

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 teaching staff?

SENDO will have a direct impact on the day-to-day activities of teaching staff. This applies to **all** teaching staff including full-time, part-time, permanent and temporary, irrespective of whether they are based on site, or at an outreach centre.

The institution is deemed to be the responsible body for implementing and meeting the duties under SENDO. Teaching staff are responsible for ensuring that their teaching styles and methods are accessible to disabled students.

It is important to stress that SENDO is not about making courses easier for disabled students. SENDO upholds the principle of inclusive learning by ensuring that disabled students have the same rights of access to education and other related services as non disabled students.

Staff should continually evaluate the way in which a course is delivered and the methods of assessment used to ensure that they are accessible to disabled students. Provision of teaching materials and the teaching delivery may include work placements, field trips, use of technology and the return of coursework.

Anticipating and making reasonable adjustments

Reasonable adjustments are made to ensure that disabled students are not placed at a substantial disadvantage compared to non-disabled students. The duty to make reasonable adjustments is both an **anticipatory** duty and a **reactive** duty.

You can meet the **anticipatory** duty in a number of ways such as:

- Making handouts or class notes available in alternative formats.
- Producing handouts and notes in text size 14 (minimum) and Arial font.
- Seeking guidance on how you can make blackboard, overhead or power point presentations in a style and format that is accessible to **all** disabled students.
- Using any on-line advice about accessibility that your institution provides.
- Being aware of the need to face students who may be lip-reading during a lecture.
- Making yourself aware of specialist equipment, such as a portable loop system so that you are able to access and use such equipment if requested by a disabled student.
- Working closely with adult assistants to ensure that they can provide appropriate support to a disabled student, while causing minimum disruption to the rest of the class.
- Making yourself aware of the disability or learning support services within the institution. Speak to them for advice and guidance on how to make your teaching accessible to disabled students.
- Being flexible in the arrangements for timetabling and classroom allocation.

Case Study 1

A partially deaf student who lip reads is attending a business studies course at a local institute of further and higher education. One of his lecturers continues to speak while simultaneously writing on the whiteboard. The student asks her to stop speaking when she turns her back to use the whiteboard so that he can follow what she is saying.

The student is likely to be at a substantial disadvantage if this adjustment is not made.

The **reactive** duty under SENDO can be met by seeking advice from disabled students on how you can best meet individual needs by making your teaching more accessible. This duty can often be met in a simple way such as providing a disabled student with handouts in advance, or by seeking to move the class to a room that is physically accessible to **all** disabled students.

Case Study 2

At a university in Northern Ireland, a tutor in zoology delivers one of his modules through a computer-based learning environment and awards marks for students' participation in online discussion. The system does not work with the software used by a visually impaired student.

The tutor discusses with the student ways in which he can make the online discussion more accessible. They agree to meet with IT staff and find a solution that meets the needs of the disabled student.

It is essential that **all** teaching staff create a climate of trust and have a positive outlook for disabled students in the classroom. It is important to avoid making assumptions about a student's disability for example, a student with mental ill health may have a long period of absence due to his/her disability rather than a lack of interest or motivation for the course.

It is likely that many disabled students will **not** declare that they have a disability when they apply 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 be putting their place on the course in jeopardy.

It may become apparent that a student is having difficulty with some element of the course. You may suspect that a student has a disability such as a learning difficulty, which may be affecting his/her ability to complete assignments or coursework. For example, it is possible that a student who consistently produces work with poor spelling and grammar, could have a learning difficulty such as dyslexia.

Given the direct contact that teaching staff have with students, it is possible that a disabled student will disclose his/her disability to their tutor or lecturer etc. You should discuss with the disabled student what their specific support needs are and how you can make reasonable adjustments in the classroom. By doing this you are also meeting the **reactive** duty under SENDO.

However, you should avoid confronting a student if you suspect that he/she has a disability. If a student does not wish to disclose his/her disability they have the right not to do so. This will of course impact on some of the reasonable adjustments that can be made.

It is also possible that a disabled student may disclose his/her disability to you, but request that you do not pass this information on to anyone else within the institution. You should encourage the disabled student to make use of the disability or learning support service but you should also respect the **right to confidentiality**.

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. Since 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.

Case Study 3

A student with HIV is on a chemical engineering course at a local university. He does not want other students to know of his condition. His condition means that he sometimes needs to have time off.

His tutors have offered to arrange extra time in the laboratory for him after hours to make up for the time he misses. However, he has refused this on the grounds of confidentiality. Instead they offer to provide him with extra lecture notes.

Although this adjustment is less effective, it is likely to be lawful given the student's request for confidentiality.

Case Study 3 illustrates that **it is possible to make reasonable adjustments without affecting a disabled student's right to confidentiality**. It is important to discuss with a disabled student the benefits of disclosing a disability but if he/she refuses to allow this information to be disclosed, you should consider any other reasonable adjustments that can be made, even if they are somewhat limited. Teaching staff should seek advice from disability and learning support staff when required.

If you are meeting the anticipatory and reactive duty under SENDO, then a disabled student's disability should have little impact on your classroom and teaching practice.

However, it is possible that you may identify a **perceived** health and safety risk. It is therefore important that you make yourself aware of the institution's policies, practices and procedures on health and safety.

In some circumstances, a risk assessment may have to be carried out for an individual disabled student. **The purpose of a risk assessment is to find ways to include the disabled student within the classroom rather than finding ways to exclude them.** Risk assessments should be carried out by a suitably qualified professional, such as an occupational health advisor. Teaching staff play an important role in the process to consider what reasonable adjustments can be made in the classroom that could eliminate or minimise risk.

Risk assessments should always be carried out for **all** students before field trips, work placements, use of laboratories etc. and the needs of disabled students should be included in any assessment.

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



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