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A practical briefing guide for admissions and marketing staff in the further and higher education sectors.

Please note that this briefing guide is not a complete and authoritative statement of the law and does not provide definitive guidance on the practical implications of SENDO.

Introduction

The Special Educational Needs and Disability (Northern Ireland) Order 2005 (SENDO) applies to schools, universities and colleges, including teacher training and agricultural colleges. For the purposes of this guide all of these bodies shall be referred to as the '**institution**'.

Throughout this guide the term '**disabled student(s)**' is used to cover all disabled students including; full time, part time, international, adult learners, outreach and prospective disabled student(s). The term '**all staff**' includes full time, part time, temporary, permanent, contract, agency and outreach staff either directly or indirectly employed by the institution.

What is disability discrimination under SENDO?

SENDO places new duties not to discriminate against **all staff** and bodies responsible for the provision of education and associated services, admissions and expulsions/suspensions. The new duties can be summarised as follows:

- Not to treat disabled students and prospective disabled students **less favourably** (for a reason relating to their disability) than it treats, or would treat, a person to whom that reason does not or would not apply (without justification). **Victimisation** is also covered.
- To make '**reasonable adjustments**' to ensure that disabled students are not placed at a substantial disadvantage compared to students who are not disabled.

How will SENDO impact on admissions and marketing staff?

SENDO states that it is **unlawful** for institutions to discriminate against disabled students in the admissions process. This includes:

- The arrangements it makes for determining admissions or enrolments to the institution;
- The **terms** in which it offers to admit or enrol a student;
- Refusing or deliberately **omitting to accept** an application for admission or enrolment.

Marketing staff should work closely with admissions staff to ensure the needs of disabled students are taken into account when promoting the institution, offering courses or in relation to any aspect of advertising.

They should encourage **all** staff to produce all of their literature, such as handouts and departmental guidebooks, in accessible formats. It is recommended that all text should be produced in a size 14 Arial font. All admissions literature should promote the services available to disabled students and include a statement welcoming disabled students to the institution.

Case Study 1

A college has a policy of rejecting all students with dyslexia who apply for a course in journalism. This is likely to be unlawful.

As there are different levels of dyslexia, each disabled student who applies should be dealt with on an individual basis. If a disabled student is unlikely to meet the necessary literacy skills, then the institution should seek professional advice before rejecting an application on the grounds of academic standards.

Case Study 1 highlights the danger of applying a '**blanket ban**' on students with certain disabilities such as dyslexia. A student cannot be denied entry onto a course, without justification, for a reason related to their disability. In this situation, the institution could have requested that a dyslexia assessment be carried out on the disabled student to ensure that he/she meets the necessary literacy skills required for the course.

It is important to remember that SENDO does not seek to make academic entry on to a course easier for disabled students. It does however, seek to ensure the institution, including the admissions process, does not discriminate against disabled students.

Anticipating and making reasonable adjustments

Reasonable adjustments are made to ensure that disabled students are not placed at a substantial disadvantage. It is important to remember that the duty to make reasonable adjustments is owed not simply to one disabled student but to disabled students at large. The duty to make reasonable adjustments is both **anticipatory** and **reactive**.

There are a number of ways in which reasonable adjustments can be made in the admissions process:

- Ensure that the institution's prospectus can be made available in **alternative formats**, such as large print, Braille or audio on request. While it may not be essential to have numerous supplies of alternative formats, the institution should have a policy in place to ensure that alternative formats are available within the shortest turnaround time.
- In order to make the **admissions process accessible** to disabled students, it may be useful to ask if a disabled student has individual support needs rather than ask what the nature of their disability is. Application forms should inform disabled students what will happen to the information they disclose. This should be done in a positive manner which encourages and welcomes applications from disabled students. The institution's disability or learning support service can give you advice on how to do this.

- When organising an **open day** make sure that it will be accessible to **all** disabled visitors, not just current disabled students.
- Offer prospective disabled students **individual tours** of the institution's facilities if they are not confident enough to attend an open day.
- Be **flexible** in deadlines for the admission process. A disabled student with mental ill health may submit an application form late for a reason relating to his/her disability, rather than showing a lack of interest in the course or the institution.

Case Study 2

A woman with a visual impairment contacts a Northern Ireland university and asks for a copy of the university's prospectus in an alternative format.

The woman is informed by the university that copies of the prospectus are free but that she would have to pay the costs of producing the prospectus in an alternative format.

This is likely to be unlawful.

Although the university in Case Study 2 is prepared to make an adjustment for the prospective disabled student, it may have treated her **less favourably**, for a reason related to her disability, by charging for the production of a prospectus in an alternative format. Admissions and marketing staff should be prepared to make reasonable adjustments without passing on any additional costs onto disabled students.

