



## INTRODUCTION

- 1 This circular seeks views on future arrangements for a service to co-ordinate disability matters in Wales's universities and colleges, also known as higher education institutions (HEIs). We wish to gather the views of representatives from the HE sector, from student support services to senior management, in order to ensure a service which best meets the needs of HEIs. We also welcome responses from other organisations and individuals with an interest in what is proposed.

## BACKGROUND

### *Duties on HEIs*

- 2 The Special Educational Needs and Disability Act (SENDA) 2001 amended part IV of the Disability Discrimination Act (DDA) 1995 and made it unlawful to treat disabled people and students in higher education less favourably than their non-disabled peers for reasons relating to their disability. Institutions were required to make 'reasonable adjustments' to ensure disabled people were not put at a substantial disadvantage in accessing higher education compared to people who were not disabled.
- 3 One of the duties placed on higher education institutions through the Act was to make adjustments involving the provision of auxiliary aids and services to people and students, by 1 September 2003. The Disability Rights Commission (DRC) in Wales commissioned a research project on auxiliary aids and services in further education (FE) and higher education (HE) to: assess the preparedness of post-16 education institutions to comply with the new legislation; provide a comprehensive overview of the current provision of auxiliary aids and services in Wales and analysis of their quantity, distribution and quality; and identify problem areas, deficits and concerns.
- 4 The ensuing report, *Taking Away the Strain* ([www.drc-gb.org](http://www.drc-gb.org)), appeared in Spring 2004 and recommended that more needed to be done to help provide a strategic framework within which institutions could operate in

Wales. As the report covered both further and higher education, it suggested that, in order to help build this strategic framework:

- 5 *...the Funding Councils for further (sic) and higher education in Wales should consider how best to co-ordinate provision for disabled students in the post-16 sector to ensure an effective all-Wales approach which supports institutional compliance with the requirements of the DDA, part IV.*
- 6 The more recent Disability Discrimination Act, which replaces the existing legislation, received Royal Assent in April 2005. Expectations on HEIs are likely to be raised further in the future as the Act brings the functions of public bodies, including HEIs, within the scope of disability discrimination legislation. The Act introduces a new positive duty on public bodies to promote equality of opportunity for disabled people and public bodies will be expected to mainstream disability equality issues. HEIs will need to take action to eliminate discrimination and remove barriers to the participation of disabled people as well as promote equality of opportunity and embrace diversity. In the case of HE, this will cover both staff and students.
- 7 The **specific duty** for public authorities means that HEIs will need to take early action to ensure they produce a **Disability Equality Scheme** by December 2006, which will show how they intend to fulfil their duties under the Act. Doing this will include assessing the impact of institutional policies and practices on disabled people and involving disabled people in developing the scheme. Public authorities, including HEIs, are encouraged through the legislation to become models of good practice in disability equality.

#### *HEFCW funding*

- 8 Since 1999/2000, HEFCW has provided £0.5m per year for HEIs in Wales to develop strategically their policies and services for disabled students. (In 2002, an additional one-off payment of £400K was given to HEIs to make their buildings and courses more accessible to disabled students.) Since 2002/03, this funding has been allocated primarily through premium funding, which is based on the number of students in receipt of a Disabled Students' Allowance (DSA). The proportion of students in receipt of a DSA in Wales is already higher than the UK average and the other individual UK countries. Trends indicate that this is likely to increase further in the future due to the recruitment of an increased number of disabled students who receive the allowance and even more effective institutional data collection.

The premium funding is in addition to disability capital funding provided by HEFCW, which will have amounted to £12.2 million across the period 2004/05 to 2005/06.

### *Support for HEIs – the UK and Wales contexts*

- 9 Support for disability work is already provided in England, Northern Ireland and Scotland, through disability teams financed by the HE Funding Bodies. In England, the National Disability Team (NDT) supports projects funded by the Higher Education Funding Council for England (HEFCE), and the Department for Employment and Learning Northern Ireland (DELNI), providing information on their funding programmes, helping to disseminate project outcomes and working with HEFCE/DELNI, other national teams and relevant organisations to provide information and advice about disability-related developments in HE. These arrangements have been reviewed by HEFCE, which intends, from 2006, to take forward the work of the NDT by working together with sector-owned bodies and by the strategic resourcing of existing structures. HEFCE proposes that the revised resource be based within three organisations: the HEFCE widening participation team; the Higher Education Academy; and the Equality Challenge Unit.
- 10 In Scotland, the Scottish Higher Education Funding Council (SHEFC) finances the Scottish Disability Team. Its duties include providing training to the sector, undertaking work on co-ordination and development, maintaining its informative website, supporting HEIs in strategic planning and working with SHEFC on the Council's own strategic planning framework and on wider issues such as disability-related funding. Arrangements for equality support for HE and FE in Scotland have recently been reviewed.
- 11 Further support is available from Skill, the National Bureau for Students with Disabilities, an independent charity which promotes opportunities for disabled people in learning and employment. It provides information and advice for disabled people and the professionals who work with them, informs and influences key policy makers to improve legal rights and support for disabled people in post-16 education and training and promotes best practice. Skill Wales has recently been set up. It will be able to respond specifically to Welsh issues and provide a localised service for disabled students, rather than the HEIs themselves, in Wales.

