



Disability Policy for Students

If requested, the College will make the policy available by means of alternative formats including large print, Braille, audio cassette and computer disk. The policy can also be downloaded from the College Intranet and made available in alternative languages as required.

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1. POLICY STATEMENT

- 1.1 This Disability Policy for Students sets out the College's commitment to both potential and existing students with a disability and those whose disability worsens during their studies. The College will seek to encourage students to disclose a disability and to ensure that students with a disability are protected from discrimination and have equal access, where appropriate, to the full range of college facilities and services. The College will treat all students with respect and dignity, and seek to provide a positive learning environment free from disability discrimination, harassment or victimisation.
- 1.2 South West College recognises its obligations under the Disability Discrimination Act (DDA) 1995 (as amended by Article 5 of the Disability Discrimination Order 2006), Special Educational Needs Disability (Northern Ireland) Order 2005 and its statutory obligations.

2. DEFINITION OF DISABILITY

- 2.1 For the purpose of this policy, disability is defined as "a physical or mental impairment, which has a substantial and long-term adverse effect on a person's ability to carry out normal day to day activities." (*Disability Discrimination Act 1995*). Physical or mental impairment includes sensory impairment. Hidden impairments are also covered (e.g. dyslexia, learning disabilities, epilepsy). Long term means that it has lasted or is likely to last for at least a year or for the rest of the life of the person affected.

If a student is unsure whether a particular difficulty would be considered a disability they are welcome to discuss this in confidence with the Learning Support Officer at their Campus.

3. POLICY AIMS

South West College aims to:

- 3.1 Complement existing internal policies and procedures and in particular those designed to promote equality of opportunity, good relations and inclusion.
- 3.2 Ensure that:
 - The requirements of the Disability Discrimination Act and Special Educational Needs Disability (Northern Ireland) Order 2005 are fully met, and
 - Students will not experience disability discrimination in the provision of education and associated services in further education and in respect of admissions, suspension and expulsions.

4. RESPONSIBILITIES

4.1 The Governing Body of the College has overall responsibility for this policy and in delegating authority to the relevant employees for the purposes of implementation.

4.2 College Managers are responsible for ensuring that:

- They take the lead in challenging discriminatory behaviour on the part of the managers, staff or students and creating a positive working environment and inclusive ethos
- They are aware of the College's statutory duties in relation to disability legislation
- Staff and students are aware of the procedures of how to deal with issues of confidentiality and disclosure
- All aspects of College policy and activity are sensitive to disability issues
- Disability monitoring information is collected and analysed
- The procedures for the provision of education, associated services and admissions enshrine best practice in equal opportunities
- The College's publicity materials present appropriate positive and non-stereotypical messages of disabled people and non-disabled people
- Appropriate training and development is provided to support the appreciation and understanding of disability. Adequate time will be given for staff development.

4.3 The Learning Support Officers are responsible for ensuring that:

- Students are aware of the Learning Support Officers role and have access to assistance from the Learning Support Officer in each campus as required.
- They will make proposals to make reasonable adjustments for a student in discussion with the appropriate manager/director.
- They will arrange with the Estates Manager that a Personal Emergency Evacuation Plan is created for all students who may have difficulty making their way out of buildings in an emergency.
- They are aware of expert advice available from numerous sources e.g. Disablement Advisory Services through Job Centres and Jobs & Benefit Offices.

4.3 All staff are responsible for ensuring that:

- They are aware of the College's statutory duties in relation to disability legislation, including confidentiality and disclosure
- Their schemes of work, lesson content and teaching resources demonstrate sensitivity to issues of diversity and inclusion
- They challenge prejudiced and discriminatory behaviour, whether witting or unwitting by students, work placement providers, outside contractors or other members of staff whenever practicable

- They respond positively to the needs of disabled staff and students who they come in contact with in the course of their work
- Students are encouraged to disclose a disability and allow this information to be passed on to appropriate staff
- Information on supporting a student who has disclosed a disability is passed on to relevant staff where permission has been given (at Appendix 4)

4.4 Students are responsible for ensuring that:

- They contribute to a learning environment in which the dignity of every student is respected.
- They comply with this policy
- They discourage prejudiced and discriminatory behaviour. Each student should alert an appropriate member of staff to any incident of harassment to enable the College to deal with the matter.
- They inform the College of their needs in relation to any disability and give permission for this information to be passed to relevant staff as appropriate. Staff of the College cannot take disability into account if they are not made aware of it.

