

**Consultation on targeting funding for disabled students in Higher Education from 2016/17 onwards**

**RESPONSE FORM**

The Department may, in accordance with the Code of Practice on Access to Government Information, make available, on public request, individual responses.

The closing date for this consultation is 24 September 2015.

**Your details**

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Please return completed forms to:

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Please tick the box below that best describes you as a respondent to this consultation:

|  |  |
| --- | --- |
|  | Individual |
| X | Business representative organisation/trade body***(HE representative body)*** |
|  | Central government |
|  | Charity or social enterprise |
|  | Large business (over 250 staff) |
|  | Legal representative |
|  | Local Government |
|  | Medium business (50 to 250 staff) |
|  | Micro business (up to 9 staff) |
|  | Small business (10 to 49 staff) |
|  | Trade union or staff association |
|  | Other (please describe) |

**Question 1** Do you think a minimum level of reasonable adjustments for all HE providers could help ensure a consistent approach to making reasonable adjustments?

 **Yes No**

If yes to question 1, what areas do you think should be covered? Please state what you think the minimum level for each area should be.

There may be areas where standardisation and minimum thresholds can be achieved, but while this would help deliver consistency, it needs to take account of the institutional context, including institution size and subject-disciplines. Many of our member institutions’ responses are broadly supportive of the proposal for a minimum level of reasonable adjustments, but they have also highlighted specific areas of difficulty – for example, the vast difference between a practice-based creative course and a library-based course. We would encourage BIS to consider these carefully with regard for institutional diversity.

Where institution-type or specific subject requirements need consideration, it may be useful to establish a consultative process with groups of similar providers (e.g. creative arts specialists, a number of which have high levels of students with specific learning difficulties), to bottom out some of the challenges.

With the above caveats, the main proposed adjustments should allow ease of accessibility and greater provision for students in the following areas:

* Course and module details – key texts and reading lists, digital and printed formats, lecture outlines, lecture recordings available in advance.
* Types of assessment and timings – adjustments to exam papers and resources
* Teaching styles and delivery – all students can learn e.g. sensory impaired
* Equipment access – access to printers/scanners/networked computers, assistive technology, extended library loan
* Room/building access – availability of quiet rooms, disabled access, clear signposting

Institutions will need to adjust to the newness of some of these requirements if they are implemented. Some institutions consider that it will be more challenging to set minimum institutional requirements around Non-Medical Help, particularly where this is an area they have not previously had to provide for.

There may also be particular challenges for smaller institutions with lower overall levels of staffing and smaller cost-margins.

**Question 2** Do you think there are other mechanisms that could be introduced to achieve a consistency of reasonable adjustments for disabled students across all HE providers?

 **Yes X No**

If yes to question 2, please describe them.

Reasonable adjustments depend heavily on context. There may be institutions which are particularly heavily impacted. This poses risks to students at these institutions and to the overall level of delivery. Is there any value and opportunity to consider financial mitigation for such institutions when assessing and monitoring the impact of the changes? The proposals as they currently will require considerable adjustment from the sector.

There is also value in focusing on ensuring the means of institutional assessment practice and accountability are appropriate, and linked to students’ learning outcomes. This could be done via the creation of a national level of community of practice where sharing of information and best practice is encouraged or through more formal accountability and reporting routes (see our response to Q22-24 below). We would encourage BIS to consider the points we raised above (our response to Q1) about diversity of institution-types, subjects, and types of teaching and learning.

**Question 3** Do you have any examples of how it might prove difficult for an HE provider to make reasonable adjustments because of the nature of their student population (e.g. if the HE provider has a very large or small student cohort)?

 **Yes X No**

If you have answered yes to question 3, please explain why this could be difficult.

We have significant concerns over economies of scale: smaller institutions with large populations of disabled students may struggle to meet the costs associated with supporting some students who have particular requirements e.g. sign language interpreters or note takers. The appropriate methods of support for these students would entail hiring specialist staff for 1:1 sessions and these can be very costly or HEIs will be forced to consider what support they can ‘reasonably’ provide with existing resources.

We have raised this point before in correspondence with David Willetts when he was Universities Minister. The tables below, reproduced from that correspondence, illustrate clearly that in 2012-13 the higher education institutions with the highest proportions of DSA recipients – and those who are also most likely to be impacted by changes around NMH requirements – are almost all small or specialist HEIs. We do not expect this picture to have altered significantly in the years since 2012-13. These institutions are not only in the creative sectors but also in the land-based subjects and veterinary science, or those that do most to work with their localities and to widen participation in HE. As the tables also illustrate, such institutions have DSA numbers far in excess of the sector average.

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Moreover, many smaller or specialist HEIs find it challenging to make reasonable adjustments due to the practical nature of the courses and the broad range of teaching and learning techniques that would need to be employed. For example, a single studio session could involve a mixture of practical demonstration, discussion, instruction and application which would make sharing practical assistance between a number of students who are working across different resource areas within the same studio space logistically problematic as there is limited opportunity to translate the support into assistive/learning technologies. There are also fewer digital versions of creative arts related texts.

