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### A practical briefing guide for departmental managers in the further and higher education sectors.

Please note that this briefing guide is not a complete and authoritative statement of the law and does not provide definitive guidance on the practical implications of SENDO.

#### Introduction

**The Special Educational Needs and Disability (Northern Ireland) Order 2005** (SENDO) applies to schools, universities and colleges, including teacher training and agricultural colleges. For the purposes of this guide all of these bodies shall be referred to as the '**institution**'.

Throughout this guide the term '**disabled student(s)**' is used to cover all disabled students including; full time, part time, international, adult learners, outreach and prospective disabled student(s). The term '**all staff**' includes full time, part time, temporary, permanent, contract, agency and outreach staff either directly or indirectly employed by the institution.

#### What is disability discrimination under SENDO?

SENDO places new duties not to discriminate against **all staff** and bodies responsible for the provision of education and associated services, admissions and expulsions/suspensions. The new duties can be summarised as follows:

- Not to treat disabled students and prospective disabled students **less favourably** (for a reason relating to their disability) than it treats, or would treat, a person to whom that reason does not or would not apply (without justification). **Victimisation** is also covered.
- To make '**reasonable adjustments**' to ensure that disabled students are not placed at a substantial disadvantage compared to students who are not disabled.

## How will SENDO impact on departmental managers?

Departmental managers will have to ensure that their department is accessible to disabled students. It is also their duty to provide adequate training for their staff and ensure that they comply with the SENDO legislation by:

- Adopting a **coherent institutional approach** regarding SENDO.
- Continually **anticipating** the needs of disabled students.
- Actively **monitoring all** policies, practices and procedures within the institution to ensure compliance with SENDO.
- **Investigating** any incidents of disability discrimination within the institution and how it can be **avoided** in the future.
- Ensuring that **all changes** to policies, procedures and practices within the institution are effectively communicated to **all** staff.

Should a complaint of disability discrimination be made against the institution, it is the responsibility of the departmental manager to explain to the vice-chancellor, principal, director or governor how discrimination could have happened, demonstrate how their department is working in tandem with SENDO and the changes needed to avoid potential disability discrimination in the future.

### Anticipating and making reasonable adjustments

The purpose of SENDO is to make the institution accessible to disabled students. This can be done by discussing with a disabled student what their individual needs are and making any reasonable adjustments that may be required.

However, it is equally important to anticipate the needs of disabled students at all times before and throughout the academic year. It is the responsibility of the departmental manager to ensure that the **anticipatory duty** to make reasonable adjustments is being met within his/her department.

There are a number of ways this can be done, such as:

- Developing a **strategic business plan** to ensure the department is accessible to disabled students. This plan should highlight long term objectives and be continually monitored.
- Ensuring there is **flexibility** within the department's **budget** to meet the needs of disabled students throughout the academic year.
- Ensuring that walkways within and entrances to buildings in the department are accessible to disabled students. Access to the **physical environment** should be constantly reviewed and monitored.
- Providing guidance to all staff on how to provide class-notes, handouts etc. in alternative formats, when requested by a disabled student. Departmental managers should work closely with the staff development officer to ensure staff are provided with **appropriate training** and **guidance** in this area.
- Developing a procedure for altering venues and creating greater **flexibility** in **timetables**. Ensuring that **all** staff, including part-time, full-time, outreach, permanent and temporary staff, are aware of the **role of disability services** or the learning support unit within the institution and that they encourage disabled students to make use of these services.
- Working closely with **marketing staff** to ensure that the disability service or the learning support unit is adequately publicised in the prospectus and in other literature.

## Case Study 1

A small agricultural college that is unable to employ a large number of specialist staff ensures it has close links with other organisations so that it is able to call on specialist support workers (e.g. for learners with dyslexia) when the need arises.

It therefore anticipates reasonable adjustments that it might need to make if it has applications from students with dyslexia.

Case Study 1 highlights how easy it can be to anticipate the needs of disabled students. By making links with other organisations to provide appropriate support, the college is anticipating the needs of disabled students in a simple and cost-effective manner.

## Staff development

Staff development and training is key to ensuring that the department is working in tandem with SENDO. It applies to every member of staff within the institution. This includes **teaching, administration, student support services, clerical, catering, security and cleaning staff etc. either full-time, part-time, temporary or permanent and those who work on the main campus or in outreach provision.**

All staff should be made aware of their responsibilities under SENDO and be provided with on-going opportunities to develop their understanding of the issues surrounding disability.