5. ADMISSIONS

5.1 The College will review and develop its admissions procedures¹ to facilitate applications from people with disabilities and to ensure that there are no unnecessary barriers for disabled people as part of the admissions procedure.

5.2 In pursuance of 3.2, the College will:

- Provide access to the full range of admissions opportunities regardless of any disability.
- Be responsive in taking all reasonable steps (including, where appropriate, reasonable adjustments) to meet the requirements of students with disabilities in order to support them in their education and learning and, where practicable, to ensure the removal of barriers to their full participation in the College.
- Deal with individual issues in a confidential manner and in accordance with data protection legislation.

5.3 The College will ensure that:

5.3.1 Marketing and admissions materials will be fully accessible and made available in a range of alternative formats on request.

¹ include advertising, application forms, shortlisting, selection, interviewing, assessment testing and health screening

- 5.3.2 Students are given the opportunity to visit the College to view facilities and discuss their needs.
- 5.3.3 Interviews will be fully accessible and reasonable adjustments will be made to allow potential students with a disability to attend the interview without being placed at a disadvantage.
- 5.3.4 Impairments will not be used to excuse the non-admission of candidates who meet the course criteria.
- 5.4 If a potential student informs the College that s/he has a disability, the College will ensure arrangements are made at the interview stage to meet any additional requirements i.e. a location which will be fully accessible to ensure participation and that any assessment methods or tasks used will be fully accessible.
- 5.5 Every effort will be made to redress any under-representation of disabled people within the student body by positive action, in keeping with the Disability Duties under Section 49A of the Disability Discrimination Order 2006 as found in the College's Disability Action Plan.
- 5.6 Ensure all promotion is compliant to the 9 categories within Section 75 which includes disability.

6. REASONABLE ADJUSTMENTS

- 6.1 In complying with the provisions of the Special Education Needs Disability (Northern Ireland) Order 2005, the College will make 'reasonable adjustments' as required to enable a successful applicant with a disability to access education and training and associated services provided by the college. For example, provision of equipment, modification of the working environment. (See Appendix 5)
- 6.2 In determining whether it is reasonable to make an adjustment the college will have regard to the extent that making the adjustment is consistent with a disabled person's request for confidentiality.

7. GUIDANCE AND CAREERS ADVICE

- 7.1 All students will receive fair and unbiased treatment regarding guidance and will be given impartial advice on career planning.
- 7.2 Guidance and support will be provided to students in an individually appropriate and non-discriminatory manner.

8. SUSPENSION AND EXPELLING

- 8.1 The College will ensure that there is no disability discrimination in relation to the suspension or expelling of students.

9. CONFIDENTIALITY AND DISCLOSURE

- 9.1 The College seeks to encourage potential and existing students to disclose a disability so that the students' needs can be assessed and, where possible, arrangements made for support and/or specialist equipment.
- 9.2 The College seeks to encourage potential and existing students to disclose a disability by:
- Asking students to declare their disability on application and enrolments forms
 - Publicising the provision that is made for disabled students
 - Providing opportunities for potential and existing students to tell tutors, teachers or other staff in confidence (**Appendix 3**)
 - Asking students when they apply for examinations whether they need any specific arrangements because of a disability
- 9.3 The College will ensure that information regarding a student's disability is not passed on to relevant staff without the permission of the student in accordance with the Data Protection Act. Exceptions to this code of confidentiality are:
- If the student is considered to be in danger to themselves or others
 - The student under 16 appear to be at risk of abuse
 - Is a legal requirement
- 9.4 If a student refuses to give permission for this information to be shared to other relevant staff in the college they will be asked to complete and sign a Non-Action Disclosure Form (**Appendix 4**).
- 9.5 The College will seek to ensure that the atmosphere and culture of the college is open and welcoming so that disabled students feel safe to disclose a disability.
- 9.6 Where a student has identified a disability, or where a member of staff becomes aware that a student has a disability, the College will make reasonable adjustments, where appropriate and necessary, as described under the Special Educational Needs Disability (Northern Ireland) Order 2005. Further details of the College's arrangements for provision of support to students with a disability are set out at **Appendix 5**.

