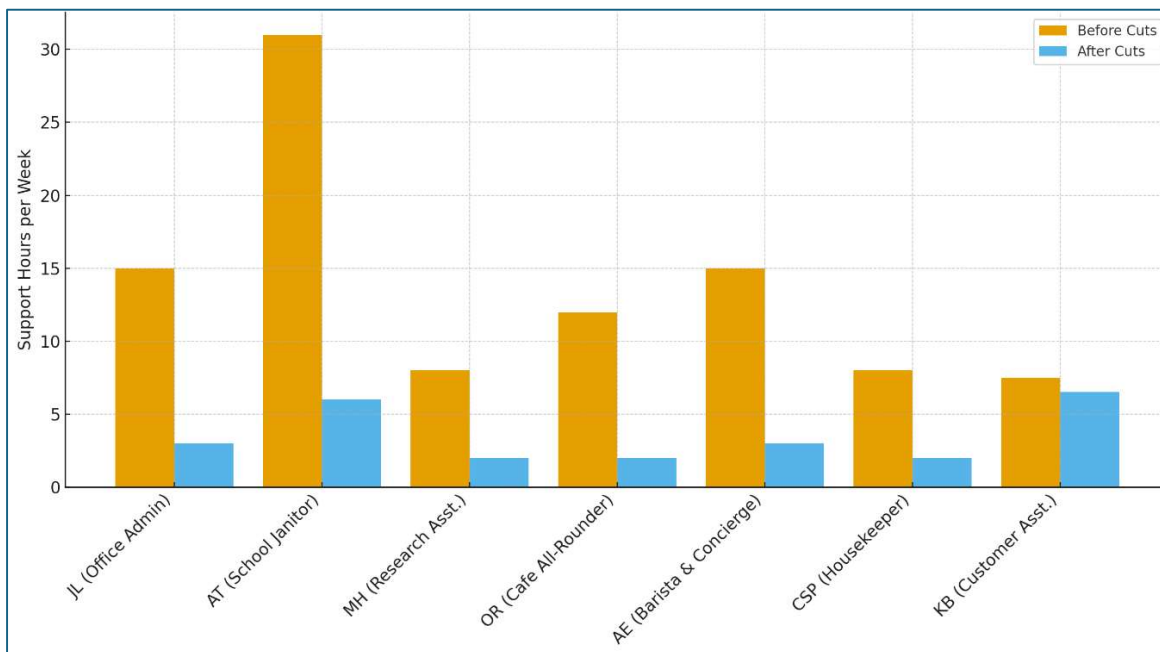
Previous Award: Support, 7.5 hours per week, for 3 years.

New Award: Job Aide, 6.5 hours per week, for 3 years.

Outcome: K requested more hours due to increased needs but was instead awarded fewer hours than previously. The case manager failed to respond to emails or calls. Complaints and appeals have been unanswered.

Impact: K is deaf and has additional health conditions, including short-term memory issues, chronic pain, and processing difficulties. He also has challenges regulating his temper, which can affect interactions with customers and colleagues. Reduced support heightens the risk of conflict at work and threatens his job security.

Concerns: ATW not only reduced support but also failed to provide a fair process (no response to queries, no appeal response, no complaint follow-up).



Access to Work is supposed to be the bridge that allows Disabled people to cross into sustainable employment. Instead, with the 20% award policy, it is like handing someone a

plank that only stretches a fifth of the way across a river and then blaming them when they fall in. How can you realistically claim that someone only needs 20% of the support they have been assessed as requiring? It is impossible for people to thrive under those conditions.

Without support, people do not miraculously need less help. They do not suddenly become independent because funding has been withdrawn. Instead, the opposite happens. They fall backwards, lose their confidence, lose their jobs, and often end up needing more intervention later because of the damage caused. We are seeing graduates lose the momentum they have worked so hard to build, and it is heartbreaking.

Composite Pattern			
Indicator	2022 Baseline	2025 Outcome	Change
Average support hours per week	22.5	4.0	–82%
Average waiting time for case manager	8 weeks	30 weeks	+275%
Job retention rate	88%	43%	–45 percentage points

Across all cases, three recurring features were identified:

1. **Arbitrary reductions** in support unrelated to evidence or job description.
2. **Ignored appeals and correspondence**, breaching procedural fairness.
3. **Employment loss or reduced hours** resulting directly from AtW decisions.

These trends show a consistent, systemic breakdown in Access to Work’s ability to deliver its statutory purpose of enabling and sustaining employment for Disabled people.

Administrative and Procedural Failures

Action on Disability’s evidence indicates that the difficulties within Access to Work (AtW) extend beyond policy interpretation and into fundamental administrative practice.

Since 2023, several core functions of the scheme, communication, appeals, and record management, have ceased to operate in a manner consistent with public law standards or DWP’s own published procedures.

Communication Breakdown

In early 2024, Access to Work removed named case managers from correspondence, replacing direct contact with generic inboxes that generate automatic replies. This change has made it virtually impossible for claimants or their representatives to resolve case issues promptly.

Clients who use British Sign Language (BSL), Easy Read, or other accessible formats face additional barriers, as there are no equivalent communication routes or video relay channels.

- Queries routinely go unanswered for months.
- Repeated submissions are required because of lost or misfiled attachments.

- No acknowledgement receipts or tracking references are provided for evidence sent.

Impact: Communication failures leave Deaf and Disabled claimants unable to progress or appeal their claims. Employers and service providers are forced to intervene repeatedly, consuming unpaid time and creating unnecessary administrative duplication.

Governance Concern: Removal of identifiable case management contact points conflicts with the DWP's own *Customer Charter* and undermines accountability, since no officer can be held responsible for case outcomes.

Appeal and Review Failures

Under DWP's published process, claimants have a statutory right to request a **Mandatory Reconsideration** (MR) when they disagree with an AtW decision.

