

Skill: National Bureau for Students with Disabilities

Improving the life chances of disabled people: Strategy Unit analytical report

Introduction

Skill: National Bureau for Students with Disabilities promotes opportunities to empower young people and adults with any kind of disability to realise their potential in further, continuing and higher education, training and employment throughout the United Kingdom. Skill works by providing information and advice to individuals, promoting good practice and influencing policy in partnership with disabled people, service providers and policy makers.

Skill welcomes the Strategy Unit's report and the research that has been done to identify barriers to disabled people. Skill's response to the interim report will focus on those areas described in its remit above, namely further and higher and adult education and the transition to employment. In this way, the response concentrates on the transition to further or higher education or employment.

However, it is essential that any analysis of barriers to disabled people includes meaningful dialogue with and input from disabled people. Skill is therefore deeply disappointed that the full report has not been produced in a form accessible to many disabled people. We understand that the full report is not available in large print, Braille or 'Word' format (essential for users of 'speech screen readers' or notetaker devices) for visually impaired people, or on video tape for British Sign Language users. It appears only to have been produced in a 'Powerpoint' format and replicated in an 'adobe acrobat' document, with a Braille and easy read version of the executive summary. While the Braille and easy read summaries are welcome, there will still be many disabled people who will be unable to comment on the report and there will not be successful consultation with key recipients of the findings.

Skill recommends that the Strategy Unit produce all future documents in formats accessible to disabled people in order to facilitate their consultation.

General barriers

- **Legislation, advice and enforcement**

The Disability Discrimination Act is a relatively recent piece of legislation, having been implemented in 1995. The education provisions of the Act have been in force for even less time, introduced through the Special Educational Needs and Disability Act from September 2002. Indeed, the DDA is still being amended, with changes as a result of the European Directive Article 13 and the proposed Disability Discrimination Bill. It is vital that the latter is passed through Parliament as soon as is feasible in order to strengthen the current legislation and protect disabled people from discrimination.

One method of achieving change for disabled people is to involve them in the decision making process. For this reason, Skill is pleased that the Draft Disability Discrimination Bill includes a clause to add local councillors and statutory office- and

post-holders to the provision of the DDA. However, we were disappointed that the Government has said it will not expand the provisions to include school and college governors. Skill does not accept the Government's reasoning that the DDA offers protection as least as comprehensive as any other domestic anti-discrimination legislation in relation to office- and post-holders. With the recent introduction of the Special Educational Needs and Disability Act, it is pertinent that disabled people are given opportunities to take part in school and college life and have an influence in education. Governors and Board Members provide a role model for disabled students, are able to set examples of good practice, and would be best placed to ensure that their needs are met and opinions are considered.

Skill recommends that the Government reconsiders including school and college governors in the provision of the Disability Discrimination Bill.

A further change that will occur shortly is the merger of the Disability Rights Commission with the Equal Opportunities Committee and the Council for Racial Equality, and the establishment of the proposed Commission for Equality and Human Rights. This could potentially have an impact on the life chances of disabled people. The CEHR must continue the provision of detailed expert advice available to disabled people, in an appropriate and accessible way. The CEHR will also need to identify effective and accessible ways of informing people about their rights under discrimination legislation and how to seek redress.

Barriers to post-16 education

There are a very wide range of life chances for disabled people across further and higher education, and including all Learning and Skills Council funded provision, including apprenticeships and adult and community learning. All of these areas of provision are important. It is significant that the Learning and Skills Council has commissioned a strategic review of provision for learners with learning difficulties and disabilities. This review is has recently started and will report in a year's time. It is being chaired by Peter Little OBE, a former Chair of Skill.

