

# Disability Discrimination Policy

|                                 |                              |                   |                   |             |   |
|---------------------------------|------------------------------|-------------------|-------------------|-------------|---|
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## Document Control

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## **1. Summary of Content:**

This policy document outlines the BSA's commitment to potential and existing students with a disability including legislative responsibility, confidentiality and disclosure plus division of responsibility. BSA will seek to encourage students to disclose a disability and to ensure that students with a disability are protected from discrimination and have access to the full range of facilities and services, wherever possible.

We endeavor to provide an inclusive learning environment free from disability discrimination, thereby not focusing on an individual's disability or medical condition, but ensuring their rights and requirements are met.

## **2. Legislative Framework**

The Equality Act 2010 places a positive duty on all public bodies, to eliminate discrimination and harassment and to promote equality of opportunity for people with disabilities. The Act includes a new public sector equality duty, replacing the separate duties on race, disability and gender equality and was introduced in April 2011.

Provisions within this legislation relating to Disability are:

- extending protection against indirect discrimination to disability
- introducing the concept of "discrimination arising from disability" to replace protection under previous legislation lost because of a legal judgment.
- applying the detriment model to victimisation protection (aligning with the approach in employment law)
- harmonising the thresholds for the duty to make reasonable adjustments for disabled people
- extending protection against harassment of employees by third parties to all protected characteristics
- making it more difficult for disabled people to be unfairly screened out when applying for jobs, by restricting the circumstances in which employers can ask job applicants questions about disability or health

## **3. Definition of Disability**

Under the Equality Act a person is disabled if they have a physical or mental impairment which has substantial and long-term adverse effect on their ability to

carry out normal day-to-day activities. Impairment covers physical, mental or sensory impairment.

Students who become disabled (or become aware of their disability) during their course has every opportunity to complete their course through reasonable adaptations and support, comparable to a student who disclosed a disability at the start of their course.

#### **4. Disclosing a disability**

A disabled student is encouraged to disclose their disability at an early stage, such as application or enrolment. The Additional Learning Support Manager or Co-Ordinator aims to contact any student who has disclosed a disability, giving them the opportunity to be interviewed to discuss any support needs.

A disabled student is usually required to provide written evidence of their disability (such as an educational psychologist's report) if they are requiring adjustments or exam concessions. A student support agreement is signed and completed with the Additional Learning Support Manager or Coordinator; this will be distributed to relevant staff ONLY, to ensure adjustments are in place.

There are a number of situations at which students may be asked or wish to disclose the existence and/or nature of a disability. Examples include:

- When contacting the BSA for information before applying to enroll on a course
- Disclosure on the application form
- When arranging to make an information visit
- At Interview
- During enrolment
- At a first meeting with student's personal tutor or subsequent tutorials
- When arranging work placements or field trips.
- And subsequently at appropriate times throughout the course

There is no duty on a student to disclose a disability. BSA will take reasonable steps to find out if a student has a disability so that appropriate action can be taken. Not knowing about a student's disability cannot be used as a defense if an adjustment (Appendix 1) could have reasonably been anticipated or if BSA failed to make attempts to find out. All attempts will therefore be made to encourage students to disclose any kind of disability or access need so that appropriate adjustments can be made at the appropriate time.

Some students (particularly those with hidden disabilities) might be reluctant to disclose their disability because they are worried that they may be discriminated against. BSA will ensure that all students are treated equally and fairly and can feel confident in disclosing a disability. Students may also fear that by disclosing details of a disability this will become generally knowledge. Students will always be informed

that any disclosure will not be circulated to students or staff who do not need to know and will only be shared with agreed personnel.

Some students may disclose details of a disability or support need to staff other than teaching staff. In all cases staff must comply with this policy.

## **5. Confidentiality and disclosure**

BSA seeks to encourage potential and existing students to disclose a disability so that the student's needs can be assessed and, where possible, arrangements made for support and/or specialist equipment.

BSA seeks to encourage potential and existing students to disclose a disability by:

- Asking students to disclose their disability on application and enrolment forms
- Publicising the provision that is made for students with disabilities
- Providing opportunities for potential and existing students to disclose their disability by raising awareness of the Additional support

BSA will ensure that information regarding a student's disability is not passed on to relevant staff without the permission of a student. Exceptions are:

- If the student is considered to be in danger to themselves or others.
- If the student appears to be at risk of abuse
- If there is a legal requirement.
- Where there is an immediate and serious threat to the safety of others

If a student refuses to give permission for this information to be shared to other relevant staff, they will be asked to complete and sign a document (Appendix 1).

