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Circular

Outcomes of HEFCW review of support for disabled students

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To: Heads of higher education institutions in Wales
Principals of directly-funded further education colleges in Wales
Response by: No response required
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This circular presents the key outcomes of our research of support for disabled students in the HE sector in Wales. It provides an overview of the progress the sector has made since our guidance to the sector was published in 1999 and areas for development, including good practice for institutions.

This document is available online, in large print, Braille, on CD and on audio CD and cassette. Should you or someone you know require this in an alternative format, please contact us on (029) 2068 2218 or email info@hefcw.ac.uk.

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Key Points

1. This research aimed to establish the progress made in the provision and support of disabled students and to provide information on institutional policies and practices, identifying examples of good practice for the HE sector. The project was commissioned jointly with the Higher Education Funding Council for England (HEFCE). As HEFCE at the same time sought to review their funding and policy arrangements, as well as to evaluate the Disability Equality Partnership, the Councils have opted to publish the research separately (HEFCE circular number 2009/49). Please note, however, that we have summarised the outcomes and findings in the same way. **Annex A** outlines the key areas of development for the sector identified by the research and provides lists of good practice which are relevant to both England and Wales.
2. The review has shown that there have been significant developments in institutional support to meet the needs of disabled students since our original guidance to the sector in 1999 (*W99/10HE Guidance on Base-level Provision for Disabled Students in HEIs*). While a lot of positive change has been achieved, there are still areas in which improvements could be made. The review suggests that support for disabled students is not consistent across the sector and there are still some instances of unmet need. Moving forwards, our policy to support and increase participation of disabled students will continue to be part of our broader and inclusive Widening Access (WA) policy.
3. We aim to build on the successes to date so that disability support is more consistent across the sector and moves from being a specialist service within institutions to being mainstreamed and embedded at every level. This is consistent with our aim to encourage and support institutions to take a strategic approach to WA more broadly. As part of this we will work with the sector to develop inclusive institutional approaches which embody a social model of disability and which are anticipatory, proactive and flexible in nature.

Background

4. As the body which funds higher education in universities and colleges in Wales, we recognise the huge benefits which can be gained from improving diversity in the education system and, in particular, in higher education. These are benefits both for the educational institutions themselves and also for the wider economy and society of Wales and beyond. Higher education institutions have traditionally attracted a diverse range of applicants. We work closely with the institutions to ensure that they are working to secure equality of opportunity for both their students and their staff. This requires action over a wide range of areas and effective coordination. We monitor institutional actions and sector performance and also provide support to enable improvements in sector performance in equality.

5. We produced guidance for the sector on supporting disabled students in 1999¹. Since then there have been changes to legislation and funding which have moved the disability agenda from a largely reactive and anti-discriminatory position to a more positive and proactive approach. This includes the requirement for public bodies to promote disability equality, and to anticipate the needs of disabled students and evidence this in a Disability Equality Scheme (DES).
6. Provision for disabled students is integral to widening access for those who have the potential to benefit from HE. It brings with it a very specific range of requirements and activities but it also relates to widening access considerations more generally, particularly as some of the barriers to higher education faced by disabled people may not derive solely from their disability. This is why we ask institutions to include their plans for provision for disabled students within their widening access strategies. It is also why we remind HEIs to be aware of their responsibilities under the Disability Discrimination Act and the needs of disabled people when planning particular widening access policies and initiatives.
7. We provide premium funding to support institutions in their work with disabled students. The Disability Premium in 2009/10 was set at £220 per eligible student in receipt of a DSA, although the widening access premia are be reviewed for 2010/11. Institutions account for the widening access strategy funding through annual reports, which ensure that institutions can plan and make anticipatory adjustments and ensure continuity of services, such as specialist student support arrangements or staff training. In developing new widening access strategies beyond 2010, we anticipate that institutions will set strategic targets to measure their progress and demonstrate their success in supporting disabled students.

Rationale for undertaking the policy review

8. We and the sector had already moved forward with the implementation of our respective Disability Equality Schemes (DES) with the associated requirement to assess the impact of our activities. While the guidance issued to the sector in 1999 still contains information that is useful and relevant, we were keen to provide a more up to date picture that better reflected the issues currently facing institutions and the progress that had been made. We wanted to promote a move away from 'minimum compliance' towards a spirit of 'positive promotion' as underpinned by the Disability Discrimination Act 2005. We therefore believed that a thorough review of progress made by the sector with its provision for disabled students would be timely.
9. We and HEFCE commissioned a team from the School of Sociology and Social Policy at the University of Leeds to establish what the HE sector in

¹ W99/10HE - *Guidance on base-level provision for disabled students in higher education institutions*

England and Wales is currently doing to meet the needs of disabled students and the progress that had been made since the original base-line provision study in 1997. This included a historical review, a review of the research base and evidence from a survey and case studies. A full copy of the review may be downloaded from our website at www.hefcw.ac.uk.

