

A practical briefing guide for staff development officers 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.

What impact will SENDO have on staff development officers?

Under SENDO an institution is **responsible** for ensuring that a disabled student is not unlawfully discriminated against in his/her access to further and higher education. **A failure to prevent or to cause discrimination within the institution can lead to legal action being taken against the institution in court.**

Institutions are responsible for the actions of **all** of those **working** with the **authority** of the institution. It is therefore essential that **every member of staff** is made aware of how SENDO will affect them in carrying out their work.

Staff development plays a **key role** in the success of an institution being accessible to disabled students and helps to prevent disability discrimination complaints and/or consequent legal action. **All** staff should receive training on SENDO, disability and equality issues.

This practical briefing provides some of the issues that staff development officers need to consider in order to help make all staff aware of the duties placed on the institution under SENDO.

What training should be provided to staff working with the authority of the institution?

It is essential that **all** staff working with the authority of the institution, whether directly or indirectly employed by the institution e.g. visiting lecturers, have a full understanding of **SENDO** and how SENDO affects staff in carrying out their job tasks.

All staff should be encouraged to make themselves familiar with the provisions set out in the **Disability Discrimination Code of Practice for Further and Higher Education**. Copies of the code of practice can be obtained from the Equality Commission for Northern Ireland.

It is recommended that **training** and **guidance** for staff is **mandatory** and subject to **regular review**. Training may include:

- Awareness of legal duties.
- Developing action plans to improve the accessibility of every service available to disabled students at the institution.
- Disability awareness i.e. specific disability awareness including disability etiquette.
- Handling disclosure and confidentiality and the procedures involved.
- The role and purpose of risk assessments.
- As a learning tool, staff development officers may wish to invite disabled staff and disabled students to share their educational experiences.

Anticipating and making reasonable adjustments

SENDO places an **anticipatory** and a **reactive duty** to make reasonable adjustments on institutions to meet the needs of disabled students.

It is important to recognise that the duty to make reasonable adjustments is also a **continuous** and **evolving** duty. Therefore, the provision of training should not be considered as a one-off event.

All staff should be encouraged, when planning, developing, delivering or reviewing their services to look at how they can meet the needs of disabled students, even if there are no disabled students using their service at that specific time.

Training on issues surrounding the reasonable adjustment duty may include:

- Planning for making the necessary reasonable adjustments in the classroom, such as, to teaching methods and in the delivery of the curriculum, to ensure they are accessible to disabled students.
- Providing training in the use of specialist equipment. This can include training on how to use hearing loop systems or in the use of special IT programmes.
- Promoting accessibility beyond the classroom by ensuring that all non-teaching staff are aware of the adjustments they can make in their own office or department.
- Producing a staff handbook which gives advice on what reasonable adjustments can be made and how to carry them out.
- Developing collaborative approaches across the institution to meet the needs of disabled students.

Disclosure of a student's disability

It is possible that a number of disabled students may **not** disclose their disability when they apply to an institution. They may have their own coping mechanisms and feel they do not need any additional support. On the other hand, some disabled students may fear that by disclosing his/her disability they could be jeopardising entry or place on a course.

Once a disabled student has disclosed their disability to **any** member of staff, the institution is deemed to have **knowledge** of the student's disability and will have a duty to proactively consider if the services offered within the institution are accessible to that disabled student.

It is essential that **all** staff are made aware of this fact and given training on the issues relating to disclosure. These can include:

- Awareness of the specific funding that is available for disabled students and how this can be accessed.
- Provision of training on specific disabilities, e.g. dyslexia, epilepsy, mental ill health. Such training will give staff an opportunity to recognise if a disabled student is disadvantaged because of a disability and to make a reasonable adjustment if required. This training can also help staff meet the anticipatory duty of SENDO.

The institution should have a **policy** and **procedure** for recording a disabled student's wish either to **disclose** the details of their disability or to keep the existence of their 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.

Every student has a right to request **confidentiality** if they disclose their disability to a member of staff and request that this information is not passed on.

However, disabled students and staff need to be made aware that a request for confidentiality may limit the additional support that can be offered as a result of a request for confidentiality.

Therefore, it is essential that **all** staff are made aware of the institution's policies, practices and procedures on confidentiality. This should form an important part of training and may include:

- **Making reasonable adjustments without disclosing a disability.**
- How to obtain consent to pass on information about a disability.
- Assessing what information needs to be passed on. This will include encouraging staff to focus on individual support needs rather than focusing on the nature of a student's disability.
- The institution's policies, procedures and practices on confidentiality and other legislation that protect student's rights in relation to personal information.

In certain circumstances staff may have to override a student's request for confidentiality, particularly if it conflicts with other legislation such as health & safety or with the institution's policies, practices and procedures. It is important that this is done in a **respectful manner** by communicating with the disabled student and making full use of the disability or learning support services.

Educational programmes for staff can help ensure stereotypical views of disability are addressed. This should also form part of the institution's training programme for meeting the legal duties under SENDO.

Risk assessments for **all** students and staff are of paramount importance and therefore all staff should be provided with access to **resources** and appropriate **training** on the issues surrounding disability and health & safety.

Staff need to know **who** to contact if there is a perceived health & safety concern and should be given adequate training on how risk assessments are carried out.

It is important to communicate to all staff that **risk assessments are carried out to find out what reasonable adjustments can be made to ensure that a disabled student can access the institution.** They should **not** be used to create a barrier into education.

Staff development officers should encourage managers to make training on SENDO **mandatory** for all staff (including management) and should be incorporated into the staff appraisal process.

Mandatory training should apply to **all** staff from the caretaker to the vice-chancellor, principal, director or governor.

Training is not intended to make members of staff experts in every issue relating to disability but should raise **awareness** of how they can meet their duties under SENDO.

It is important that all policies, practices and procedures regarding SENDO, disability and equality are **communicated** to all staff effectively.

Staff development officers should **continually review** the training that is provided by the institution and develop it to meet the needs of disabled students.

Experiences and feedback from staff and disabled students should play a major role in the development of a training programme.

Training should be made available to all staff whether they are full-time, part-time, permanent or temporary, and whether employed on or off site.

It is also important to ensure that **contract staff** are provided with appropriate training. This will require collaboration with external organisations that provide staff to the institution.

Where can I get more advice and information?

It is essential that **all staff** are aware of their duties under SENDO. Contact 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

The logo for the Equality Commission for Northern Ireland. It consists of a solid pink rectangle with the text "Equality Commission" in white, sans-serif font. Below this rectangle is a thinner pink horizontal bar with the text "FOR NORTHERN IRELAND" in white, sans-serif font.

Equality Commission

FOR NORTHERN IRELAND

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.