

Disability Discrimination Act

Guidance for Staff

Introduction

The purpose of this handbook is to provide you with a brief outline of the new responsibilities introduced by The Disability Discrimination Act as amended by the Special Educational Needs and Disability Act 2001 (SENDA). It should provide you with guidance on how to avoid discriminating against anyone with a disability during the course of your employment within the University of Paisley.

A more detailed interpretation of the law can be found in the *Code of Practice for Providers of post-16 Education and Related Services*. Details of where to find the Code of Practice along with other sources of information are provided at the end of this handbook.

If, after reading this handbook, you are in any doubt about how to avoid disability discrimination, then you should raise this with your head of department or manager.

What is the Disability Discrimination Act?

The Act makes it unlawful to discriminate against disabled people by treating them less favourably than others. In addition, it requires reasonable adjustments to provision where disabled people might otherwise be substantially disadvantaged.

Does the Disability Discrimination Act give me new responsibilities?

The extension of the Disability Discrimination Act (1995) to Higher Education allocates significant new responsibilities to **all** staff in Higher Education. This includes part-time staff, temporary staff and visiting speakers. Individuals as well as the University of Paisley – the ‘responsible body’ – may be held responsible where they knowingly discriminate.

To whom do I have these new responsibilities?

The purpose of the Act is to offer protection against disability discrimination to all disabled students on all courses or parts of courses as well as to potential students, including visiting

school pupils, applicants and enquirers. Essentially, the aim of the Act is to ensure that disabled people have equal opportunities to benefit from and contribute to learning and services in higher education.

The Act covers admissions and all services which are provided for, or mainly for, students. 'Services' is interpreted very broadly to include, for example,

- all aspects of teaching and learning, including lectures, labs and practicals, field trips, placements,
- curriculum design,
- e-learning and distance learning,
- exams and assessments,
- references,
- learning resources,
- information resources,
- recreation, leisure, catering and accommodation facilities.

The above list is just a few examples, it is important to consider all areas.

Why does the Act offer protection to potential students?

There are good reasons why the Act protects potential students as well as actual students. Making provision for and putting support in place for disabled students requires us to **anticipate** the likely needs of disabled students as well as being aware of known, existing needs. *Ad hoc* reaction, based on knowing who the disabled students are and what their individual requirements might be, is often too late to be meaningful. Also, it is often the case that we usually do not know, within any student group, which students are disabled because many disabilities are unseen. For example, impairments such as diabetes, mental health problems, dyslexia, etc.

How is the University responding to the new Act?

The University has established a Disability Working Group (DWG) which consists of academic and support staff from all schools and departments within the University as well

as representation from the student body. The remit of the DWG is to ensure that the University policy towards students with disabilities is an integral part of the University ethos and is taken into account in all aspects of University planning, policies and procedures.

Disability subgroups have also been established. These groups will monitor and review current practices in particular areas, for example, estates, accommodation and catering, computer support and library, admissions, etc, to ensure that the interests of disabled students are taken into account.

Who can be considered to be disabled?

The Act uses a very wide definition of 'disabled person'.

It can include people with:

- physical or mobility impairments
- visual impairments
- hearing impairments
- dyslexia

- medical conditions
- mental health difficulties

Knowing whether a person is disabled or not is not straightforward. But it is important to remember that:

- a person may be disabled without being 'obviously' disabled.
- a person can be disabled and, therefore, protected by the Act without having provided evidence that they are disabled.
- a student can be disabled without being eligible for Disabled Student Allowance (DSA).

ADVICE: *If a student or potential student tells you they are disabled, then respond as if they are. This does not mean that it is never necessary to ask for evidence. It may be necessary to ask for evidence for some purposes.*

The definition of 'student' is also very wide, as it includes full and part-time students, post and undergraduates, home, EU and international students, distance learning students and students on evening classes or short courses.

What is discrimination?

Discrimination can take place against disabled applicants or students through:

- less favourable treatment in comparison with treatment of people who are not disabled,
- failure to make a 'reasonable adjustment' which results in the person being placed at a 'substantial disadvantage' by comparison with people who are not disabled, for a reason relating to their disability.

What reasonable adjustments do I need to make?

The purpose of making reasonable adjustments is to avoid disadvantage to disabled students.

It may mean:

- adapting teaching materials, eg, making them available electronically,
- modifying the delivery of teaching,
- training staff,
- changing standard procedures,
- altering the physical environment.

Whether or not a reasonable adjustment involves anything extra depends on what provision is already made for all students. For example, if oral lecture material is also made available in electronic format or copies of overheads are supplied, then there may be no need to do anything additional for any students who would have difficulty in benefiting from a lecture, or from a talk from a service

department. Many of our existing adjustments are those that have been based on the things that current and past disabled students have found to be helpful and as a result, have become routine features of our provision.

