

EDC15D015

Title: Changes to the Disabled Students Allowance – Implications for UEA
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Issue: The Disabled Students Allowance is undergoing far-reaching changes generated from the Department for Business, Innovation and Skills. There are key issues for the University to understand and act upon. This paper sets out the main areas of change and makes recommendation for action to ensure a smooth transition from the old framework to the new.

Recommendation : the paper includes a set of ten recommendations. Although the decision making doesn't rest within the Equality and Diversity Committee all members need to understand the background and implications.

Resource Implications : There are resource implications as funding ceases from the established funding bodies and the fiscal responsibility for reasonable adjustments under the new framework rests with the University.

Risk Implications: the University has a clear legal responsibility under the Equality Act 2010 to make reasonable adjustments for disabled students and ensure fair access. The University may not pass on the costs of reasonable adjustments to disabled students.

Equality and Diversity: the core issue of the paper has equality and diversity as its central value. This is also linked to the UEA Plan.

Timing of decisions: there is an urgent need for the University to provide sufficient support to enable this transition to take place smoothly within the Dean of Student's Offices.

Further Information: Further information is available from Jane Abson/Jane Amos

Background: the issue has been generated by government level decisions

Discussion: Please see body of paper. An unabridged paper is available from Jane Abson.

Implications for the University relating to changes to Disabled Students' Allowances: academic year 2016/17

1. Introduction

The aim of this paper is to advise the University of changes to Disabled Students' Allowances (DSA) previously provided by Student Finance England that have both budgetary and service delivery implications. The paper summarises the changes to the Allowance instituted by BIS (the Department for Business, Innovation and Skills) and identifies options for responding positively and proactively to the changes in line with the UEA Plan for 2016-20. It also identifies the financial and policy implications for the University. Finer details about the Allowance and the process through which it is gained by individual students are included in appendices (an unabridged version of this paper is available from Jane Abson, Disability Co-Ordinator).

DSA has, to date, been a significant driver of Wellbeing processes including reasonable adjustments notifications to schools, financial monitoring, administrative tasks, record keeping and Adviser responsibilities. The changes therefore entail:

- a review of Wellbeing administrative and adviser responsibilities
- recording and reporting methods (required urgently for the start of the 2016/17 academic year).
- local change in Wellbeing systems (in the short to medium term)

Governmental responsibility for the Student Finance England DSA lies with the Department of Business, Innovation and Skills and the changes, which came into force on April 25th 2016, have been determined as necessary at government level.

The changes under discussion apply to Student Finance England for those students who apply after 18 April 2016. New DSA applicants funded by NHS Bursaries, Students' Awards Agency Scotland, Student Finance Wales and Ireland and Research Councils will, as of information available March 2016, continue to receive funded DSA services across the range of non-medical helper roles. Thus there will be students with DSA funded NMH services and those who will be reliant on the University for provision in Years 0 and 1. Students with existing awards will continue to be funded at least for 2016/17. New applicants in Yr 2 and above will be assessed on the new rules.

There will be a cost/staffing implication in respect of the additional requirements as part of the auditing process and also in respect of developing systems to manage additional support services provided by the University.

2. The Legal Position

Under the Equality Act 2010 institutions have a duty to make reasonable adjustments for disabled people to ensure they are not placed at a substantial disadvantage compared to non-disabled students.

The duty to make reasonable adjustments comprises three requirements:

- Where a provision, criterion or practice puts disabled students at a substantial disadvantage compared with those who are not disabled, to take reasonable steps to avoid that disadvantage.
- Where a physical feature puts disabled students at a substantial disadvantage compared with people who are not disabled, to take reasonable steps to avoid that disadvantage or adopt a reasonable alternative method of providing the service or exercising the function.
- Where not providing an auxiliary aid or service puts disabled students at a substantial disadvantage compared with students who are not disabled, to take reasonable steps to provide that auxiliary aid/service.

The Act leaves open what particular auxiliary aids or services might be provided in specific circumstances. The duty remains with the education provider to determine what steps it would be reasonable for them to take.

In terms of anticipatory adjustments, the University's legal responsibility is to take a 'strategic approach' to address disabling barriers to all of the University's services (including curriculum design and delivery) and estate. This includes students with Specific Learning Difficulties (dyslexia, dyspraxia, AD(H)D, dyscalculia, dysgraphia) who constitute the largest single group of disabled students. It is expected (within the legal framework) that the University will anticipate their requirements in relation to course delivery and course materials.