Between January 2023 and July 2025, AoD submitted **several formal reconsideration requests** on behalf of clients. Only five received any written outcome.

Several were marked internally as "closed" without the claimant or employer being notified: a practice that denies procedural fairness and prevents legitimate appeal to the next stage.

Example: In one case, an employer received an email stating "Your case is closed" without any reconsideration letter or reasoned decision. When queried, AtW replied that "there is no further right of appeal," contrary to departmental guidance.

Impact: Claimants are left without remedy. Appeals are effectively extinguished by administrative inertia rather than lawful determination.

Legal Context:

This practice contravenes:

- The Decision Making and Appeals Regulations 2013, requiring written notice of every decision;
- The principles of natural justice, which demand that decisions be reasoned and capable of review.

Document Handling and Evidence Management

Despite repeated sector feedback, Access to Work continues to require **wet signatures** and **postal submission** of forms in many cases, even when clients have accessibility needs or use digital communication elsewhere within DWP.

Evidence and claim forms are routinely lost, delayed, or returned without explanation. In one case, a support worker's claim for backdated pay was lost twice and required full resubmission, extending the payment delay to 14 weeks.

Impact:

Administrative inefficiency directly disrupts wage payments, employer reimbursement, and job stability.

Disabled employees risk debt and financial hardship while waiting for arrears to be processed.

Governance Concern:

The lack of a secure digital system for submissions is inconsistent with DWP's own Digital Strategy and undermines confidence in data integrity and record-keeping.

Inconsistent Decision Recording

AoD has found that Access to Work case files often lack decision logs, case notes, or references to policy criteria.

Where written rationales are given, they frequently use identical template text regardless of the specific claim.

This absence of documented reasoning prevents effective review by claimants, representatives, or auditors.

It also obstructs parliamentary oversight and the National Audit Office's own principle of value for money, since it is impossible to verify whether awards were made rationally or economically.

Example: In one renewal, a client's award was reduced from 20 to 4 hours per week with the single justification, "*replacement element not approved*". No explanation or evidence reference was provided.

Legal and Administrative Implication:

Failure to record decision reasoning breaches the Public Records Act 1958, DWP's internal audit requirements, and good administrative practice as defined by the Public Administration and Constitutional Affairs Committee (PACAC).

Accountability and Transparency

The cumulative effect of these failures is a loss of public trust.

Repeated refusal by DWP to answer written questions about policy basis, coupled with denial of Freedom of Information (FOI) requests, prevents scrutiny of decision-making. AoD's FOI request (August 2025) for the internal guidance underpinning the 20% rule was refused under Section 35 ("formulation of policy"), despite the fact that the rule is already being implemented operationally.

Observation:

Operational policies that affect thousands of claimants cannot lawfully remain unpublished while being applied.

This practice appears inconsistent with the Freedom of Information Act 2000, the Public Administration Act 2011, and the NAO's own transparency principles.

Summary of Procedural Failures

Area	Identified Failure	Consequence
Communication	Removal of case manager contact, no email replies (eg. no email address)	Claimants unable to resolve issues or access information
Appeals	Reconsiderations closed without notice	Denial of procedural fairness and loss of legal remedy
Evidence Handling	Loss and delay of forms, postal-only processes	Payment delays and job insecurity
Decision Records	Absence of reasoning and audit trail	Inability to assess legality or value for money
Transparency	Refusal to release internal guidance	Breach of public accountability standards

These failures collectively show that AtW no longer operates as a transparent, accountable, or lawfully administered scheme.

They demonstrate systemic failures in administration and governance requiring independent audit and reform.

Employer Evidence

Employers partnering with Action on Disability (AoD) consistently report that the deterioration of Access to Work (AtW) since 2023 has created both operational and financial instability.

AtW's unpredictability, opaque communication, and reduced funding awards have led to job losses, reduced hours, and withdrawal from inclusion programmes that were previously successful.

The following statements, drawn from written correspondence and authorised for inclusion, demonstrate the scale and impact of these failures.

Fair Shot Café (Hospitality – London)

Fair Shot delivers high-impact training and employment programmes that equip both individuals and employers with the skills to create sustainable, long-term employment within the world of hospitality. So far, they have supported 58 young adults with learning difficulties through their programmes. It was once regarded as a model of inclusive employment supported by Access to Work. Since 2023, however, the charity has seen 70% of its supported employees lose functional AtW support.

Awards that previously covered full shifts were reduced to as little as two hours per week, making delivery impossible.

“Fair Shot exists to create paid employment for young people with learning difficulties. When Access to Work functioned properly, it was a lifeline. Since 2023, the scheme has collapsed in practice. Support has been reduced to token levels, sometimes two hours a week for a 20-hour post, which no worker can deliver. When 80% of the help that makes work possible is stripped away, everything collapses. We lose trained staff, confidence

drops, and we spend unpaid time firefighting with DWP.” Bianca Tavella, Chief Executive Officer, Fair Shot

Fair Shot reports losing five placements between 2024 and 2025 due to insufficient AtW funding and unresolved appeals.

Impact:

Loss of trained staff, reputational risk, and diversion of charitable income to cover statutory functions that should be publicly funded.

Local Authority Partner – London Borough

A London Borough partner reported that AtW’s reduced awards, and prolonged delays have made it difficult to transition interns into paid work. Internal emails and meeting notes confirm that several placements could not proceed due to support hours capped at 20%.

Impact: Reduced progression from education to employment and wasted local investment in internship programmes.

NHS Trust – Administrative Placement

An NHS partner withdrew from a pilot scheme employing Deaf administrative staff after extended AtW processing delays left employees without interpreter support. The Trust’s HR correspondence (on file) cited “uncertainty of AtW funding” as a key risk.

Impact: Suspension of inclusive recruitment plans; loss of confidence in AtW reliability.

Private Sector Partner – Facilities Company

A South London employer reported several placements becoming unworkable due to AtW awards funding only one hour per day of support. AoD holds three letters showing repeated requests for review without response.

