

Policy Statement on the Admission of Disabled Students'

DEFINITIONS

The following definitions shall apply in respect of this Policy Statement which is to be read in conjunction with the University's Terms and Conditions for Applicants and Students and the University's Admissions Policy available at: www.uwtsd.ac.uk/apply/terms.

Disabled Students: The term 'disabled students' is used within this Code as it is based on the social model of disability. 'Disabled students' includes those with physical and sensory impairments; specific learning difficulties; long-standing and enduring health conditions; mental health difficulties and those on the autism spectrum.

Students with temporary injuries / illnesses: include those with a short-term' injury or illness that is likely to last no longer than 12 months. Although such students are eligible for support from the institution, they are not protected by the provisions of the Equality Act 2010.

Reasonable adjustment: any action that helps to alleviate a substantial disadvantage.

Responsible Body: The Equality Act (2010) refers to the Governing Body as the 'responsible body'. The Responsible Body, i.e. the University, is legally liable for the actions of the institution as a whole, and also for the actions of individual employees in the course of their employment, whether they are full-time, part-time or temporary. The Responsible Body is also responsible for actions of agents, including contractors and visiting speakers. Individuals may also be held responsible for aiding an unlawful act if they **knowingly** discriminate against a disabled student or applicant.

The Policy Statement: the provisions as set out within this Policy Statement as amended from time to time.

1 Introduction

1.1 University of Wales Trinity Saint David (UWTSd), the Responsible Body under Equality legislation, is committed to broadening the opportunities to enter higher education and both welcomes and admits students with a wide and diverse range of qualifications and backgrounds.

1.2 Whilst the principles within The Policy Statement are guided by fairness on the grounds that **all** students must be included, all staff need to be aware of the legislative framework in which they work, including provisions within the Equality Act which protect disabled students from discrimination.

1.3 The Equality Act 2010 replaced all previous anti-discrimination law consolidating it into one single Act and provides protection against discrimination, harassment and victimisation on the grounds of disability.

1.4 Discrimination may take two forms:

(a) Direct Discrimination

This occurs when a disabled student is treated less favourably than another student in a similar situation. This covers situations when a disabled person is treated differently because of stereotypical assumptions or prejudice about their condition or abilities. It is not possible to justify direct discrimination in relation to disability, so it is always unlawful.

(b) Indirect Discrimination

This is when disabled students are disadvantaged by a 'provision, criterion or practice' which is applied in the same way for all students, or a particular student group. Indirect discrimination can only be justified if the provision, criterion or practice is 'a proportionate means of achieving a legitimate aim.'

Legitimate aims may include maintaining academic standards or ensuring the health and safety and welfare of students. The means of achieving the aim must be proportionate (appropriate and necessary).

2 Principles of Admission

2.1 Each application for admission to a course at UWTSD is considered on its merits and on an individual basis. The University will assess applications from disabled students using the same admissions criteria that apply to all applicants. This assessment is a process in which consideration of academic suitability is normally separated from discussion centred on the applicant's other needs which will be a separate but parallel activity.

2.1.1 The only exception to 2.1 above is when an applicant is invited to an assessment as part of the admissions process (e.g. for courses in Healthcare Sciences or Education) and a discussion about reasonable adjustments may be required at that time.

2.2 These principles apply to all modes of study and to all students irrespective of background.

2.3 It must not be assumed that support in place for one course is appropriate for another. Where an individual wishes to transfer to an alternative course within the University or to progress to a higher level, a new assessment may need to be undertaken, in the context of the new application.

3. Provision of Reasonable Adjustments

3.1 UWTSD must take reasonable steps to adjust existing practices, criteria or provisions where disabled students may be put at a substantial disadvantage when compared with those who are not disabled. Provision of auxiliary aids or services (for example, the installation of a hearing loop for deaf students) may also be a reasonable adjustment depending on the circumstances.

3.2 In assessing reasonableness, many considerations may be relevant including (but not limited to) the following:

The effectiveness of the step to prevent the disadvantage;

The type of education or other benefit, facility or service being provided;

The resources of the University;

The effect of the disability or specific learning difference on the individual;

The practicality of the steps;

The financial and other costs of making the adjustment;

The availability of grants or loans e.g. Disabled Students' Allowances;

Health and Safety;

The relevant interests of others, including other students, where the adjustment would result in significant disadvantage to those others;

The extent to which aids and services will otherwise be provided to people with a disability.

- 3.3 Any support provided by UWTSD will be in respect of its function as an education provider. UWTSD will not provide support which would ordinarily be provided by other statutory organisations such as Social Services or the Health Authority. It is therefore important that requirements are discussed with UWTSD Student Services as early as possible in the admissions process.
- 3.4 UWTSD may reasonably require further information to assess what, if any, reasonable adjustments it can make.

4. The Role of Registry

- 4.1 Registry is responsible for the transmission of the admissions decision to the applicant and for informing the applicant of any entry conditions that need to be met. Registry ensures that all decisions are made in a timely manner and on a rolling basis as the applications are received and considered for entry.

5. Disclosure of Information

- 5.1 All applicants to UWTSD are encouraged to disclose a specific learning difference, disability or medical condition at an early stage to enable the University to consider, in advance, general access arrangements, individual specific adjustments and any additional support or specific arrangements which may need to be made.
- 5.2 The information provided will not be used to unlawfully refuse a place on the relevant course and will be treated as sensitive, personal data ("special category data") as defined by Data Protection legislation.
- 5.3 UWTSD appreciates that it is the applicants' choice and decision concerning the extent of disclosure and the need for confidentiality and applicants' permission will be sought regarding the extent of the disclosure within the University. Its anticipatory duty notwithstanding, the University may be limited in its ability to provide reasonable adjustments where students choose not to disclose or choose to disclose within limits.

6. Opportunities for Disclosure

- 6.1 There are a number of opportunities for disclosure (as per section 5 above) and to discuss appropriate support arrangements at an early stage in the application process.

Pre-application: The University holds a number of Open Days for pre-applicants, their parents and friends. Accessibility Advisers are available for general advice and individual consultation at Open Days.

Application: Disabled applicants and those with specific learning differences are identified from the undergraduate application form by:

Disability code

Personal statement

Information provided by referee

The appropriate section on the application form

After Offer: UWTSD advisers contact applicants by email to invite further disclosure and to discuss any requirements applicants may have. This is done via a Support Needs Enquiry Form (SNEF). Successful applicants are encouraged to visit the University. Disabled applicants are encouraged to use this opportunity to meet with the advisers in Student Services by appointment to discuss any individual requirements.

6.2 In addition, advisors in Student Services are available throughout the application process to discuss individual needs. This may be in person by arrangement or by telephone or email.

7. Where Needs Cannot Be Met

7.1 While UWTSD is committed to admitting disabled students or those with specific learning differences, there may be individual cases where the specific needs of applicants are such that there are no adjustments that the University could reasonably make to prevent the particular applicant from suffering substantial disadvantage in relation to the course and /or access to benefits, facilities or services.

7.2 Where needs cannot be met and having explored all possible alternatives, the only reasonable option may be for the University to withdraw its offer. In such circumstances, a recommendation will be made to the designated Senior Manager by the Director of Student Services. The designated Senior Manager will consider the recommendation and if he/she agrees will inform the applicant of the decision to withdraw the offer.