- 12 Across the UK, the Equality Challenge Unit (ECU) promotes equal opportunities in higher education and currently focuses on matters related to staff in HE. It employs a policy officer and adviser who deal with disability equality matters. The ECU's remit includes raising the awareness and profile of equal opportunities, providing advice to HEIs, helping HEIs to monitor equal opportunities for staff and disseminating good practice. The Unit is funded jointly by the UK funding bodies, Universities UK and SCOP (the Standing Conference of Principals).
- 13 Finally, in Wales, HEFCW has responded recently to correspondence from the Minister for Education and Lifelong Learning which asked for a progress report on action HEFCW and the sector had taken for each of the recommendations in the aforementioned report *Taking Away the Strain*. The Minister also wished to know how the HE sector was engaging with the disability agenda. Additionally, HEFCW officers have had constructive discussions with colleagues in the DRC Wales about how the recommendations from the report could be taken forward in Wales.

## **COUNCIL ACTIONS**

- 14 Against this background, HEFCW proposes to provide some additional support for HEIs in their duties in respect of disabled students. Funding has been set aside by HEFCW to run a service for three years initially, to commence in the academic year 2005/06. In common with practice elsewhere in the UK, we believe that a co-ordinated service for the HE sector would be more beneficial in assisting HEIs achieve their disability equality goals than increasing each HEI's allocation by a small amount.
- 15 The service will comprise a co-ordinator in the first instance, plus a part time administrator, who will work with and alongside HEIs to ensure they are equipped to meet the requirements of disability legislation which deals with students. This should also help HEIs tackle their responsibilities in respect of disabled staff. The staff in the service would need to be accountable to, and supported by, HEFCW. The service should not duplicate the publicly-available output - such as good practice documents - of the other UK disability teams, or the work in Wales undertaken by organisations such as the DRC and the Equality Challenge Unit. The service should complement the work of Skill Wales.

## ISSUES FOR CONSULTATION

- 16 We wish to gather a wide range of views, from HEIs and other organisations, in order to ensure a service which best meets the needs of HEIs for the ultimate benefit of disabled students.

### The remit of the service

- 17 The remit of a service to support HEIs in Wales in their duties in respect of disabled students should be wide-ranging. The suggested remit, below, is intended as a guide and may be widened.
- i. Setting up a database of auxiliary aids and services provided and used by HEIs in Wales and helping HEIs work through the recommendations of the report *Taking Away the Strain - Auxiliary Aids and Services for Students in Post-16 Education in Wales*, in order to facilitate the sharing of specialist resources between institutions. Facilitate links with other national (UK) resources, as appropriate;
  - ii. Acting as a first point of contact for HEIs in Wales to obtain advice on planning and preparing the curriculum, estate, services and policies for disabled students;
  - iii. Advising HEIs on how to effectively direct their funding on anticipatory and strategic rather than reactive and ad-hoc developments for disabled students, and through this encouraging collaborative working between HEIs to optimise the application of funding;
  - iv. Helping key contacts in HEIs create meaningful links with, and within, their respective Reaching Wider Partnerships and advising on the sorts of activities for disabled people the Partnerships could engage with;
  - v. Meeting with senior managers and other key players in HEIs to discuss and provide guidance on the practical implications of

- disability legislation and assisting with or advising on staff training requirements;
- vi. Working, as appropriate, on collaborative ventures, such as UK-wide seminars, with, for example, other UK Disability Teams;
  - vii. Moving forward with the points made above by promoting the sharing of good practice through email groups, meetings and seminars and promoting the work being done in the HE sector in Wales;
  - viii. Liaising with colleagues in the Equality Challenge Unit to collaborate, where appropriate, on developments in respect of the expected future duty on HEIs to promote equality of opportunity for disabled staff;
  - ix. Liaising with the DRC and Skill Wales;
  - x. Working with the appropriate disability organisations in order to help the sector meet the requirements of existing and forthcoming disability legislation, mainly with regard to HEIs' duties in respect of disabled students; and
  - xi. Keeping abreast of developments in disability policy and working with HEFCW on widening access/disability issues, capital funding and estates matters, human resources (HR) etc to help the Council take forward its equality and diversity agenda.