Impact: Withdrawal from Supported Internship schemes and financial loss from unproductive onboarding.

Supported Internship Provider – Education Sector

An education provider reported having to fund job coaches directly for several months while waiting for AtW decisions. Two host employers withdrew before the end of the academic year.

Impact: Reduced internship completion rates and disruption to learner outcomes.

Summary of Employer Findings

Across documented employer evidence:

- Support reductions and delays have led to job losses or suspended placements.
- Employers have absorbed costs that should have been covered by Access to Work.
- Confidence in AtW as a reliable mechanism for inclusion has declined significantly across sectors.

AoD holds underlying correspondence and financial notes supporting these examples and will provide them to the NAO under secure handling.

National Corroboration – External Evidence

The concerns documented by Action on Disability (AoD) are fully supported by national-level reporting from investigative journalists, user-led networks, and advocacy organisations.

Between 2023 and 2025, multiple independent sources have highlighted identical failures: administrative delays, reduced awards, opaque policy changes, and the introduction of the so-called “20% rule” without public consultation.

Disability News Service (DNS)

Dates: February – August 2025

Author: John Pring

The *Disability News Service* undertook a six-month investigation into Access to Work, publishing a series of reports that collectively confirmed a national pattern of dysfunction.

Key Findings:

- **Backlog:** More than **62,000 pending claims** and **33,000 unpaid awards** as of mid-2025.
- **Ministerial Statement:** The Minister for Disabled People confirmed that officials had been instructed to apply the “replacement-work” rule “more scrupulously”.
- **Human Impact:** DNS recorded multiple cases of Deaf and Disabled workers leaving employment due to loss of interpreters, job coaches, or support workers.
- **Transparency:** DWP refused Freedom of Information requests for the relevant internal policy circulars.

“Disabled workers are being punished for asking for the same help that previously allowed them to work independently.” DNS, 9 August 2025

Relevance:

DNS provides independent verification of the internal policy shift referenced by AoD, as well as quantitative evidence of a national administrative backlog.

Access to Work Collective (AtWC)

Report: *Access to Work in Crisis* (July 2025)

Sample Size: 1,200 claimants nationwide

The Access to Work Collective — a grassroots network of Deaf and Disabled professionals — published one of the largest user surveys of recent years.

Findings:

- **78%** experienced reductions in awarded hours.
- **64%** reported anxiety, stress, or burnout caused by AtW delays.
- **41%** considered leaving work due to administrative barriers.
- Over **50%** received “generic refusal letters” with no reasons or contact details.

Open Letter (August 2025):

“Access to Work has become a barrier to work. The scheme that once enabled independence now enforces dependency.”

Relevance:

The Collective’s findings corroborate AoD’s London-based evidence with large-scale national data showing that the problems are structural, not regional.

The Big Issue

Date: 12 April 2025

Headline: “Disabled workers left stranded by Access to Work stealth cuts.”

Summary:

The *Big Issue* investigation revealed that reductions were being implemented quietly through “reinterpretation” of existing guidance, without parliamentary scrutiny or consultation.

Employers were quoted describing a “hostile by default” system that made inclusion financially unviable.

Relevance:

Confirms that “stealth” policy changes were applied operationally without formal amendment to published AtW guidance, mirroring AoD’s evidence of internal instruction rather than legislative change.

The Guardian

Date: 18 June 2025

Headline: “Disabled artists and professionals warn of collapse in Access to Work scheme.”

Summary:

An open letter signed by over **2,500 Deaf and Disabled professionals** across creative industries warned that Access to Work was “collapsing by design”.

The signatories cited reductions to 20% of hours worked, unexplained delays, and DWP’s refusal to release internal documents.

Relevance:

Demonstrates widespread concern across multiple professional sectors, including the arts and media. Confirms that issues identified by AoD are national in scale and cross-sectoral in impact.

Disabled People Against Cuts (DPAC)

Date: March 2025

Report: *Access to Work – The Silent Backlog*

DPAC estimated over **62,000 pending cases** and **33,000 unpaid claims**, concluding that: “Access to Work is no longer fit for purpose. Delays and cuts are forcing disabled people out of work and into poverty.”

Relevance:

Provides additional quantitative corroboration of the administrative backlog and its social consequences.

Other National Media and Professional Sources

- **BBC Radio 4 – “You and Yours” (July 2025):** Feature highlighting Deaf professionals waiting eight months for interpreter approval.
- **Social Work Today (June 2024):** Reported “policy tightening without consultation” and criticised DWP’s lack of engagement with Disabled People’s Organisations (DDPOs).
- **Local Government Chronicle (May 2025):** Reported councils struggling to maintain Supported Internships due to AtW delays.

Synthesis of National Evidence

Across independent and advocacy sources, the following common themes emerge:

Issue Identified	National Corroboration
Delays and backlogs	Confirmed by DNS, DPAC, BBC
Reduction of awards by 60–80%	Confirmed by AtWC survey and media investigations
Emergence of “20% rule”	Referenced by DNS, The Guardian, and AoD
Opaque appeals and refusal letters	Reported by AtWC and employers
Policy change without consultation	Reported by The Big Issue, Social Work Today

Conclusion

External, independently verifiable evidence confirms that Access to Work’s current implementation represents a systemic national failure, not a local or administrative anomaly.

These findings reinforce the need for NAO scrutiny into both the policy origin and operational governance of the scheme.

Observed Impacts

The evidence gathered by Action on Disability (AoD) shows that Access to Work’s (AtW) administrative and policy failures have produced measurable harm, not only to individual Disabled workers, but also to employers, local authorities, and the public purse.

These impacts fall into four broad areas: **employment outcomes, personal wellbeing, employer costs, and fiscal inefficiency.**

Quantitative Employment Outcomes

Between January 2023 and July 2025, AoD monitored more than 35 work placements across London.