Outcomes of the review

10. The research review has shown that there has been significant progress in the support that is provided to disabled students in the sector in England and Wales. Disability issues are regularly considered across a range of institutional functions and processes. These advances have been linked to changes in legislation and the policy and practice of Government, Government agencies and innovations and developments within institutions. Further detail regarding these developments is contained in **Annex B**. However, while good progress has been made, there are still some areas in which improvements can be made.
11. The review has provided evidence of widespread commitment and innovation among key staff in institutions. The majority of institutions also have some form of dedicated support service for disabled students or provide support through a broader support service. There is evidence that services and support for students with specific impairments are becoming well established and that there is much good practice in the sector with regard to support for disabled students. Importantly there seems to be a drive for continuous improvement resulting in many institutions regularly reviewing and developing their support.
12. Areas where improvements would be beneficial include those surrounding data and measurement issues. This is highlighted in the differential disclosure rates between institutions which result in a variance in take-up of DSA. It is not a legal requirement for disabled students to disclose a disability and therefore not all students do so. Furthermore, not all students who declare a disability subsequently claim DSA. However, it is important to encourage disclosure and for students who are entitled to claim DSA to do so as it has potential consequences for their future completion and attainment. In addition, disclosure is important in ensuring that both institutional management and national administrative data sets are as accurate as possible.
13. Data collection is also critical to the DES in order to monitor institutional and student progress and to improve institutional performance. Appropriate collection of data concerning disabled students is taking place in many institutions. However, the extent to which this data is monitored and acted on in some institutions appears to be limited. Institutions are required to produce an annual report in relation to the actions and targets

in their DES and it appears that not all institutions have met this requirement.

14. We recently evaluated institutional disability equality schemes and action plans in Wales in order to ensure that all institutions are now compliant with the requirements of the DDA legislation and to identify ways in which they might individually and/or collectively develop. The exercise also reviewed current approaches and identified good practice across the sector in both disability equality and equality and diversity practice more generally. Institutions have received their confidential, individual reports. A sector-wide report was published in September 2009 (circular W09/29HE).
15. Similarly, a HE Academy review of Welsh institutional widening access strategies 2006 to 2010, and of Reaching Wider proposals 2008 to 2010, aims to inform HEFCW, the HE sector in Wales and appropriate departments of the Welsh Assembly Government on progress in widening access and to contribute to our strategic thinking on widening access and the Reaching Wider Partnerships. The summary report and accompanying dissemination event is scheduled for autumn 2009.
16. The research also highlighted inconsistencies among institutions regarding the quality and level of support provided to disabled students and there are still some instances of unmet need. Although support services for disability are widespread there are differences in the prioritisation of different impairment categories and the subsequent level of resource committed to them. In addition, work to support disabled students in the latter part of the student life cycle appears to be less developed than that delivered during the earlier stages. Furthermore, we would encourage institutions to address specific disability issues within an inclusive, joined up framework which recognises that disabled students have multiple identities, including belonging to other groups covered by equality and diversity legislation, identifying with a particular socio-economic group or as an international student.
17. Addressing the areas of improvement outlined above is more effective if provision and support for disabled students is embedded and mainstreamed within institutions' broader widening access, learning, teaching and support processes. There are a number of examples of institutions taking a much more strategic and mainstreamed approach to the delivery of their provision and support and there would be benefits in sharing these approaches and strategies more broadly. The participation of, and consultation with, disabled students regarding evolving and developing institutions' approaches to provision and support is vital if it is to be effective. However, the research suggested that even though most institutions have disabled students on committees or advisory panels, this is an area where some institutions would appreciate further support.

Development of our strategy for future support to the sector

18. Increasing the participation of disabled students is likely to continue to be part of our broader WA policy.
19. However the review has highlighted a need to ensure that support is more consistent across the sector and moves away from being a specialist service within institutions to being mainstreamed and embedded at every level. Our aim is to encourage and support institutions to take a strategic approach to WA more broadly. As part of this we will work with our partners (e.g. the ECU, HEA, etc.) to develop inclusive institutional approaches which embody a social model of disability which are anticipatory, proactive and flexible in nature.
20. There is a continued need for supporting institutions in meeting the needs of disabled students. Particular areas were identified where action may be necessary and support and guidance is most needed. Further details of areas for development and lists of good practice are set out in **Annex A**.
21. We will continue to work with our partners to provide support to institutions and to identify examples of good practice which can be disseminated and transferred to the sector.
22. The review highlighted the need for our support to the sector to have a more strategic focus and involve more partner organisations. Effective marketing and communications of our support will be key in ensuring that institutions are aware of the support available.
23. The review recommends the following:
 - To continue to recognise the additional costs associated with recruiting and supporting disabled students through our disability premium funding. This funding method will be kept under review as part of our broader review of funding.
 - To work with our partners to support the sector in meeting the needs of disabled students. This includes the funding we provide to the Academy and the ECU to support the sector, in line with our overarching support strategy.
 - Clear communication of the outcomes of the review and our planned support to the sector.
 - Continuous review of our strategy through the regular review of targets in our own DES (as reflected in our Equality Scheme) and our action plan which details how we aim to meet the needs of protected equalities groups across the breadth of our work. Review will also take

place through the development of rigorous sector and equality impact assessments.