***Issue 1: Please offer views on the proposed remit of the service. We would also welcome suggestions for possible additional duties and comments on the weighting or importance that should be given for each or any of the proposed duties.***

***Issue 2: Do you agree with the proposal that the co-ordinator will focus initially on HEIs and their duties in respect of students, whilst acknowledging that the benefits afforded by the service should be felt across the institution and will help HEIs make the linkage between those charged with equality of opportunity for disabled students and with equality of opportunity for disabled staff?***

## Operational aspects of the service

- 18 The National (for England/Northern Ireland) and Scottish disability teams have been located within institutions. We will need to determine whether it would be appropriate to locate our proposed co-ordination service: within the sector in Wales; as a co-location with another organisation involved in disability and HE; or within HEFCW. Whilst locating the service outside HEFCW would help the co-ordinator to work closely with HEIs or with other organisations, location within the HEFCW structure in Cardiff could provide the co-ordinator with the benefits of working within a larger organisational structure, and the residual money saved by not running an additional office could be added to the co-ordinator's budget.

### ***Issue 3: Should the service be located:***

- a) ***within an HEI;***
- b) ***with another organisation involved in disability matters and higher education; or***
- c) ***within the HEFCW structure.***

## The service's key audience

- 19 The service would be an outward-looking, practical 'resource' which HEIs could tap into. It would be helpful to gauge the sector's views on the nature of some of the links the co-ordinator will need to have with HEIs. There are numerous possibilities, which include: liaison with senior management; support for student services managers, disability service co-ordinators and advisers; bridging any gaps between student support and HR or equality/diversity functions in HEIs; and development activities for all members of staff.

***Issue 4: The Council welcomes views on the service's relationship with HEIs. We welcome comments on both the range of connections which the co-ordinator will need to make within HEIs as well as views on the main areas which would benefit from such a resource, and how.***

## Relationships with other bodies

- 20 The service will play a significant part in taking forward the disability equality agenda in higher education in Wales. As well as working closely with the HEIs in Wales, there will be a need to forge good working relationships with other bodies that are also concerned with disability matters in HEIs in Wales, such as Skill and Skill Wales, the Disability Rights Commission, disability organisations and the Equality Challenge Unit. It is also anticipated that the postholder would need to liaise with the National (England/Northern Ireland) and Scottish Disability Teams and/or colleagues in the Funding Bodies around the UK.

***Issue 5: How should the service best work in partnership with other key players in the area of disability and higher education? [We will also welcome contact information from key individuals and organisations with whom the co-ordinator will need to make contact once in post.]***

***Issue 6: How can work being undertaken by existing bodies in Wales or further afield be complemented by the work of the proposed HEFCW disability service?***

***Issue 7: Comments are invited on how to ensure that the remit of the service does not unnecessarily duplicate the work already being undertaken in Wales, or in the UK, by other representative bodies.***

## General Comments

- 21 The Council would welcome any other comments which respondents wish to make on any aspect of the proposed service to support HEIs their duties in respect of disabled students. We would also welcome more general comments regarding support for equalities in HE in Wales and how this could be taken forward with support from the Council in future.

## **RESPONSES**

- 22 Responses should be sent to Emma Raczka, Learning and Teaching Manager, Higher Education Funding Council for Wales, Linden Court, The

Orchards, Ilex Close, Llanishen, Cardiff, CF14 5DZ, or email:  
emma.raczka@hefcw.ac.uk by **Monday, 18 July 2005**.

23 Useful websites:

Higher Education Funding Council for Wales: [www.hefcw.ac.uk](http://www.hefcw.ac.uk)

National Disability Team: [www.natdisteam.ac.uk](http://www.natdisteam.ac.uk)

Scottish Disability Team: [www.sdt.ac.uk](http://www.sdt.ac.uk)

Disability Rights Commission: [www.drc-gb.org](http://www.drc-gb.org)

Skill, The National Bureau for Students with Disabilities: [www.skill.org.uk](http://www.skill.org.uk)

Equality Challenge Unit: [www.ecu.ac.uk](http://www.ecu.ac.uk)