

The New Duty to Promote Disability Equality

Final report from: Margaret Hearn

Name of project: Impact Assessment

Organisation: Leeds Thomas Danby

March 2006

The main criterion for including projects on this website is that they are all developmental or action research projects undertaken as part of DDA: taking the work forward. The overall aim of this project was to support organisations within the post school education sector to respond to the DDA 2005 new duty to promote disability equality in a way which does not merely seek compliance but actively promotes opportunities for disabled people. They do not necessarily reflect good or best practice.

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The Duty to Promote Disability Equality Final Report

March 2006

Major Focus

To carry out an impact assessment of disclosure procedures

The College anticipated the impact assessment would reveal a number of areas for improvements including:

- the mechanisms for gathering information regarding prospective learners' disabilities or medical care needs
- methods of encouraging disclosure
- ensuring the College complies with the Data Protection Act regarding disclosure and confidentiality.

It was also envisaged that there would be staff training requirements which would support a second LSDA project the College is involved in: 'Developing a whole college approach to DDA training'.

Progress so far

The first step was to consider an appropriate task group to develop the project action plan and to carry out the impact assessment. It was decided that the Colleges' Disability Forum and its sub-group, the Disabled Learners Forum would be the most suitable groups to take the project forward.

Staff involved in the Disability Forum include Senior Managers, Human Resources, Facilities Manager, Marketing Manager, Professional Development Manager, Admissions, Guidance and Tutorial Manager, Inclusive Learning Manager, Additional Learning Needs Co-ordinator and a Manager representing Community Education. The Forum reports to the Equality and Diversity Group which is chaired by the Vice Principal.

The Disabled Learners' Forum is made up of a group of learners with a range of disabilities. One of the learners also attends the Student Consultative Group meetings.

A sub-group of the Disability Forum chose to focus on the way the college collects and shares information on learners' disabilities or medical care needs, as it was felt that the existing college system was extremely cumbersome and not learner centred. The view was that the system could easily be streamlined, and at the same time be more effective in encouraging disclosure.

The system we had in place until November 2005 was:

- If a student ticked the box declaring they have a disability, the Admissions staff automatically sent out a Disability / Medical Questionnaire.
- If the student indicated by ticking the appropriate boxes that they were willing to share information on their support needs with the tutors and / or the learning support team, the admissions team put the completed questionnaire in the student file, along with their application and references, and a photocopy was sent to the Additional Learning Needs Co-ordinator. Information was then passed to the appropriate member of the learning support team.
- The admissions team then sent the co-ordinator the date, times and venue for the interview and the name of the tutor. This was particularly helpful to know so that special arrangements could be made for the interview e.g. booking a C.S.W. (Communication Support Worker) for profoundly deaf learners, meeting visually impaired learners from their bus or taxi and supporting them in accessing the building and facilities, meeting and supporting learners with mental health issues.

The problems with this procedure were:

- Not all prospective learners tick the disability box on the application form either because they do not recognise they have a disability or because they feel it might have a negative impact on the selection process.
- Not all learners who do tick the disability box complete the questionnaire. Sometimes this is because they have ticked the wrong box by mistake or they realise by the types of questions on the questionnaire that there is no real need to complete it e.g. they suffer from asthma; but this is very well controlled.
- Occasionally a learner may feel that providing more detailed information at this stage may prevent them from being accepted on the course of their choice.

Task group meetings were arranged with the Guidance, Admissions and Tutorial Manager, the marketing team and the Disability Forum to look at appropriate changes to the application form. The group agreed to:

- Amend the application form to include a section on support needs. It contains a statement about the D.D.A. and tries to encourage learners to indicate the nature of their disability / disabilities so that the college can put in appropriate support to help the learner succeed. Learners are also asked if they feel they will need any support or adjustments to tick the yes box. This is followed by a statement saying if they have ticked this box a member of the learner support team will contact them to discuss any support needs or special facilities required.

- If the learner ticks the 'yes' box indicating they would like support or adjustments made, the form will be photocopied and sent to the co-ordinator who will make contact with the learner or pass the form onto a more appropriate member of the learner support team e.g. Health Adviser, dyslexia specialist.
- If the learner ticks the 'no' box they will not be contacted at this stage, only if it is apparent at interview, during the induction process or later on in the programme that the learner needs adjustments to be made.
- There will no longer be a requirement for a Disability / Medical Questionnaire.
- The admissions team will no longer need to let the co-ordinator know the interview dates of every student who declares they have a disability. The co-ordinator will find out the dates for those learners with very specific needs e.g. profoundly deaf learners.

The new application form went to print on the day of the second seminar. Someone at the seminar pointed out that it would have been a good idea to have asked the applicants to say if they wanted support at interview. I agreed with this; but it was too late for this print run.

A local college and People in Action, a voluntary service for adults with learning disabilities, were involved in the impact assessment. They also recommended changing the application form and personal contact being made with learners who declare they need support rather than sending a questionnaire out.