Disclosure of a student's disability

It is likely that many disabled students will **not** declare that they have a disability when they make an application to an institution. Some disabled students will have their own coping mechanisms and feel they do not require additional support while others may be afraid that by disclosing their disability they could jeopardise their place or entry onto a course.

To ensure that your institution is complying with SENDO you should adopt a **proactive** approach to encourage disabled students to disclose their disability. This is particularly important for admissions staff as they are the first point of contact many disabled students will have when applying to an institution.

It is important to **encourage** disabled students to disclose their disability on application forms or any other documentation. This will ensure that adjustments or support are put in place before the disabled student starts his/her course. You should continue to make disabled students aware of the support that is available to them throughout the academic year. Many disabled students may not disclose a disability on their application form, but may develop difficulties during the course.

If a disabled student discloses a disability to you but requests that the information remains **confidential**, you have a duty to respect that request. The institution should have a policy and procedure for recording a disabled student's wish either to disclose the details of his/her disability or keep the existence of his/her disability confidential. Once recorded, this information should be stored in a secure place in order to maintain confidentiality. As an institution is deemed to have knowledge of a student's disability once one member of staff is informed, these records may need to be referred to in the future for the purposes of making reasonable adjustments.

It may be useful to inform disabled students **what will happen** to the information they disclose about their disability. Let them know who will have access to the information and how it will be used. Place an emphasis on putting appropriate support in place for the disabled student rather than focusing on the nature of the student's disability. You may also wish to emphasise to the disabled student that putting any support in place will have no effect on the admissions process.

Disabled students may find that the institution itself is the **barrier** into education rather than individual disabilities. This may include the structure of the physical environment, attitudes and expectations, or the policies, practices and procedures within the institution that directly or indirectly discriminate against disabled students.

For this reason, admissions and marketing staff should make themselves aware of the role of their institution's disability services or learning support services. Information on these services and contact details should be included in the prospectus and promoted to encourage applications from disabled students. Admissions and marketing staff should also work closely with examinations officers and teaching staff to ensure that they are also aware of the procedures for additional support in examinations and assessments so that this information is communicated to **all** disabled students.

Case Study 3

A student with diabetes attends an enrolment evening at his local institute of further and higher education. He informs the admissions staff of his disability.

The staff have an open discussion about the student's disability and his medical requirements. They then ask the student to sign a learner agreement with additional terms not required of other students.

This is likely to be unlawful as the student is being treated less favourably because of his disability.

In Case Study 3, the disabled student is treated **less favourably** than other students for a reason related to his disability. **All** staff, including admissions staff, should avoid making assumptions about any form of disability. By having an open conversation about the student's disability, staff may have acted against the institution's policies, procedures and practices on handling confidentiality, as well as possibly contravening data protection legislation.

To avoid this situation, the institution could have offered a separate room or private area where the disabled student could have discussed issues regarding his disability and individual needs. Rather than ask the disabled student to sign a learner agreement with additional terms, the institution should have looked at the possibility of carrying out an appropriate risk assessment.

A student's disability should not have any impact on his/her course application. However, if there is a **genuine** health and safety issue regarding the admission of a disabled student to a course, an appropriate risk assessment should be carried out. The purpose of such an assessment is to find ways to include the disabled student within their chosen course and institution rather than seeking ways to exclude the student.

Risk assessments should be carried out by a suitably qualified professional, such as an occupational health advisor. **Any such assessments should take into consideration the reasonable adjustments that could be made to eliminate or minimise the risks.**

It is important to keep the disabled student informed and involved in every stage of the risk assessment. Once an adequate risk assessment has been carried out, it can be used to determine if it is appropriate to offer a place on a course.

If the risk assessment provides evidence that the course would be unsuitable, the institution should encourage the disabled student to apply to other courses that best meet their individual needs.

Where can I get more advice and information?

It is essential that **all staff** are aware of their duties under SENDO. Contact the **staff development officer**, the **learning support** or **disability services** at the institution for advice and support.

You may also contact the following organisations for advice and support:

Equality Commission for Northern Ireland

Equality House
7 – 9 Shaftesbury Square
Belfast
BT2 7DP

Telephone: 028 90 500 600

Textphone: 028 90 500 589

Fax: 028 90 248 687

Email: information@equalityni.org

Website: www.equalityni.org



Skill NI National Bureau for Students with Disabilities

Unit 2
Jennymount Court
North Derby Street
Belfast
BT15 3HN

Telephone/ Textphone: 028 90 287 000

Fax: 028 90 287 002

Email: info@skillni.org.uk

Website: www.skillni.org.uk



This publication has been produced by the Equality Commission for Northern Ireland in partnership with SkillNI.