

SCOTTISH DISABILITY TEAM
DISABILITY DISCRIMINATION ACT 1995 PART IV
CASE STUDIES
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CASE STUDIES



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CASE STUDY 1

An undergraduate student with dyslexia ticks the appropriate box on her UCAS form. The University Admissions Office receives all UCAS undergraduate application forms and then passes information about the student's declared disability on to tutors and various other personnel throughout the University. On the first day of her course, the student is approached by a tutor who immediately advises the student of the provisions that could be made to support her dyslexia, but tells her that she must first go to the Disability Office to be assessed. The student is very embarrassed by her disability and is horrified by her tutor's disclosure. She advises the tutor that she did not want this information to be passed on to the rest of the University and indeed did not give them permission to do so. The student is so embarrassed by what has happened that she feels unable to continue with her course. The student goes to see a legal advisor and the University receives a letter stating that it has breached the Data Protection Act 1998 and the student's right to confidentiality.

1. What is the University's response to the solicitor's letter?
2. What procedures should the University have in place in order to ensure compliance with the Data Protection Act 1998?
3. Would it have made any difference if the student had made the disclosure to a tutor instead of on the UCAS form?

CASE STUDY 2

A student with cerebral palsy advises the University's Disability Office that she has a personal carer who will be coming along to the University with her to assist when necessary. The student also advises the Disability Office that she is in receipt of Disabled Student's Allowance, a large part of which is for the provision of a note-taker in lectures. The Disability Office offers to find a note-taker for the student and to process the payment of the note-taker on behalf of the student. In the end of year exams, the student does not score very well and tells her Advisor of Studies that this is due to the lecture notes being produced by the note-taker being illegible and hard to follow. The student also advises that she no longer gets along with her personal carer and that the University will require to provide her with another one.

1. What is the University's obligations in relation to the original personal carer and in relation to finding a new personal carer?
2. What is the employment status of the note-taker and could the University be liable under the DDA or otherwise if the student failed her exams due to the quality of the notes produced?