BSA will seek to ensure that the culture of BSA is open and welcoming, so that students with a disability feel happy to disclose a disability. Where a student has disclosed disability reasonable adjustments where appropriate by agreement with the student will be made. BSA will ensure that all staff and students are made aware of this policy.

If a student discloses their disability to a member of staff and asks for confidentiality, the advantages/disadvantages of not disclosing must be discussed. The decision to disclose ultimately rests with the student. It would be sensible to explore ways in which any reasonable adjustments could be made without compromising the student's request for confidentiality. Written consent must be obtained of the student's decision not to have information disclosed.

When a student discloses a disability, they will be interviewed by Learning Support and an initial interview form will be completed to plan for support, exam concessions, equipment and reasonable adjustments. The form will be circulated to the relevant teaching staff with the students' permission (see appendix 2)

## 6. Division of Responsibility

The Directors, and in particular the Head of Centre are responsible for:

- Taking the lead in challenging discriminatory behaviour on the part of the managers, staff or students and creating a positive working environment and inclusive ethos.
- Awareness of BSA's statutory duties in relation to disability legislation.
- Staff and student awareness of the procedures to deal with issues of confidentiality and disclosure.
- Ensuring that all aspects of BSA's policy and activity are sensitive to disability issues.
- Ensuring that disability monitoring information is collected and analysed.
- Ensuring that the procedures for the provision of education, associated services and admission/suspension/expulsion reflect best practice in equal opportunities.
- Ensuring that BSA's marketing materials present appropriate positive and non-stereotypical messages of disabled people and non-disabled people.

Employees are responsible for ensuring that:

- They are aware of BSA's statutory duties in relation to disability legislation, including confidentiality and disclosure.
- Opportunities are given for disclosure, for example during tutorials.
- They pursue an inclusive ethos beyond compliance with the legislation by being genuinely welcoming to students with disabilities Information on supporting a student who has disclosed a disability is passed on to relevant staff where permission has been given (see appendix 2) and the student support plan is produced in consultation with the student.
- Students are given the opportunity to request special exam concessions, and these are arranged in a timely manner in consultation with the administration team.

The Learning Support Team is responsible for:

- Ensuring that all students with disabilities receive the necessary support.
- Liaising between staff and students to ensure that they are aware of the support needed.
- Providing advice and guidance to staff and students and complete a progress report on support needs to monitor and evaluate our service.

Students are responsible for ensuring that:

- They contribute to a learning environment in which the dignity of every student is respected.
- They inform BSA of their needs in relation to any disability and give permission for this information to be passed to relevant staff as appropriate.

- They declare any disability or medical condition which may put themselves or others at a Health and Safety Risk on the course of study that they are undertaking.
- They respond appropriately to the support agreed and provided. Failure to do so may in exceptional circumstances cause the support to be withdrawn.

## **7. Reasonable Adjustments**

A reasonable adjustment might be action that helps to alleviate a substantial disadvantage. It might involve:

- Changing procedures
- Adapting curriculum, electronic or other materials, or modifying the delivery of teaching
- Providing additional services, such as a sign language interpreter or material in Braille
- Training staff
- Altering the physical environment

BSA is only expected to do what is “reasonable”. What is reasonable will depend on all the individual circumstances of the case, including the financial or other resources of BSA and the practicality of the adjustment. Other issues, such as the need to maintain academic standards, the relevant interests of the other people (including other students), and health and safety are also important.

## Appendix 1

### Disclosure of Disability Form

*(delete statement as appropriate)*

I hereby give my permission to pass on my details to the Learning Support team for the purpose of discussing potential support. I understand that this information will be kept on file for the purpose of coordinating support requirements and will not be passed on to anyone else without my permission.

I have disclosed personal information to a member of the BSA staff, but I do not wish this information to be disclosed to other staff members. I would like the member of staff to whom I have disclosed this information to provide help and support during my programme. I realise that this course of action may in some circumstances be detrimental to my progress, but this is my request. I am aware that information will be passed on if there is a legal requirement to disclose or where withholding it would endanger my life or that of other persons. I understand that this form records my decision and that this will be passed to the Learning Support team and will not be passed to anyone else.

I have disclosed personal information to a member of the BSA staff, but I do not wish this information to be acted upon or disclosed to other staff members. I realise that this may be detrimental to my progress, but this is my request. I understand that this form records my decision and will not be passed to anyone else.

Student Signature .....

Staff Signature .....

Date.....