Given the legal consequences for an institution if disability discrimination occurs, it is essential that **all** staff receive training on SENDO **and** that it is made mandatory, ultimately to avoid a complaint of disability discrimination and ensure the institution is accessible to disabled students.

Departmental managers should review their staff **disciplinary procedures** within the department to ensure that all staff are made aware that failure to comply with the duties under SENDO could lead to disciplinary action.

It is essential that departmental managers take an active part in their **own personal development** on issues surrounding disability, thus ensuring that they have a full and complete understanding of SENDO and its implications for their department.

## Policies, practices and procedures

### Case Study 2

A tutor had been involved in a number of training sessions on SENDO. The college regularly monitors its provision to ensure that its equal opportunities policy is being put into practice and that its guidance on SENDO is being followed.

Unknown to the college, a tutor is excluding a deaf woman, involved in a seminar, from discussions that he has been facilitating.

The college may have a defence under SENDO as they provided the tutor with training. However, the college may be liable if it can be proved that it has not monitored compliance with its policies and procedures effectively.

The tutor may be personally liable for his actions.

**All** of the department's policies, practices and procedures should be reviewed to ensure that they comply with SENDO. The purpose of these reviews is to ensure that your department is accessible to disabled students and to provide appropriate support and guidance to staff on how to meet the needs of disabled students.

When drafting and reviewing policies, practices and procedures, departmental managers, along with their staff, may consider some of the following:

- Are the policies, practices and procedures accessible to disabled students? Are they available in alternative formats? Is there a procedure for producing material in alternative formats within reasonable timescales?
- Do the policies, practices and procedures state that reasonable adjustments can be made for disabled students? If a student is using the complaints procedure and requires a communicator, is there flexibility within the procedure to allow extra time to arrange this support?
- Do policies, practices and procedures explicitly state that disabled students have a right for the nature of their disability to be kept confidential?
- Do policies, practices and procedures inform staff what to do if a disabled student declares a disability to them? Does it tell them who to contact within the institution and how information should be passed on?

### **Case Study 3**

A student diagnosed with schizophrenia attends a college of further and higher education in Northern Ireland. When this is disclosed to staff they fear the student may become violent and disruptive and so the student is expelled.

There is no evidence to substantiate this fear and the student has not broken any of the college regulations.

This is likely to be unlawful.

It is important that staff and the institution do not take actions based on stereotypical assumptions about a disabled student as the actions could amount to disability discrimination.

The possibility of an act of unlawful disability discrimination having taken place, as in Case Study 3, may have been avoided if:

- The disciplinary policies, practices and procedures took into account the needs of disabled students.
- **All staff** were given appropriate training on SENDO.
- **All staff** were updated on policies, practices and procedures.

## Monitoring and Review

The duties placed upon the institution with regards to SENDO are **ongoing**. All solutions to an accessible education should continually evolve and be reviewed to anticipate the needs of disabled students. It is important that the experiences of both disabled students and staff influence the future policies, practices and procedures of the department.

Departmental managers may wish to **appoint** a member of staff within the department to monitor issues surrounding accessibility for disabled students to ensure that the department is in tandem with SENDO.

Given that many disabled students may **not** disclose their disability at the start of an academic year, while others may acquire a disability after starting a course, it is essential to ensure that there is a degree of **flexibility** within the **department's budget** to provide appropriate support for disabled students during the academic year. Many disabled students may have their own coping mechanisms and may not request support under normal classroom circumstances. However, difficulties may be faced if there are activities outside the classroom such as field trips or external examinations.

Departmental managers should also ensure that all courses offered by the department in **outreach** and community centres are also accessible to disabled students.

## Where can I get more advice and information?

It is essential that **all staff** are aware of their duties under SENDO. Contact the **staff development officer**, the **learning support** or **disability services** at the institution for advice and support.

You may also contact the following organisations for advice and support:

### Equality Commission for Northern Ireland

Equality House

7 – 9 Shaftesbury Square

Belfast

BT2 7DP

Telephone: 028 90 500 600

Textphone: 028 90 500 589

Fax: 028 90 248 687

Email: [information@equalityni.org](mailto:information@equalityni.org)

Website: [www.equalityni.org](http://www.equalityni.org)



### Skill NI National Bureau for Students with Disabilities

Unit 2

Jennymount Court

North Derby Street

Belfast

BT15 3HN

Telephone/ Textphone: 028 90 287 000

Fax: 028 90 287 002

Email: [info@skillni.org.uk](mailto:info@skillni.org.uk)

Website: [www.skillni.org.uk](http://www.skillni.org.uk)



This publication has been produced by the Equality Commission for Northern Ireland in partnership with SkillNI.