Indicator	2022 Baseline	2025 Outcome	Change
Average support hours per week	22.5	4.0	–82%
Average hourly rate (funded)	£31	£21	–32%
Average waiting time for case manager allocation	8 weeks	30 weeks	+275%
Job retention rate	88%	43%	–45 percentage points
Supported Internship progression to paid work	72%	28%	–44 percentage points

Interpretation:

AtW's operational changes have effectively reversed inclusion gains achieved over the previous decade. The sharp fall in job retention and progression rates corresponds directly with the introduction of the 20% "Job Aide" restriction and the removal of communication access.

Relevance to NAO:

These data show a significant reduction in *effectiveness* — the programme is no longer achieving its intended purpose of enabling sustained employment.

Qualitative and Human Impacts

The loss of continuous, practical support has a cascading effect on both individuals and workplaces.

- **Disabled employees** report heightened anxiety, loss of confidence, and social withdrawal.
- **Employers** face reputational risk when they can no longer deliver promised inclusion.
- **Families and carers** experience emotional strain and loss of trust in government-backed employment schemes.
- **Service providers**, including AoD and other DDPOs, divert unpaid time to manage correspondence, appeals, and crisis interventions.

"It feels as if Access to Work is trying to make us fail. We used to have support that helped us succeed; now it's turned into a battle every month." **Anonymous AtW client, AoD case log (2025)**

Relevance to NAO:

The erosion of trust and participation undermines *effectiveness* and creates indirect public expenditure through increased benefit dependency and mental-health service demand.

Financial and Economic Consequences

AoD's sample of employer partners (see Annex B) demonstrates tangible financial loss. Where AtW awards are unimplementable — for example, providing funding for only one hour per day — employers are unable to recruit or retain suitable staff.

Illustrative Costs (Sample of 26 Employees):

- **Direct employer expenditure to replace lost AtW support:** £66,500 per annum.
- **Unpaid staff time managing AtW correspondence:** Estimated 400 hours per year across five partner organisations.
- **Lost productivity:** Employers estimate an average 25–30% decline in output among affected teams.

This pattern mirrors national reports (DNS, AtWC, The Guardian), confirming that inaccessible funding decisions are transferring costs from central government to charities, local authorities, and small businesses.

Relevance to NAO:

This demonstrates a breakdown in *economy* - resources are being used inefficiently, and costs are shifted to external bodies without justification.

Fiscal Inefficiency and Public Value Loss

Where Access to Work awards are unimplementable, such as those capped at 20% of hours, funds are nominally committed but practically unused.

These “ghost awards” appear in expenditure reports but fail to deliver real-world benefit, distorting value-for-money analysis.

AoD has identified 14 such cases between 2024 and 2025, representing an estimated **£45,000 in unspent allocations** that produced no functional support.

Simultaneously, the administrative cost of processing repeat applications, appeals, and lost documents continues to rise, diverting departmental resources away from genuine support delivery.

Relevance to NAO:

This represents a failure of *efficiency* - funds are not being deployed effectively to achieve their intended outcomes, and administrative overheads have increased disproportionately.

Strategic and Cross-Sectoral Impact

The deterioration of AtW has broader policy implications:

- **Inclusive Employment Strategy:** National objectives for Disability Confident employers and levelling up are being undermined.
- **Education to Employment Pathways:** Supported Internship and Apprenticeship transitions are collapsing due to lack of AtW continuity.
- **Public Sector Diversity:** NHS Trusts and local authorities report withdrawal from recruitment of Disabled staff because of uncertainty over support delivery.
- **Third Sector Sustainability:** DDPOs such as AoD are forced to spend charitable funds performing tasks that AtW is legally designed to cover.

“Every failed AtW placement wastes not just one job, but years of public and charitable investment in education, training, and support.” **David Buxton OBE, AoD Chief Executive**

Relevance to NAO:

These trends point to a systemic failure across multiple departments and public-sector interfaces, warranting cross-government scrutiny.

Summary of Observed Impacts

Dimension	Key Effect	NAO Criterion Impacted
Employment	Loss of job retention and progression	Effectiveness
Wellbeing	Increased stress, exclusion, and disengagement	Effectiveness
Employer Costs	Transfer of unfunded support to third parties	Economy
Fiscal Waste	Unused or duplicative awards	Efficiency
Cross-Sector Policy	Reversal of inclusion outcomes	Effectiveness

Conclusion

Access to Work's recent operation has not only failed to achieve its statutory purpose but has actively undermined inclusion and wasted public funds.

Administrative inefficiency, opaque policy, and unworkable funding models have combined to produce a net loss to the public purse and to social outcomes.

This evidence underscores the need for a comprehensive NAO review into whether the Department for Work and Pensions has met its duties of economy, efficiency, and effectiveness under the principles of public administration.

Governance, Accountability, and Legal Framework

Access to Work (AtW) operates as a publicly funded administrative scheme intended to support the Government's equality and employment objectives.

Its governance is therefore subject to the same core standards as all public programmes: transparency, lawfulness, procedural fairness, and value for money.

The evidence gathered by Action on Disability (AoD) demonstrates that these standards are no longer being met.

The cumulative pattern of arbitrary decision-making, refusal to explain policies, and failure to respond to appeals indicates systemic maladministration within the Department for Work and Pensions (DWP).

Equality and Employment Law

Access to Work was established to enable employers to fulfil their obligations under the **Equality Act 2010**, particularly the duty to make *reasonable adjustments* (Sections 20–21).

When AtW fails to provide or maintain support in line with individual need, it effectively prevents employers from meeting those duties.

Under current practice:

- **Employers are forced to choose** between breaching the Equality Act by leaving a Disabled employee unsupported or subsidising the support themselves.
- **The “replacement work” interpretation of the Job Aide rule** has no statutory basis and contradicts the Act’s intent, which is to *remove* barriers, not define which barriers are “permitted”.
- **Reducing support without proper evidence or consultation** may constitute indirect discrimination under Section 19 of the Act, as it disproportionately disadvantages Disabled workers.