10. IF A STUDENT BECOMES DISABLED

- 10.1 If a student becomes disabled while enrolled at South West College, or becomes concerned that an illness or other condition is having a

disabling effect, they are advised to contact the Learning Support Officer to discuss their needs. The College undertakes to make every effort to ensure that a student who becomes disabled and wishes to continue in education and training is enabled to do so.

11. COMMUNICATING THE POLICY

- 11.1 The College will take the necessary steps to ensure that students and staff are made aware of this policy via notice boards, websites, VLE, student handbook, at induction etc.

12. DISABILITY AWARENESS

- 12.1 The College will take steps to raise awareness of disability, and ensure the mainstreaming of student and staff responsibilities under this policy.

In pursuance of the above aim, the college will ensure that:

- All staff are aware of this policy; and
- Where considered appropriate by the specified person, tutors and support staff of any student with a known or stated disability, understand specific requirements or adjustments that may be necessary (in accordance with data protection legislation and employee agreement regarding confidentiality)

13. MONITORING AND POLICY EFFECTIVENESS

- 13.1 In reviewing the implementation and effectiveness of this policy the College will consult people with disabilities who may be students within the College and/or people from outside agencies, in line with consultation arrangements outlined within Section 75 of the Northern Ireland Act, 1998.
- 13.2 Monitoring will be carried out in line with guidelines set by the Department for Employment and Learning²
- 13.3 The monitoring process will be used to ensure that disabled students and non-disabled students are treated fairly.
- 13.4 Relevant information will be published in the College S75 Annual Progress report and in the College Disability Action Plan which will be completed annually and forwarded to the Equality Commission for N.Ireland.

² Circular FE 07/05 Monitoring of numbers and categories of students with learning and/or disabilities enrolling in Further Education

14. HEALTH AND SAFETY

- 14.1 All students will have equal access to all health and safety provision and information on emergency evacuation. Students who may have difficulty making their way out of the building in an emergency will receive a Personal Emergency Evacuation Plan (most likely to be students with restricted mobility or sensory impairment).

15. COMPLAINTS

- 15.1 Any student who feels that they have suffered a detriment on the grounds of disability should in the first instance raise his/her concern with their tutor, student union representative or other member of staff. This person will provide the relevant guidance and information in relation to the appropriate policy.
- 15.2 A student may raise matters relating to grievance, harassment or victimisation on the grounds of disability, through relevant policies or procedures such as the Harassment Policy for Students in Colleges of Further and Higher Education. A copy of this policy is available from the College, as is the case with all policies and procedures.

Copies of these policies are available from the College. All complaints of discrimination will be dealt with seriously, promptly and confidentially.

- 15.3 Every effort will be made by the College to ensure that students making complaints will not be victimised. Any complaint of victimisation if substantiated may result in disciplinary action in accordance with the relevant procedures.
- 15.4 This policy does not replace or detract from the rights of students to pursue a complaint under the Special Educational Needs Disability (Northern Ireland) Order 2005, or any other relevant legislation. Please see Appendix 1.

16. MONITORING AND REVIEW

- 16.1 The College will establish appropriate information and monitoring systems to assist the effective implementation of our Disability Policy for Students.
- 16.2 The College will ensure that adequate resources are made available to promote this policy effectively and is committed to reviewing this policy on a regular basis.

Joseph Mant
Chairman

Shachy Weber
Director

Date 19.11.14

Date 19.11.14

APPENDIX 1

THE DISABILITY DISCRIMINATION ACT 1995

The Disability Discrimination Act (DDA) 1995 was fully implemented in October 2004. In compliance with the Act, the College will make every attempt to provide **reasonable assistance, resources or facilities** to include those outlined below for employees with a disability covered by the Act.

