

# **Higher Education Disability Co-ordinators/Advisers' National Network**

## **Response to "Delivering Equality for Disabled People"**

### **Recommendations**

#### 2.2

Recommendation – The National Network recommends that the DRC Code of Practice on the new public sector duties contains HE-specific examples of best practice and that, in addition the DRC, in conjunction with HE sector-specific organisations, publishes additional guidance and good practice for the HE sector.

#### 3.2

Recommendation - The National Network recommends that the Government and Scottish Ministers review the bodies listed as listed bodies to ensure that they encompass all public bodies that have a direct impact on the higher education of disabled people and in particular include the GTC Scotland, SQA and SAAS.

#### 4.1

Recommendation – The National Network recommends that any guidance produced to support the new regulations gives specific examples of who and how higher education institutions should consult with regards to involving disabled people in the production of their Disability Equality Scheme and Action Plans.

#### 4.2

Recommendation – The National Network recommends that any guidance produced to support the new regulations provide specific HE-related examples of the kinds of activities which require to have equality impact assessments conducted regarding their outcomes for disabled people.

### 4.3

Recommendation – The National Network recommends that Action Plans must clearly prioritise any actions to be taken, include a timetable for taking the proposed actions and explicitly state which committees and/or individuals are responsible for overseeing that any actions are carried out. Such Action Plans should concentrate on the removal of barriers rather than simply seeking to increase the numbers of disabled students at a given institution. Highlighting and then removing the barriers faced by disabled students will mean that disability disclosure will become less necessary as the needs of disabled students are routinely met.

Recommendation – The National Network recommends that higher education institutions should adopt a barrier-removal framework to action, which should be reflected in their Action Plans.

### 5.1

Recommendation – The National Network recommends that specific guidance on management information systems issues for capturing and recording the necessary data on disabled students to enable institutions to fulfil their obligations under the Specific Duties of listed bodies.

Recommendation – The National Network recommends that The Scottish Executive instructs the Scottish Funding Councils (SFC) to ascertain whether the information management systems of Scottish higher education institutions are able to perform the necessary functions required of them to enable higher education institutions to meet their Specific Duties as listed bodies and that, if these systems are found wanting, SFC provide institutions with additional support and resources to bring such systems up to the necessary standards.

## 5.2

Recommendation – The National Network recommends that the Regulations on the Specific Duties require higher education institutions to collect and publish data on the retention and progression of disabled students.

## 5.3

Recommendation – the National Network recommends that the guidance produced to support the new legislation provides clear information on the importance of CPD, both bespoke disability training and 'inclusive' CPD.

Recommendation – the National Network Recommends that HEIs are required to publish CPD information including: the numbers of staff who have and who have not undertaken CPD with regard to bespoke disability awareness and the measures that HEIs have taken in order to make mainstream CPD activities 'inclusive' both in their disability Equality Schemes and in their annual monitoring.

## 5.4

Recommendation – The National Network recommends that any guidance for the HE sector makes it explicit that higher education institutions need to attempt to capture an accurate measure of all disabled students in the institution and that any performance indicators adopted either by the sector as a whole or by individual institutions to measure and increase the number of disabled students include the entirety of the disabled student population.

## 5.5

Recommendation - The National Network recommends that HE sector-specific guidance be given on the recording and monitoring of cross-underrepresented groups.

## 5.6

Recommendation – The National Network recommends that the analysis of monitoring data should be informed by linked to

both performance management and by comparisons with similar data sets. The Guidance should inform the HE sector of how to analyse monitoring data in the most effective ways to inform positive change for disabled people.

## 5.7

Recommendation – The National Network recommends that the results of monitoring be published annually and that guidance provides examples of the accessibility of such published information both in terms of being readily understood and in accessible formats.

## 5.8

Recommendation – The National Network recommends that higher education institutions be required to revise their Disability Equality Schemes every three years and to report on progress annually.

## 5.9

Recommendation – The National Network recommends that the guidance clearly highlights the necessity for higher education institutions to publish their Disability Equality Schemes in a manner that is both readable and understandable and in a variety of accessible formats.

## 6.1

Recommendation – The National Network recommends that the guidance should be in the public domain for a year before higher education institutions are required to publish their Disability Equality Schemes.

## 6.2

Recommendation – The National Network recommends that certain Secretaries of State be required to report on the

progress towards equality for disabled people in their areas of responsibility.

### 6.3

Recommendation – The National Network recommends that the Regulations require the Scottish Funding Councils to support higher education institutions to meet their new duties and that the Scottish Funding Councils build institutions' progress on their Disability Equality Schemes into the condition of grant on Wider access.

