

CHOICES

MS & WORK—Practical Solutions

Currently in work:

Yours rights

If you are finding that your work situation is becoming difficult, the first thing to do is talk to your employer. By law they have a duty to make reasonable adjustments for you in the work place.

Be clear about what your main concerns are. A lot of people with MS find that stress is a big factor. While coping with the normal day to day stress of the job there is also the additional stress caused by MS related issues, such as being concerned that you have forgotten something, or that simply you will not be able to complete a task.

You should be clear that MS is not a loss of mental ability but can be a loss of ability to retain information, such as dates, times, process etc. You can use lots of strategies, such as post it notes and a notebook, but still the constant concern of "have I forgotten something?", can be exhausting and exacerbate your MS symptoms.

Of course, this is only an example and will be different for everyone. Some people find working with a personal assistant/support worker helpful or having someone to cover their back, recall dates, carry their bag, make coffee and notice when they're getting tired and starting to fumble. It is possible to get this type of support through Access to Work.

Access to Work

Access to Work can help you if your health or disability affects the way you do your job. It gives you and the person you work for advice and support, with extra costs which may arise because of your needs.

Access to Work might pay towards the equipment you need at work, adapting premises to meet your needs or a support worker. It can also pay towards the cost of getting to work if you cannot use public transport and for a communicator at job interviews, if you need one.

Who can take part?

You may be able to take part in Access to Work if you are:

- in a paid job
- unemployed and about to start work
- self-employed
- if your disability or health condition stops you from being able to do parts of your job.

How to contact Access to Work

If you feel that the type of work you do is affected by a disability or



health condition that is likely to last for 12 months or more, contact your regional Access to Work contact centre to check whether you can get help.

Alternatively, ask the Disability Employment Advisor (DEA) at your local Jobcentre about Access to Work.

Getting help - the process

If you are likely to be eligible for Access to Work, you will be sent an application form to fill in and send back. When the completed form has arrived back, an Access to Work advisor will contact you. The advisor will usually speak to you and your employer to reach a decision about the best support for you. In most cases, this can be done over the telephone, but a visit can be arranged if necessary.

Sometimes specialist advice may be needed, which the Access to Work advisor will help to arrange. For example, your advisor may arrange for a specialist organisation to complete an assessment and recommend appropriate support.

In this case, a confidential written report will be sent to the Access to Work advisor, who will use this information to help them decide on the right level of support.

Your employer's responsibilities

Once your advisor has decided on the package of support they feel is appropriate, they will seek formal approval of their recommendations from Jobcentre Plus. You and your employer will then receive a letter informing you of the approved level of support and the grant available.

It is the responsibility of your employer - or you, if you are self-employed - to arrange the agreed support and buy the necessary equipment. Your employer can then claim repayment of the approved costs from Access to Work.

Your Access to Work grant

The amount of help which you may receive from Access to Work will vary depending on how long you have been employed, what support you need and whether you are self-employed.

Access to Work can pay up to 100 per cent of the approved costs if you are:

- unemployed and starting a new job
- self-employed
- working for an employer and have been in the job for less than six weeks

Whatever your employment status, Access to Work will also pay up to 100 per cent of the approved costs of help with:

- support workers
- fares to work
- communicator support at interview

Access to Work pays a proportion of the costs of support if all of the following apply to you:

- you're working for an employer
- you've been in the job for six weeks or more
- you need special equipment or adaptations to premises

The precise level of cost sharing is agreed between your employer and the Access to Work

advisor. After between one and three years, Access to Work will review your circumstances and the support you're receiving.

Difficult employers

If you believe that your employer has treated you less favourably than others for a reason related to your disability or if your employer has not made reasonable adjustments for you in the workplace, you may want to consider taking action.

Action to take if you are discriminated against

As a first step, you might want to have an informal discussion with your employer about your needs and why you feel you are being discriminated against. Remind your employer of your rights and their responsibilities under the Disability Discrimination Act. If this discussion does not provide a satisfactory outcome, you could make a complaint about your treatment through your employer's internal grievance procedure.