What is 'reasonable' depends also on the individual circumstances of the case, including the importance of the service and the financial or other resources available to the institution. Staff are not expected to compromise academic standards, health and safety or the relevant interests of other students.

ADVICE: *If you are asked to make some adjustment to your provision or practice for a disabled student, be confident that you would not be discriminating before refusing.*

What should I do if a student tells me that they are disabled?

Who can I/should I pass the information on to?

Institutions need to take all reasonable steps to find out whether someone is disabled, for the purpose of making adjustments which could not have been anticipated. Not knowing that someone is disabled is not a defence if the adjustment could have been anticipated.

If a student tells a member of staff that they have a disability, then the University is what is referred to in the Act as *'deemed to know'*.

Potentially, any member of staff could be 'the person' to whom a student makes such a disclosure. For example, a student with a visual impairment may not inform their lecturer of their disability, however, they may tell a member of staff in computing services that they have a visual impairment in order to access a computer which has specialist software installed. In this case, the University would be *'deemed to know'*.

It is very important, therefore, that staff recognise disclosure, and, with due regard for the student's right to confidentiality and with the student's agreement, pass the information on to relevant others, for example, Special Needs.

Special Needs plays a central, (but not exclusive) role in communicating information to colleagues about students disclosed needs, with their agreement. There are good reasons for encouraging the student to go to Special Needs or to allow you to pass on information to Special Needs.

Students are entitled to confidentiality about their disability. They may agree to part of the information being passed on, such as their needs rather than details about their impairment. Or, they might agree to only some people being told about their needs. For example, a student may be happy for the accommodation unit to know about their needs but not want anyone else to know.

As the institution works towards **anticipating** most needs, the necessity for students to disclose their disability will reduce; students may only disclose their disability if they couldn't get what they needed without disclosing.

ADVICE: *If a student informs you that they are disabled, you should:*

- *ask how you can assist,*
- *encourage them to contact Special Needs to discuss the level of support they will require,*
- *consider whether their disability is likely to have consequences for any of the institution's provisions or services as well as your own,*
- *establish whether the student gives you permission to pass on some or all of the information they have given you,*
- *keep records of disclosures.*

ADVICE: *Create repeated opportunities for students to disclose their disability, eg, before placements or exams, or when students use your service for the first time. Disclosure forms are available from Special Needs.*

What should I do if a disabled student makes a complaint?

It will be to everyone's benefit if problems are resolved without a student having to resort to making a formal complaint. If informal resolution cannot be achieved, any formal complaint should be handled in accordance with the University's complaints procedure.

Further information is available at:

<http://www.student.paisley.ac.uk/stuadmin/regulations/stucompl.htm>

Students may wish to present complaints and receive responses and other information about their complaint in a format appropriate to their needs.

The Disability Rights Commission offers 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 may bring civil proceedings in the Sheriff Court.

ADVICE: *Complaints, formal or informal, on the grounds of disability discrimination, may become the subject of a court case. It is important that you recognise a complaint, that you log and document complaints and that you make all possible effort to find a speedy resolution.*

Where can I get more information?

You are encouraged to contact Special Needs for further information or advice about making provision for disabled students. You can do this by telephoning Special Needs

on **0141 848 3518** or by emailing

specialneeds@paisley.ac.uk. The Centre for Learning and Teaching offers staff awareness raising sessions for the disability legislation. Sessions can be arranged by telephoning extension **3621** or emailing

gerr-dl0@paisley.ac.uk.

You should also look at the Special Needs website which contains further information on the Disability Discrimination

Act Part IV. The site also provides links to other useful, relevant sites and to the University's Policies and Procedures Relating to Disabilities. View the site at:

<http://www.sn.paisley.ac.uk>

For the Code of Practice and other guidance on the Disability Discrimination Act, Part IV, go to the Disability Rights Commission website at:

<http://www.drc-gb.org/campaign/meeting/higher.asp>

Two useful Good Practice Guides from the Department for Education and Skills are 'Providing Work Placements for Disabled Students' and 'Finding Out About People's Disabilities'. These are available at:

<http://www.lifelonglearning.co.uk>

The Disability Rights Commission recommends the '*Teachability*' materials and process developed in a project led by the University of Strathclyde, Special Needs Service to which the University of Paisley was a major contributor. '*Teachability*' provides a framework for academic staff to

review curricular provision for disabled students. If you think this would be useful in your department, then please contact Special Needs who will be more than happy to advise. You can read the '*Teachability*' materials at:

<http://www.ispn.gcal.ac.uk/teachability/index.html>

SKILL: National Bureau for Students with Disabilities. This is a rich source of information of relevance to all staff in HE. Visit the site at:

<http://www.skill.org.uk/>

The JISC TechDis service provides an advice and information resource on issues relating to disability and technology. Visit the site at:

<http://www.techdis.ac.uk>

For further information please contact:

Special Needs

J Block level 3

tel: **0141 848 3518**

email: **specialneeds@paisley.ac.uk**