- Ongoing consultation with disabled people regarding our policies, strategies and proposed support to the sector. With HEFCE we will discuss establishing a strategy for involving disabled people, and develop a group whose membership includes disabled people as well as those who work in providing disability support who can be called upon to offer views and opinions at different stages of our policy development.

24. We will work with our partners and the HE sector in Wales to assist the sector in:

- meeting specific disability needs within an overarching, inclusive approach
- improving data and measurement issues
- improving disclosure and take-up of DSA
- increasing involvement of disabled students in policy development
- providing a strategic and joined up approach to disability support for students in the sector
- achieving a consistent level of disability support across the sector
- encouraging and supporting institutions to mainstream and embed disability support.

25. Further to the findings of this research, and that of our evaluation of institutional Disability Equality Schemes, we will work with our statistical team to investigate issues of data definitions and collection. In terms of data collection at an institutional level, although inconclusive, the review found possible evidence that sensitive approaches throughout the student life-cycle led to a rise in disclosure rates and take-up of DSA in certain institutions. Therefore, we will undertake further work to identify successful approaches to disclosure and take-up of DSA with HEFCE.

26. Working with our partners such as HEFCE, we are considering an annual standing conference for the key organisations delivering support to the sector in regard to disabled students. Such conferences will provide an opportunity for sharing ideas, knowledge exchange and setting sector strategy. They will also provide an opportunity to set an annual theme to be addressed for the coming year with targets against which progress can be measured at key points. Prior to the conference disabled students and practitioners will be consulted to identify their needs. The results of this consultation and our review will form the basis of the strategy and annual themes.

27. While the review demonstrated that institutions are keen to involve and consult disabled students, many are encountering difficulties in successfully engaging students in this process. Supporting institutions in the development of their involvement strategies will be a key area for our support. We will work with our partners to derive lessons from strategies already in place and we will also investigate how existing fora might contribute to the development and enhancement of institutions' strategies.
28. We will also work with our partners to provide support to institutions to enable them to move towards a more consistent level of support for students with various impairments.
29. The ECU will continue to ensure the embedding of disability provision in the context of broader equalities developments, including providing equalities training and support in fulfilling the Disability Equality Duty. The Academy will continue to support disability within the area of learning and teaching. These organisations will also provide programmes of support and dissemination which address the areas of need identified in paragraph 24 in their areas of specialisation.
30. We work with our partners to help institutions develop the use of Equality Impact Assessments. New WASs will require institutions to set out their commitments to WA, including the support provided to all under-represented groups. It is our intention that the widening access strategies should help institutions deliver appropriate strategic interventions, including work with disabled students.
31. **Annex A** provides an overview of the issues which the review has shown may need addressing and provides lists of good practice which could be used to inform future actions. The forthcoming revised Quality Assurance Agency (QAA) code of practice section 3 regarding disabled students will also provide a useful source of guidance in advancing support for disabled students.
32. The review has also shown that some institutions would welcome additional information regarding the legal requirement for institutions to anticipate the needs of disabled students. The Equality Challenge Unit offer guidance on this issue and this is reproduced in **Annex A**.

Further information / responses to

33. For further information, contact Vikki Burge (tel 029 2068 2218; email vikki.burge@hefcw.ac.uk).

Annex A

Key areas for development and good practice lists

1. The main areas identified for development are as below:

Data and measurement issues

National data

2. While it is accepted that the action taken by Government, the funding councils and institutions has had a positive affect on improving the experiences of disabled students over the last 10-15 years, it remains difficult to measure the impact of policies and activities with any degree of accuracy. Part of the problem is the inability to isolate the effect of one activity or policy from the broader context within which it is delivered. However, in regard to disability this is further exacerbated by a large number of measurement and classification issues which make it difficult to research and compare data. Consequently it is hard to quantify the impact of legislation and policy or to attribute certain changes to specific policy interventions. Measurement difficulties include differing definitions of disability, a lack of consensus about disability sub sets and an inconsistency of classification, techniques of data collection and assessment methodology.

Our role in national data issues

3. The definition of data on disability needs to be agreed at a national level and working across the education sector. We are considering working with HEFCE and The Information Standards Board to facilitate such work and bring the issues identified in our review to the Board's attention.