## Appendix 2

### Additional Learning Support Interview Form

|                                                                                                                                              |  |
|----------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>Name</b>                                                                                                                                  |  |
| <b>Address</b>                                                                                                                               |  |
| <b>Telephone Number</b>                                                                                                                      |  |
| <b>Emergency Contact Details</b><br><b>Name</b><br><b>Relationship</b><br><b>Contact Telephone No</b><br><b>Address (if different above)</b> |  |
| <b>Previous School</b>                                                                                                                       |  |
| <b>Career Aspirations</b>                                                                                                                    |  |
| <b>Programmes discussed</b>                                                                                                                  |  |

### Disabilities, Learning Difficulties and Medical Conditions

(tick as applicable)

|                           |  |                  |  |                            |  |
|---------------------------|--|------------------|--|----------------------------|--|
| <b>Dyslexia</b>           |  | <b>Asthma</b>    |  | <b>Aspergers</b>           |  |
| <b>Dyspraxia</b>          |  | <b>Allergies</b> |  | <b>Learning Difficulty</b> |  |
| <b>Dyscalculia</b>        |  | <b>Epilepsy</b>  |  | <b>Other</b>               |  |
| <b>Visual Impairment</b>  |  | <b>ADHD</b>      |  |                            |  |
| <b>Hearing Impairment</b> |  | <b>ADD</b>       |  |                            |  |

|                     |  |        |  |  |  |
|---------------------|--|--------|--|--|--|
| Physical Impairment |  | Autism |  |  |  |
|---------------------|--|--------|--|--|--|

Detail how the difficulty or disability affects the student

|  |
|--|
|  |
|--|

Detail what support arrangements the student received at school

|  |
|--|
|  |
|--|

What support does the student receive outside of school?

| Name | Address | Telephone Number |
|------|---------|------------------|
|      |         |                  |

List any medication the student takes

|                    |  |
|--------------------|--|
| Yes – Please state |  |
| No                 |  |

Does the student qualify for exam concessions?

|                    |  |
|--------------------|--|
| Yes – Please state |  |
| No                 |  |

Detail the students support needs, including teaching strategies

|  |
|--|
|  |
|--|

Requirements – please tick if required

| Other<br>Please state | Equipment | Support in<br>class | Support out<br>of class | Discrete<br>support in<br>class | Dyslexia<br>support |
|-----------------------|-----------|---------------------|-------------------------|---------------------------------|---------------------|
|                       |           |                     |                         |                                 |                     |

I hereby give consent for this information to be circulated to staff on a 'need to know' basis. I am also aware that the nature of my disability is kept confidential.

**Student Signature:**.....

**Staff Signature:**.....

**Date:**.....

## 8. Equality Impact Assessment

| Impact Assessment for the 4 strands of Equality, Safeguarding, Health and safety and Sustainability                                                                                                                          |                                                                                                                                                                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Initial Form to be completed with Risk Assessments or as part of a proposal or change to a policy, plan or new way of working                                                                                                |                                                                                                                                                                                                |
| Title of Activity:<br>Author and Date: Dionne McCann Nov 2020                                                                                                                                                                | <input type="checkbox"/> New or <input checked="" type="checkbox"/> Revision<br><b>(Tick as appropriate)</b><br>Expected Implementation Date: Nov 20<br>What is the Review Date: Every 2 Years |
| <b>Equality and Diversity.</b><br>Which of the characteristics may be impacted upon?<br><br>And, if yes, how has this been considered?<br>What are the risks? What are the benefits?                                         | None, no impact                                                                                                                                                                                |
| <b>Safeguarding:</b><br>Are there any aspects of this proposal which could cause a Student/member of staff/visitor to feel unsafe?<br><br>If yes, how has this been considered?<br>What are the risks? What are the benefits | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                                                                                                            |
| <b>Health and Safety:</b><br>Have any risks been identified?<br><br>If yes, how has this been considered?<br>What are the risks? What are the benefits?                                                                      | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                                                                                                            |
| <b>Sustainability:</b><br>Are there expected benefits or impacts on sustainability issues?<br><br>If yes, how have these been considered?                                                                                    | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                                                                                                            |
| <b>Evidence:</b><br>What evidence do you have for your conclusions and expectations for these conclusions?<br><br>How will this impact be monitored for all these considerations?                                            | Quality is monitored through both internal and external reviews                                                                                                                                |
| <b>Is this policy of a high/medium or low risk? :</b>                                                                                                                                                                        | <input type="checkbox"/> High <input type="checkbox"/> Medium <input checked="" type="checkbox"/> Low                                                                                          |