3. Current Provision

The DSA is a non-means tested allowance provided to UK students on application to funding bodies (see Appendix 1) with evidence of a disability that has a 'substantial long-term adverse effect on the conduct of daily life' (Equality Act 2010) This, for students, includes academic work. DSAs are managed by the various funding bodies shown at Appendix 1 and the conditions under which they are provided also vary:

Undergraduates: DSA's provided by Student Finance England, Wales and Northern Ireland, Research Councils, SAAS, States of Jersey, NHS and Social Work Bursaries provision currently (2015/16) comprise:

1. **A special equipment allowance to support study.** The current maximum value for full time and part time students is up to £5,212 for the whole course. Students recommended to have a computer to run assistive software must pay £200 towards its cost.
2. **A non-medical helper (NMH) allowance to provide 'human support' for study.** The current maximum value for full time students is up to £20,725 a year and for part-time students up to £15,543 a year calculated in relation to the proportion of a full time course they are studying.

Non-medical helper support is additional human support provided to assist students to develop academic skills, manage workload and time and manage the effects of their conditions on their studies. Non-medical helpers also provide practical support for students who cannot undertake specific tasks such as taking notes, handling equipment in laboratories, accessing the library and/or the campus.

3. **A general allowance** of up to £1,741 a year for full time students and up to £1,305 a year for part time students calculated in relation to the proportion of a full time course they are studying. The cost of the DSA Study Needs Assessment (approximately £600) is deducted from this allowance.
4. **Additional travel costs** may be claimed on the basis of the students' disabling condition.
5. **Additional cost of accommodation** incurred because of their disability may also be reclaimed.

Students must be studying 25% or more of a full-time course to qualify for the part-time allowance.

Postgraduate students can get a single allowance of up to £10,362 a year.

PGCE students and those funded by Research Councils receive the same allowances as undergraduates.

Medical students are funded by Student Finance for the first four years of study and by NHS Bursaries for their subsequent years of study.

The funding limits will remain the same for the academic year 2016/17.

DSAs are not available to EU and International students and those taking ineligible courses. The University has always needed to provide funding for reasonable adjustments and additional support services for these categories of students.

If students' additional support costs exceed their maximum non-medical helper allowance, the University is required to provide the additional funding to meet their support needs. Currently this is funded from the Dean of Students' baseline provision. This has not increased in line with demand.

Historically, UEA has been a sole provider of NMH support to UEA students using self-employed support staff. Additionally, two specialist study skills (Specific Learning Difficulty) tutors are employed in the Dean of Students Office.

4. Summary of Changes

The stated objective of the changes to DSA is to shift from a framework providing an individualised assessment and funding of additional support to a position where the additional support requirements of disabled students are a usual consideration for Universities and are integrated into the practices of the institution:

Disabled students should arrive at university confident that any barriers to their learning have been identified, understood and appropriate steps taken to reduce their impact. The learning environment should be as inclusive as possible, so that the need for individual interventions is the exception, not the rule. Institutions should engage in a continual improvement cycle that develops inclusive practice, with the aim of reducing the number of individual interventions required. Funding through DSAs should be the top of an apex of support, underpinned by an inclusive environment, and individual reasonable adjustments where required. (DSA guidance for New DSA students 2016/17, p.3)

The Guidance goes on to say:

Higher education institutions are under a duty to support disabled students as set out in the Equality Act 2010. An institution should anticipate and respond to the needs of its disabled students where it is reasonable to do so. The decision on how to satisfy that duty is for the institution to determine ... The DSAs guidance does not set out what an institution should do to meet that legal duty, but it does indicate where DSAs are likely to have a primary role and where institutions are expected to have a primary role (p.4).

Legal advice given at the Student Finance England presentation relating to the new regulations (London, February 2016) is that large institutions, such as UEA, have no grounds to refuse support to disabled students on the basis of its cost and no costs of services to support their academic study must be borne by students themselves (the Equality Act 2010 explicitly states that no costs for reasonable adjustments should be passed to the disabled individual).

Students will need to apply within nine months of the start of their course of study unless their diagnosis is later than that or their support needs have not arisen earlier.

An established DSA Study Needs Assessment process will take place and will, as before, make recommendations for DSA-funded support. Importantly for the University, Assessors will also make recommendations where the expected primary provider is the University but will not state what level of support is required, how it is to be delivered or what the cost implications are.

It will be the role of Wellbeing Advisers to review these recommendations and to work with colleagues within the University and with students themselves to determine what reasonable adjustments and services are required and how they will be implemented.

From 2016/17, BIS/SFE have determined that many of the non-medical helper roles formerly funded by DSAs will become the responsibility of the University. They have also reviewed the price ranges that can be charged and the qualifications required for support staff.

An 'Exceptional Case Process' has been established, primarily to 'safeguard the interests of students where a student is in dispute with their HE provider about the provision of an adjustment' (Guidance for New DSA Students 2016/17, p.36).

