

Given the reduction of allowances for disabled students, what is reasonable for the HEI to provide if there is no additional individual funding? How do you handle complaints from students who think you should do more?

Some facts and figures

- 10.1% of all students **declare as disabled**
- 47.5% of those receive **DSA**
- 2003/04 - 2013/14 **proportion of students declaring** increased by 4.6%
- this is an 85.2% **increase in numbers** from 2003/04 levels
- **most common** = SpLDs (48%) mental health (12.8%)
- Since 2007/08, mental health disclosures have **more than doubled**, increasing from 5.9% to 12.8% in 2013/14.
- Data: "Equality in higher education: statistical report 2015" (ECU)



Disabled Students' Allowance

Non-means tested financial help for disabled students domiciled in the UK, with a disability or a long term health condition, or a specific learning disability

Was: up to £5k for specialist equipment, up to £20k for non-medical helpers and up to £1.7k for general costs

Agreed via needs assessment by specialised staff working with the student.

Importance of DSA

For many disabled students, one of their highest priorities in choosing an institution is access:

NAO 2007: “Students receiving an allowance are much more likely to continue their course than other students declaring a disability”

ECU 2012: disabled students receiving DSA are more likely to reach a first or upper second class honours degree than those who do not.

Background to the changes

Significant changes announced in 2014 to Disabled Students Allowances, taking effect in 2015/16 and 2016/17

A 'rebalancing of responsibility': Universities to provide some aspects of disability support previously funded by DSAs.

Rationale for the changes

Encouragement not simply to view it as a transfer for payments, but as an incentive for universities to develop teaching and learning that is more inclusive in terms of delivery and assessment...

...to think about strategies to reduce the need for expensive support (e.g. support workers)...

...and thereby foster independence and autonomy



What DSA now covers

The most specialist 1-1 support

Mentoring

Specialist study skills

BSL interpreters

Electronic note takers

Accommodation where not provided by the uni

lifechanging



University of
Sunderland

What universities now have to cover

- Most 1-1 support roles which are 'bands 1 and 2'
- Specific learning difficulties (unless 'more complex')
- Specialist transcription services
- Additional accommodation costs where the University is providing it
- Individual printing and scanning -only if cannot be met other ways. Unis must try and reduce the need
- Computers – students must pay £200 towards the cost

Impact of changes

Impact unevenly distributed – those institutions that are successful in recruiting more disabled students will be financially penalised for doing so.

Significant impact on small or specialist institutions

DSA focus on 'more complex needs' which (mostly) excludes largest single group – specific learning difficulties.

But...

Whatever the changes to DSA, universities' legal responsibilities towards disabled students (2010 Equality Act) do not change.

If a reasonable adjustment has to be made...it has to be made.

So...

What are some of the potential challenges that could give rise to a complaint?

Where might challenges arise?

- A student's perception of what she/he needs made not coincide with ours.
- Unrealistic expectations of what can be reasonably provided – perhaps from prior experience in colleges
- 'Escalating claims'
- Further phasing out of DSA, resulting in HEIs needing to meet that cost
- Who supports the student now the complaint is against the HEI, not the SFE/SFW/SAA?SFNI?



Another layer of challenge

- Complaints might not be just about whether the university has taken financial steps to put in place appropriate adjustments:

they might be about our **failure in anticipatory duty – the social model of disability.**

- How do we evidence that we have considered our approaches to course design, and the way in which it is taught and assessed?



Meeting those challenges

- Clear assessment of need, and appropriate outcomes
- Students working with HEIs to design and implement effective solutions
- ...and doing so proactively at application stage, addressing concerns and establishing those clear expectations
- More inclusive approaches to learning as standard (for example lecture capture)

So...

What are some of the potential challenges in investigating a complaint?

Meeting those challenges in complaint investigation

- Investigators who are appropriately trained to understand the issues
- Is there an echo of 'academic judgement'?
- Clear understanding of:
 - What was agreed?
 - How was it agreed?
 - How has it been implemented?
- Issues of defining 'reasonableness'
- Complaints about anticipatory duty