Disclosure and DSA

4. Disclosure is also a cause of data problems as it is not a legal requirement for a student to disclose a disability and therefore not all students do so. Furthermore, not all students who declare a disability subsequently claim DSA. The National Audit Office (NAO) raised concerns about the differences in take-up of DSA between different institutions. The research findings echoed this disparity and explored possible explanations based on changing institutional practices.
5. Once in HE, the Higher Education Statistic Agency (HESA) statistics show that the degree attainment of disabled students is lower than their peers (but it should be noted that this finding does not take into account

other factors). However, those in receipt of DSA are more likely to be awarded a first class degree than those disabled students who are not claiming DSA. This suggests that the uptake of DSA may have an important role to play in degree attainment.

6. The receipt of DSA may also have an impact on the continuation/completion rates of disabled students. Students in receipt of the DSA have higher completion rates than both disabled students not claiming DSA and students with no known disability.

The institutional role in increasing disclosure and take-up of DSA

7. There are a number of reasons why students might choose not to disclose a disability including:
 - lack of awareness of entitlement or that they are disabled
 - not enough opportunities to disclose
 - fear of discrimination
 - concerns about confidentiality
 - insensitive practices.
8. A practice that may encourage disclosure is disability awareness raising for all students during their induction. The benefits of this are two-fold: increased awareness can promote an inclusive environment for the whole student body; disclosure and subsequent take-up of DSA may increase as more students may realise they are disabled or feel more comfortable disclosing.
9. The development of sensitive and inclusive systems and processes might also contribute to improved disclosure of disability and take-up levels of DSA. These inclusive and sensitive practices would enable institutions to anticipate need and support students without positioning the individual as a 'problem' or 'issue'.

Practice which encourages disclosure and take-up of DSA

- offer a variety of opportunities for disclosure throughout the student journey
- explain terminology such as 'disability' and 'disabled' to ensure students are aware what constitutes a 'disability' and which needs can be met through DSA
- place questions regarding disability sensitively, for example not next to questions which ask applicants to disclose a criminal record

- use sensitive language in questions
- transparent disclosure practice – such as explaining why information on disability is needed, what it will be used for and demonstrating a commitment to confidentiality
- advertise and raise awareness, for example members of the disability team could attend open days and disability awareness could be an integral part of the induction process for all students
- create inclusive learning environments which ensure all students have equal access to the information being presented and are able to participate fully in the experience whether this be through visual, physical or audio aids/ adjustments or teaching and learning pedagogy.

Our role in increasing disclosure and take-up of DSA

10. As no conclusive evidence for the reasons behind the differential take up of DSA has been identified and there appears to be a link between claiming DSA and attainment and completion rates, we will continue to work with our partners to provide support for institutions. We may also undertake further work, either Wales-wide or in partnership with HEFCE, to identify practice which encourages greater levels of disclosure and subsequent increases in the take-up of DSA.
11. Supporting institutional development of inclusive learning practices also has an important role to play in the degree attainment and completion rates of disabled students, especially for those not in a position to claim DSA. Support currently available in this area aims to develop, identify and promote good practice. For example as part of our support to the sector we have funded the Higher Education Academy's (HEA) Research Seminar Series which includes a strand focused on 'inclusive practices to promote equality for disabled students'. The Academy is also holding a Summit Programme, which aims to develop inclusive learning and teaching. The ECU is responsible for providing equality training to institutions. As part of our support we will look to evaluate and build on the successes of such projects.

Institutional Support

12. The research undertaken by the University of Leeds found evidence of innovation and good practice in institutions across the country along with a commitment to the broad principles of disability equality. Engagement with disability has increased over the past 10 years as has acknowledgement of need. Widespread enthusiasm and originality is

evident amongst many key staff and is reflected in efforts to improve practices and services.

13. However, there appear to be significant differences between institutions in terms of their support for disabled students and there is a contention amongst disability support service staff that there are still some instances when the needs of disabled students are not met.

Support services

14. Most institutions do have some form of dedicated support service for disabled students and these services are becoming well established. There are, however, differences in the amount of prioritisation and consequent resources provided to support students with different impairments. So, for example, the support needs of students with dyslexia are much better understood and resourced than the needs of students with hearing or mental health impairments.
15. In terms of the destination of disabled students on completion of their degree the research from the University of Leeds found that there was no difference between disabled students in aggregate in employment and non disabled students. But when the disabled student group is disaggregated the statistics do show that some impairment groups fair better than others, for example partially sighted students, wheelchair users and students requiring personal care have higher levels of unemployment. However, other sources of data on the first destination of disabled graduates indicates differences between disabled learners in aggregate and non-disabled learners in employment, with fewer disabled graduates being in full-time work².
16. It is important that the needs of students are met throughout the student life cycle from pre-entry support right through to graduation and into employment. It was this latter part of the cycle in which practice seemed to be less well developed. This finding could be linked to the statistics regarding the destination of disabled students and reflects a need for support in transition from HE to employment or postgraduate studies.
17. It is also important that institutions link specific areas of support within an inclusive umbrella which forms an overarching policy. An inclusive approach recognises that disabled students may also belong to other groups covered by equality and diversity legislation, or may identify with a particular socio-economic group or as an international student. Such an

² AGCAS (2009) *What Happens Next? A Report on the First Destinations of Graduates with Disabilities* P8; DIUS (2009) *Disabled students and Higher education* P32

approach will seek to ensure that the diversity of student need can be met without isolating one group of students from another.