Overall there is a risk of a high degree of variation of response across the sector in terms of the way HEIs of different sizes make adaptations to their standard practice (or do not) in terms of what might be ‘reasonable’ for them.

**Question 4** Do you think the Government’s preferred option for non-medical help (NMH) changes fulfils the policy rationale of making HE as accessible as possible, re-balancing support between HEIs and DSAs, and improving value for money?

 **Yes No X – not in all cases**

If no to question 4, please give details of your reasons.

As we have already mentioned above, there are some areas – and some institutions and subject-disciplines – which are likely to be negatively impacted, creating the risk of uneven support for students across the sector. The proposals as they stand would create real difficulties in institutions with particularly large volumes of eligible students, and at institutions which specialise in practically-focused courses such as creative arts or land-based subjects. Specialist support in these disciplines is different, likely to cost more, and yet essential for student success on these types of courses. And these institutions tend to have heavy proportions of eligible students.

It is also important to recognise the value of the support assistant roles (band one) which are vital to students accessing practical non-medical support, often provided on an individualised, one to one basis. The degree of support at this level can be particularly specialist for certain students, e.g. those with autistic spectrum disorder or mental health disorders, and is required in order for students to maximise their abilities to engage with specialist processes and curricula activities. This support is not easily replicated by HEIs through other means e.g. technology based solutions, which may prohibit the institution from providing the flexibility a student would ordinarily expect in relation to practical support assistance. This may risk misrepresenting a fair re-balance between HEIs who have higher than usual costs for this support and the DSA.

**Question 5** Do you think any of the alternative options b) to e) for NMH provision in paragraph 58 of the consultation document could deliver the support required and meet the need to make HE as accessible as possible, re-balance support between HEIs and DSAs, and improve value for money?

 **Yes X No**

If yes to question 5, which one(s)? Please give details, explaining how the proposal takes account of the legal duty imposed on HE providers

Our response reflects the feedback of our member institutions which tend to be smaller or more specialist providers – frequently with larger than average proportions of students receiving NMH.

Options c (HE providers funding limited NMH with DSAS used as a top up) **and** d (disability officers at HEIs determining where the support should come from i.e. HEI or DSAs), were deemed as the most appropriate alternative options. If option c was implemented well it could potentially lessen the difficulties facing smaller or more specialised institutions with regards to funding and staffing issues. The HEI would be able to deliver its legal obligation to disabled students and could make use of the DSA top up when the level of support became unreasonable or not possible to provide as pre-defined by the monetary level for NMH.

If option d was employed, support could be determined on a more individual basis, with students having their level of provision determined by the institution. This option provides security of funding for students with complex / higher cost needs. Although it is important to note that this option may present challenges for some institutions who have no in-house provision, previously using DSA-funded provision, and where assistive technological approaches are an insufficient response to an individual student’s needs. This option may also increase the bureaucratic burden as the process of interviewing all disabled students would present a significant additional workload for those HEIs who rely on this activity being undertaken by Assessment Centres in the first instance.

**Question 6** Do you have an alternative proposal for NMH provision?

 **Yes No – but see suggestions above**

If yes to question 6, please give details, explaining how your proposal takes account of the legal duty imposed on HE providers, and meets the policy rationale (i.e. the need to make HE as accessible as possible, balance support between HEIs and DSAs, and improve value for money)

We have no response to Q7 to Q20. Our responses start again at Q21.

**Question 7** In NMH Band One categories a - e and g are there any circumstances where the primary responsibility for provision should not sit with the HE provider?

 **Yes No**

If yes to question 7, please give full details and explain your reasoning.

**Question 8** In NMH Band One category f (see More Information) are there any circumstances where the primary responsibility for provision should move to the HE provider?

 **Yes No**

If yes to question 8, please give full details, and explain your reasoning.

**Question 9** In NMH Band Two categories a – c are there any circumstances where the primary responsibility for provision should not sit with the HE provider?

 **Yes No**

If yes to question 9, please give full details and explain your reasoning.

**Question 10** In NMH Band Three category c (see More Information) are there any circumstances where the primary responsibility for provision should not sit with the HE provider?

 **Yes No**

If yes to question 10, please give full details and explain your reasoning.

**Question 11** In NMH Band Three categories a, b, and d are there any circumstances where the primary responsibility for provision should move to the responsibility of the HE provider?

 **Yes No**

If yes to question 11, please give full details and explain your reasoning.

**Question 12** In NMH Band Four categories a - e are there any circumstances where the primary responsibility for provision should move to the HE provider?

 **Yes No**

If yes to question 12, please give full details and explain your reasoning.

**Question 13** Do you have detailed edits or comments on the draft NMH guidance? These can be provided below.

**Question 14** Where accommodation is owned and managed by the institution or its agent, do you agree that the additional costs of providing specialist accommodation for disabled students should not be passed on to the student?

 **Yes No**

If your answer to question 14 is no, please explain your reasons.