- **Terminology**

The terminology used to address disability, adjustments and support can be a barrier in itself, as it creates confusion for students, their families, and key advisers. For example, Skill recently undertook a scoping study with the National Disability Team, funded by the Higher Education Funding Council England (HEFCE) and the Learning and Skills Council (LSC) about transitions from FE to HE for disabled students.¹ One of the findings of this research was the plethora of terminology used across the two sectors, and the divide between FE and HE terminology. For example, in FE colleges the support for learners with disabilities is provided normally by the learner support co-ordinator, where as for students in higher education institutions, they would approach the disability office. This inconsistency can be confusing for students and can present a barrier in accessing education or support. There is further complicated terminology involved in the school to post-school transition, where students move from a culture of 'special educational needs' to support for learning difficulties and

¹ NDT and Skill (2004) 'Aspiration raising and transition of disabled students from further education to higher education: final report'

disabilities. A recommendation of the scoping study was that the LSC and HEFCE 'agree a working definition of key terms such as disadvantaged; disabled; outreach and aspiration raising and transition.' (NDT and Skill, 2004:7)

- **Staff attitudes**

The barriers encountered by disabled people when accessing further and higher education are not only in terms of discrimination and lack of an accessible environment, but also include a lack of accessible curricula and positive attitudes, and a lack of willingness to change.

- **Differences and sufficiency of support**

As with the differences in terminology between further and higher education, there are also major differences in the support offered in the two sectors. In further education, support specifically for disabled students is through Additional Learning Support (ALS) Funds. ALS is funded by the LSC and funding is based on the historical number of students with disabilities and learning difficulties in the college, with further support available for those students whose support needs exceed a cost of £19,000. Therefore, colleges are able to support students in the way they feel is most appropriate by funding discrete courses, providing equipment, employing support workers etc. However, this funding is not ringfenced, and Skill is concerned that learners' support may be subject to analysis of cost-effectiveness. For example, it is much more cost effective to support ten learners with dyslexia than one deaf student because of the complexity and high cost of support for the latter which may include British Sign Language interpreters, notetakers and English language support.

When a student moves on to higher education and/or postgraduate study, the support available changes. HE students are able to apply for the Disabled Students Allowances (DSA) which are paid directly to the student via their local education authority, education and library board, or the Student Award Agency for Scotland. Students are then able to access support identified in their needs assessment, such as equipment, travel and non-medical helper support. Unlike ALS, it is the student who receives the support directly. The limits to the allowances can be restrictive, for example the non-medical helper allowance currently has an upper ceiling of £11,550, which can be insufficient for students with high support needs such as those who are deaf or need personal assistants.

Moreover, the student support system in England and Wales has recently moved to a new system, PROtoCOL, which is internet based, and managed by Student Finance Direct. The aim of the system is to enable the forms to be processed more efficiently and to ensure consistency between LEAs. However, as a result of the system there has been a backlog in applications this year and there are some problems that are yet to be resolved, eg Student Finance Direct is unable to send material out to students in alternative formats other than Braille. This represents an inequality in service for disabled people and shows that equality was not considered at the establishment of the scheme. The public sector duty should ensure that this does not happen in the future and that organisations embed disability issues into all areas of practice.

Skill recommends that the Government ensure all agencies working in the area of student support are providing appropriate reasonable adjustments for disabled students, including information in accessible formats.

In Scotland, the situation for disabled postgraduate students is further compounded by the fact that Disabled Students Allowance is not available for all postgraduate disabled students. This means that many Scottish disabled students are at a disadvantage compared to students in other parts of the country.

Skill recommends that the UK Government and devolved governments for Scotland and Wales ensure that disabled students in higher education are given equality of opportunity, especially in relation to the availability of DSA to postgraduate students.

- **Lack of clarity about responsibilities of different agencies**

The number of different bodies involved in providing support to disabled students is very complicated, and there is often a lack of clear legislative and funding responsibility. For example, in further education, the LSC is responsible for meeting the additional needs of disabled students on college courses, but the responsibility for transport to education can fall to the LEA or social services. With the implementation of Valuing People there is a clear opportunity to address issues of partnership between health authority/social services and LSC in order to develop integrated and holistic post school provision.

Skill recommends that the Government should address the issue of inter-agency collaboration in order to ensure holistic provision and support particularly for adults with learning difficulties.

The DWP research report 'Making the transition: addressing barriers in services for disabled people' also noted that there was confusion in higher education over where funding responsibility lies, (ie responsibilities of health and social services, Disabled Students' Allowances, and education providers under the DDA part 4) which could lead to delays in supporting students.

Skill recommends that the Government issues guidance to address confusion over funding responsibilities of Higher Education Institutions, the Learning and Skills Council, local education authorities, social services and health on supporting students with disabilities.

