

## A practical briefing guide for vice-chancellors, principals, directors and governors 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 vice-chancellors, principals, directors and governors?

SENDO defines the **governing body** or **management** of an institution as the **'responsible body'** for ensuring that disabled students are not discriminated against in accessing further and higher education.

**The vice-chancellor, principal, director or governor has the ultimate responsibility for ensuring that the institution meets the legal duties under SENDO.**

In practice, if legal action is taken against the institution alleging disability discrimination, it will be the vice-chancellor, principal, director or governor, as representative of the 'responsible body' that will have to defend the institution's actions or lack of actions at **County Court**.

As a representative of the responsible body, the vice-chancellor, principal, director or governor is liable for the actions of all employees (during the course of their employment) and anyone working with the authority of the institution. Therefore, **everyone** working with the authority of the institution should be aware of the disability discrimination duties under SENDO and how these may impact on their job functions.

The vice-chancellor, principal, director or governor should take a **lead role in developing a 'coherent institutional approach'** to promoting an equal and inclusive learning environment.

### **Does the reasonable adjustments duty only apply to full-time disabled students at the institution?**

**No.** The duties contained within SENDO are owed to **all disabled students**, including full-time, part-time, adult learners, outreach and international students.

### Case Study 1

A man with dyslexia attends an open day at his local college of further and higher education. He asks for a copy of the student handbook in a larger print. The staff member refuses to give him a copy of the handbook, as it is only available in alternative format to students currently attending the college. However, the student handbook is available in its regular format to anyone attending the open day.

As SENDO applies to prospective as well as current students, it is likely that the man has been discriminated against for a reason related to his disability.

If the man in Case Study 1 decided to take legal action against the college then the principal, director or the governor of the college, as a representative of the responsible body, would have to defend the college in Court.

### Does SENDO only apply to teaching staff ?

**No.** SENDO applies to **all staff**. This includes all teaching, administration, ancillary, catering, support, library, IT and senior management staff etc. SENDO applies to full-time, part-time, contract and temporary staff as well as staff at outreach centres. Any person working with the authority of the institution must work to avoid disability discrimination and embrace the inclusive ethos of SENDO.

It is essential that all staff are made aware of their duties under SENDO. Disability awareness training should be made available to all staff throughout the year on an **on going** basis. Staff training related to SENDO should be mandatory.

### Case Study 2

A visiting part-time lecturer provides a series of lectures at an outreach centre for a local college. He is not given any instructions about the reasonable adjustments that need to be made for disabled students on the course.

The lecturer fails to make adjustments for these students and some students are substantially disadvantaged as a result. The responsible body is likely to have been acting unlawfully by failing to ensure that its agent, the visiting lecturer, made reasonable adjustments.

In Case Study 2, the visiting lecturer has discriminated against the disabled students on the course. Should a disabled student make a complaint alleging disability discrimination, then the director, principal or governor of the college would have to defend the college in Court.

The key factor to ensuring that the institution embraces SENDO is to ensure that **adequate and ongoing staff development and training is provided to all staff acting with the authority of the institution**. By making all staff continually aware of the needs of disabled students it should help foster a more accessible and inclusive learning environment.

It is also important that the vice-chancellor, director, principal or governor takes responsibility for their own staff development needs relating to SENDO and issues of equality and disability.

### **Who is responsible for making and anticipating reasonable adjustments?**

The **responsible body** is legally responsible for ensuring reasonable adjustments are made by the institution.

**Any person** working with the authority of the institution will necessarily be involved in making reasonable adjustments for disabled students. This is both an **anticipatory** and **reactive** duty.

Staff should be provided with ongoing training on how to meet the needs of disabled students and how they can make their service within the institution more accessible to disabled students.

Vice-chancellors, principals, directors and governors should actively promote and encourage applications from disabled students. They should work closely with the institution's disability or learning support services and ensure that all staff are aware of how to contact this service. This is a valuable resource within the institution and their expertise can help all staff make and anticipate reasonable adjustments.