Further and Higher Education Colleges, as service providers may be covered under Part 3 of the DDA, which relates to goods, facilities and services.

Definitions

The Meaning of Disability³

The DDA defines disability as **"a physical or mental impairment which has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities"**.

The term 'impairment' covers physical or mental impairments; this includes sensory impairments, such as those affecting sight or hearing.

The term 'mental impairment' is intended to cover a wide range of impairments relating to mental functioning, including what are often known as learning disabilities.

A 'substantial' adverse effect is something which is more than a minor or trivial effect. The requirement that an effect must be substantial reflects the general understanding of disability as a limitation going beyond the normal differences in ability which might exist among people.

A long-term adverse effect of an impairment is one:

- Which has lasted at least 12 months; or
- Where the total period for which it lasts is likely to be at least 12 months; or
- Which is likely to last for the rest of the life of the person affected.

'Normal day-to-day activities'. They are activities which are carried out by most people on a fairly regular and frequent basis. The term is not intended to include activities which are normal only for a particular person or group of people, such as playing a musical instrument, or a sport, to a professional standard or performing a skilled or specialist task at work.

However, someone who is affected in such a specialised way but is also affected in normal day-to-day activities would be covered by this part of the definition. The test of whether an impairment affects normal day-to-day activities is whether it affects one of the broad categories of capacity listed in Schedule 1 of the Act. They are: mobility, manual dexterity, physical coordination, continence, ability to lift, carry, or otherwise move everyday

³ Taken from "Code of Practice, Rights of Access, Goods, Facilities, Services and Premises" produced by the NI Equality Commission.

objects, speech, hearing or eyesight, memory or ability to concentrate, learn or understand, or perception of the risk of physical danger.

Changes to the definition of disability were made by the Disability Discrimination (NI) Order and came into effect on 31 October 2007. From that date, people who develop cancer, HIV or MS are protected from disability discrimination from the point of diagnosis (and not from the point where the condition affects their ability to carry out day to day activities).

Disability Discrimination

Disability discrimination occurs when, for a reason related to his/her disability, a disabled person is treated less favourably than other people, and this treatment cannot be justified. It also occurs when an employer fails to comply with the duty to make a reasonable adjustment in relation to the disabled person, and the failure cannot be justified. An employer cannot justify less favourable treatment if, by making a reasonable adjustment, it would remove the reason for the treatment.

Victimisation

Victimisation occurs when a person is treated less favourably than another because that person has, for example, asserted rights under any of the discrimination laws or has helped another person to assert such rights or given information to the relevant statutory body, or because it is suspected that the person might do any of these things.

Complaints

Disputes may be resolved using a conciliation service as arranged by the Equality Commission Northern Ireland. Agreeing to the conciliation process does not prevent a complainant from pursuing a case through the courts. Complaints of disability discrimination should be lodged with the county court within six months from the date of the alleged act of discrimination. The time limit for bringing an action in court is extended by two months if the conciliation process has been used within six months of a discriminatory act. Further information on complaints can be sought from:

The Equality Commission for Northern Ireland
Equality House
7-9 Shaftesbury Square
Belfast
BT2 7DP

Telephone: 028 90 500600
Fax: 028 90 331544
Textphone: 082 90 500589
E-mail: information@equalityni.org
Website: www.equalityni.org

APPENDIX2

THE SPECIAL EDUCATIONAL NEEDS DISABILITY (NORTHERN IRELAND) ORDER 2005

The SEND Order is a stand alone piece of legislation. Within the Order there are specific sections relating to the further and higher education sector. In effect, these sections of the Order...

extend the duty not to discriminate against to disabled people or students to further and higher education institutions.

There are three types of activities within the further and higher education sector that are affected by the Order:

- Admissions and exclusions
- Suspending and expelling
- Services

It is unlawful for bodies responsible for educational institutions to:

- discriminate against disabled students in the arrangements it makes for determining admissions or enrolments to the institution;
- to suspend or expel students on the grounds of their disability;
- and in the provision of "student services"

"Student services" are any service that an institution provides or offers to provide wholly or mainly for students attending or undertaking courses.