Although the disclosure arrangements within admissions processes have been streamlined and improved, the college recognises that a holistic approach to encouraging disclosure is necessary. National guidance has proved very useful¹.

The college's 'Unlocking Your Potential' series of leaflets which encourage disclosure, have been revised and are displayed in various parts of the college including Information Services, Guidance & Welfare Services and the Learning Centre.

A new system has been adopted for gaining the consent of the learner for sharing sensitive information about support arrangements with appropriate members of staff.

¹ 'Disclosure, confidentiality and passing on of information' by Liz Maudslay and Dr Christine Rose, LSC Oct. 2003 and 'Do you have a disability, yes or no? (or is there a better way of asking?)', by Dr Christine Rose LSDA 2006. Both publications are available on the LSDA website <http://www.lsneducation.org.uk>

Information on the new duty is currently being cascaded to the wider college community through a series of training events.

Successes and challenges

Challenges

A Disabled Learners' Forum has been operating successfully at the college for some time. A meeting was arranged for the beginning of October, but it proved difficult to recruit new members as learners generally felt it was too early in their programme and rearranging a suitable time when everyone could meet proved too difficult. I decided to meet with individual learners in their free time to carry out the impact assessment. The information gathered and the ideas put forward proved illuminating.

Case Study 1

Lucy has a visual impairment and applied for a full-time Complementary Therapy programme. She ticked the disability box on the application form and a questionnaire was sent to her. Her mother completed the questionnaire saying her daughter had a visual impairment that the tutors could be informed; but she did not want to be contacted by the learner support team. This was a late application and the course tutor interviewed within a few days. The tutor talked about different types of support; but Lucy was insistent that she would not be needing any. Lucy met the requirements of the course and was accepted. The programme started the following week and it was obvious to all the tutors on the first day that Lucy was unable to read any text given to her. The tutor asked Lucy's permission to liaise with the Additional Learning Needs Co-ordinator and a meeting was quickly arranged. Lucy now has all her handouts, assignments etc. produced in Braille format. She has been provided with a tape recorder, a pen drive and two Learning Support Assistants. The LSA's have several roles including sending information to be brailled, producing tactile diagrams, supporting Lucy in using JAWS software and accessing appropriate websites for information, supporting her in the canteen, acting as a model in the massage classes, and giving expert support from a qualified therapist on body massage techniques outside class hours.

When I spoke to Lucy about why she had not wanted to declare the full extent of her disability and her support requirements she said "I thought it would be better to wait until I was on the course and then I would know what I would need."

Hopefully the proposed amendments will encourage learners to disclose and we might avoid the scenario described above.

Another case study highlighted the need to carry out an impact assessment of disclosure procedures outside of the admissions process.

Case Study 2

Joseph is in his third year at college. Before he applied Joseph and his parents visited the college and met with the Additional Learning Needs Co-

coordinator to discuss appropriate programmes and support arrangements. Joseph was accepted onto an intermediate level programme. Both Joseph's school and his father provided the college with detailed information on his disabilities, medical condition and his support needs and Joseph agreed that this information must be shared with all his tutors and the learner support team. An individual learning plan was agreed and reviewed. Joseph successfully completed the course with appropriate support and moved on to the advanced level programme. The tutors passed on all the relevant information to the next team and Joseph once again had a successful year. When Joseph was part way through term one of the second year of the programme he was unhappy that he no longer had additional tutorial support to help him organise his work and break down the assignments into smaller chunks. Upon investigation I found that none of the information had been passed to the new course tutor and he was totally unaware of Joseph's support needs.

Joseph commented "I am enjoying the lessons and I am learning a lot from the new tutor; but I would like to meet with the tutor or a member of the learner support team once a week to help keep me on track."

Comment from the tutor "I have found Joseph's file locked away in a filing cabinet. I will read all the information and cascade it to the other new members of the staff team. I am sorry Joseph has not had the additional support he deserves and will negotiate with your team to find a suitable Learning Support Tutor as I am already over hours."

The Co-ordinator met with the tutor and his manager and it was agreed to adjust the tutor's timetable in order to give him time to give Joseph an hour's support each week. Joseph is nearing the end of his programme and is hoping to go to university in the autumn.

Successes

Recognising from the outset that it would be most appropriate to use the skills and expertise of senior and middle managers, who are already part of the College's Disability Forum and the Equality and Diversity Group, to take the project forward.

Although initially it was difficult to get disabled learners to meet as a group, all learners involved in the first impact assessment were very enthusiastic and were pleased to give information, share their opinions and give advice.

So far learners have appreciated being involved in planning their support arrangements well in advance of the start of their programme. They have also been happy to give their consent to sharing information about their support requirements with certain members of staff. They feel reassured by the college's commitment to handle sensitive information appropriately.

Outcomes and benefits

As part of the new application process it was agreed that a member of the learner support team would meet with prospective disabled learners. The need for confidentiality was an important aspect of the impact assessment. The task group considered a range of different ways of gathering and sharing information with the learner's consent.