The institutional role in improving support services for students

18. Institutions need to identify those students with impairments whose needs are not being met and work to improve support for those students. This would ideally be part of the inclusive approach. We acknowledge that this will be more challenging for students with some impairments than others. For example, supporting students with mental health needs can be particularly challenging due to: people being unaware they have a difficulty; it being hard for staff to identify students with a mental health need; and the complexities involved in responding to mental health emergencies around the clock. Staff training is also fundamental to providing student support services and is mentioned in more detail below.
19. Investigation of the financial circumstances of disabled students and how this impacts on their experiences would be a helpful part of identifying whether disabled students needs are being met.
20. Institutions could further develop exit strategies for disabled students. Where good practice was found in easing this transition it included activities such as careers workshops, workshops on skills and employability and exit interviews.

Our role in improving support services for students

21. We will work with our partners to provide advice and guidance to institutions to enable them to move towards offering a consistent level of support for students with all impairments.
22. We recognise that a role of institutions is to suitably equip students for their life after HE and their transition to employment. We will build on work already being undertaken by Skill (National Bureau for Students with Disabilities) and the Welsh Assembly Government's SEN Transition Group to identify and develop approaches to support institutions with their exit strategies.

Addressing individual impairments within an overarching inclusive strategy

- Be aware of the specific issues faced by students with particular impairments, and establish practices to better understand students' individual needs
- Ensure that adjustments are made in every aspect of the student experience and that these are linked to other areas of equality and diversity, this will support individuals in an ongoing way
- Aim to be both proactive and preventative whenever possible but also to be in a position to respond to any new or emergent difficulties that can arise for students
- Ensure that services offered are as 'seamless' as possible through joined up approaches. This reduces the possibility that student needs will remain unmet or 'fall through the gaps' through, for example, delayed responses
- Provide academic, social and residential environments which are as inclusive as possible. Embed this inclusivity within all relevant practices, from initial publicity through to graduation
- A good practice example of an inclusive approach would be providing a welcome document for students covering both generic issues and specialised needs. One university provided a guide '*Student support: A helping hand through University life*'. This included coverage of loneliness, homesickness, stress, exam stress, panic attacks, helping a friend in crisis, eating disorders, self-harm, alcohol, drugs, personal safety, harassment, looked after young people, family liaison, students with children, and immigration advice. At the same time, it introduced the Student Support Team and support issues, and referred to making an appointment with a Student Support Adviser, as one of its sections.

Teaching and assessment

23. There are indications that teaching and assessment practices vary widely both within and between institutions. In many cases it was found that staff across an institution would have different levels of engagement, awareness and attitudes towards changing their approach and provision to better meet the needs of disabled students.
24. Teaching, learning and assessment practices that are sensitive to the needs of disabled students are strongly linked to appropriate and sufficiently comprehensive staff training. Improvements in provision result from staff who are adequately resourced to learn more about diverse needs, and given sufficient time and support to design and implement changes in the curriculum, modes of delivery, and assessment methods. There is a wide variety of staff training already delivered in HEIs, ranging

from impairment specific training, e-learning, increasing the accessibility of teaching and improving assessment, feedback and assessment approaches.

The institutional role in improving teaching and assessment

25. Many institutions would benefit from further developing inclusive assessment practices which are flexible and kept under regular review. Consulting disabled students as part of this process will help ensure their needs are met.
26. Monitoring participation rates, continuation rates and attainment by disability status at a subject level within departments could also be helpful in identifying trends. This data can then be used to inform target setting, teaching and assessment methods and student support within departments.
27. Many institutions recognise that different levels of training are needed for different staff and have found that a compulsory comprehensive training package is particularly effective. Where such training is done well and is sufficiently comprehensive in its coverage, it could make a considerable contribution to the mainstreaming of disability support across the institution.
28. Institutions that are not already doing so need to ensure they are providing adequate staff training so that staff are in a position to design and implement changes in the curriculum, modes of delivery, and assessment methods in light of diverse student needs.

Factors to consider when planning staff training

- Keep staff training under review and ensure it is appropriate; there are a variety of resources available and training should range from the general to the much more specific depending on the staff concerned.
- Training needs to take account of specific impairments. This will aid in planning and designing inclusive teaching and assessment, and will reduce barriers to learning.