An Exceptional Case Team will then consider whether DSA should provide interim support for the student until the case is settled or whether DSA should fund the provision for the duration of the course. BIS/SFE expect the dispute to be resolved via the University's complaints procedure or, ultimately, by the OIA, if the student chooses to take the case that far.

The Exceptional Case Process cannot be invoked by Universities and thus there is no route by which Universities can challenge the decisions of the funding body. The University must therefore ensure it can provide clear, explicit information for

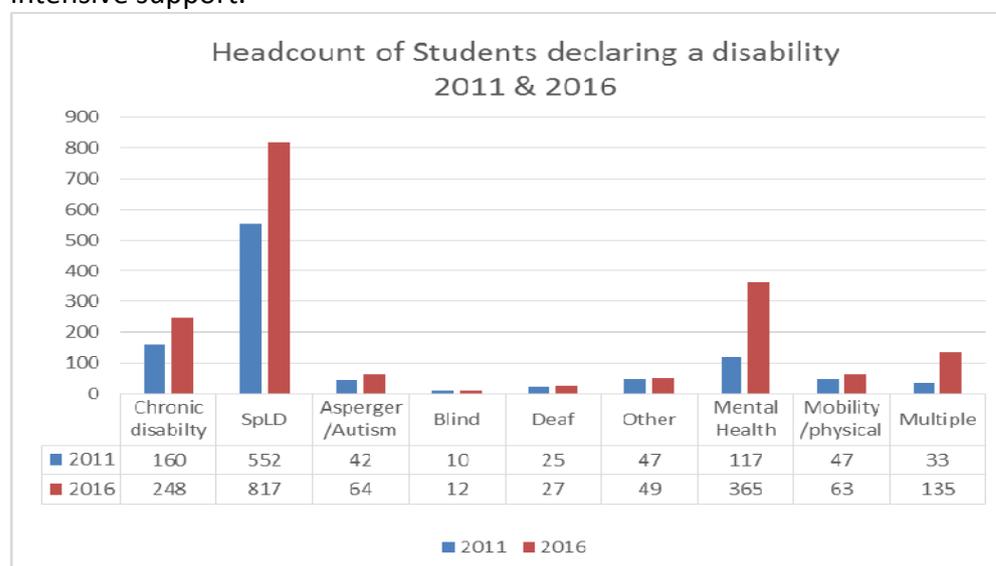
SFE, Assessors, existing and prospective students about what anticipatory, reasonable adjustments and services the University provides. **We must bear in mind that we cannot, under the terms of the Equality Act 2010, expect students to contribute any funds towards additional support services.**

For students commencing study and new DSA applicants in the academic year 2016/17 Universities are expected to provide the wide range of additional support services for disabled students shown in the Non Medical Helper Providers Quality Assurance Framework, issued by the Disabled Students Allowance – Quality Assurance Group: <http://www.dsa-qag.org.uk/docman-public/framework-documents/1843-2016-nmh-quality-assurance-framework-v1-0-1/file>

5. Key Areas Affected by the Changes

Learning Enhancement Team: As there are no proposed changes to funding for specialist 1:1 study skills support (tuition for students with Specific Learning Difficulties provided by the DoS Learning Enhancement Team) there will be no recommendation for a review of this service for 2016/17. However, it is worth bearing in mind that, if there are progressive changes to DSA, such tuition may become the responsibility of the University to provide. Presently, the cost of employing the Specialist tutors in large part comes from DSA. As this funding is uncertain, the University is likely to need to consider making funds available for the whole cost of these staff. University based Specialist tutors offer added value to the student learning experience through their knowledge of the University, its staff and regulations in addition to their specialist knowledge and tuition skills. Through the relationships of trust they build with students, they also are often the staff to whom students disclose difficulties related to their studies and who facilitate students’ resolution of those difficulties alongside other DoS teams, LTS staff and academics.

Mental Health Support: demand has increased significantly over the past four years (see below) and, given the prevalence of mental health difficulties in children, this trend seems likely to continue. Students with autism spectrum conditions are also increasing in numbers and these students often require intensive support.



Specialist Mentors: provide students with regular weekly (or bi-weekly in some cases) support to help them to manage their work and issues affecting their broader wellbeing.

For students with support requirements principally related to issues with task and time management, such as those with Attention Deficit (Hyperactivity) Disorder or memory difficulties (caused by injury or illness), Study Assistants (formerly named Study Mentors) are important additional support staff. They assist students with diary management, planning strategies, organisation of materials and so forth.

It is important that the University, via DoS, provides and maintains management of the provision so that we can best support our most vulnerable students and the staff who teach and support them. In a competitive market place, where external providers will compete on price for the delivery of NMH services, it is important that we position ourselves competitively whilst maintaining and developing quality of service.