## **1 Introduction**

- 1.1 The Higher Education (HE) Disability Co-ordinators /Advisers' National Network (National Network) welcomes the opportunity to provide a response to "Delivering Equality for Disabled People".
- 1.2 The National Network comprises Disability Co-ordinators /Advisors from all Scottish Funding Councils (SFC) funded Higher Education Institutions. Therefore our comments relate only to those aspects of the consultation that have a direct bearing on issues affecting the higher education sector in Scotland with regard to disabled students and potential students.
- 1.3 This response has been co-ordinated by the SFC-funded Scottish Disability Team (SDT) and has been informed by discussions with individual Disability Co-ordinators /Advisers, and an invitation by the SDT, via an e-mail discussion list, to all Co-ordinators/Advisers to pass to us their comments on this response.
- 1.4 The views expressed in this response are not necessarily those of SFC funded Higher Education Institutions, but are those collated by the SDT using the methods cited in 1.3 above.

## **2. Eliminating Discrimination: Extending the DDA to public functions**

- 2.1. The National Network welcomes the extension of the DDA to all activities of the public sector and the recognition that the public sector should lead the way on equality issues.
- 2.2. Guidance – The National Network believes that, if the Scottish higher education sector is to meet its new duties of creating equality of opportunity for disabled people, it must have clear and relevant sector-specific guidance and examples of how to best meet such duties. Much of the activity needed to meet the new public sector duties and

the additional duties on Listed Bodies is new to the HE sector, hence such guidance is essential if the sector is to create genuine equality for disabled people and not merely go through a paper exercise. Whilst we understand that the intention is for the DRC to publish one Code of Practice for the entire Public Sector on the new duties, we would argue that this code must contain HE-specific examples of best practice and that the DRC should, in addition to the Code, produce a Good Practice guide on the new duties for the HE sector.

Recommendation – The National Network recommends that the DRC Code of Practice on the new public sector duties contains HE-specific examples of best practice and that, in addition the DRC, in conjunction with HE sector-specific organisations, publishes additional guidance and good practice for the HE sector.

### **3. Changing Cultures: The Duty to Promote Equality**

- 3.1. The National Network welcomes the positive, statutory duty on public bodies to promote equality of opportunity for disabled people as well as the introduction of specific duties on certain public bodies to assist them in complying with the general duty.
- 3.2. Listed Bodies - The National Network welcomes the inclusion of the governing bodies of higher education institutions and the managers of a central institution in Scotland as listed bodies required to produce a Disability Equality Scheme. However, we are disappointed that the General Teaching Council for Scotland (GTC Scotland) is not included as a listed body whilst the General Teaching Council (GTC) for England is. We also note with some disappointment that the Students Award Agency for Scotland (SAAS) is not a listed body whilst Local Education authorities (LEAs) in England and Wales are. Given that LEAs administer the Disabled Students Allowance Scheme (DSA) in England and Wales and are listed bodies and that

SAAS, which performs the same duties in relation to the DSA in Scotland is not a listed body, this appears to be anomalous. Finally, the Scottish Qualifications Agency (SQA) is not a listed body. Given its major impact on higher education in Scotland, we believe that it ought to be subject to the specific duties listed under the new legislation. We believe that the Government and Scottish ministers should include the GTC Scotland, SAAS and the SQA as listed bodies.

Recommendation - The National Network recommends that the Government and Scottish Ministers review the bodies listed as listed bodies to ensure that they encompass all public bodies that have a direct impact on the higher education of disabled people and in particular include the GTC Scotland, SQA and SAAS.

#### **4. Promoting Equality in Practice**

4.1. Involving Disabled People - The National Network are pleased that the Regulations so actively promote the involvement of disabled people in the production of Disability Equality Schemes and in the formation of action plans. The National Network believes that it is essential that detailed and specific guidance is given on how this should be achieved and what is meant both by "involving disabled people" and indeed what is meant by "disabled people". It would be relatively easy for higher education institutions to consult with existing groups of disabled students on, for example, their experience of the institution, academic and other support, etc. However, if the intention is that higher education institutions should consult more widely e.g. with organisations of disabled people, potential students, past students etc then this should be specifically stated.

Recommendation – The National Network recommends that any guidance produced to support the new regulations gives specific examples of who and how higher education institutions should consult with regards to

involving disabled people in the production of their Disability Equality Scheme and Action Plans.

4.2. Equality Impact Assessments – The National Network welcomes the inclusion of equality impact assessments as part of the Disability Equality Scheme process for higher education institutions. However producing and conducting equality impact assessments is relatively new to the sector. Therefore specific guidance for the sector will be necessary if real change is to be achieved. The areas in which higher education institutions should have to conduct Equality Impact assessments include:

- When new courses are validated;
- When courses are being re-validated;
- When new buildings are being planned or existing ones refurbished;
- When programmes of study are being devised or modified (including exit points);
- When IT strategies are being drawn up and when new systems are being planned for or existing ones upgraded;
- When any policies and procedures across the institution are being written or reviewed;
- When higher education institutions are devising and implementing their Strategic Plans.