Accessibility

29. Most institutions have already made significant improvements to physical accessibility over the past ten years but there are still areas that are less well developed. These include access within teaching spaces, estates strategy and review and the information available on institutions' websites.

30. The research identified that the layout and facilities in teaching rooms could sometimes benefit from further improvement/adjustments. For example, ensuring that there are designated spaces for wheel chair users and that AV equipment is accessible for students making presentations would be reasonable anticipatory adjustments to make to learning spaces.
31. An area in which there is significant variability between institutions is the quality and volume of relevant information on their web sites. For example the amount of information available regarding DSA, the availability of accessibility maps and the presence or not of a DES and the ease with which it could be found all varied. Yet this is all information which can be of great importance to disabled students' both during the application process and after enrolment.

The institutional role in improving accessibility

32. Institutional practice which integrates accessibility into new build and refurbishment and takes account of access improvement in estates strategies is likely to be particularly effective. Programmes of regular estates review, consultation of disabled people, frequent access audits and impact assessments will also help to ensure that any physical barriers to access are addressed.
33. Further gains could be made by the innovative use of technology. The installation of speaking lifts, automatic doors and systems which detect a device held by a student and informs them of their location have all been identified by institutional staff as examples of good practice. The use of technology to improve accessibility can contribute to the creation of a 'SMART campus'³. Such a campus would be receptive and inclusive and involve the use of new technologies alongside improving buildings.

Good practice exemplar list for moving towards a 'SMART campus'

- Periodically check the availability, costs and benefits of technological innovations, in conjunction with regular access audit and ongoing improvement to physical structures.
- Regularly consulting disabled students and community informants about potential changes.

³ University of Leeds (2009) *Provision and Support for Disabled Students in Higher Education*

- Develop a longer-term vision of the campus as a more receptive and inclusive environment, in which new technologies could play an important role.

34. Institutions should ensure that information which would be useful to disabled students is presented on their websites (for example information regarding DSA, accessibility maps and the DES). It is particularly beneficial if this information is regularly up dated, in an appropriate format and easy to find.

Good practice exemplar list for websites

- Good accessibility features, such as the ability to alter the layout, background or presentation of the site. Features should be present on the main page and throughout the website
- A specific section for equality schemes, plans and annual reports, easily and intuitively accessible for staff *and* students
- A specific location for disability services information, which is linked to the main pages. Ensure this information covers key topics and issues
- Include links to the DES and/or Disability Statement
- Provide accessibility maps or similar guides
- Provide contact details within specific parts of the site (ideally including connections to student organisations as well as university resources, units and their staff)
- Provide detailed information regarding the provision of residential accommodation, including contact details
- Provide financial/funding information.

Our role in improving accessibility

35. We may investigate whether we should encourage institutions to adopt a standard, consistent body of information to be available on their web sites and easily accessible as a minimum for good practice.
36. In order to support the dissemination of good practice, we are interested in learning the outcomes of any pilot activities that institutions are undertaking in utilising space planning and inclusive environments which use technology and space to adapt to different learning styles and access requirements.

37. The review has shown that some students would benefit from additional clarification regarding the legal requirement for institutions to anticipate the needs of disabled students. The ECU have offered the guidance in the box below:

Statement from the Equality challenge Unit
Reasonable adjustments and competency standards

The Disability Discrimination Act requires education providers to anticipate adjustments to ensure disabled students are not put at a *substantial disadvantage* in relation to:

- a provision, criterion or practice, other than a competence standard, applied by or on behalf of the education provider; or
- any physical feature of premises occupied by the education provider¹.

Substantial disadvantages are defined as those that are not *minor or trivial* (see paragraph 5.8 and 5.9 of the DDA [Code of Practice \(revised\) for providers of post-16 education and related services](#)).

The anticipatory nature of reasonable adjustments requires education providers to be proactive in finding out about individual disabled students' needs but this does not mean that education providers should wait for a disabled person to approach them before giving consideration to the duty to make reasonable adjustments (paragraph 5.11, Code of Practice):

Education providers should be planning continually for the reasonable adjustments they need to make, whether or not they have disabled students. They should anticipate the requirements of disabled people and the adjustments that may have to be made for them. In many cases, it is appropriate to ask students to identify whether they have any particular requirements and, if so, what adjustments may need to be made. Failure to anticipate the need for an adjustment may result in it being too late to comply with the duty to make the adjustment when a disabled person requires it and therefore constitute a failure to discharge the duty.

The Code of Practice recognises that: *Education providers cannot be expected to anticipate the needs of every prospective student* however, the DDA does require consideration and implementation of a range of mechanisms to overcome barriers that are likely to or would obviously impair disabled people. The Code also provides good practice examples including an education provider making provision to convert examination papers in large font, as well as the anticipation of the need for British Sign Language (BSL) Interpretation through setting up access within short notice (see paragraphs 5.13 and 1.14 of the Code).

