

Cyngor Cyllido Addysg
Uwch Cymru
Higher Education Funding
Council for Wales

hefcw

HEFCW Disability Equality Scheme

September 2006

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Foreword

This document sets out HEFCW's plans for meeting its statutory responsibilities with regard to the Disability Discrimination Act 2005. However, our aims extend well beyond mere compliance.

As the Council 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 will 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 will monitor institutional actions and sector performance but we will also provide assistance and funding support to enable improvements in sector performance in improving disability equality.

In addition, we recognise the work which we need to do as an employer ourselves to improve diversity and to facilitate the employment of disabled people and this scheme sets out how we will take forward our employment duty.

We have involved disabled people throughout the development of our scheme and understand that we must continue to engage disabled people. We see this scheme as an evolving document and we welcome comments and feedback which will assist us in reviewing the Scheme and developing our action plan. Please address any comments to Vikki Burge, Disability and Diversity Co-ordinator, HEFCW.

Phil Gummett
Chief Executive

Who We Are

The Higher Education Funding Council for Wales (HEFCW) is an Assembly Sponsored Public Body, established in May 1992 under the Further and Higher Education Act 1992. The Council assumed responsibility for the funding of higher education in Wales in April 1993. We administer funds made available by the National Assembly for Wales to support education, research and associated activities at twelve higher education institutions and the Open University in Wales. We also provide funds for prescribed higher education courses at further education colleges.

The Council is also responsible, under the Education Act 1994, for the funding of initial teacher training for schoolteachers and the accreditation of providers of initial teacher training. In addition to our funding responsibilities, we provide advice to the National Assembly for Wales on the funding needs, aspirations and concerns of the higher education sector in Wales.

We receive an annual remit from the Welsh Assembly which sets out the funding for the higher education sector for the following year, together with associated student numbers. It also sets out the tasks expected of us during the year, with reporting dates.

Corporate Aims

Our mission is to promote internationally excellent higher education in Wales, for the benefit of individuals, society and the economy, in Wales and more widely.

Working with partners, we deploy funds from the Assembly and others in order to:

- secure higher education learning and research of the highest quality;
- maximise the contribution of higher education to the culture, society and economy of Wales;
- ensure high quality, accredited teacher training provision across Wales.

We have six corporate aims as follows:

1) Reaching Wider: delivering wider participation and access in support of social inclusion and economic upskilling

We wish to see institutions working collaboratively within the sector and with other parts of the education system and the voluntary sector to improve access for those from communities and groups with a record of low participation in HE.

2) The ‘Deal for Students’: delivering the highest quality learning and related support

We wish to see a higher education sector which compares favourably with the rest of the UK and overseas in terms of the provision of higher quality learning and teaching.

3) Research Excellence: delivering improved research performance to underpin the knowledge economy and cultural and social renewal

Research is essential for the creation of knowledge and for wealth creation through the application of that knowledge, as well as for providing essential underpinning for good quality teaching in higher education. The Council supports this through provision of funding for research activity, investment in infrastructure, equipment and facilities and the teaching of postgraduate research students, who are in the future of the research base. We also support the sector in seeking to secure increased research income from sources other than HEFCW, particularly via Research Council grants and from the commercialisation of their research outputs.

4) Benefiting Society and the Economy: delivering more productive relationships between higher education institutions and the public and private sectors, other agencies and local communities

The Welsh higher education sector makes a significant contribution to the economic, social and cultural well-being of Wales. Collectively, our HE institutions generate more than £1 billion per annum in gross expenditure to the Welsh economy, account for 1.4% of the total Welsh workforce, and are major employers in Wales. Third mission activities in

higher education institutions stimulate and direct the application and exploitation of knowledge, and engagement with the local community, to the benefit of the social, cultural and economic development of society.

5) Initial Teacher Training: delivering newly qualified teachers of high quality

We wish to contribute to the Assembly's overall policies and strategy for learning in schools in Wales.

6) a) Making it Work: The HE Sector in Wales

A strong emphasis on reconfiguration, collaboration, and other measures to sustain improved performance of individual institutions and the HE system as a whole.