Furthermore, there can be an over-reliance on DSA within higher education to address the needs of disabled students, despite institutions' responsibilities under the DDA part 4. In 1999, the Higher Education Funding Councils for England and Wales undertook a survey and published guidance on base-level provision for disabled students in HEIs. This was a useful exercise, but it would be useful to update the baseline survey to set a more relevant benchmark standard for all institutions now that the DDA part 4 is in place, and also to investigate good practice in supporting disabled students. The DWP research report mentioned above also suggests that

Funding Councils could be more prescriptive to FEIs and HEIs about what their obligations are under the DDA.²

Funding for transport is particularly problematic in the FE sector, especially post-19. Statutory wording describes transport provision by specifying 'powers' rather than 'duties'. Social services local education authorities and (under the new Disability Discrimination Act part 4) even colleges have the power to arrange appropriate transport, but not a duty to do so. DfES guidance suggests that 'support for students with learning difficulties or disabilities should be given to students up to the age of 21, with sympathetic consideration for students up to 25'. However, this does not always work in practice. Without transport funding, some students simply cannot take up educational opportunities.

Skill recommends that there needs to be improved partnerships between social services, local education authorities and colleges. There is a need for flexibility in funding systems so that individuals in transition experience a smooth, uninterrupted transition. The funding mechanisms should be transparent, clear and non-disruptive.

- **Learners in prisons and young offender institutions**

One group of people whose needs are often ignored is those people with learning difficulties and disabilities in prisons and young offender institutions. Research has shown that people with mental health difficulties are over-represented in the prison population and this is also likely to be the case with disabled people, particularly those with learning difficulties and dyslexia. However little research has been done in terms of support for education within prisons and young offender institutions, and there is very limited support available for people with disabilities and learning difficulties in prison, in terms of education and other services.

Skill recommends that the needs of disabled learners within prisons and young offender institutions are considered and supported.

- **Cultural barriers**

Recent work carried out by Skill³ (Aasha) has shown that people with a learning difficulty from a minority ethnic group can face particular difficulty in accessing services, including education. There are many reasons for this, such as segregation of race and disability issues which pervades peoples' ways of thinking, providers' lack of understanding of particular cultural attitudes to disability, and the difficulty these groups can often have accessing information.

Skill recommends that particularly with the creation of the Commission for Equality and Human Rights, specific attention be paid to those people who cross over boundaries of equalities legislation, eg race, disability, age.

- **Direct payments**

² DWP research report no. 204: Making the transition: addressing barriers in services for disabled people

³ Skill (2003) Aasha: working with young people with a learning difficulty from a South Asian background

Direct payments are mentioned on page 95 of the report. Direct payments can be a big advantage to disabled students, giving them the choice and independence to organise their support in the most appropriate way for them. However, a recent research project carried out by Skill⁴ shows that of the 90 people with learning difficulties from a South Asian background worked with in the project, none were receiving direct payments. The voluntary organisations awarded funding from the direct payment development fund are crucial in enabling disabled people to use direct payments effectively. For example, some disabled people may need help with recruitment and employment of personal assistants. It can be very daunting to organise support after being used to it being done automatically, and confidence and skills in Skill suggests that the government invest further funding into the development fund scheme, thereby enabling more disabled people to benefit from the direct payment scheme. **Skill also recommends that the Department of Health monitor the take up of direct payments, including among young people and students, to see if the scheme is being successful and if necessary to implement improvements.**

- **Provision and progression of learning**

It is important to acknowledge the problem of the 'revolving door', where people with learning difficulties and disabilities are continually on a revolving cycle of courses without progression and without consideration of what would be best for their education and development. This should not be the case, as a young person's transition plan should look at curriculum needs and therefore enable them to progress.

The Department for Education and Skills needs to discuss with the Connexions Service the role of the Section 140 Assessment, and how it can encompass a curriculum planning process with colleges, therefore improving progression. **Skill recommends that the Government investigates how the sector can ensure that genuine progression is a reality for all young people.**

Skill is particularly concerned about the high number of disabled people, particularly those with a learning difficulty, who attend a sequence of learning programmes, often entitled preparation for work, yet who never actually achieve employment.

Skill recommends that the Government look to the development of clear and effective strategies which support the full range of disabled people into full or part time employment rather than providing them solely with work preparation programmes.