The Higher Education sector has a range of good practice examples relating to the practical implementation of reasonable adjustments which include:

- Open University's Accessibility Guide
- The University of Northampton's introduction of a Policy Allowing the Electronic Recording of Lectures by Students. This policy affords all students the opportunity to audio record any lecture in order to ensure the University is making anticipatory reasonable adjustments under the DDA.
- Institute of Physics Guide ' [Access for all: A guide to disability good practice for University Physics Departments](#)'. This guide includes information about competency standards, admissions as well as a range of case studies and practical examples to support and make adjustments for disabled students.

In relation to competency standards, alongside information provided within the Code of Practice referred to above, the main and current source of information for HEIs was written by Skill for SPA (Supporting Professionalism in Admissions Programme) and agreed by ECU: <http://www.spa.ac.uk/topical-issues/documents/competency-standards-admissions.doc> There will additionally be more information provided within the revised QAA Code of Practice for Disabled Students (which should be published by Autumn 2009).

Disability Equality Duty

38. Since the Disability Equality Duty (DED) was introduced in 2005-06 institutions have made varying degrees of progress towards meeting all of the criteria that their Disability Equality Scheme (DES) needs to include. It is encouraging that the majority of institutions have a DES in place and that many meet its component requirements to some extent. Evidence suggests that institutions are complying with the legislation and are making real progress in fulfilling the Duty. However, there are some areas that are proving challenging for HEIs and where further support might be welcomed.
39. For example, the research identified examples of good practice within some HEIs of involving disabled students in the development of their DES but this was proving to be a real challenge for many other institutions despite their best efforts to secure such involvement.
40. Data collection is critical to the DES in order to monitor institutional and student progress and improve institutional performance. Appropriate collection of data concerning disabled students is taking place in many institutions including the number of disabled students registered,

impairment groupings, courses taken and outcomes. However, the extent to which this data is monitored and acted on in some institutions appears to be limited.

41. Institutions are required to produce an annual report in relation to the actions and targets in their DES. The research suggested that some institutions may have failed to meet this requirement.

The Institutional role in fulfilling the DES

42. There has been increasing weight placed on the significance of institutional data collection and its use to monitor and evaluate widening participation interventions. The recent introduction of the request for widening access strategies places renewed emphasis on the need for institutions to make better use of data information management to better evidence and inform policy and practice, and set milestones and targets. Within the equalities agenda there are specific issues to address.
43. Where institutions identify gaps in their data collection and monitoring these should be addressed for the reasons outlined previously and in paragraph 38. In addition, in order to comply with the DDA, institutions need to produce an annual report in relation to the actions and targets in their DES. The quality of the data is therefore important in relation to the completion of an acceptable annual report.
44. Our review of institutional Disability Equality Schemes and subsequent sector outcomes circular and sector dissemination event in October 2009, examined these issues in more detail (circular W09/29HE).

Our role in supporting institutions to fulfil the DES

45. We will, with our partners, work with institutions to assist them in securing better engagement with their disabled students.
46. We appreciate that data collection and monitoring is a difficult area and will work with the Academy and ECU to support institutions with monitoring intake and progress of students throughout their student journey. Research shows that monitoring of student progress ideally takes place as part of departmental impact assessments⁴. Therefore student groups that

⁴ Higher Education Academy (2008) *Ethnicity, Gender and Degree Attainment Project - Final Report*

are underachieving can be identified early and appropriate interventions and support can be put in place.

Mainstreaming of disability

47. Mainstreaming and embedding the provision and support for disabled students is fundamental to achieving progress in meeting their diverse needs throughout the student life cycle. There is some concern that support for disabled students remains at the margins in a number of institutions. Where there has been more success in developing a more mainstream and inclusive approach to support, one of the critical success factors has been the engagement and commitment from senior management at the institution.
48. Equality Impact Assessments (EIAs) require involvement from senior management and the consideration of equalities issues in the mainstream planning processes of the institution. They are a key tool for addressing inclusion. However, there are varying levels of engagement with EIAs within the sector.

The institutional role in mainstreaming their support for disabled students

49. There are a number of ways in which institutions could mainstream their support for disabled students including:
 - full engagement with EIAs.
 - the submission of widening access strategies offers institutions the opportunity to develop an inclusive and long-term approach to disability support. Institutions can set targets and milestones for disabled students which will progress their support further towards a social model of disability which embodies an anticipatory, proactive, flexible and adaptable approach
 - the development of inclusive learning, teaching and assessment practices and environments.
 - embedding equalities requirements in course approval processes
 - comprehensive staff training and continuing professional development
 - disability awareness training for students.

