

A practical briefing guide for staff in student support services 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.

SENDO places an anticipatory duty and a reactive duty to make reasonable adjustments on **all** staff working at the institution in any capacity. Given the direct contact that staff in student support services have with students, it is likely they will be involved in making reasonable adjustments to meet the needs of disabled students.

Anticipating and making reasonable adjustments

Many disabled students will have their own specific support needs. The **reactive** duty under SENDO means that staff should make individual reasonable adjustments for disabled students.

Case Study 1

A student who uses a wheelchair at a Northern Ireland university hopes to work in finance. She visits the careers office to get further information. Information leaflets and materials about finance careers are on the top three shelves in the careers library.

She asks a member of the careers staff to get the materials for her. By helping the student to access these materials the careers office has made a reasonable adjustment.

Case Study 1 highlights how easy it can be to make an adjustment for an individual disabled student, when resources are inaccessible.

Student support staff should also give assistance to disabled students with learning difficulties. This may mean offering one-to-one guidance on how to use the service they provide.

As well as making adjustments on an individual basis, student support staff should be continually anticipating the needs of disabled students. Past experiences with accessibility solutions are beneficial in anticipating the future needs of disabled students.

However, there are a number of anticipatory reasonable adjustments that can be made to ensure that student support services are meeting the **anticipatory** duty under SENDO.

These can include:

- Ensuring that the service is accessible to **all** disabled students. This does not just include improving physical access, such as low level counter-height desks, but also making sure that all posters and notice-boards for example, are accessible to disabled students with visual impairments, deaf students and students with learning difficulties.
- Evaluating the **accessibility of information** available to students. For example it is recommended that text in any literature produced by student support services, should be a minimum of text size 14 in an Arial font.
- Staff should be aware of the institution's procedures on how to produce materials and literature in **alternative formats** such as large print, Braille, audiotape or DAISY. In addition, staff should be aware of how to contact specialist organisations that can provide material in alternative formats. If the institution buys equipment to produce materials in alternative format, staff should be trained on how to operate it.

Case Study 2

A student with dyslexia who receives disabled students' allowance has a support worker to help with his reading. The student takes his support worker with him to the university library.

A number of students complain that the conversation between the support worker and the student is disturbing them and as a result the library staff asks both the disabled student and his support worker to leave.

This is likely to be unlawful as the disabled student uses the services of his support worker for a reason that is related to his disability. Rather than remove the disabled student from the library, library staff could seek alternative rooms where the disabled student and support worker can study.

In Case Study 2, the university library asked the disabled student and support worker to leave the library as they were disrupting other students. It is not reasonable for other students to be disrupted but may be unreasonable to remove the disabled student and support worker from the library. Thus, by having the availability of private study-rooms the library is meeting its anticipatory duty under SENDO.

Making information technology accessible

Installing specialist equipment and software on computers can be quite expensive. However, many institutions receive funding to improve accessibility and part of this should be used to finance improvements in accessible IT.

Many disabled students will meet with the disability officer or learning support co-ordinator to discuss their individual needs and any reasonable adjustments that are required. It is likely that some disabled students may require adaptive equipment to use computers, laptops etc. or may need specialist software to be downloaded. There is funding available for disabled students to pay for this equipment and software. Staff should be aware of the funding that is available to assist and support disabled students.

Student support services can assist in making IT accessible to disabled students by:

- Providing **workstations at varying heights** for those with mobility difficulties. It is important to remember that disabled students should also be able to access ancillary equipment such as printers, scanners etc.
- Promoting **training to disabled students** on how to use specialist equipment and software, where required.
- Informing students that basic software programmes, such as **browse-aloud**, are available on computers throughout the institution.
- Knowing how to get access to an **anti-flicker screen** for a computer if requested by a disabled student.
- Ensuring that there is **regular maintenance** of IT equipment and software so that they are both working and accessible to disabled students.
- Working closely with facilities management to ensure that IT facilities in **outreach** and **community centres** are accessible to disabled students.
- Ensuring that the institution's **website** is accessible to disabled students.
- Developing links with **key organisations** to keep them up to date on what types of equipment and software are suitable and appropriate to the needs of disabled students with varying disabilities.
- Making use of **resources** that provide **online** support to staff and students in the use of adaptive equipment.

Case Study 3

A college of further and higher education has recently refurbished their IT suite and updated all of their computer software. They have installed specialist software to a number of PCs in keeping with the college's aim to promote inclusive learning.

However, IT staff have not received training on the use of specialist software and thus only a limited number of disabled students can use it.

Although the college has made a reasonable adjustment by installing new software, the adjustment is ineffective if staff are unable to use it. In these circumstances the reasonable adjustment has been made, but it is ineffective and disability discrimination is likely to have occurred.

Case Study 3 highlights the importance of staff receiving appropriate training in the use of specialist equipment and software. All staff should speak to their staff development officer to attend appropriate and accredited training courses.

There should also be regular contact between IT staff and all teaching and non-teaching staff to ensure that the technical needs of individual disabled students are met, both in and out of the classroom.

Disclosure of a student's disability

In many cases, a disabled student may **not** disclose his/her disability to the institution. This may be because he/she has their own coping mechanisms and feel they don't need any additional support or are embarrassed about their disability and feel it could jeopardise a place on a course.

Given the direct contact that staff in student support services has with students, it is possible that a disabled student could **disclose** his/her disability to a member of staff. It is therefore essential that **all** staff have an awareness of the support that is available to disabled students and who should be contacted within the institution when a student declares his/her disability. Staff in student support services should make themselves aware of the institution's disability and/or learning support services.

If a disabled student does not wish information about his/her disability to be disclosed, then their right to **confidentiality** should be respected. Under these circumstances, staff should talk to the disabled student to discuss what individual adjustments are required and to explain that they may be limited in the adjustments that they can make.

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

If there is a potential **health and safety** issue, then staff should contact their line manager and a risk assessment should take place. This should be carried out by a suitably qualified person.

Staff in student support services should seek to find ways to include the disabled student in their services rather than exclude them in the risk assessment process.

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
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