

Consultation on targeting funding for Disabled Students in Higher Education from 2016/17 onwards

Response from Lead Scotland (Specialists in Linking Education and Disability)

Lead Scotland is a charity that enables disabled adults and carers to access inclusive learning opportunities. At a local level, we do this by providing direct support to learners¹ through flexible person-centred learning opportunities and individualised guidance and support to help them plan their learning journeys. At a national level, we provide information and advice on the full range of post-school learning and training opportunities, as well as influencing and informing policy development.

Introduction

As Lead Scotland only operates in Scotland, we are submitting a response with general comments only, with particular reflection on the impact the DSA reforms could have on disabled English domiciled students attending Scottish HEI's as well as the wider impact it may have on other disabled students.

Lead Scotland welcomes the opportunity to respond, however due to the nature and extent of these reforms, we believe it will be essential to carry out an equality impact assessment to fully consider the possible implications on disabled students.

The consultation paper encourages HE providers in particular to respond due to them being directly affected, however we believe it is imperative disabled students are extensively consulted and are given an opportunity to have a voice in a matter they should be at the heart of, in order to foster a truly inclusive and person centred approach. Efforts should therefore be made to engage with disabled students in a variety of forums in order to gain a better insight into the potential negative impact the DSA reforms may have on them.

General Comments

Lead Scotland welcomes the opportunity to review DSA and improve accessibility to education for all disabled students through creating a more inclusive learning

¹ We receive local authority funding to community learning and development services in Aberdeenshire, Dundee, Fife, Highland, North Lanarkshire, Moray and West Lothian.

environment and supports measures that encourage all HE providers to fulfil their Equality Act duties to make reasonable adjustments for disabled students.

However, we believe reducing or removing eligibility to DSA altogether would contradict one of the key policy aims of the proposed changes – to improve access to mainstream inclusive education for disabled people. We believe that while the fundamental principle of encouraging institutions to work towards a social model of disability, whereby the majority of support (where appropriate) is available within an inclusive anticipatory environment, rather than relying on ‘add-on’ measures to address the barriers experienced by disabled students is appropriate; achieving it by cutting/removing central public funds altogether is both unrealistic and unachievable at this time.

While this would be our long-term goal for the overall landscape of support for disabled students in Scotland, we do not believe that all institutions across the country are in a position to provide the level of support necessary to realise this vision of inclusiveness. The level of experience, knowledge and expertise around disability issues and reasonable adjustments is varied across HEI’s, with some having more inclusive practices/approaches, resources and experienced staff than others. One of the most common complaints we receive to our helpline from disabled students in HE is around dispute over what is considered a ‘reasonable adjustment’ within an HEI. Ultimately only the courts can answer this, so debate and dispute within HEI’s is expected, therefore inconsistency of the level of support a disabled student receives will naturally occur. Removing access to an external DSA fund and process, may perpetuate or increase these inconsistencies.

Our main concern about the proposed changes lies with the inevitable variations disabled students will experience across both England and Scotland when they enter Higher Education. Some institutions will be better placed and better resourced than others to accommodate disabled students, in order to make reasonable adjustments to put them on a level playing field with their non-disabled counterparts. Therefore, disabled students may be faced with a ‘postcode lottery’ effect – instead of being able to attend whichever course at any HEI they choose and are academically qualified for, the same way non-disabled students can, they could be faced with a far more limited choice of HEI’s that have the resources and expertise to accommodate them. If HEI’s incur the additional costs of providing equipment/NMPH in the absence of DSA, this could result in a financial disincentive to proactively recruit disabled students.

Similarly, HEI’s that have higher numbers of disabled students than others would be disproportionately affected, and effectively financially penalised for having a stronger commitment to proactive recruitment of disabled students than others.

In addition, some disabled students could be completely prevented from attending HE altogether due to the nature and complexities of their impairment. Lead Scotland operates a national helpline for disabled learners and their carers, and frequently receives calls from disabled students facing issues with accessing education. For example, we have received calls from students whose health condition or impairment has prevented them from relocating to attend HE due to health factors, mobility issues and having strong local support systems in place which cannot be easily

replicated elsewhere. Being unable to re-locate can result in some students being prevented from accessing HE altogether if their application to their local HEI does not result in an offer of a place. Therefore, if disabled students already have limitations placed on accessing education, removing DSA could further compound this if only certain HEI's can offer the appropriate and high quality level of support required to succeed. This is at odds with the government's commitment to ensuring university is open to all, regardless of background or ability to pay, thus adding double disadvantage to disabled students, particularly those from socio-economically deprived areas.

Inconsistency could also arise for disabled English domiciled students opting to study in a Scottish HEI rather than in England. Certain Scottish HEI's would be disproportionately affected as they have a higher intake of English domiciled students than others, with the Universities of Edinburgh, St Andrews and Aberdeen having the highest proportion of disabled English domiciled students over the last 5 years², while some Scottish HEI's will have less resources, expertise and qualified staff to ensure a fully inclusive educational experience. This therefore creates an unbalanced availability of funds and resource to provide reasonable adjustments for English domiciled students at HEI's across Scotland.