**Question 15** What other approach would you favour for funding specialist accommodation? Please explain why.

**Question 16** Do you agree that the primary source of hard copy materials should be through an institution’s library services to remove the need for individual printers, scanners and hard copy materials?

 **Yes No**

If your answer to question 16 is no, why? What alternatives do you suggest?

**Question 17** Do you agree with the approach to the funding of standard computer peripherals?

 **Yes No**

If your answer to question 17 is no, why? What alternatives do you suggest?

**Question 18** Do you agree with the approach to funding items referred to as ‘the bundle’?

 **Yes No**

If your answer to question 18 is no, why? What alternatives do you suggest?

**Question 19** Do you agree with the approach to funding audio capture equipment?

 **Yes No**

If your answer to question 19 is no, why? What alternatives do you suggest?

**Question 20** Are there circumstances where the primary responsibility for providing an individual item of IT related equipment, for example a printer, scanner, DVR etc. should fall to a student’s HE provider?

 **Yes No**

If your answer to question 20 is yes, which items of equipment would fall into this category? If yes or no, please give reasons for your answer.

**Question 21** We have described how we think HE providers can best fulfil their obligation to supply reasonable adjustments for disabled students. Are there other ways in which they could do so?

 **Yes X No**

If your answer to question 21 is yes, are there other ways in which they could do so? Please describe them.

Providers will need to consider their staffing levels across key services. There may be particular areas where staffing or resources need to be increased. There may be particular issues here for smaller institutions with smaller cost-bases from which to hire new staff, and where staff are already stretched and cannot easily annex additional duties to existing roles which already have multiple focuses (e.g. disability advisers who double in other roles such as library).

Providers could also be encouraged to consider the inclusivity of their teaching, learning and assessment methods. There are useful examples to support the sector, for example those available from the Higher Education Academy. There will still be funding implications around developing this accessible provision for some institutions who are less advanced on this road.

**Question 22** How should any changes introduced be monitored and evaluated to ensure students are receiving a consistent service and are not being disadvantaged?

Sector-wide review will be needed in the early years following any changes. Monitoring should focus on the impact of any changes. It should consult HEIs and students, but it may be feasible and lower-burden to conduct this through an annual report. It is worth considering whether annual review would be useful, and to minimise the burden, to consider whether the review could focus on areas which are higher risk (risks to students and to institutions if the burden of support is shifted towards HEIs/FECs).

It is in the interest of disabled students that institutions can account for the support they provide. Existing routes for monitoring do exist through HESA/HEFCE; these could be used as a starting point but would need adaptation to any new requirements. Rather than starting from scratch, there may be existing bodies which could assist in a review process. Review could draw on internal audits in institutions.

We note that in parallel to this consultation, the UK Performance Indicators Steering Group for higher education (led by the funding councils, with BIS in membership) is reviewing the HE performance indicators. At this time, no changes are proposed to the PI for students in receipt of DSA. But going forward, there may be shifts in the distribution of DSA recipients which will affect trends at different institutions. In time, it may be possible to examine how students’ HE performance is affected by their receipt of DSA if these are reported elsewhere – e.g. relative levels of attainment compared to non-recipients.

**Question 23** Are there any additional safeguards for students that should be considered to ensure that they receive the support necessary?

 **Yes X No**

If your answer to question 23 is yes, please state what you think they should be.

It is important to introduce the process for ensuring that exceptional cases can be considered and clear information made available to clarify which circumstances might be deemed exceptional.

HEIs should have opportunities to review and consider the appropriateness of the support they provide to students for the distinctive learning journey of those students at their institution. This will necessitate some flexibility into monitoring arrangements.

**Question 24** Some students may not be able to identify their final choice of HE provider until the clearing process. Do you think that any specific arrangements need to be put in place as part of clearing?

 **Yes X No**

If your answer to question 24 is yes, what are they and why do you think they should be put in place?

Clearing demonstrates the inherent problem with moving away from the current system to more generic support delivered by HEIs. Bespoke support for clearing students will consume additional resource. Clearing occurs necessarily late in the cycle, and some students enter clearing directly and therefore will necessarily be late to even consider DSA support.

It may be helpful for HEIs to put in place interim support to avoid disadvantaging such students. However, this would be easier to bear financially if consideration was also given to HEIs being able to claim reimbursement for students who are eligible to claim for DSA support but who don’t apply in time for the start of their course – for example those who do not come through clearing.

Additional costs around supporting Clearing students also needs to be considered when determining any minimum thresholds.

**Question 25** Do you have any relevant additional information that you would like to be considered as part of the ongoing Equality Analysis?

 **Yes No**

As we have said in response to previous consultations, any changes around DSA could have significant equalities impact.

We would also note that there can be wide variation within and between DSA categories in the support recommended by advisers. In cases where recommended support is particularly high at institutions with large numbers of students with particular disabilities, these institutions will suffer knock-on effects from higher costs which may then impact on their ability to support students in other ways. This raises the importance of any new system being flexible and regularly reviewed.

Thank you for taking the time to let us have your views. We do not intend to acknowledge receipt of individual responses unless you tick the box below.

Please acknowledge this reply [x]



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