Good practice exemplar list for use of EIAs

- Continue to develop and implement EIAs.
- EIAs require commitment at senior levels as part of central management processes,. They provide a vehicle for senior management to take more direct 'ownership' in relation to disability issues.

- Consultation processes need to be planned at an early stage in the development of systems to ensure they are effective.
- Take account of the time and staff resource which is needed to get the most out of the EIA process. Consideration needs to be given to the range of staff that need to be involved in the process to make it worthwhile, for example equality and diversity staff.
- Adequate data is needed.
- Implementation within a large institution may need 'staging' carefully, with selected key targeted areas identified quickly, a learning process in place for building on the first stages, and a rolling programme as part of the institution's planning.

50. The Quality Assurance Agency is in the process of updating section 3 of the code of practice which addresses the assurance of academic quality and standards in higher education for disabled students. The updated code of practice will contain precepts and explanations, which will be valuable for institutions in addressing the areas for improvement highlighted in this document.

Our role in supporting the mainstreaming of disability in institutions

51. We will continue to work with the ECU on the development and use of EIAs. We will also identify examples of continuous improvement in the WASs and disseminate relevant examples.

Annex B

Policy and legislation developments

1. There has been significant development in institutional support to meet the needs of disabled students since our last guidance to the sector in 1999. Perceptions have shifted over the last 10-15 years towards a view of disability as an equalities and therefore, social issue rather than a medical and therefore, individual issue.
2. The shift in perception of disability is linked to changes in legislation and the policy and practice of Government and Governmental agencies. The legal definition of disability in the UK is based on an individual or medical model of disability; an individual is disabled if they have a physical or mental impairment which has a considerable and long-term affect on their ability to perform everyday activities. In contrast representative organisations of disabled people and many public bodies, such as ourselves and HEFCW, base their policy thinking and practice on a social model of disability. The social model seeks to address the environmental and attitudinal barriers that can result in disadvantages for the individual, as opposed to a concentration on the specific impairment of the individual.
3. Despite the legal definition of disability, recent legislation has been influenced by the social model of disability and has had a positive effect on policy and provision for disabled students. In 2001 the Disability Discrimination Act (DDA) was updated to require Further Education Colleges (FECs) and HEIs to produce disability statements regarding their policy, provision and future plans. In the same year, the Special Educational Need and Disability Act (SENDA) was introduced. The SENDA made it illegal to discriminate against disabled students. Discrimination was deemed apparent if institutions failed to make 'reasonable adjustments', or provide unfavourable treatment to a student relating to their impairment without justification.
4. At the same time a Government report⁵ was produced which marked a change in position from one that had been largely reactive to one which sought to be much more proactive and future legislation was developed from this new position. Amendments were made to the DDA in 2003 and 2005. The amendment to the DDA in 2005 introduced the Disability Equality Duty (DED) which placed a legal duty on all public sector organisations to promote equality of opportunity for disabled people and to actively address disability inequality. Under this duty significant public authorities were required to produce Disability Equality Schemes (DES). Schemes must be reviewed every three years and need to include:

⁵ Prime Minister's Strategy Unit (2001) *Improving Life Chances of Disabled People*

- A statement of how disabled people had been involved in developing the scheme
 - An action plan that included practical ways in which improvements would be made
 - The arrangements in place for gathering information which would allow the organisation to measure progress against its targets on disability equality.
5. Since 2006 the Equality and Human Rights Commission (EHRC) has had responsibility for enforcing the Disability Equality Duty. It has the power to take legal action against public sector organisations that have not fulfilled the requirements of the DED. However, as yet the EHRC has not turned its attention to the HE sector.

Annex C

Useful contacts/ partners

Equality Challenge Unit	http://www.ecu.ac.uk/
Higher Education Academy (the Academy)	http://www.heacademy.ac.uk/
NADP	http://www.nadp-uk.org/
Skill	http://www.skill.org.uk
Quality Assurance Agency (QAA)	http://www.qaa.ac.uk/

List of abbreviations

DDA	Disability Discrimination Act
DED	Disability Equality Duty
DEP	Disability Equality Partnership
DES	Disability Equality Scheme
DSA	Disability Support Allowance
ECU	Equality Challenge Unit
EIA	Equality Impact Assessment
EHRC	Equality and Human Rights Commission
FEC	Further Education College
HE	Higher Education
HEA/The Academy	Higher Education Academy
HEFCE	Higher Education Funding Council for England
HEFCW	Higher Education Funding Council for Wales
HEI	Higher Education Institution
NADP	National Association of Disability Practitioners
NAO	National Audit Office
SENDA	Special Educational Needs and Disability Act
SKILL	National Bureau for disabled students
QAA	Quality Assurance Agency
WA	Widening Access
WAG	Welsh Assembly Government
WAS	Widening Access Strategy