

**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**

Name: **Martin McLean**

Organisation (if applicable): **National Deaf Children’s Society (NDCS)**

Address: **Castle House, 37-45 Paul Street, London EC2A 4LS**

Please return completed forms to:

Paul Higgs,

Higher Education Student Funding Policy,

5th Floor Abbey 1,

Department for Business, Innovation and Skills,

1 Victoria Street,

London,

SW1H 0ET

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

|  |  |
| --- | --- |
|  | Individual |
|  | Business representative organisation/trade body |
|  | Central government |
| x | 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) |

We are also responding on behalf of the Communication Trust, a coalition of over 50 not-for-profit organisations supporting everyone who works with children and young people in England to support their speech and language communication. The Trust have seen and endorsed our response.

**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 x**

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.

We believe this is a difficult question to respond to because no detail has been provided as to what the minimum level of reasonable adjustments would be and how they would be enforced. It is not clear what is meant by ‘each area’.

NDCS is concerned that by having a minimum level this could mean that universities end up working towards the minimum, diverting focus away from developing inclusive practice. Additionally, there is a risk of a negative impact at HE providers that have a high number of disabled students (due to developing a reputation for providing good support). It is unclear from the proposals how establishing minimum levels of reasonable adjustments would not unfairly disadvantage these HE providers nor lead to any unintended consequences.

**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.

We believe that Disabled Student Allowances currently help to ensure consistency because it does not rely on HE providers being able to make reasonable adjustments. DSAs also support the government policy of introducing greater choice and control to disabled people, given that it serves a similar purpose to a personal budget. However, if the proposals to reduce DSA funding go ahead the following mechanisms may help to achieve consistency:

* An increase of ring-fenced HEFCE funds to support HE providers with the costs of meeting the needs of disabled students
* Statutory guidance for HE providers on their responsibilities and duties

**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.

Deafness is a low incidence disability and lack of awareness of the needs of deaf students within HE providers is currently a problem as highlighted through research such as [Fordyce et al (2013).](http://www.ndcs.org.uk/professional_support/external_research/#contentblock3) The research uncovered recent examples of deaf students dropping out due to university where academic staff had failed understand their needs and to make reasonable adjustments.

HE providers with high numbers of deaf students may be more aware of their needs. However, the providers may be unfairly disadvantaged by cuts to DSAs which in turn could reduce the quality of support received by deaf students.

Additionally, it may be difficult for HE providers to anticipate costs if deaf students enrol through clearing. This problem does not exist with current DSA arrangements as DSAs are effectively portable between different institutions.

**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**

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

This consultation does not explain how proposals will ensure value for money. Student support needs have not changed; there is just the expectation they will be funded differently. The implication of the proposals is that there will be less funding available overall and there is no evidence that HE providers can absorb the costs. As a result, HE may become less accessible to deaf people.

We believe the proposals risk undermining value for money as disabled students start and then drop out of a course prematurely if not supported. The research referred to in question 3 (Fordyce et al 2013) found that some evidence to suggest that lack of support is a factor in drop-out for deaf students.

**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 No x**

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

NDCS prefers option a – no change. This is because the consultation does not provide adequate evidence that:

* HE providers have adequate funding or the capacity to provide support that was previously provided through DSAs nor have the skills and knowledge to be able to do so for low incidence needs such as deafness
* There is a timely and effective means of redress if HE providers fail to make reasonable adjustments
* The support needs of disabled students enrolling at the last minute will still be met
* The current system is not working. DSAs allow for flexible, personalised and portable support akin to a personal budget. These advantages will be lost.

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

 **Yes x No**

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)

NDCS believes that money could be saved through looking at how services such as notetakers are provided. Currently much DSA funding is spent on agency fees and travel costs for NMHs. It would be more cost effective for HE providers to provide post-graduates with appropriate subject knowledge with training in notetaking.

Additionally, [HEFCE’s recent report on provision for students with mental health problems and intensive support needs](http://www.hefce.ac.uk/media/HEFCE%2C2014/Content/Pubs/Independentresearch/2015/Understanding%2Cprovision%2Cfor%2Cstudents%2Cwith%2Cmental%2Chealth%2Cproblems/HEFCE2015_mh.pdf) refers to some DSA assessors being too mechanistic in prescribing standard solutions rather carrying out a proper evaluation of a student’s needs. For example, a student being prescribed (more expensive) 1:1 study skills support when they would have preferred group support.

**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 x No**

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

Category g. Some deaf students have lower than average written English skills and will make use of proof readers. The proposals state that all students should be able to access this support regardless of disability. However, proof-reading services are not currently offered free of charge by HE providers.

NDCS does not wish to comment on categories a – e as the importance of these services falls outside our area of expertise.

**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 x**

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 x No**

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

C. Passing on responsibility to HE providers to provide manual notetakers may mean HE providers argue they are not required. There is a danger that HE providers may refer students to lecture handouts or recommend the photocopying of other student’s notes leading to considerable variation in the quality of and depth of notes that deaf students have access to.

**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 x No**

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

For deaf students carrying out research interviews, transcription services can be valuable as some deaf students will not be able to listen to tape recordings. There is a risk that universities will not be prepared to cover the costs of transcription when it is requested as a student commences their research. This may lead students restricted as to the type of research they can carry out and leave Speech to Text as the only option available to them through DSAs. This is more expensive and less widely available.