A higher education system that, through individual and collaborative activity, offers diverse provision, is widely recognised as serving the needs of Wales, and is competitive at least on a UK-scale.

b) Making It Work: HEFCW

Being an effective public sector body by:

- having the capability and infrastructure that enables us to work effectively internally and with all our stakeholders and partners (especially Welsh Assembly Government and the HE sector in Wales)
- Being an employer of choice.

The Legal Position

The Disability Discrimination Act 1995, amended by the Disability Discrimination Act 2005, places a statutory General Duty (sometimes referred to as the Disability Equality Duty) on all public authorities to promote disability equality. This means that public authorities must, in carrying out all functions, have due regard to the need to:

- promote equality of opportunity between disabled persons and other persons
- eliminate discrimination that is unlawful under the Act;
- eliminate harassment of disabled persons that is related to their disabilities
- promote positive attitudes towards disabled persons

- encourage participation by disabled persons in public life; and
- take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons.

Although we have not been given additional duties to monitor any aspect of the HE sector with regard to disability equality, HEFCW recognises that promoting disability equality will improve services for all. Our aim is to make equality a central part of the way the Council and the HE sector in Wales works by putting it at the centre of our activities.

HEFCW subscribes to the social model of disability which recognises that the poverty, disadvantage and social exclusion experienced by many disabled people is not the inevitable result of their impairments or medical conditions, but rather stems from attitudinal or environmental barriers¹.

What is a Disability Equality Scheme?

In addition to the general duties outlined above, the Disability Discrimination Act 2005 imposes a number of specific statutory duties on the Council. These are intended to assist public authorities in meeting the General Duty, in particular by setting out what public authorities should do to plan, deliver and evaluate action to eliminate discrimination and promote equality. The core requirements are:

- The preparation and publication of a Disability Equality Scheme
- Implementation of the Disability Equality Scheme (via an action plan in the scheme)
- Annual reporting.

HEFCW's Disability Equality Scheme meets these requirements and contributes toward our aim of promoting good equality practices and working relationships with institutions in order to meet the needs of disabled people across the HE sector. This scheme sets out our overall objectives for improving and

¹ Disability Equality Statutory Code of Practice, Disability Rights Commission (DRC), p. 14.

addressing disability inequalities and the action plan for delivering improvements to access and services. It will therefore help us to achieve a number of objectives:

- To meet the requirements of the Disability Discrimination Act and set out our plans to improve equality of opportunity to higher education in Wales – for staff and students – as well as our own staff
- Make sure that we are taking the needs and views of disabled people into account when we make access improvements or develop policies
- Continuously monitor and improve the ways in which we deliver our activities to disabled people.

HEFCW and the HE Sector

Although HEFCW recognises that, at present, disabled people do not have the same opportunities or choices as non-disabled people², higher education institutions demonstrate their commitment to equality of opportunity in many ways, and not least through their strategies for disabled students and their disability statements. HEIs generally welcome enquiries and applications from disabled students, and help disabled students participate fully in university life through promoting a fair and inclusive learning and living environment. Institutions cannot by law discriminate against disabled people – including prospective students and staff - on the grounds of their disability and are required to make reasonable adjustments to policies, courses, buildings and services to ensure disabled students are not disadvantaged.

The Disabled Students' Allowance (DSA) helps full- and part-time undergraduate and postgraduate students with the extra costs they incur as a result of their disability when attending their course and is administered by Local Education Authorities. The table overleaf gives an overview of the position of receipt of the DSA across the UK.

² The Duty to Promote Disability Equality, Statutory Code of Practice, DRC

	Total full-time first degree students	Number in receipt of DSA	Percent in receipt of DSA (%)	Total full-time undergraduate students	Number in receipt of DSA	Percent in receipt of DSA (%)	Total part-time undergraduate students	Number in receipt of DSA	Percent in receipt of DSA (%)
Total UK	912085	28305	3.1	1034365	30865	3.0	249440	3885	1.6
Total Wales	50995	2230	4.4	57585	2420	4.2	10425	135	1.3
Total England	731480	22820	3.1	834190	25000	3.0	131365	1625	1.2
Total Scotland	103190	2610	2.5	114435	2755	2.4	10915	105	1.0
Total Northern Ireland	26425	640	2.4	28155	690	2.4	4145	60	1.5