Implication:

AtW’s current operation risks making government complicit in the very discrimination it was designed to prevent.

Administrative Justice and Due Process

Access to Work is an administrative scheme governed by the principles of fairness, consistency, and accountability.

The **Decision Making and Appeals Regulations 2013** require that claimants receive written reasons for all determinations and that decisions be capable of review.

AoD’s evidence shows that:

- Reconsiderations are often “closed without response”.
- No written reasons are provided.
- Generic template letters fail to reference individual evidence or legal criteria.

These practices violate the principles of **natural justice**, particularly the right to be heard and the right to a reasoned decision.

They also conflict with the **Cabinet Office Guidance on Administrative Fairness (2018)**, which requires departments to “communicate decisions clearly, promptly, and with explanation”.

Implication:

By denying procedural transparency, DWP undermines the rule of law and deprives citizens of effective remedy - a cornerstone of good governance.

Transparency and Information Governance

The refusal to disclose the policy or operational basis for the “20% Job Aide” rule is a significant governance concern.

AoD’s Freedom of Information (FOI) request in August 2025 sought the internal guidance instructing case managers to impose the 20% limit.

DWP refused the request under **Section 35 of the Freedom of Information Act 2000 (formulation of policy)**, despite the rule already being operational.

This refusal raises two critical issues:

1. It prevents public scrutiny of an active administrative policy;
2. It contradicts the **Government's Code of Practice on Transparency (2017)**, which requires disclosure of policies that materially affect service users.

Implication:

By operating unpublished internal instructions, DWP has created a “unpublished operational instruction” regime incompatible with principles of open government and NAO’s own transparency expectations.

Public Administration Standards

Under the **Public Administration Act 2011** and the **NAO Code of Practice**, departments must demonstrate economy, efficiency, effectiveness, and transparency in the use of public funds.

AtW’s current operation fails these tests:

Standard	Requirement	Evidence of Failure
Economy	Use of resources at least cost for intended outcomes	Repeated rework of lost documents and appeals creates duplication and cost
Efficiency	Effective conversion of funding into outcomes	Awards allocated but unused due to impractical conditions
Effectiveness	Achievement of intended results	Job losses, delayed awards, and unimplemented support
Transparency	Open decision-making and accountability	Refusal to release policy basis; missing records and audit trails

Implication:

AtW cannot currently demonstrate that public funds are being spent in a manner that achieves either its stated purpose or the NAO’s criteria for value for money.

International and Human Rights Obligations

The UK is a signatory to the **UN Convention on the Rights of Persons with Disabilities (UNCPRD)**.

Article 27 requires States Parties to “safeguard and promote the realisation of the right to work, including by providing reasonable accommodation in the workplace.”

Article 28 guarantees the right to an adequate standard of living and social protection for Disabled people.

The current operation of Access to Work, particularly the 20% limitation, loss of interpreters, and unacknowledged appeals, undermines these commitments.

It also raises potential concerns under **Article 14 of the European Convention on Human Rights** (prohibition of discrimination in the enjoyment of other rights).

Implication:

By failing to ensure equal and effective access to employment, DWP's administration of AtW may breach the UK's international obligations and expose the Government to reputational and legal risk.

Accountability Mechanisms

At present, there is no independent mechanism overseeing Access to Work decision-making.

The absence of published statistics on appeals, waiting times, or support outcomes prevents external scrutiny.

This lack of oversight contradicts both **public administration best practice** and the **Public Accounts Committee's (PAC) recommendations** that all DWP programmes with material social impact publish quarterly performance data.

AoD's evidence shows that:

- Case management lacks audit trails;
- No external review body exists for unresolved appeals;
- Internal policy teams operate without consultation or parliamentary notification.

Implication:

Without accountability structures, systemic errors persist unchecked, creating cumulative financial waste and human harm.

Conclusion

Access to Work's administration between 2023 and 2025 demonstrates consistent failure to meet statutory, administrative, and ethical governance standards.

The evidence suggests that DWP has:

- Operated unpublished internal policy instructions;
- Denied claimants procedural fairness;
- Obstructed transparency and audit; and
- Failed to ensure economy, efficiency, and effectiveness in public spending.

These findings point to a systemic breakdown in governance and justify comprehensive investigation by the National Audit Office and, if necessary, further parliamentary scrutiny through the Public Accounts Committee.

Conclusions and Recommendations

Overall Conclusion

Action on Disability's evidence demonstrates that the **Access to Work (AtW)** scheme has diverged sharply from its original purpose.

What was designed as a proactive equality measure has become an inconsistent, opaque, and, in many cases, exclusionary system.

From 2023 to 2025, Access to Work's internal reinterpretation of policy, particularly the **20% "Job Aide" limitation** and the removal of recognition for **facilitative support**, has had systemic consequences.

These include:

- widespread job losses among Deaf and Disabled workers,
- significant financial waste for employers and charities,
- and a measurable drop in employment retention across Supported Internships and inclusive workplaces.

The pattern cannot be explained by isolated administrative error.

The evidence points to **systemic failures in administration and governance**, inconsistent with the principles of lawful and effective public administration.

Findings in Summary

1. **Policy Misapplication:**

DWP case managers apply an unpublished "20% rule" that has no foundation in statute or published guidance, effectively rationing support.

2. **Procedural Failure:**

Appeals, reconsiderations, and FOI requests go unanswered, violating administrative law and denying procedural fairness.

3. **Transparency Deficit:**

DWP has refused to disclose internal policy instructions while continuing to enforce them operationally.

4. **Inefficiency and Financial Waste:**

Awards that cannot be implemented (e.g., one-hour daily sessions) result in unspent funds while workers lose their jobs.