A student does not have to be undertaking a complete course to have rights under the Order.

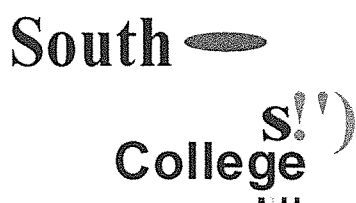
Under the SEND Order, institutions must:

- not treat a disabled person less favourably, for a reason relating to the person's disability, than it treats (or would treat) a person to whom that reason does not, or would not, apply and that treatment cannot be justified.
- make reasonable adjustments when a disabled person is placed, or is likely to be placed, at a substantial disadvantage in comparison with a person who is not disabled.
- Not discriminate against another person (the victim) by treating the victim less favourably than they treat (or would treat) other people in the same circumstances – regardless of a disability – because the victim has brought proceedings, or given evidence

or information in connection with such proceedings, or alleged someone has contravened the Order or the Disability Discrimination Act 1995.

The duty to make reasonable adjustments is an anticipatory duty owed to all disabled people and students.

For the purpose of this policy, disability is defined as "a physical or mental impairment that has a substantial and long-term adverse effect on a person's ability to carry out normal day to day activities", as defined under the DDA 1995.



Disability Disclosure Statement

Students Request

I have disclosed personal information in relation to my disability to a member of South West College staff. I can confirm that I do wish this information to be disclosed to the Learning Support Officer and other relevant staff members, so that the College can arrange to provide the appropriate help and support during my time at the College. I understand that this form records my decision and that this will be passed initially to the Learning Support Officer. I agree to meet with the Learning Support Officer to discuss my requirements and to work in conjunction with the College to ensure that the appropriate help and support enables me to progress at the College. I agree to complete all other relevant documentation required by the College.

Name _____ of _____ Student:

Signature _____ of _____ Student:

Date: _____

Staff Acknowledgement of Student Disability Disclosure

The student named above has approached me to disclose a disability or additional support need. I have advised the student on the College's arrangements for providing additional support and I have contacted the Learning Support Officer in this respect. I agree to participate in the provision of appropriate help and support as advised in the learning environment and will make 'reasonable adjustments' as required to assist this student with disability with their progress in the College. I agree to deal with the issues arising sensitively and to seek appropriate advice and/or training.

Name _____ of _____ Staff:

Signature _____ of _____ Staff:

Date: _____



Non – action Disclosure Statement

Student's request for confidentiality

I have disclosed personal information to a member of South West College staff but I do not wish this information to be acted upon or disclosed to other staff members. I realise that this may be detrimental to my progress at college but this is my request. I understand that this form records my decision and that this will be passed to the Learning Support Officer and will not be passed to anyone else.

Name of Student

Signature of Student -----

Date

Staff acknowledgement of student's request for confidentiality

The student named above has approached me to disclose a disability or additional support need. I have advised this student that it would be in the student's best interest to contact the *Learning Support Officer* to discuss the additional support that may be available to them.

I have explained that in withholding their consent, the student cannot expect individual arrangements to be made, beyond those required by the College as its "anticipatory duty".

I have explained that this form records their decision and that this will be passed to the Learning Support Officer and not passed to anyone else.

As a member of staff at South West College I agree to abide by the above request and will not pass on any information regarding this unless with holding it would endanger the life of this student or other persons or if there is a legal requirement to disclose.

Name of Staff

Signature of Staff _____

Date

A copy of this form should be sent immediately, in a sealed envelope, to the Learning Support Officer. A second copy should be retained by the student and a third by the member of staff.

Examples of how the College can support you:

1. Access to a Learning Support Officer
2. Range of equipment
3. Assistive software e.g. amplification
4. Modification of text or the provision of communicators or signers
5. Learning Support Assistants
6. Dyslexia Screening Assessment
7. Study support
8. Exam support e.g. extra time allowance
9. Library support
10. Dedicated courses
11. Guidance, counselling and careers advice
12. Links with external organisations
13. Physical accommodation/Campus Accessibility
14. Learning Support Guide

These are examples of the support available and are not an exhaustive list.