Progression for disabled people also needs to be a reality in terms of non-accredited provision. Not all learners, especially those with learning difficulties, will gain a level 2 qualification, for example, but this does not mean that they have not succeeded. Education, at all levels, needs to monitor progression and participation as well as attainment, and must look at how achievement and attainment can be recognised without accreditation. Indeed, non-accredited courses should not be considered as a lesser product, as they can be of equal high quality as accredited courses. There are a number of quality approved (by QCA) non-accredited courses,

⁴ Skill (2003) Aasha: working with young people with a learning difficulty from a South Asian background

but post-16 providers, particularly smaller providers such as those in work-based learning, are often unaware of the content or availability.

In order to support the learning of young people with learning difficulties and disabilities, it is essential to have recognition that achievement and attainment can be lateral across a breadth of experiences, and does not have to always be vertical. Connexions Personal Advisers, Careers Advisers in Wales and Key Workers in Scotland also need training on designing progression and on working in partnership with providers.

- **Qualifications and assessment**

Qualifications are essential for progression, especially for accredited courses. Currently, general qualification examination boards (such as Edexcel, AQA and SQA) are not covered by the DDA. Without the inclusion of general examinations in the DDA, disabled people who are covered by legislation at school and then at college or university or work, are not protected when they undertake external general examinations. This is a substantial gap in the legislation and may prevent disabled people from progressing onto their chosen area of work or study. Skill is pleased that the Government has agreed to address this gap in the Disability Discrimination Bill, and we await further details of the relevant clauses. It is pertinent that this duty be added to the DDA as soon as possible in order to protect disabled people from discrimination in exams. **Skill recommends that the Government ensures the Disability Discrimination Bill be introduced to Parliament as soon as possible so that it is given Royal Assent before the end of the current Parliamentary session, and that the exam board sections of the Bill be implemented as soon as possible into Part 4 of the DDA.**

Skill remains concerned, however, that not all awarding bodies will be covered by the proposed legislation, especially those that set standards for qualifications, such as the Teacher Training Agency and the Qualifications and Curriculum Authority. It is vital that all bodies involved in the organising, setting and marking of exams and assessments are covered by legislation in order to protect disabled people from discrimination in this crucial area.

- **Employment**

Skill recommends that the Strategy Unit consider further employment opportunities and funding models for disabled people. The New Deal for Disabled People has potential to increase opportunities, but the funding model related to the scheme can be discouraging for voluntary organisations. Skill also suggests that further work could be undertaken on developing supported employment schemes.

- **Resourcing of the Connexions Service**

A recent report, 'Developing Connexions for young people with disabilities, mental health needs or autism', carried out by the Foundation for People with Learning Disabilities and funded by the DfES, looked at how the Connexions service meets the needs of young disabled people. The report found that where Connexions has the resources and staffing to be able to meet the needs of young disabled people, it offers a very good service, and is highly valued by young people. However, many specialist Connexions Personal Advisers for disabled people are heavily

oversubscribed, with caseloads of over 250 young people. Disabled young people may also miss out on the differentiated service that Connexions aims to provide, because of a lack of resources and Government targets such as reducing the number of young people not in education, employment or training.

Furthermore, at a conference to launch the above report, Ann Gross, Head of Special Educational Needs and Disability at DfES said that there was a need to equip Connexions to meet the needs of young people. **Skill recommends that the Connexions Service should be more effectively resourced, and that Personal Assistants are given the training and skills they need to support disabled young people.**

- **Volunteering and work experience**

Research has shown that disabled volunteers are underrepresented as a group⁵. The general reasons centre on the culture and image of volunteering and the practical difficulties involved. Skill's experience of working with disabled volunteers in our London and Edinburgh offices has found that volunteering can and does lead to improving individuals' future prospects, providing a much needed route into paid employment. The latter is hugely significant in light of the fact that disabled people are eight times as likely to be unemployed compared with non-disabled people.

Under the current provision disabled volunteers can be lawfully discriminated against by organisations in areas of recruitment, retention, on going development/training and dismissal. Whilst volunteers can seek legal redress under the Sex Discrimination Act and the Race Discrimination Act, no such rule applies under the DDA 1995. Skill is disappointed that the Government has not accepted the recommendation of the scrutiny committee that the disability discrimination bill include a provision protecting disabled people who are volunteers or who apply to volunteer from direct discrimination.

