

The Disability Discrimination Act Part 4 Careers Services Good Practice Guide

This guide has been published by the DRC in partnership with Skill, Universities UK, Universities Scotland, Higher Education Wales and SCOP, with support from the Scottish Higher Education Funding Council

Introduction

The Disability Discrimination Act 1995 (DDA) is extended to education from September 2002 following amendments introduced by the Special Educational Needs and Disability Act 2001. The legislation aims to ensure that disabled people have equal opportunities to benefit from, and contribute to, the learning and services available in higher education institutions.

The legislation protects disabled students, applicants and potential students. This leaflet provides a brief outline of the law, and offers some ideas on approaches to compliance for providing careers services.

A more detailed interpretation of the law can be found in the Code of Practice for Providers of Post-16 Education and Related Services available from the Disability Rights Commission (see Helpline details at the end of this leaflet).

A brief outline of higher education institutions' responsibilities

The Disability Discrimination Act (DDA) refers to the Governing Body as the "responsible body". The responsible body is legally liable for the actions of the institution as a whole, and also for:

- the actions of individual employees of the institution in the course of their employment, whether they are full-time, part-time or temporary
- the actions of agents, including contractors, visiting speakers etc.

It may be possible to use a defence that all reasonably practicable steps were taken to prevent staff or agents discriminating.

Individuals may also be held responsible for aiding an unlawful act if they knowingly discriminate against a disabled student or applicant.

The Act makes it unlawful to discriminate against disabled applicants, potential applicants or students. The Act uses a wide definition of disabled person. It can include people with:

- physical or mobility impairments
- visual impairments
- hearing impairments
- dyslexia
- medical conditions, and
- mental health difficulties.

Institutions are expected to take reasonable steps to find out if a person is disabled. For more information on this see the guide Finding Out About People's Disabilities (see page XXX).

The meaning of student is also very wide. It includes:

- full- and part-time students
- postgraduates and undergraduates
- home, EU and international students
- students on short courses and taster courses
- students taking evening classes and day schools
- distance and e-learning students
- students undertaking only part of a course or visiting from another institution.

Applicants and potential students include those attending open days or interviews, receiving a prospectus or those targeted by recruitment drives and outreach work.

Discrimination against disabled applicants or students can take place in either of two ways. By:

- treating them "less favourably" than other people, or
- failing to make a "reasonable adjustment" when they are placed at a "substantial disadvantage" compared to other people for a reason relating to their disability.

The Act applies to all the activities and facilities institutions provide wholly or mainly for students, including, for example:

- all aspects of teaching and learning, including lectures, lab work, practicals, field trips, work placements etc
- e-learning, distance learning
- examinations and assessments
- learning resources, including libraries, computer facilities etc
- aspects of the physical environment such as buildings, landscaping and equipment
- welfare, counselling and other support services
- catering, residential and leisure facilities
- careers services.

A reasonable adjustment might be any action that helps to alleviate a substantial disadvantage. It might involve:

- changing standard institutional procedures
- adapting the curriculum, electronic or other materials, or modifying the delivery of teaching
- providing additional services, such as a sign language interpreter or materials in Braille
- training staff to work with disabled people and to provide appropriate adjustments
- altering the physical environment.

Under the Act, there is a responsibility to make anticipatory adjustments. This means that institutions should consider what adjustments future disabled students or applicants may need, and make them in advance.

Institutions are only expected to do what is “reasonable”. What is reasonable will depend on all the individual circumstances of the case, including the importance of the service, the financial or other resources of the institution and the practicality of the adjustment. Other issues, such as the need to maintain academic standards, health and safety and the relevant interests of other people including other students are also important.

Most of the Act is implemented from September 2002. There are two exceptions. Adjustments requiring the provision of “auxiliary aids and services” (such as interpreters, lip speakers, note takers

etc) are not required until September 2003. Adjustments requiring alterations to physical features are not required until September 2005.

The Disability Rights Commission is offering a conciliation service for students and institutions to reconcile any differences informally. If both parties do not agree to conciliation, or if conciliation fails, a student or applicant can take a case to a county court (in England or Wales) or a Sheriff court (in Scotland).

Strategies for compliance

Marketing information

Making sure you do not place a student or potential student at a “substantial disadvantage” starts with the information you make available. Materials need to be accessible and give accurate information to disabled people.

- Is information about careers services accessible to disabled students? Is it available in alternative formats (electronically, in Braille, audio tape or in large print)?
- Is web-based material accessible to those using assistive technology, such as screen reading software, or those not using a mouse?
- Does information about services and facilities make clear what adjustments are already in place and that additional adjustments can be made on an individual basis?

Access to services

Institutions are expected to make “anticipatory” adjustments, not simply wait until a disabled person requires a particular adaptation. It makes sense to build adaptations in from the start, even if they are not immediately required. The anticipatory duty is an evolving one. Institutions are expected to continue to improve their provision as time goes by. Questions to ask include:

- Are buildings accessible? Is there level access? Where toilets are provided, are they accessible? Are fire and emergency procedures appropriate for all careers service users?