Recommendation – The National Network recommends that any guidance produced to support the new regulations provide specific HE-related examples of the kinds of activities which require to have equality impact assessments conducted regarding their outcomes for disabled people.

4.3. Action Plans – The National Network believes that action planning is essential if higher education institutions are to bring about real change in the opportunities they offer to disabled people. However, any action plans produced by

higher education institutions must explicitly demonstrate the institution's priorities in this area, provide a timetable by when the actions are to be implemented and make it clear which committees and individuals are responsible for the enactment of which actions.

Recommendation – The National Network recommends that Action Plans must clearly prioritise any actions to be taken, include a timetable for taking the proposed actions and explicitly state which committees and/or individuals are responsible for overseeing that any actions are carried out. Such Action Plans should concentrate on the removal of barriers rather than simply seeking to increase the numbers of disabled students at a given institution. Highlighting and then removing the barriers faced by disabled students will mean that disability disclosure will become less necessary as the needs of disabled students are routinely met.

Recommendation – The National Network recommends that higher education institutions should adopt a barrier-removal framework to action, which should be reflected in their Action Plans.

## **5. Gathering Evidence and Reporting Progress**

- 5.1. Gathering Evidence and Tracking Disabled Students – There is a paucity of qualitative data on disabled students. Whilst statistical data on disabled students has improved over the last few years, there are still large gaps in the information collected and reported. The National Network agrees with the Government that establishing the number of disabled students studying in higher education is more problematic than establishing for example the gender of or ethnic background of students. The National Network also believes that the HE sector will need considerable support in accurately gathering evidence of the numbers of disabled students, tracking their progress and usefully analysing such data. The National Network feels that, if higher education institutions are to carry out such

functions in a meaningful way, they will require specific guidance on their information management systems. There may also have to be some investment in such systems in order that they are capable of performing the necessary functions to adequately capture and record all the necessary student data.

Recommendation – The National Network recommends that specific guidance on management information systems issues for capturing and recording the necessary data on disabled students to enable institutions to fulfil their obligations under the Specific Duties of listed bodies.

Recommendation – The National Network recommends that The Scottish Executive instructs the Scottish Funding Councils (SFC) to ascertain whether the information management systems of Scottish higher education institutions are able to perform the necessary functions required of them to enable higher education institutions to meet their Specific Duties as listed bodies and that, if these systems are found wanting, SFC provide institutions with additional support and resources to bring such systems up to the necessary standards.

5.2. Retention and Progression of Disabled Students - Whilst the total numbers of students by impairment and programme of study both nationally and locally is known, there is still no data collected on, for example, the retention and progression of disabled students. If real change is to be brought about for disabled students through Disability Equality Schemes, it is vital that institutions track the retention and progression rates of disabled students and act to positively address any disparities faced by disabled students in this regard.

Recommendation – The National Network recommends that the Regulations on the Specific Duties require higher education institutions to collect and publish data on the retention and progression of disabled students.

5.3. Continuing Professional Development (CPD) for all Staff – If higher education institutions are to really make a positive cultural shift in terms of creating genuine equality for disabled people then all staff require access to relevant and appropriate CPD opportunities. Such CPD opportunities must support the underpinning of knowledge and the enhancing of experience and expertise. Whilst bespoke disability awareness training is important HEIs must also ensure that all training is inclusive – inclusive in terms of being accessible to disabled participants and inclusive in the sense that disability issues are part of all relevant training sessions eg learning and teaching, residences, ICT etc.

Recommendation – the National Network recommends that the guidance produced to support the new legislation provides clear information on the importance of CPD, both bespoke disability training and ‘inclusive’ CPD.

Recommendation – the National Network Recommends that HEIs are required to publish CPD information including: the numbers of staff who have and who have not undertaken CPD with regard to bespoke disability awareness and the measures that HEIs have taken in order to make mainstream CPD activities ‘inclusive’ both in their disability Equality Schemes and in their annual monitoring.

5.4. Performance Indicators – Current performance indicators in the HE sector on measuring and increasing the numbers of disabled students in higher education institutions only include these students in receipt of Disabled Students’ Allowance (DSA). This is an incomplete picture of the numbers of disabled students studying in higher education as it does not include students on Access courses, students studying non-credit bearing or non-HE courses in higher education institutions, students studying less than 50% of fulltime courses, European Union and International students and those studying many postgraduate courses.

The National Network believes that, if the proposed legislation is to bring about positive improvements in HE for all disabled students studying in the sector, it is imperative that any performance indicators which institutions use to measure and increase the representation of this student cohort accurately reflects the entirety of the disabled student population.

