



Department for Business, Innovation & Skills

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

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Please return completed forms to:

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

<input type="checkbox"/>	Individual
<input type="checkbox"/>	Business representative organisation/trade body
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	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)

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

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'. NatSIP 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.

A key concern is that HE providers would be expected to achieve a consistent approach without sufficient time, resources or training. There is a danger that disabilities will be viewed as a whole and the very individual and specific needs of different conditions will not be met. Learners with disabilities should still be able to have a choice in terms of their earning methods and DSAs should provide this choice.

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**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
- Appropriate guidance and training for DSA assessors who have a role in advising HEIs and students. Without specific knowledge on different disabilities and the provision that different HEIs have, DSA assessors cannot make an informed judgements about the needs of the individual, the extent to which an HEI may be able to meet those and crucially, where there are instances that the Exceptional Case Process should be used.

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**No**

If you have answered yes to question 3, please explain why this could be difficult.

Deafness and visual impairment are low incidence disabilities and the needs of students can vary greatly. Any HE provider teaching a technical subject like maths to a braille user is going to need specialist support on teaching methods as well as provision of resources. It would be wholly unreasonable to expect HE providers to maintain a level of expertise as a matter of course in case a blind student applied.

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 \(2013\)](#). 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.

RNIB transitions research shows that HE providers based support on the assessment of needs provided by a DSA assessor and do not have the necessary understanding of VI and the adjustments that can be made.

HE providers with high numbers of deaf and VI 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 those 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

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 people with sensory impairments.

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. There is also evidence that students with sight loss have been forced to leave courses because the support provided has been inadequate or untimely. Where a student has to repeat years this has massive financial implications for the student and HE provider.

With potentially less funding there is a huge concern that funding will be absorbed by universities into high prevalence disability support leaving low incidence groups with marginal support. Generic reasonable adjustments can be helpful on a basic level but they will not meet specific need. DSAs need to provide the additional funding for these students.

The consultation places an over-reliance on assistive technology as an alternative to NMH. This reflects the failure to appreciate the limitations of assistive technology to access information, documents and systems that are not compatible or are not formatted in the right way. RNIB estimates that only around 10% of information available on the internet and through university systems is fully accessible using assistive technology.

The proposals also fail to recognise that ICT is one of a range of approaches to accessing information that are part of the 'toolkit' of strategies for people with VI. There must be recognition of the work that needs to be carried out by the originator of documents to enable them to be accessible to, for example, screen readers. It also seems to assume that all information is provided in print format – but there are also pictures, diagrams, charts etc that can't always be read by a screen reader and need to be adapted or transcribed to be accessible to VI 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

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

NatSIP 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

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)

NatSIP 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 as currently provided by the University of Essex for example.

Additionally, [HEFCE's recent report on provision for students with mental health problems and intensive support needs](#) 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

No

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

Category b. The draft guidance doesn't recognise that the support that people with sight loss receive through Library Support Workers is often quite intensive one-to-one assistance. VI students rely heavily on Library Support Assistants (LSAs) to research, locate and access materials through the library of their HE provider.

LSAs scan journals, re-configure or re-format electronic documents that, whilst available through the library are inaccessible using assistive technology, transcribe written and graphical information, research inaccessible 'external' information sources and help access library equipment and systems that are likely to be inaccessible (RNIB research). NatSIP believes that it is not acceptable to assume that library staff of HE providers will have the time, the subject knowledge or the transcription skills to provide the appropriate volume and quality of support that VI students need.

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. VI students often rely on a proof reader to assist with formatting and ensuring that references and notations are correctly presented. This cannot be addressed using assistive technology.

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

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

No

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

Category 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.

RNIB transitions research points to how important VI students have found note-taker support. It illustrates, for example, how in science based subjects notetakers also double up as assistants who talk students through the diagrams and visual concepts as well.

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

No

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

Transcription services are fundamental in providing the means through which VI students access visual aspects of their curriculum. A high level of expertise is needed for braille transcription of maths, science and foreign language subjects, for example. There is a danger that HEIs may seek to reduce costs by opting for providers who do not understand the complexity of providing good quality transcription for specialist subjects.

RNIB has found that even where there are university transcription services they often do not properly understand how to make materials fully accessible (e.g. providing electronic copies of lecture notes which are picture PDFs and therefore not compatible with a screen reader).

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

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

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.

NatSIP is extremely concerned that some of the wording in the current draft guidance provides unfounded assurance to HEIs that assistive technology is likely to be able to meet the support needs of students with sight loss as effectively as support workers.

There needs to be an unambiguous caveat about the limitations of assistive technology in effectively replacing support workers. This needs to clarify the issues that both the DSA Assessor and the HEI must take into account when considering the practical (rather than financial) merits of recommending assistive technology rather than a support worker to meet a visually impaired student's needs.

We are also 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.

We believe that Band 4 should also include advice from a specialist teacher (eg QTVI) to help lecturers understand the implications of sensory impairment for a student's learning and access.

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

No

If your answer to question 14 is no, please explain your reasons.

Students with visual impairment are already restricted in moving off campus due to the complexities of learning new routes. Typically the cost of university accommodation is higher than that of private accommodation, so the student already has additional costs above the average student, before taking into account that they may need specialist accommodation.

Question 15 What other approach would you favour for funding specialist accommodation? Please explain why.

NatSIP 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 and VI 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

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

This proposal removes the student's ability to be an independent learner. They should be able to, for example, login to the university's virtual learning environment and download materials, modify these materials into their preferred format, and print out ready for use.

The proposals suggest that providing resources in accessible formats for visually impaired students is much easier than it is. Electronic PDFs are often not accessible to screen readers, making them accessible can require a lot of additional work to adapt them.

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

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

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.

Bundles should be funded where the equipment itself has been identified as needing to be funded through DSAs.

Question 19

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

Yes

No

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. NATSIP 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

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 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?

NATSIP 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.

NATSIP 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 No

If your answer to question 23 is yes, please state what you think they should be.

NATSIP 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.

NATSIP 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.

There needs to be enhanced guidance and training to ensure that DSAs Needs Assessors are able to make informed decisions based on comprehensive understanding of the needs of students with a low incidence disability.

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.

NATSIP 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.

Question 23 continued: 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.

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? NATSIP 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 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

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

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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.

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