Source: HESA (Participation of students in higher education who are in receipt of Disabled Students' Allowance (DSA): All undergraduates 2003/04)

HEIs receive funding from HEFCW for the number of students in receipt of the DSA at their institution. This *Disability Premium* is set at £200 per eligible student in receipt of a DSA. Institutions are expected to account for the funding through developing and submitting a strategy for disabled students. These strategies ensure that institutions are able to plan and make anticipatory adjustments for disabled students, and ensure continuity of services, such as specialist student support arrangements or staff training. They must be linked to an institution's overarching strategy for widening access.

In 2004/05 and 2005/06, we have also been able to provide £12.2m in disability capital funding, which supports developments required to help HEIs comply with disability legislation. This funding can be used for building adaptations (or other estates work) to provide adequate access or facilities for disabled students, and to buy specialist equipment, including IT equipment, which make courses accessible to disabled students.

As well as funding, we also provide guidance in good practice. In 1997, HEFCW and the Higher Education Funding Council for England (HEFCE) published guidance on base-level provision for disabled students in HEIs. The document aimed to guide institutions on provision for disabled students, act as a benchmark for students and institutions and inform funding policy. Although this document has been superseded by legislation, it remains a useful reference document.

More recently, following a consultation circular issued in July 2005 that sought the views on future arrangements for a HEFCW-funded service to co-ordinate disability matters across HEIs in Wales, a new HEFCW Disability and Diversity Co-ordinator was appointed. 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 to achieve their disability equality goals than increasing each HEI's funding allocation by a small amount.

The post will provide advice and guidance to higher education institutions on their duties towards disabled students and staff, and for equality and diversity more generally. It will also support HEIs in directing their funding effectively, foster the development and dissemination of good practice and innovation in equal opportunities, particularly in the policies and provision for disabled students, and contribute to sector development and Council policy on disability and equal opportunities in higher education.

We also, in partnership with the other UK HE funding councils, fund the Equality Challenge Unit (ECU) which works alongside HEIs to develop and support all aspects of equality for staff and students in Higher Education across the UK.

HEFCW as an Employer

We are committed to a policy of equality of opportunity for all staff and fostering a working environment that is fair, supportive and inclusive. It does not accept any form of unlawful or unfair discrimination. This includes harassment, victimisation, bullying, or discrimination on the grounds of, for example, race, colour, nationality, ethnic/national origins, religious beliefs, political opinions, marital/parental status, gender, sexual orientation, age, physical/mental disabilities, or the imposition of conditions or requirements which disadvantage individuals and which cannot be shown to be justifiable. This commitment is manifest in recruitment, selection, appraisal, training and development, pay and every other aspect of employment.

In order to meet our employment duties we undertake equality monitoring in the following areas:

- ⇒ Recruitment and Selection: initial enquiry rates; job application rates; sources of applicants; selection success rates at each stage of the recruitment and selection process (including for staff seeking promotion opportunities through fair and open competition).
- ⇒ Employment: Representation by grade and gender by team, and type of work; the numbers making use of the grievance procedure, and the outcome of those procedures; actions under and outcomes following the disciplinary procedure; dismissals, resignations and other reasons for leaving; outcomes following the performance appraisal process.
- ⇒ Training and Development: Applications for, and participation in training and development courses.

Where any detriment or benefit is found as a result of the monitoring exercises, we will, through our HR section, address the issue(s) and report on actions taken in response to the findings.

Consultation with our staff will be undertaken through the Works Council, and through other bodies such as our Equal Opportunities groups.

Data and analysis from the monitoring is reported annually to Management Board. Data is published on an annual basis on our website, subject only to respecting the Council's obligation to safeguard the confidentiality of any individual data received.

HEFCW will, over the next three years, be striving to attain the 'Two Ticks' disability symbol awarded by Jobcentre Plus to recognise us as an employer who has agreed to take action to meet five commitments regarding the employment, retention, training and career development of disabled employees.

We are committed to meeting, and going beyond our statutory employment duties, developing our policies and procedures to ensure the equality of opportunity for all our staff. This is supported by the Council's equal opportunities policy and our harassment and anti-discrimination policy.