Work experience is also important as it can build confidence, consolidate skills, help people to learn new skills, and can be essential for progression, especially to employment. In recent research conducted by the National Council for Work Experience, 44% of students and graduates said that they thought work experience was the most important factor to their future employers. Recent research from AGCAS (the Association of Graduate Careers Advisory Services) shows that disabled graduates can be just as successful as their non-disabled peers in finding graduate employment.⁶ This said, there are higher percentages of disabled graduates starting in clerical and secretarial, craft, personal service and sales jobs, as well as in part time and unpaid work. This may be because they may have difficulties in accumulating work experience while they are students.

Many students undertake work placements as part of their course of study, and in some cases these placements are a mandatory part of the course. Skill welcomes the amendments to the DDA part 2 being implemented in October 2004 which will mean that work placements that are undertaken as part of a vocational training programme will be covered by disability discrimination legislation. However this will

⁵ National Survey of Volunteering (1997)

⁶ AGCAS (2003) *'What Happens Next? A report on the first destinations of 2002 Graduates with Disabilities'*

not cover all types of work experience, especially those that have a general aim of increasing confidence and developing skills, such as life skills courses and self-organised placements, all of which have the aim of supporting learners in their transition to employment.

Skill recommends that the Government develop opportunities for disabled people in work experience and volunteering.
Solutions

The section on solutions will be the most important part of the Strategy Unit's report: it is essential to examine how Government is going to effectively tackle these problems and ensure the life chances of disabled people are improved.

Skill welcomes the recommendations on page 100-101 of the report and would support all the recommendations made. Smoother links between services, and a focus on accessible education and employment are essential if the Government is to improve the situation for disabled people.

- **Strengthening legislation and Commission**

The CEHR must maintain the provision of detailed expert advice available to disabled people, in an appropriate and accessible way. The CEHR will also need to identify effective and accessible ways of informing people about their rights under discrimination legislation and how to seek redress.

Skill recommends that the Government ensure the Disability Discrimination Bill be introduced to Parliament as soon as possible so that it is given Royal Assent before the end of the current Parliamentary session, and that the exam board sections of the Bill be implemented as soon as possible into Part 4 of the DDA.

Skill recommends that the Government reconsider including school and college governors in the provision of the Disability Discrimination Bill. This will ensure that disabled people are involved in the decision making process.

- **Clearer lines of responsibility**

Skill recommends that the Government should address the issue of inter-agency collaboration in order to ensure holistic provision and support particularly for adults with learning difficulties.

Skill recommends that the Government should issue guidance to address confusion over funding responsibilities of Higher Education Institutions, the Learning and Skills Council, local education authorities, social services and health on supporting students with disabilities.

Skill recommends, as supported by the DWP research report, that Funding Councils should be more prescriptive to FEIs and HEIs about what their obligations are under the DDA.⁷

⁷ DWP research report no. 204: Making the transition: addressing barriers in services for disabled people

Skill recommends that there needs to be improved partnerships between social services, local education authorities and colleges. There is a need for flexibility in funding systems so that individuals in transition experience a smooth, uninterrupted transition. The funding mechanisms should be transparent, clear and non-disruptive.

Skill recommends that, particularly with the creation of the Commission for Equality and Human Rights, specific attention be paid to those people who cross over boundaries of equalities legislation, eg race, disability, age.

Skill also recommends that the Department of Health monitor the take up of direct payments, including among young people and students, to see if the scheme is being successful and if necessary to implement improvements.

- **Meaningful progression**

Skill recommends that the Government investigate how the sector can ensure that progression is a reality for all young people, including those in non-accredited provision. Students should also be consulted on their aims and objectives for learning.

Skill recommends that the Government look to the development of clear and effective strategies which support the full range of disabled people into full or part time employment rather than providing them solely with work preparation programmes.

- **Development of the Connexions Service**

Skill recommends that the Connexions Service should be more effectively resourced, and that Personal Assistants are given the training and skills they need to support disabled young people.

- **Develop opportunities for work experience and volunteering**

Skill recommends that the Government develop opportunities for disabled people in work experience and volunteering.

**Skill policy team
August 2004**