**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 x**

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 x**

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.

We are concerned that Speech to Text reporters (STTRs) are absent from the NMH bandings. This service is distinct from electronic notetaking (which is non verbatim). For deaf students for whom BSL interpreters are not a suitable option, STTRs are valuable in supporting a student to follow and participate group discussions as they will be able to understand what is being said as it is being said. This would not be possible with an electronic notetaker.

Further, as electronic notetakers do not provide a verbatim or ‘live’ record of what is being said, deaf students will still have to lipread to follow the lecture in real time. This introduces a risk that deaf students may experience concentration fatigue, which will have a negative impact on their studies.

For these reasons, we recommend that STTRs are included in the NMH bandings, separately from electronic notetakers.

**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 x 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.

NDCS would prefer DSA funding to remain available for the additional costs of specialist accommodation managed by institutions or their agents. Whilst it may be reasonable under the Equality Act for HE providers to make adaptations to their living accommodations (i.e. provision of fire alarm systems or specialist doorbells) there is a danger that the proposals will lead to a restriction in accommodation choices for deaf students as they will be forced to accept accommodation where adaptations are available.

**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 x**

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

The proposals are not clear as to how this would work for distance learners. It is also not clear whether disabled students would be expected pay for printing services as is the norm for library services.

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

 **Yes x 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 x**

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

Some of the content of ‘bundles’ is used to protect IT equipment (e.g. tablet covers or surge protectors). It may be better value for money to allow these to be purchased through DSAs as equipment would be less likely to be damaged.

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

 **Yes No x**

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

HE providers will be expected to consider whether they can improve lecture capture facilities. The outcome may be lot more audio-visual content being placed on university Moodle sites. Unless it is subtitled much of it will not be accessible to deaf students. NDCS requests that guidance is provide for HE providers on making this content accessible.

**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 x**

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.

If BIS pursues its preferred approach, we expect there to be some strengthening of the current means of redress available to disabled students and to see a process for speedy resolution of disputes over provision of reasonable adjustments between the HE providers and students.

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

NDCS would like the needs of disabled students to form part of HEFCE’s quality assessment approach.

However, we believe that evaluation should take place before any changes are made and call upon BIS to review and research the extent to which HE providers currently make reasonable adjustments and whether they have the funding to do so. This should consider the knowledge of HE providers of the wide spectrum of need amongst disabled students.

NDCS expresses concern that paragraph 45 of the consultation states there are no plans to supply additional funding to HE providers. BIS is required to comply with the public sector duty and a policy which cuts funding for disabled students may not be consistent with this.

**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.

NDCS is concerned that the current proposals for agreeing how support would be provided between DSA and the HE providers is too loose and vague. This has the potential to leave the disabled student in limbo. It would also rely on the disabled student having the confidence to challenge the HE provider, when they may be reluctant to do so, having just started their course. We believe there is a need for a clearer timescale and process for resolving any issues or disagreements that may arise at the earliest possible opportunity.

NDCS recommends that DSAs assessment reports should outline what support is to be funded through DSAs and what should be provided by the HE provider. The report should then be sent to the provider to confirm they agree to provide the recommended levels of support. This should form a clear binding agreement between the HE provider and Student Finance England on what support will be provided by which party.

In the event that university rejects any recommendations of a DSAs assessment or does not indicate their agreement by a given deadline, we would expect immediate and automatic provision for DSAs funding through the Exceptional Case Process until the disagreement is resolved.

NDCS believes there should be an effective mechanism by which HE providers can be directed to make reasonable adjustments. We have doubts about the role of the Office of the Independent Adjudicator (OIA) as it has no regulatory powers and its decision making is not currently timely. We would like to see its powers strengthened and for the government to ensure it the OIA has sufficient capacity to meet a likely increase in caseload if the changes to DSAs go through as proposed.

Another option may be to extend the role of the SEN and Disability Tribunal so that it can hear disability discrimination claims with HE.

In the event that minimum levels of reasonable adjustments cannot be promised across all HE providers, resulting in variation in the support they offer, we would like to see greater transparency from HE providers about the support they are able to offer disabled students. This information should be available to prospective students in advance of any application they may make. It could also form part of a local authority’s Local Offer, as required under the Children and Families Act 2014.

**Q23 continued:** Separately, it is not clear from the consultation, what would happen to disabled students from England who attend a HE provider in Scotland, Wales or Northern Ireland. For example, would the Office of Independence Adjudicator be able to review cases against HE providers outside of England? Would the Exceptional Case Process apply across the UK? NDCS would welcome reassurance on this point.

**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?

We believe that DSA should be automatically available to students who obtain a HE place through clearing until their HE provider agrees to meet their support needs.

**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 x**

If your answer to question 25 is yes, you can provide evidence, further information, or a paper in support of your views by forwarding this to dsaconsultation@bis.gsi.gov.uk or by forwarding a hard copy by post to

 Paul Higgs,

 Higher Education Student Funding Policy, 5th Floor Abbey 1,

 Department for Business, Innovation and Skills,

 1 Victoria Street,

 London,

 SW1H 0ET

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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