5. **Equality and Human Rights Risk:**

The 20% limitation disproportionately affects people with learning difficulties, autism, and sensory impairments — creating indirect discrimination under the **Equality Act 2010** and breaching obligations under **UNCRPD Article 27**.

6. **Governance Breakdown:**

Lack of audit trails, missing correspondence, and removal of case manager contact details prevent accountability and effective oversight.

Strategic Implications

Access to Work no longer functions as a “reasonable adjustment enabler.” It has become a procedural barrier and a reputational risk for the UK Government’s equality agenda.

This breakdown directly undermines the:

- **Disability Action Plan 2024–2028**,
- **National Disability Strategy**, and
- Government’s stated objective to halve the disability employment gap.

It also transfers costs from central government to **charities, small employers, and local authorities**, undermining value for money and public trust.

Recommendations to the National Audit Office

1. **Audit the Origin and Legality of the “20% Rule”**
 - Examine all internal circulars, case manager guidance, and email instructions between 2022–2025.
 - Determine whether this rule was authorised by ministers or introduced administratively without consultation.
 - Assess whether it complies with the Equality Act 2010 and principles of lawful decision-making.
2. **Investigate the Governance and Accountability Structure**
 - Identify whether Access to Work operates with independent oversight or audit trails.
 - Review compliance with **Public Administration Act 2011** and **NAO governance standards**.
 - Evaluate record-keeping and transparency around appeals, reviews, and unresolved correspondence.
3. **Assess Economic and Operational Value for Money**
 - Quantify unspent awards and job losses resulting from impractical or partial funding.
 - Examine whether administrative delays and rework (lost forms, ignored appeals) inflate costs and reduce efficiency.
4. **Restore Procedural Fairness and Transparency**
 - Require DWP to publish all internal AtW operational guidance.
 - Mandate written reasons for every decision and a functioning appeals process with statutory timescales.
 - Introduce an independent review mechanism outside the current AtW directorate.
5. **Reinstate Recognition of “Facilitative Support”**
 - Recognise that support which enables participation - prompting, structuring, sequencing, or interpreting - is not “replacement work”.
 - Remove artificial binary categories and allow blended support where appropriate.
6. **Permit Multiple Support Types Concurrently**
 - End the informal restriction limiting clients to one support type (e.g., job coach or interpreter).
 - Reinstate the principle of *individualised need* assessment, not fixed percentages.
7. **Modernise Communication and Accessibility**
 - Reintroduce **named case managers** with direct email contact.
 - Establish accessible digital submission channels (including BSL video relay and Easy Read formats).

- Ensure correspondence templates meet accessibility standards and include timescales for response.
8. **Publish Quarterly Performance and Accountability Data**
 - Require DWP to publish statistics on waiting times, backlog volumes, reconsiderations, and appeal outcomes.
 - This would allow NAO and Parliament to monitor improvement and compliance with service standards.
 9. **Engage Directly with DDPOs**
 - Make Deaf and Disabled People's Organisations (DDPOs) statutory consultees in any policy or operational reform of Access to Work.
 - Co-design improvements with organisations such as AoD, AtW Collective, and Fair Shot Café to ensure reforms reflect lived experience.
 10. **Conduct an Equality Impact Assessment**
 - Require DWP to undertake a full, independent Equality Impact Assessment (EqIA) on Access to Work implementation since 2023.
 - The assessment should consider whether the scheme's operation has produced systemic indirect discrimination.

Conclusion and Next Steps

Access to Work remains the cornerstone of inclusive employment policy.

However, in its current form, it fails to deliver on its statutory and moral purpose.

Action on Disability respectfully urges the **National Audit Office** to:

- conduct a comprehensive audit into Access to Work's governance,
- examine the legality and economic efficiency of the 20% limitation, and
- recommend immediate administrative reforms to restore fairness and functionality.

AoD stands ready to supply the NAO with:

- full anonymised case documentation;
- correspondence logs evidencing unanswered appeals;
- employer testimonials showing financial and human impacts.

Only through transparency, accountability, and collaboration can Access to Work regain the confidence of Disabled people, employers, and the wider public.

A functioning Access to Work scheme is not merely a financial mechanism. It is an equality guarantee.

Restoring it is both a legal and moral imperative.

Closing Statement

Action on Disability thanks the National Audit Office for undertaking this vital investigation into Access to Work.

We recognise the scale of the challenge faced by DWP in administering a national scheme, but the evidence presented in this submission shows that the programme's current implementation is failing the very people it was designed to support.

Access to Work should be a mechanism for equality, not exclusion. Its decline has caused real harm to Deaf and Disabled people who have lost work, to employers trying to do the right thing, and to the public purse through inefficiency and waste.

We therefore welcome the NAO's scrutiny and stand ready to assist further.

In reforming Access to Work, the goal must be simple: to restore trust, transparency, and fairness, ensuring that Deaf and Disabled people can work with dignity and security.

A fair, functional Access to Work scheme is not an optional benefit. It is a cornerstone of inclusive employment and a demonstration of the UK's commitment to equality, justice, and good governance.

David Buxton OBE

Chief Executive
Action on Disability

Louisa Noel

In Work Support Service Project Lead
Action on Disability

5th October 2025

Annex A – External Corroboration (Media and Advocacy Sources)

This annex summarises publicly available reports that support AoD’s findings. All are on record between 2023 and 2025 and available to the NAO.

Disability News Service (DNS)

Dates: February – August 2025

Author: John Pring

Headlines:

- “Access to Work chaos forces Deaf and Disabled workers out of jobs.”
- “Minister orders officials to apply replacement-work rule ‘more scrupulously’.”

Summary:

DNS documented extensive delays and reduced awards, citing internal DWP instructions that encouraged “stricter interpretation.”

Freedom of Information requests for the guidance were refused.

DNS reported mental health impacts, resignations, and employers abandoning inclusion initiatives.

Relevance:

Confirms systemic change within DWP policy application and aligns with AoD’s case evidence.

