

## A practical briefing guide for facilities management 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.

Colleges and universities across Northern Ireland may have already undertaken an **access audit** to ensure that the entire grounds of the college or university are accessible to disabled students.

It is often assumed that installing lifts and ramps is enough to make the physical environment accessible to disabled students. Although these facilities are important, there are many other ways in which the institution can be made accessible to disabled students.

It is important to remember that the physical environment can include **steps, stairways, curbs, internal and external doors, gates, toilet and washing facilities, public facilities** such as **telephones** and **counters, signs, lifts, lighting** and **movable items** such as **display racks**.

SENDO puts a duty on every member of staff, including facilities staff, to **anticipate** the needs of disabled students on an on-going basis. There is also a **reactive** duty which facilities staff will have to address to meet the individual support needs of some disabled students.

### **Anticipating and making reasonable adjustments**

The reasonable adjustment duty applies to the physical environment. Therefore, facilities management and staff will be involved in ensuring that the physical environment does not put a disabled student at a substantial disadvantage compared to a non disabled student. To achieve this, facilities management and staff can, for example:

- Ensure that **induction loop systems** are fitted at the reception area and at various points throughout the college. Loop systems should be tested regularly to ensure they are in good working order.
- Ensure that staff are familiar with **how to use** specialist equipment.

- Produce guidance for staff on putting up **signage** within the college or university grounds to ensure that it is accessible to disabled students.
- Check the **acoustics** of rooms and buildings regularly. Ensure that there is good **lighting** and that it does not rebound off polished floors or windows.
- Review **paintwork** within the building and how it contrasts. Place markings on stairways and by entrances and exits to the building.
- Install **low level counter-height tops** throughout the college or university building. In particular such tops should be fitted at reception areas, libraries and in canteen facilities.
- Consider the accessibility of **notice-boards** throughout the institution. Avoid using whiteboards and ensure that notice-boards are positioned at varying heights.
- Monitor the accessibility of **food** and **drinks machines** located throughout the institution.
- Provide appropriate **car-parking facilities** for disabled students. It should be remembered that some people may have mobility difficulties as a result of medication they take rather than actually having a physical disability.
- If an institution is in a **leased building** or one which has been a result of a **private finance initiative**, staff should be aware of the policies and procedures involved in making adjustments.
- Facilities staff should be contacted when **physical changes** are being made to the environment of the institution. The input of facilities staff is essential in any access audit that is carried out.
- It is important that **access audits** are carried out **regularly**. Maintenance of equipment such as elevators should be carried out throughout the year, as well as checks to electronic gates and automatic sliding doors etc.
- **Shrubbery** and **grass areas** should be regularly maintained to ensure that they do not block access through pathways or entrances into the college or university building.

### Case Study 1

A student who is a wheelchair user undertakes a part-time history degree at a university. He normally attends lectures on the third floor of the main campus building. There is an elevator in the building and the lecture room is accessible.

After the third week of the course the elevator develops technical problems and is out of use for a fortnight. It would be reasonable for the university to move the lecture to a room that is on the ground floor so that this disabled student can continue to attend lectures.

Case study 1 demonstrates how an institution can meet its obligations under the reactive duty of SENDO. A disabled student will have his/her own specific support needs and requirements. Make yourself aware of the learning support or disability services within the institution and use their expertise when adjustments have to be made to meet the needs of a disabled student.

### Rented and leased buildings

There can be many situations where service providers rent premises or offices **within** the college or university building. The responsibility for ensuring that unlawful disability discrimination does not occur can be both the responsibility of the service provider and the college or university depending on who owns the premises and who the service is provided for.

### Case study 2

A high street bank opens a branch on a college campus in Northern Ireland. Although the bank rents premises from the college, it is not part of the provision made by the college for its student body. However, this service is provided wholly or mainly for students.

The college is responsible for ensuring that disability discrimination does not occur under SENDO and the bank as a service provider must comply with Part 3 of the Disability Discrimination Act.

If the institution leases grounds or buildings **off campus**, there is a need to obtain consent from the landlord to make physical adjustments to premises in order to meet the legal duties under SENDO. In this situation it is the responsibility of the institution to make physical adjustments under SENDO. When the institution applies for consent to make proposed adjustments they should allow sufficient time to obtain this in order for the changes to be made in a timely fashion. Facilities staff should ensure in advance, that off campus buildings and facilities are accessible to disabled students.

Facilities staff should visit off campus buildings before they are used by disabled students to ensure that the facilities meet the needs of disabled students. It is recommended that facilities staff develop a checklist for accessibility that is reviewed regularly. By drawing up a list of likely adjustments, facilities staff are already anticipating the needs of disabled students and striving to meet the anticipatory duty to make reasonable adjustments under SENDO.

If substantial changes have to be made to an outreach centre, such as structural changes, the institution should seek approval from the landlord to make these changes.

### **Case Study 3**

A University plans to open outreach provision in premises rented from a private landlord. The University facilities staff assess the premises and note the necessary adjustments that are required to make the premises accessible e.g. installation of ramp and accessible car parking.

The University meets with the Landlord to obtain consent to implement these changes.

Case study 3 demonstrates clearly how the University has met its anticipatory reasonable adjustment duty.

For further information on leasehold premises and reasonable adjustments contact the Equality Commission for Northern Ireland.

## Health & safety

Health & safety is extremely important in an institution. However, it should not be used as a reason to exclude disabled students from fully accessing the education experience at college or University.

If a disabled student does have specific individual needs that result in a perceived health & safety issue, a risk assessment should be carried out by a suitably qualified professional. Facilities staff should work closely with **the professional** and the **student** to find ways to make the course or classroom accessible.

**The purpose of a risk assessment is to find ways to include the disabled student and remove the barriers to accessing education.**

In certain circumstances, a risk assessment may recommend that a course is not suitable for a disabled student. Facilities staff should work with teaching staff, learning support or disability services, and other appropriate staff to find alternative courses that would meet the needs and aspirations of the disabled student.

Meeting the needs of disabled students should be an **integral part of health and safety**, for example:

- Ensuring that a procedure is in place and communicated to staff for **evacuating disabled students** from refuge areas, even during fire drills.
- Ensuring **alarms** have flashing lights to alert those who are deaf or hard of hearing.
- Ensuring there are **contingency plans** in place for unexpected hazards e.g. lift break down.

- Ensuring there is an **efficient process** in place to enable **repairs** to be carried out as quickly as possible.
- Continually **monitoring** and carrying out risk assessments throughout the building and in the grounds of the institution.
- Ensuring that **deliveries** arriving at the institution are stored in an appropriate place and are not causing an **obstruction**.
- Ensuring that there is an **ethos** of **continuous service improvement**.
- Working closely with staff from **disability** and **learning support services** to utilise their expertise in the area of disability.

## 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](mailto:information@equalityni.org)

Website: [www.equalityni.org](http://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](mailto:info@skillni.org.uk)

Website: [www.skillni.org.uk](http://www.skillni.org.uk)



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