If you are still not satisfied, you might want to contact ACAS (Advisory, Conciliation and Arbitration Service) or follow the 'Questions Procedure' or make a complaint to the Employment Tribunal. If you wish to make a complaint to the Employment Tribunal, you must do so within three months of the date of the act of discrimination.

Help and advice from ACAS (Advisory, Conciliation and Arbitration Service)

ACAS aims to improve organisations and working life through better employment relations. It provides up-to-date information, independent advice and high quality training. The service works with employers and employees to solve problems and improve performance. Their website is: www.acas.org.uk

The Questions Procedure

To follow the Questions Procedure you must obtain a Disability Discrimination Act questionnaire. You need to complete the first part of this questionnaire yourself. You then need to set out the reasons why you feel you have been discriminated against and ask your employer to comment on your claim. You then need to ask your employer to reply to the questionnaire.

Whether or not you agree with them, your employer's answers in the questionnaire should help you decide if you can settle the dispute or need to make a complaint to an Employment Tribunal.

The DDA questionnaire (DL56) is available from the Equality and Human Rights Commission and some Citizens Advice Bureaux.

The Employment Tribunal Service (ETS) can give information about tribunal publications, explain how the tribunal system works and answer general queries about tribunal matters. For copies of free ETS leaflets or further information call the ETS enquiry line between 9.00 a.m. and 5.00 p.m. Monday to Friday.

Telephone: 08457 959 775

Textphone: 08457 573 722

Currently not working:

Employment support allowance (ESA)

This is a new benefit that was introduced in October 2008; it replaces Incapacity Benefit and Income Support.

There has been a lot of worry and concern about this new benefit which is part of the "Pathways to Work Programme".

In principle the idea is to look at what you CAN do as opposed to what you can't.

A Jobcentre Plus (JCP) Assessor will assess ESA claimants after 9 weeks of making a claim

The "Work Capability Test" (WCA) has three main functions...

1) To assess if you have a "limited capability for work". If your capability for work is assessed as reduced or impaired you are entitled to ESA. This test is similar to the Incapacity Benefits test but more rigorous. Make sure you describe all your symptoms, including those that come and go within the day. Symptoms such as fatigue, memory problems, poor concentration, loss of cognitive skills, depression, pain and bladder or bowel problems, are all things that can affect your ability to work.

2) They will then assess if you have "limited capability for work-related activity".

This is split into two groups:

a) The support group; this is for people who are unable to work. This group is NOT required to undertake work-related activity and will receive ESA or retain any existing benefit. No further action, unless your condition improves.

b) The work-related activity group; those deemed able to work with support.

3) To implement a "Work - Focused Health - Related Assessment". This will happen ONLY if you fit into group (b) the work-related activity group. The first interview will be done by Jobcentre Plus. You can ask to be visited at home but if there is no 'good' reason for non-attendance, benefits will be cut.

Pathways to work

For further interviews you may see a personal advisor from a private company, charity or voluntary sector agency paid by the government to do this work.

You will be required to attend "Work Focused Interviews" and engage in activities aimed at returning you to work. Things such as looking at the barriers you face and also how you feel about working will help.

You should also have access to a whole range of other services, including the 'Condition Management Programme' (CMP). The 'Condition Management Programme' can help you understand and manage your condition or disability in a better way. It uses principles and approach of Cognitive Behavioural Therapy (CBT). The programme does not replicate current NHS treatment. Health professionals deliver the programme and tailor it to meet your needs.

If you do find sustainable work you will be entitled to a £40 per week supplement for the first year. This brings us back to the beginning.

Finally a little quote from the Government; "Employment and Support Allowance is focused on support, and people will not be forced to take a job or undertake any other work-related activity which may be detrimental to their health".

For full information and details, including full benefit details, fact sheets and frequently asked questions, you can visit www.dwp.gov.uk/esa

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