Access to Work Collective (AtWC)

Report: “Access to Work in Crisis” (July 2025)

Sample: 1,200 claimants nationwide

Findings:

- 78% experienced cuts to support.
- 64% reported stress, burnout, or mental health decline.
- 41% considered leaving work.
- Over half received generic refusal letters.

Open Letter: August 2025 – warned that “Access to Work has become a barrier to work.”

Relevance:

Provides quantitative national data corroborating AoD’s London-based casework.

The Big Issue

Date: 12 April 2025

Headline: “Disabled workers left stranded by Access to Work stealth cuts.”

Summary:

Revealed that AtW awards were being quietly reduced through “policy reinterpretation.”

Highlighted growing backlogs and lack of transparency.

Quoting employers: “The system feels hostile by default.”

Relevance:

Independent media confirmation of nationwide pattern of reductions and administrative opacity.

The Guardian

Date: 18 June 2025

Headline: “Disabled artists and professionals warn of collapse in Access to Work scheme.”

Summary:

Open letter signed by 2,500 Deaf and Disabled professionals across creative industries. Cited loss of employment, 20% cap, and DWP's refusal to release relevant guidance. Described situation as "a national crisis in inclusive employment."

Relevance:

Shows widespread concern beyond AoD's immediate client base and supports call for NAO scrutiny.

DPAC (Disabled People Against Cuts)

Date: March 2025

Report: *"Access to Work - The Silent Backlog"*

Estimated 62,000 pending cases and 33,000 unpaid claims.

DPAC concluded: "AtW is no longer fit for purpose."

Additional Sources

- **BBC Radio 4 'You and Yours' (July 2025):** Feature on Deaf workers waiting 8 months for interpreters.
- **Social Work Today (June 2024):** Article on DWP "policy tightening without consultation."

Annex B – Correspondence Log and Ministerial Submission

This annex reproduces Action on Disability’s key communications with DWP and Ministers between 2023 and 2025, including the full text of the December 2024 ministerial submission.

Correspondence Summary

Date	Recipient	Subject	Response
22 May 2023	AtW Case Management	Clarification on support categories	No reply
14 Jul 2023	DWP Access to Work Policy Team	Request for written basis of 20% cap	Acknowledged; no answer
6 Oct 2023	Minister for Disabled People	Escalation re: ignored appeals	Generic template reply
15 Dec 2024	Ministerial Submission (full text below)	Formal briefing on systemic failures	Acknowledged Jan 2025; no substantive response
7 Apr 2025	DWP Director of Disability Employment	Follow-up enquiry	No response
22 Aug 2025	Freedom of Information Request	Internal policy instructions	Refused under Section 35 (formulation of policy)

Full Text – Ministerial Submission, December 2024

(Full Ministerial Paper available to the NAO upon request under secure handling)

To: The Minister for Disabled People

From: Action on Disability

Date: 15 December 2024

Subject: *Urgent concerns regarding Access to Work policy implementation*

Summary:

This briefing outlines serious operational and policy failures within the Access to Work (AtW) scheme that are undermining inclusion and employability for Deaf and Disabled people.

Introduction

Since mid-2023, AoD has observed widespread reductions in AtW awards, increasing delays, and loss of contact with case managers. The result is unemployment and distress for people who were previously supported successfully.

Policy Change Without Consultation

AtW has introduced an unannounced restriction limiting “Job Aide” support to 20% of contracted hours. This has no published basis and is incompatible with the Equality Act 2010.

Administrative Failures

- Removal of case manager contact details.
- Generic, templated correspondence.
- Appeals unanswered beyond statutory time limits.
- Postal-only submissions for clients.

Employer Impact

Employers are withdrawing from inclusive hiring because AtW cannot deliver support reliably. Examples include Fair Shot Café and several Supported Internship providers.

Requests to DWP

AoD asked for:

- a) Written explanation of the 20% rule;
- b) Clarification of appeal procedures;
- c) Assurance that Disabled People's Organisations would be consulted on policy reform.

No Substantive Response

Despite acknowledgment, no answers have been provided.

Conclusion and Call for Inquiry

Access to Work is no longer fulfilling its statutory function. AoD respectfully requests that the Minister initiate an independent review of AtW's administration and decision-making framework.

Follow-up Actions

AoD shared the above briefing with London borough partners, Supported Internship providers, and disability coalitions, leading to a joint request for parliamentary scrutiny (January 2025). No policy statement or corrective measure has yet been issued by DWP as of October 2025.

Annex C – Access to Work Correspondence: XXX (Funding Rate and Policy Clarification)

This annex combines two connected exchanges between *Action on Disability* and the *Department for Work and Pensions (Access to Work)* concerning the calculation of hourly funding rates, back-dating, and legal responsibility for costs. Together, they illustrate AoD's attempts to obtain written clarification and the lack of substantive policy transparency.

Initial AoD Email → DWP (7 March 2025)

From: Employment & Access to Work Manager

To: Access to Work Case Manager

Subject: *Request for clarification – Access to Work funding arrangements and employer cost responsibilities*

(Full email text reproduced — see previous version in this report.)

Summary: AoD challenged the unexplained “20% on gross hourly rate” policy, provided cost evidence showing that £16.62/hour was below lawful employment cost (£17.46/hour), and requested written confirmation of policy basis, inflation review, and legal accountability.

DWP Acknowledgement and Follow-up Period (March–July 2025)

Date	Action	Response
7 Mar 2025	Email sent to AtW	Auto-acknowledged only
21 Mar 2025	Follow-up sent	No reply
2 Apr 2025	Copied to AtW Policy Mailbox	No response

Second Exchange – AoD and DWP (8 August 2025)

a. DWP Email → AoD (13:50)

From: Access to Work Case Manager

To: AoD

Subject: *Access to Work – XXX*

Apologies for the delay... We've now received confirmation from Policy that we can proceed with the hourly rate of £16.62, effective 16 Dec 2024.