- Is there good lighting and colour contrast to aid orientation? Is signage clear? Are loop systems installed (and turned on) at reception desks? Are reception desks at appropriate heights?
- Are there careers materials available for those who cannot use standard print? Are there sufficient staff to assist students to find materials? Is it clear to students that they may approach staff for such assistance?
- Are careers seminars and talks accessible to disabled students? Are there procedures to ensure that disabled people receive the support they need in careers sessions and interviews?
- Are there particular sessions to support disabled students who may have to take additional issues into account when applying for jobs?
- Does the careers service have information about the implications of having a disability for a range of careers? Does it have information on employers who are members of the Employers' Forum on Disability or use the Disability (two ticks) Symbol?
- Is the careers service aware of specialist organisations or schemes, which advise or train disabled job seekers?
- Do careers service staff have expertise in advising disabled students?
- Have staff been trained in, for example, communicating with someone who lip-reads?

Reasonable adjustments for individuals

It is unlikely that every need can be anticipated. Careers services need to be ready to make adjustments on behalf of individuals as required. Such adjustments might include:

- Supporting students in getting materials put into Braille or onto tape
- Providing a sign language interpreter or other support for a careers interview
- Allowing additional time for an interview
- Liaising with employers or work placement providers about the needs of a particular student
- Assisting students in researching careers, writing CVs or applications

- Individualised induction to using the careers materials so that needs can be discussed
- Making appointments for disabled people who may find it difficult to use a drop-in service.

Using “agents”

The institution maintains responsibility for ensuring that students are not discriminated against if services use other organisations to deliver training or other services. Those responsible for contracting services will need to ensure not only that contracts are specific about the level of anticipatory adjustments that should be made, but also that individual adjustments are made for students who need them.

Working with employers

You may need to work slightly differently with employers when it comes to disabled students. Some employers may need to be made aware of their own responsibilities under the Disability Discrimination Act, and some may need encouragement to consider the benefits of employing a disabled person.

- Are careers advisers aware of the employment provisions of the Disability Discrimination Act as they affect employers? Do they know about the support available to employers through Access to Work?
- Does the careers service work with local employers to underline the benefits of employing disabled people?
- Can advisers give information to students about the accessibility or attitudes of local employers to disabled employees?
- Can staff advise students about their rights under the DDA, and how adjustments can be made for them?
- Are advisers available to talk to employers about supporting disabled students at interview or when starting a new job?

Confidentiality and knowledge of students’ disabilities

Institutions are expected to take reasonable steps to find out if a person is disabled so that adjustments can be made. Not knowing about someone’s disability, however, cannot be used as a defence

if an adjustment could have been anticipated. Institutions are also expected to ensure that appropriate information is kept confidential.

- Are students asked when they register with the careers service whether they have a disability?
- Is it made clear why this information is being requested, and how it will be kept confidential?
- Do staff know how to respond if a disabled student discloses a disability to them? Do they know to whom, with the student's consent, information should be passed?
- Are there procedures in place to ensure that information is kept confidential to relevant staff, or completely confidential if the student requests this?

Keeping services and facilities under review

It is essential to review services periodically to take into account any changes in good practice or advances in technology. Student satisfaction surveys and complaints, if they are accessible to disabled people, are also good sources of information about what improvements might be made.

Other resources and advice

For more information on good practice for disabled students in careers services see:

The Disability Development Network (DDN)

Provides support and information for higher education careers staff seeking to develop their resources and good practice in working with disabled students and graduates. For information contact: www.agcas.org.uk

A series of resource packs

Will be available to members of the Association of Graduate Careers Advisory Services from September 2002 on www.agcas.org.uk

Code of Practice for the Assurance of Academic Quality and Standards in Higher Education. Section 3: Students with Disabilities

Available from the Quality Assurance Agency for Higher Education. Please contact: www.qaa.ac.uk

The Coordinator's Handbook

Skill (see below), 1997

Providing Work Placements for Disabled Students: A good practice guide for further and higher education institutions

Available from DfES Publications
PO Box 5050
Annesley
Nottingham
NG15 0DJ

Telephone	0845 602 2260
Textphone	0845 605 5560
Fax	0845 603 3360
Email	dfes@prolog.uk.com

For information on making websites and other electronic material accessible see the **TechDis** website at: www.techdis.ac.uk

For information on physical access see:

Making access to goods and services easier for disabled customers: a practical guide for small businesses and other small service providers

Aimed at Part 3 providers but also helpful for Part 4 (educational) providers. Available from the Disability Rights Commission (see below).

For information on legal responsibilities towards disabled students and applicants under the Disability Discrimination Act see:

Code of Practice for Providers of Post-16 Education and Related Services

Available from the Disability Rights Commission Helpline. Please contact:

The Disability Rights Commission Helpline

DRC Helpline
Freepost
MID 02164
Stratford upon Avon
CV37 9BR

Telephone	08457 622 633
Textphone	08457 622 644
Fax	08457 778 878
Email	enquiry@drc-gb.org
Website	www.drc-gb.org

Finding Out About People's Disabilities: a good practice guide for further and higher education institutions

Available from DfES Publications (see above)

For general information about good practice for disabled students, contact:

Skill: National Bureau for Students with Disabilities

Information Service
Chapter House
18-20 Crucifix Lane
London
SE1 3JW

Telephone	0800 328 5050
Textphone	0800 068 2422
Email	info@skill.org.uk
Website	www.skill.org.uk