Another concern of removing DSA and forcing Scottish HEI's to draw from core institutional funding, is that it will result in vital resource being diverted from disabled students who are currently ineligible for DSA, such as international disabled students. These students rely on their HEI being able to draw from core funding, so a dramatic reduction in the availability of these funds in certain institutions will result in this cohort of students having reduced access to reasonable adjustments, and thus reduced access to education. Again, this is in contrast to the government's commitment of widening access to education for disadvantaged groups.

There would also be an inequity at Scottish HEI's over the level of support and funding available between disabled Scottish domiciled students who will continue to be able to access DSA and disabled English domiciled students who would need to rely on non-ring-fenced core institutional funding. There is every possibility English students will not have access to an equal level of funding as their Scottish counterparts using DSA, thus resulting in disabled English students being disproportionately disadvantaged. There is already inequity placed on English domiciled students, who now have to contribute the first £200 towards a computer, unlike Scottish domiciled students. We are concerned that not all disabled students will have the means to pay £200, and would like to see a review of this policy, with access to funding for students experiencing financial hardship.

Putting these two cohorts on a non-level playing field in a potentially un-inclusive setting adds double disadvantage and does not foster positive best practice in equality and diversity.

Lead Scotland would strongly recommend that BIS assess which HEI's are going to be disproportionately affected or will struggle to cover the additional costs incurred

² Source: HESA, English-domiciled enrolments at Scottish HEI's (all levels of study)

as a result of the proposed changes, and make ring-fenced funding available that HEI's can draw down from to ensure disabled people can continue to have the same level of choice and access to HE as non-disabled people.

Right of Appeal and Redress

Lead Scotland receives calls from disabled students across the country, experiencing issues of perceived discrimination within HE settings, sometimes as a result of apparent failure to implement reasonable adjustments. Students can be faced with complex and lengthy complaints procedures to try and resolve issues at a local level, and in some cases the complaint can only be resolved through court action, due to it being the only definitive way to prove whether an adjustment is 'reasonable'. This can result in prolonged periods of absence for these students until the issues become resolved, which can have a negative impact on their health and wellbeing as well as preventing them from succeeding on their course. In some cases the disability advisors are at the centre of these disputes, so students can feel estranged from the very service that exists to support them and may feel reluctant to seek further help and advice for fear of being penalised or unfairly treated.

It would seem that moving the responsibility of assessing needs and allocating funds from SFE to the HEI's themselves, will naturally lead to a conflict of interest. While Lead Scotland believes migrating the processing/issuing of DSA grants from SFE to HEI's could cut down significantly on the time taken for a student to receive equipment/NMPH (in 2013 Lead Scotland and NUS Scotland carried out a survey of DSA satisfaction levels, and length of time to receive funds was cited as the biggest common issue)³, it could lead to an increase in disputes. In the current system in England, an external body is assessing and issuing funds, but in Scotland assessments are generally carried out within a student's own HEI if it has been validated as an assessment centre, which most have. We are concerned that there would be an additional financial and potentially accessibility barrier placed on English domiciled students expected to travel to their Scottish HEI in advance of their course starting to ensure the correct level of support is in place. We would like to see a fund made available to those experiencing financial hardship and an alternative option of local assessment put in place should there be other disability related barriers to travelling to Scotland in advance.

There is also the possibility here of students needing to dispute the level of funding offered or the length of time it is taking to progress. Students then may face significant delays in receiving the equipment/NMPH and need access to an independent source to pursue a right of appeal and redress. In the current system a student could seek the support of their disability officer to try and resolve issues with DSA. Clearly there would be a conflict of interest if an HEI is carrying out assessments, allocating funds and acting in an advocacy/support position-especially within one department. There is a need here for students to be protected, have access to straight forward guidelines about how to appeal a decision and get support with making formal complaints. A qualified body/person with in-depth understanding

³ Review of Disabled Students Allowance, Lead/NUS Scotland, <http://www.gov.scot/Resource/0043/00432611.pdf>

of disability and reasonable adjustments would be required and not all Student Associations would have the capacity/expertise to provide this.

Lead Scotland would therefore welcome BIS's Exceptional Case Process to ensure students have access to funds while they are in dispute, however we would like to see further guidance issued on this process with clear accessible information made available for students who need to use it. We would also urge BIS to ensure safe guards are in place so that students have access to independent advice and advocacy to pursue disputes.

Any reforms to DSA should be driven by a commitment to improving access to education for disabled people rather than an austerity measure. Reducing access to DSA could reduce access to education for disabled people and this will inevitably lead to an increased reliance on welfare benefits, ultimately costing the public purse more money in the long run.