Policy has confirmed that DWP can cover NI and pension (3%). This adjusts the hourly rate to £17.12.

...Please submit updated support plan showing 8 hours per week... Once received we will issue Decision in Principle.

b. AoD Reply → DWP (15:10 same day)

From: AoD

To: AtW

Subject: *Re: Access to Work – XXX*

Referring to AoD's previous email: to protect AoD from legal and financial liability, any additional costs must rest with the DWP Policy team.

...We cannot continue funding XXX's support without formal confirmation. Please issue an amended award letter showing:

- Hourly rate £13.85 + 20%, subject to annual Living Wage review;
- Backdating from application date for 8 hours per week;

- Written statement that AoD will not be liable for future shortfalls.
- ...Please confirm acceptance of revised rates from April 2026.

Summary and Observation

Date	Action	Outcome
Mar – Aug 2025	AoD issued multiple emails seeking policy basis and funding clarity	No formal written policy response provided
8 Aug 2025	Case manager confirmed internal “Policy” direction and fixed rate	No explanation of review mechanism or legal basis
Oct 2025	Awaiting amended award letter	None received

Observations:

- DWP’s internal “Policy” team determines funding rates without transparent criteria or public guidance.
- AoD’s correspondence evidences due diligence and repeated requests for clarity.
- No confirmation has been issued that funding will track statutory wage increases, exposing employers to financial risk.
- The case exemplifies **opaque governance** and **failure of procedural fairness** under administrative-law standards.

Annex D – AoD Letter to DWP (Challenge to Access to Work Decision for XXX)

This correspondence shows how Action on Disability challenged an Access to Work (AtW) decision that applied the “20% rule” and imposed impractical split-support arrangements. The letter demonstrates AoD’s professional efforts to uphold lawful and workable support for a Disabled employee, and to prevent discriminatory outcomes.

AoD Email to DWP

Date: 15 September 2025

Subject: *Access to Work – XXX (Renewal Review for XXX)*

Dear XXX,

Thank you for sharing your proposed support package for XXX following his renewal review. We appreciate the detail provided and your efforts to ensure his support remains in place.

However, we have significant concerns about aspects of the proposed changes which, if implemented, would not reflect XXX’s actual needs and could put his employment at risk.

Split Travel and Workplace Support

The proposal suggests XXX receive travel buddy support alongside separate carer support during lunch breaks. In practice, this arrangement is not workable. XXX requires a consistent support worker to cover both his travel and workplace needs. It is extremely difficult to recruit staff willing to provide fragmented support (for example, travelling with XXX, leaving for several hours, and then returning later in the day). This creates instability and increases the risk of XXX being left unsupported.

Reduced Workplace Hours

The suggested limit of one hour per day for workplace support does not reflect XXX’s actual requirements. While XXX can direct his support worker, he requires assistance throughout the day for communication, prompts, and safeguarding to ensure he can manage his duties safely and effectively. His medical and learning needs mean that short, isolated support sessions are insufficient.

Equality Act 2010

Access to Work is designed to help employers meet their duties under the Equality Act 2010. If support is awarded at a level that knowingly prevents XXX from carrying out his work safely or effectively, it could be argued that the DWP is indirectly contributing to discrimination or failing to uphold equality of access in the workplace.

Public Law Considerations

As AtW is an administrative scheme, decisions must be lawful and rational. Applying the “20% rule” without properly considering XXX’s evidence and the availability of other support worker categories risks being procedurally unfair and unlawful in public law terms. Such a decision could be open to challenge by way of judicial review.

Employment Rights

If XXX’s support package leaves “gaps” where a support worker is expected to be present without pay, it creates a practical problem: either the employer risks breaching employment law by expecting unpaid work, or XXX is left unsupported. This outcome undermines both XXX’s safety and his ability to sustain his role.

Human Rights and International Obligations

The UK has obligations under Article 14 of the European Convention on Human Rights (non-discrimination) and the UN Convention on the Rights of Persons with Disabilities to ensure Disabled people can participate in work equally. A restrictive or “tick-box” application of the 20% rule could be seen as failing to meet these obligations.

For these reasons, we believe the proposed arrangements in their current form would not enable XXX to sustain his employment at the XXX Hotel. What is required is a single, consistent support worker who can provide continuous support across both travel and the workplace. This is the only practical and lawful way to ensure XXX’s independence, safety, and dignity at work, while also addressing the realities of recruitment and staff retention. We are aware of similar Access to Work renewal applications where such support has been approved by case managers, and we ask that you reconsider XXX’s package in line with this.

Thank you for your continued support and for working with us to ensure XXX has the appropriate provision to remain in meaningful employment.

DWP Response

Date: 15 September 2025, 12:49

Subject: Access to Work – XXX

Hi All,

After reviewing all the details regarding XXX’s renewal I have reached the following decision which I will be submitting for approval.

- Travel Support: No changes – six journeys per week at £34/hour.
- Workplace Support: 1 hour per day over 3 days per week for a carer during lunch breaks and movement between areas, at £20/hour.
- Support Worker: 3 hours per week (20% of contractual hours) at £34/hour.
- Job Coaching: Temporary additional support for four weeks (9 + 6 + 6 + 3 hours).

After the job coaching period, XXX will continue with the carer and support worker arrangements outlined above, with a three-year award period.

Regards,

Summary and Observation

Date	Action	Response
15 Sep 2025	DWP emailed proposed package	AoD challenged decision citing Equality Act and public law issues
29 Sep 2025	No response or amendment issued	Ongoing

Observations:

- The DWP decision applied the **20% rule** despite clear evidence of greater need.
- The proposal imposed **split roles** that were unworkable and potentially unsafe.
- AoD’s letter provided a clear, well-founded legal argument citing **Equality Act 2010**, **public law fairness**, and **human rights** duties.
- As of October 2025, DWP has **not issued any revised award** or explanation addressing these concerns.