Communication

HEFCW is committed to communicating with our stakeholders and staff in formats that best suit individual needs and preferences. We will provide, on request, all key documents and policies in a variety of formats, including Large Print (customised to the recipient's specific needs), CD/disk, Braille, online and on audio tape, and accept correspondence electronically (e.g. email, online communication form), via disk and in Braille. British Sign Language (BSL) Interpreters for meetings and seminars with Council staff are arranged on request.

Over the next three years, and through working in partnership with the Communication Manager, we intend to develop and implement an Accessible Information Policy (AIP) alongside the Communication Strategy. The AIP aims to encourage all staff to think carefully about the production of printed documents, both internally and externally, and to be considerate of different disabilities and learning difficulties whilst writing and publishing Council papers and documents.

Involving Disabled People

We recognise that the involvement of disabled people is critical to the success of this Disability Equality Scheme and that the DDA requires us to go beyond merely consulting disabled stakeholders. Involvement will, therefore, be an ongoing activity as we develop our DES, and guide and shape the sector.

Although the law defines a disabled person as someone who has a physical or mental impairment, that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities, and includes long-term medical conditions such as cancer, HIV and Multiple Sclerosis, we also recognise that one does not have to be registered as disabled to have a perspective on disability issues. As such, we welcome the views of anyone who wishes to contribute to this scheme.

As we do not provide a direct service to the public, we have had to proactively seek contributors to help us shape and develop our scheme. In addition to our Equal Opportunities Sub-Group

(EOSG), who initially steered the scheme and action plan, we also brought together representatives from national and local organisations for and of disabled people (such as the Equality Challenge Unit (ECU), Skill (National Bureau for Students With Disabilities)) for their views, and have visited each HEI across Wales (and directly-funded FEIs) to observe each individual institution's Disability Equality Steering Group and enable the views of disabled students and staff within the sector to feed into the Council's action plan.

Mindful that some interested employees may be reluctant to come forward and participate if they're unwilling to disclose a disability, we circulated a stakeholder questionnaire which encouraged responses either signed by staff or submitted anonymously. This has given people the option to contribute without fear of reprisal or discrimination, and encouraged several members of staff with hitherto unknown disabilities to approach the Disability and Diversity Co-ordinator to discuss in detail their conditions and contribute towards the development of the scheme.

We anticipate that the scheme will evolve and change over time and welcome, at any time, feedback from the sector and/or stakeholders, not just on the scheme and plan themselves but also on how we involve the views of disabled people. We continue to welcome contributions from anyone with an interest in disability, and are actively looking for involvement from disabled people to help us shape and develop this.

Impact Assessments

All public authorities must include in their Disability Equality Scheme a statement of the authority's methods for assessing the impact of its policies and practices on equality for disabled persons. The purpose of an impact assessment is to ensure that activities do not disadvantage disabled people, and that, wherever possible, we might better promote equality of opportunity, including consideration of where the different parts of the disability equality duty might be built into those policies and practices.

Whilst considering whether our policies, practices and procedures require a full impact assessment, we need to develop criteria as set out by the Code of Practice which will assist us in determining whether:

- the policy is a major one in terms of scale or significance for the our activities or
- there is a clear indication that, although the policy is minor, it is likely to have a major impact upon disabled people. This is not a question merely of the numbers of disabled people affected but of the degree of impact.³

We also examine the implications for diversity and equal opportunities for each paper submitted to our Council meetings, seeking assurance that the proposals do not disadvantage particular groups, and confirmation that they include positive actions to ensure the equal rights of such groups.

We will publish guidance to all staff on impact assessments, as well as continue to provide training to staff on equality impact assessing. Details of how we carry out impact assessments will also be available online to ensure that any interested stakeholder can review our current assessment processes.

We will shortly publish a timetable of the policies and procedures that we shall be impact assessing over the next year. HEFCW are currently reviewing existing policies, practices and procedures in order to determine if they have an adverse impact upon disabled people, and the findings of our Impact Assessments will be available online and within the final version of the DES in December 2006 as Annex C of this document.

Our Impact Assessment Form is included as Annex B of this document.