Once a student **discloses** his/her disability to **any** member of staff, then the institution is deemed to have knowledge of a student's disability and is obliged to make the necessary reasonable adjustments. This may mean that an institution may have to engage in more **flexible budget** management to ensure that it is meeting the needs of disabled students before and during the academic year.

### Case Study 3

A sign language user wishes to use the careers service at a university. The university says that funding for an interpreter must come from the student service department but the student service department does not have sufficient funds in its budget to pay for an interpreter.

The university is restricted in how it allocates earmarked funds due to controls placed upon it by the statutory awarding bodies. It is free to distribute non-earmarked funds internally at its own discretion. In order to meet its anticipatory duty to make reasonable adjustments, this university operates a flexible budgeting system. Non ear marked funds allow for unforeseen contingencies such as financing the shortfall in funding to the student services department in order to make its careers service accessible to the student.

### Creating a more accessible institution

Vice-chancellors, principals, directors and governors should adopt policies and procedures to manage the inclusion of disabled students within the institution. By embracing the legal requirements under SENDO, the institution can make itself more accessible to disabled students and thus **avoid disability discrimination**. There are a number of ways in which this can be done:

- **Review all policies, practices and procedures within the institution.**

It is essential that **all** of the institution's policies, practices and procedures are reviewed periodically to ensure that they embrace SENDO.

The vice-chancellor, principal, director or governor should adopt a strategic approach on the issues that arise concerning disabled students. This approach should be continually **reviewed and monitored**.

It is important that when policies, practices and procedures have been reviewed that they are **communicated** to **all** staff within the institution. Staff should be informed of any changes made on issues relating to disabled students, policies, practices and procedures and should also be included in the process of review and monitoring.

- **Disability statements**

Most institutions already have a disability statement that welcomes and encourages applications from disabled students. This is one of the most effective ways to promote the institution as being accessible.

Vice-chancellors, principals, directors or governors **should review** this statement, at least annually, and ensure that it is developed by assessing the experiences of both disabled students and staff.

- **Disability action plan**

The vice-chancellor, principal, director or governor should ensure that a disability action plan is created. To support the disability statement this plan needs to be reviewed at least annually and developed in conjunction with disabled students and in the light of any complaints made in relation to disability discrimination.

An action plan will consider how the institution can continually meet the needs of disabled students in accessing services by outlining **clear policies** and **procedures, key responsibilities** and **time frames** as appropriate.

- **Establish a disability committee**

It is recommended that disability statements and disability action plans should be reviewed bi-annually. The vice-chancellor, principal, director or governor should establish a disability committee to complement this process and co-ordinate the institution's management of issues relating to disabled students. The vice-chancellor, principal, director or governor should delegate responsibility for this committee and **seek representatives** from departmental managers, teaching staff, non-teaching staff, the disability officer or learning support and any other appropriate staff who are involved in the delivery of student services.

- **Communication**

The vice-chancellor, principal, director or governor should take lead responsibility for ensuring that all issues on accessibility and inclusion of disabled students are **communicated to all staff** and that there is an effective system of co-ordinating information internally.

- **Make accessibility a standing agenda item at all staff meetings**

When vice-chancellors, principals, directors or governors are meeting with departmental managers, it is recommended that there is a standing item on the agenda. Departmental managers should be provided with appropriate training to better understand the scope and requirements of SENDO.

Furthermore, it would be considered good practice to establish accessibility as a standing item in **all agendas**, at **all staff meetings** throughout the institution.

**This gives out a clear signal that accessible education for disabled students is being taken seriously and encourages all staff to think about how they deliver their service.**

- **Review relationships with external organisations**

It is essential that relationships with any external organisations are reviewed to ensure that they have embraced accessible service delivery. This could include relationships with catering suppliers, providers of work placements and security staff. External organisations should be fully aware of their responsibilities under SENDO and the Disability Discrimination Act 1995\* if they are delivering a service on behalf of the college or university.

Partnerships and programmes affiliated to the institution should be reviewed to ensure they embrace the principle of SENDO. **Disabled students should expect to receive the same educational experience at an out-centre that they would receive if they attended the institution's main campus.**

\* For further information about the Disability Discrimination Act 1995, contact the Equality Commission for Northern Ireland.

## 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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