Recommendation – The National Network recommends that any guidance for the HE sector makes it explicit that higher education institutions need to attempt to capture an accurate measure of all disabled students in the institution and that any performance indicators adopted either by the sector as a whole or by individual institutions to measure and increase the number of disabled students include the entirety of the disabled student population.

- 5.5 Disability and Other Equality Issues – It is important to recognise that disabled students may be part of other under-represented groups such as women and/or people from a minority ethnic background. It is therefore important that information on the numbers of, for example, disabled students who come from a minority ethnic background are recorded as such.

Recommendation - The National Network recommends that HE sector-specific guidance be given on the recording and monitoring of cross-underrepresented groups.

- 5.6 Analysing the Results of Monitoring - It is essential that higher education institutions clearly set out in their Disability Equality Schemes the arrangements for analysing evidence gathered and updating action plans in the light of the analysis. We agree that monitoring should, wherever possible, be linked to existing performance management, however we do have concerns about the current performance indicators used by the Higher Education Statistics Agency (HESA) (see section 5.3.

above). We also agree that the analysis of monitoring data should be informed by comparisons of similar datasets.

Recommendation – The National Network recommends that the analysis of monitoring data should be informed by linked to both performance management and by comparisons with similar data sets. The Guidance should inform the HE sector of how to analyse monitoring data in the most effective ways to inform positive change for disabled people.

- 5.7 Publishing the Results of Monitoring - The National Network believes that monitoring data should be published annually. As new students come into and exit higher education every year it seems appropriate that monitoring data is published each year. It is, however, important that such data is accessible to interested parties, including disabled people - accessible both in terms of being readily understandable and in terms of being published in accessible formats regardless of the publication in which they appear. A further imperative to ensuring that the information referred to in (5.7 5.8 and 5.9) is made accessible to disabled people is that it is covered by the new Freedom of Information duties (such documents will form part of an HEI's Publication Scheme) and as such need to be made accessible to disabled people who request them.

Recommendation – The National Network recommends that the results of monitoring be published annually and that guidance provides examples of the accessibility of such published information both in terms of being readily understood and in accessible formats.

- 5.8 Producing and Revising Disability Equality Schemes - As higher education institutions in Scotland publish their Strategic Plans on a cyclical basis it would be useful for Disability Equality Schemes to be part of the same planning and production cycle – especially given the

necessity of linking Disability Equality Schemes to key institutional priorities, milestones and targets. Furthermore as students enter and exit higher education on an annual basis it would seem sensible to reflect this in reporting arrangements.

Recommendation – The National Network recommends that higher education institutions be required to revise their Disability Equality Schemes every three years and to report on progress annually.

- 5.9 Publishing Disability Equality Schemes – It is important that Disability Equality Schemes are readily available to those who wish to read them and that they are accessible both in terms of being understandable to readers and in accessible formats – this is essential if Schemes are to be not merely a “paper exercise”, but are to document and inform interested parties of an institutions activities to achieve genuine equality for disabled people.

Recommendation – The National Network recommends that the guidance clearly highlights the necessity for higher education institutions to publish their Disability Equality Schemes in a manner that is both readable and understandable and in a variety of accessible formats.

## **6. Implementing the New Duties**

- 6.1. Implementation timetable – The National Network is happy with the implementation timetable as set out in the consultation document. It is important that guidance is published with a long enough lead-in time for higher education institutions to take full cognisance of it in the production and publication of their Disability Equality Schemes.

Recommendation – The National Network recommends that the guidance should be in the public domain for a

year before higher education institutions are required to publish their Disability Equality Schemes.

- 6.2. The National Network believes that the duty to require certain Secretaries of State to report on progress towards equality for disabled people would be a useful mechanism to ensure that a holistic approach to disability equality throughout the public sector was being taken.

Recommendation – The National Network recommends that certain Secretaries of State be required to report on the progress towards equality for disabled people in their areas of responsibility.

- 6.3. Supporting and Monitoring of the New Duties in HE in Scotland – The National Network believes that the Scottish Funding Councils (SFC) should have a role to play in supporting, and monitoring the new duties across the higher education sector in Scotland. This is particularly appropriate as higher education institutions currently submit their strategic plans to SFC and that there is a condition of grant that ensures that higher education institutions demonstrate how they are meeting their stated objectives to widen access to and participation in HE for underrepresented groups – including disabled students.

Recommendation – The National Network recommends that the Regulations require the Scottish Funding Councils to support higher education institutions to meet their new duties and that the Scottish Funding Councils build institutions' progress on their Disability Equality Schemes into the condition of grant on Wider access.

SDT October 2004

(Written by Paul Brown, edited by Dr Lucy Foley).