Action Plan

Our Disability Equality Action Plan 2006-2009 sets out all of the actions we have identified for the next three year cycle. Each action has been given a deadline, identifies the key person responsible for driving that outcome forward, and proposes the desired outcome. The plan will be monitored and reported on annually.

³ The Duty to Promote Equality, Code of Practice, DRC.

The Action Plan will be annexed in the final version of our DES in December 2006.

Monitoring Progress

Enforcement of the specific duties of the Disability Discrimination Act 2005 will be the responsibility of the Disability Rights Commission (DRC) until 2007, after which the Commission for Equality and Human Rights will inherit the enforcement powers. Unlike the Race Relations (Amendment) Act, it, however, does not fall to the Council to monitor disability equality within the sector.

HEFCW's Disability Equality Scheme will be reviewed and revised as appropriate, drawing on feedback and guidance from disabled people and responding to the needs and requests of the HE sector in Wales.

The Action Plan and subsequent outcomes will be published and included on our website, as well as transcribed into a range of alternative and accessible formats. We collate data related to the performance of the higher education sector, which we use for monitoring, and this will be published on the web site together with this scheme.

We aim to work closely with the sector in supporting the further development of Disability Equality Schemes and promoting and sharing Good Practice across the sector in Wales and more widely. This may involve inviting institutions to submit revised schemes and plans or submit copies, via the strategic planning process, of reports on the outcome of their monitoring and assessments, which they are required to publish annually for analysis and feedback.

The impact and performance of the HEIs' Disability Equality Scheme will be monitored regularly by HEFCW's Management Board, and it's Equal Opportunities Sub-Group.

Complaints

Complaints regarding the operation of the HEFCW DES will be taken under the Council's Complaints' Procedures and should be addressed, in the first instance, to the Clerk to the Council.

Contact Us

To discuss any aspect of this document in confidence, please don't hesitate to contact us through the Council's Disability and Diversity Co-ordinator at:

Higher Education Funding Council for Wales,
Linden Court,
The Orchards,
Ilex Close,
Llanishen,
CF14 5DZ.

Tel: (029) 2068 2218

Fax: (029) 2076 3163

Email: vikki.burge@hefcw.ac.uk

Correspondence is welcome in English or Welsh print, in Braille or on CD/computer disk.

Abbreviations

AIP	Accessible Information Policy
BSL	British Sign Language
CEHR	Commission for Equality and Human Rights
DDA	Disability Discrimination Act
DED	Disability Equality Duty
DES	Disability Equality Scheme
DRC	Disability Rights Commission
DSA	Disabled Students' Allowance
ECU	Equality Challenge Unit
HE	Higher education
HEFCE	Higher Education Funding Council for England
HEFCW	Higher Education Funding Council for Wales
HEI	Higher education institution
HESA	Higher Education Statistics Agency
HR	Human Resources
SKILL	National Bureau for Students with Disabilities

Annex A – Disability Equality Action Plan

The Action Plan will be annexed in the final version of this DES in December 2006.

Annex B – Impact Assessment Form

Name of Policy:

Department:

1. Identify the main aims of the Policy

A. What is the purpose of the policy?

B. Who will benefit from the policy?

C. Will other departments share responsibility for the policy? If yes, who?

No _____

2. Consider the evidence (Please attach):

A. Do you have monitoring data on the number of people who are using or will be impacted by the policy?

- (1) Number of people with a disability _____
- (2) Black and minority ethnic communities _____
- (3) Women _____
- (4) Men _____
- (5) Religious Groups _____

Christians _____ Muslims _____ Hindus _____ Sikhs _____ Others _____

B. What is the percentage of persons in the above category according to local census data?

- (1) Disabled _____
- (2) BME Communities _____
- (3) Women _____
- (4) Men _____

(5) Religious Groups

Christians_____Muslims_____Hindus_____Sikhs_____Others_____

C. Other information sources:

(1) Research findings

(2) Consultations and/or surveys

(3) Equality monitoring data

(4) Analysis of complaints

(5) Inspection and/or audit reports

(6) Information from voluntary and/or community groups

3. Assess the likely impact.

A. Will the policy have negative consequences for disadvantaged groups?

- | | |
|----------------------|-----------------|
| (1) Disabled: | Yes_____No_____ |
| (2) BME: | Yes_____No_____ |
| (3) Women: | Yes_____No_____ |
| (4) Men: | Yes_____No_____ |
| (5) Religious Groups | Yes_____No_____ |