Library/practical support: assistants are recommended for students who have difficulty with physical tasks (physical impairments or fatigue conditions) or the use of the library (those with vision impairments, memory difficulties). Library assistants are particularly important to some students, though the service tends to be under-used due to lack of specialist library skills and knowledge of the assistants historically provided.

6. The UEA Plan

The argument behind the decision to shift responsibility for funding support for disabled students is that Universities should, by now, have complied with the requirements under the Equality Act 2010. It can be seen as a shift to further inclusion of disabled students into the mainstream of University decision-making, processes and activities.

The introduction to the UEA Plan 2016-2020 and Vision 2030 goals speak of UEA pursuing 'excellence' and a 'top-class student experience' with an investment in student support particularly identifying 'mental health, diversity and access to facilities [to] deliver the strongest possible student experience that embraces both prevention and support' supported by 'initiatives [to] prioritise ... student wellbeing' and reinvigorate 'strategies for widening participation'. The Plan also talks about a strategy to ensure that all students '...feel part of UEA before they come, on arrival and throughout their time with us' and the need for the University to develop '...new modes of delivery to meet the diverse and flexible needs of potential new students'.

Viewed in this light the DSA changes provide an opportunity to move our services to disabled students forward in line with the Universities objectives and strategies working towards an inclusive and supportive environment which offers the opportunity for students to reach their potential.

7. Recommendations

The full report is being discussed with the Secretary and Registrar. Recommendations he will be considering are:

1. It is recommended that the University allocate funding to level of the whole cost incurred in the full year 2014/15: £110,000 (rounded up from £108,554) as a base funding for all students requiring these services (i.e. new applicants for the DSA, EU, Exchange and International students and those with temporary disabilities) with an understanding that there will be an end of year reconciliation of any under- or over-spend.
2. That a review of modes of service delivery is undertaken for UEA funded services (for example, a review of how lecture notes are provided) to ensure quality and cost-effectiveness of delivery.
3. That rates of pay and employment status for non-medical helpers are reviewed for both UEA and DSA funded services to reduce costs and enhance management and quality control, service reliability and responsiveness to student demand to meet the requirements of the new Quality Assurance and Audit framework and the service requirements of our students.
4. That external processing of timesheets and invoicing for funded services is further investigated in relation to cost and reliability to reduce administrative workload (10 working days per month minimum at present) in these areas so that focus can shift to service administration with a strong focus on quality of student support and information provision for University colleagues.
5. Clear guidance on the offer in relation to additional accommodation costs incurred by disabled students to be established and published on websites (disability, mental health and accommodation) following discussion and agreement with relevant parties.
6. That information regarding anticipatory and reasonable adjustments is provided in a consistent and prompt manner to University staff both for individual students and through training opportunities.
7. That clear guidance is given to students and applicants via the disability and mental health websites of the additional support services available at UEA.
8. That the expenditure for 2016/17 is closely monitored with a view to establishing the basis for costs in future years in line also with any future changes to the DSA that may be made.
9. That expertise in assistive technologies is developed within IT services and that innovation in technologies is monitored in order that the UEA network provides programmes required for the use of disabled students and also that expert guidance is available on their use.

10. That investigation into incorporating the above expertise into a 'Disability Support Librarian' takes place enabling referral for specialist skilled library support, liaison with Faculties/Schools in relation to accessible library resources (for example, extending digital resources), assistance to individual disabled students, support for distressed students attending the library.

8. Conclusion

Although the Equality and Diversity Committee is not asked to make decisions on the above recommendations the changes are so far reaching it was felt this Committee in particular needed to have an awareness and members may potentially wish to pursue discussions separately, either in respect of the decisions being made or with their staff to raise awareness that there will be a transition period. Above all, this awareness will help ensure the University continues to provide proper adjustments for every student in need of disability support.

APPENDIX 1

Funding bodies historically providing DSA:

- Student Finance England (SFE)
- Student Finance Wales (SFW)
- Student Finance Northern Ireland (SFNI)
- Students Awards Agency Scotland (SAAS)
- Isle of Man (means-tested)
- States of Jersey
- Research Councils
- NHS Bursaries
- Social Work Bursaries

Governmental responsibility for the Student Finance England DSA lies with the Department of Business, Innovation and Skills and the changes, which came into force on April 25th 2016, have been determined as necessary at government level

APPENDIX 2

Disabled students by category and percentage increase in declarations 2010/11 – 2015/16 – SITS data via Discoverer

B: Social Communication Disorder	185%
C: Vision impairment	150%
D: Hearing impairment	40%
E: Long-term medical condition	127%
F: Mental health difficulty	428%
G: Specific Learning Difficulty	54%
H: Mobility impairment	97%
I: Condition not otherwise listed	28%
J: Multiple disabilities	388%