The college has recently purchased '*Hidden Disabilities: the Teaching Kit*². This provides tutors with information on a range of hidden disabilities: dyslexia, dyspraxia, dysgraphia, attention deficit hyperactivity disorder, Asperger's syndrome, epilepsy, hearing impairment, low vision, mental health and some medical conditions. The information has been put on the college intranet for tutors and LSA's to use as guidelines.

The Teaching Kit also includes the format for an individual support plan and tick list of recommended strategies for each of the hidden disabilities.

Dr Christine Rose forwarded a copy of an 'Agreed Support Plan' which was one of the outcomes of another project she was involved in.

The following documentation has been put together:

- Agreed support plan
- Review form
- Recommended strategies tick list
- Consent form.

The procedure agreed by the task group:

- a member of the learner support team arranges a meeting with the learner and agrees the support arrangements including what Learner Support will do, what non-teaching staff will need to do (e.g. catering, transport, exams), and, what the learners will take responsibility for. There is also a space for the learner to make comments e.g. 'I would appreciate it if tutors would only use black or dark blue whiteboard markers'
- the member of staff will discuss possible support strategies and agree with the learner which recommended strategies are appropriate to them and tick the appropriate boxes
- the consent form will then be completed.³

² Author Jeanne Holloway, Connect Publications ISBN 0 9542962 3 0.

³ Statement on the consent form: In order to make adjustments or arrange additional support, we need to let other staff know about your requirements. We respect your right to confidentiality and assure you that the information that you allow us to pass on to others will be handled in a sensitive and discrete manner. Information will be stored securely in line with the 1998 Data Protection Act. We need your permission to pass information on to other staff.

- the support plan, recommended strategies and the consent form will then be sent to the course / personal tutor and they will cascade the information to their own staff team (subject to the learner's permission). Learner Support will take responsibility for informing anyone else who needs to know e.g. M.I.S., First Aid team
- Learner Support will meet with the learner four times during the year to review the support and will feedback any further adjustments to the course team.

The Learner Support team have already met with a number of learners and support plans have been agreed. The impact of the new process and the suitability of the documentation will be assessed early in the autumn term by the learners, teaching staff, the learner support team and any other staff involved.

The task group have decided that the same member of the learner support team should be involved with the learner throughout their time in college. This should eliminate the issues raised in case study 2.

Emerging themes

The project activities have been very much a team effort. It is important to get key people involved right from the outset and get their support in the development of the Disability Equality Scheme. This, of course, includes disabled learners and disabled staff.

It is essential to invest in staff training and development. Awareness raising and targeted in depth training need to be planned into the college's training and development schedule.

Although there is much to be done, it is much more motivating for staff when they can celebrate successes. This could be achieved by choosing smaller projects in the first instance.

Key recommendations for others

Ensure leadership from the top and actively involve staff from all areas of the institution.

Consider a range of training opportunities suitable for different groups of staff and make attendance at awareness raising training events mandatory. Provide training at different times and locations to help facilitate this.

Publicise achievements in the staff newsletter.

Useful resources or sources of advice

It is important to realise that it is not necessary to 'reinvent the wheel'.

Make good use of the guidance and toolkits already available to the sector.

- *The Duty to Promote Disability Equality Strategy Code of Practice*⁴ has proved invaluable in gaining a clear understanding of the new duties within the Act, and in planning and preparing training materials.
- *Do you have a Disability – Yes or No?* provides excellent guidance on encouraging disclosure and respecting confidentiality.
- *Hidden Disabilities: the Teaching Kit* provides detailed information on hidden disabilities, the implications for learning, and effective support strategies for learners. The college staff can now access the materials on the college Intranet and the recommended teaching / support strategies have been incorporated in the 'Agreed Support Plans'. The publishers grant permission for multiple copies of any material from the book, providing the institution purchasing the book uses the material solely within that institution.

Future work

The College's Disability Statement is currently under review. The Disabled Learners Forum have recommended the inclusion of case studies accompanied by positive images of the learners involved.

Both staff and learners feel some of the language used in the Statement is too complex. The co-ordinator and the marketing team are in the process of making a substantial number of amendments. The plan is to continue with the impact assessment by involving the disabled learners, disabled staff, the Disability Forum, external agencies including Education Leeds Deaf Student Support Service (Deaf START).

The final draft will go to the Governors for their approval in May.

The new Disability Statement will include information on the Disability Equality Duty.

The views of new learners on the quality of information and the usefulness of the Statement will be ascertained using student and staff surveys in the autumn term. The marketing team are currently designing a range of posters and cards aimed at encouraging disclosure. The team will be involving disabled learners and disabled staff in the selection of the most suitable designs.

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⁴ The Duty to promote Disability Equality, Statutory Code of Practice, Disability Rights Commission (DRC), Published by TSO (The Stationery Office)
www.tso.shop.uk