B. Will the policy damage relations between the different groups?

- | | |
|----------------------|-----------------|
| (1) Disabled: | Yes_____NO_____ |
| (2) BME: | Yes_____No_____ |
| (3) Women: | Yes_____No_____ |
| (4) Men: | Yes_____No_____ |
| (5) Religious Groups | Yes_____No_____ |

C. Will the policy promote equality of opportunity for the different groups?

- | | |
|--------------|-----------------|
| (1) Disabled | Yes_____No_____ |
| (2) BME: | Yes_____No_____ |
| (3) Women: | Yes_____No_____ |

- (4) Men: Yes_____No_____
- (5) Religious Groups Yes_____No_____

4. Consider alternatives.

- A. Are there aspects of the policy that could be changed?
Yes_____ No_____
- B. Can you remove or reduce the adverse impact?
Yes_____ No_____
- C. Can you justify the policy?
Yes_____ No_____
- D. Can you find alternative means of achieving policy aims?
Yes_____ No_____

5. Consult formally.

- a. Identify all the groups likely to be affected by the policy.

- b. Decide what method of consultation is most likely to succeed.

(1) Disabled

(2) BME

(3) Women

(4) Men

(5) Religious Groups

Christians _____

Muslims _____

Hindus _____

Sikhs _____

Others _____

c. Encourage participation by hard to reach groups.

(1) Gypsy/Travellers

(2) Asylum seekers and Immigrants

(3) BEMs in rural environments

Chinese

South East Asians

Black

Other

d. Decide what information will be made available both pre and post consultation.

e. Make arrangements to translate the consultation material.

(1) Disabled Groups

Braille: Yes _____ No _____

Audio Tapes: Yes _____ No _____

Large Print: Yes _____ No _____

CD: Yes _____ No _____

(2) BMEs

6. Decide whether to adopt the policy.

a. Does the assessment show that the policy will have an adverse impact on a particular group/individuals?

(1) Disabled Yes _____ No _____

(2) BMEs Yes _____ No _____

(3) Women Yes _____ No _____

(4) Men Yes _____ No _____

(5) Religious Groups Yes _____ No _____

b. Will the proposal make it difficult to promote equal opportunity and/or good relations between different groups?

(1) Disabled Yes _____ No _____

(2) BMEs Yes _____ No _____

(3) Women Yes _____ No _____

- (4) Men Yes_____ No_____
- (5) Religious Groups Yes_____ No_____

c. What weight should be given to evidence gained by consultation?

- (1) Disabled High_____ Medium_____ Low_____
- (2) BME High_____ Medium_____ Low_____
- (3) Women High_____ Medium_____ Low_____
- (4) Men High_____ Medium_____ Low_____
- (5) Religious Groups High_____ Medium_____ Low_____

d. Are different groups involved in the decision-making process?

- (1) Disabled Yes_____ No_____
- (2) BME Yes_____ No_____
- (3) Women Yes_____ No_____
- (4) Men Yes_____ No_____
- (5) Religious Groups Yes_____ No_____

e. How will the decision-making process be structured, and how will the decision be recorded?

7. Make monitoring arrangements.

a. Decide who will be responsible for monitoring the effects of the policy.

b. Decide how often the policy will be reviewed and by whom.

Annually_____ Semi-annual_____ Quarterly_____ Monthly_____

By whom

c. Draw up a formal monitoring programme

d. Decide if a pilot programme is needed Yes_____ No_____

8. Publish assessment results.

a. Use plain language Yes_____ No_____

b. Publish a self-contained document in various languages?

(1) Urdu

(2) Punjabi

(3) Hindi

(4) Bangla

(5) Gujerati

(6) Other

c. Include a description and explanation of the policy.

Yes_____ No_____

d. Explain how the policy was assessed with a summary of the overall findings.

Yes_____ No_____

e. Identify how the policy will be monitored

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