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1. Purpose

Walsall College is committed to advancing equality of opportunity between different groups, linked to the duty under the Equality Act 2010.

The purpose of this procedure is to ensure fair and equitable treatment of all students by promoting access for disabled students within an inclusive learning environment, and providing a range of suitable services.

2. Policy

The College is inclusive and is passionate about supporting people to reach their full potential. It is unlawful for the College to treat students/potential students who have a disability, less favourably for a reason connected with their disability unless it can be legally justified.

The College has a duty to make reasonable adjustments to ensure that people who are disabled have access to education and are not placed at a substantial disadvantage compared to people who are not disabled.

Definition of 'disability' under the Equality Act 2010

The Equality Act 2010 defines a disabled person as someone who has a physical or mental impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.

For the purpose of the Act:

'Substantial' and 'long-term' mean:

- 'Substantial' is more than minor or trivial - e.g. it takes much longer than it usually would to complete a daily task like getting dressed.
- 'Long-term' means 12 months or more - e.g. a breathing condition that develops as a result of a lung infection.

There are special rules about recurring or fluctuating conditions, for example, arthritis. For more details about the special rules, download the 'Equality Act Guidance'.

[Download 'Equality Act Guidance' \(PDF, 789KB\)](#)

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Progressive conditions

A progressive condition is a condition that gets worse over time. People with progressive conditions can be classed as disabled.

However, you automatically meet the disability definition under the [Equality Act 2010](#) from the day you are diagnosed with HIV infection, cancer or multiple sclerosis.

What is not counted as a disability

Some conditions are not covered by the disability definition. These include addiction to non-prescribed drugs or alcohol. To find out about the conditions which are not covered, download the 'Equality Act Guidance'.

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2. Responsibility

The Assistant Principal – Curriculum, has overall responsibility for the procedure.

The Head of Foundation and Community Learning has a responsibility for implementation and the SEND Manager has operational responsibility.

3. Procedure

3.1 Aims of the College's service for students with disabilities:

1. To ensure that high quality assessment and impartial guidance is available to all.
2. To provide opportunities to participate in College life with appropriate support where required.
3. To continue to monitor and evaluate the quality of provision for students with disabilities.
4. To support Government strategies for widening participation for this student group.
5. To ensure the College meets its statutory duty in accordance with the 0-25 SEND Code of Practice.
6. To co-operate with Local Authorities to make available a Local Offer that meets the needs of young people.

3.2 Purpose of the College's service for students who have disabilities

The purpose of the service is to improve and support access to educational opportunity by:

1. Providing students with an opportunity to declare their disability at application, enrolment and through the tutorial process.
2. Providing students with an assessment of needs interview where required.

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3. Providing support appropriate to on programme needs within the limitations of the service offer.
4. Providing support appropriate to the achievement of exam requirements within the boundaries set by examining boards.
5. Providing opportunities to review support needs on a regular basis with an opportunity for progression guidance.
6. Providing opportunities to collaborate with Local Authorities to commission specialist packages of provision
7. Providing an appropriate framework and agreed process with Local Authorities to consult on provision for young people with Education, Health and Care Plans.

3.3 Links to Support Networks

The service endeavours to link with relevant support networks where appropriate. These include:

1. Parents/Guardians/Carers.
2. Social Services.
3. Medical Practitioners.
4. Diagnostic Services.
5. Mental Health Services.
6. Schools.
7. Residential Services.
8. Advocates.
9. Local Authorities

3.4 Data Protection/Confidentiality

The service recognises the importance of confidentiality and the requirements of the Data Protection Act 1998. The College undertakes to maintain student data in secure conditions and to process and disclose data only within the terms of the Data Protection Act. Confidentiality is maintained with regard to the Children Act 2004 and the health and safety of the individual and college community. Should the student request confidentiality under the Disability Discrimination Act, information may not from that point, be passed on for the purposes of making reasonable adjustments. Students will be asked to identify any previous history of support and to confirm whether or not they require continued support at College.

1. Where possible, students will be directly involved in discussion related to both internal and external services.

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2. Students are encouraged to give permission for information to be shared with key professionals who are working on their behalf both internally and externally, to ensure that suitable services can be put in place.
3. Where students expressly choose not to allow information to be shared, their request will be respected but it will be explained to the student/potential student that this may have an impact on access to resources, services and learning outcomes.
4. Where students choose not to declare their disability at application and enrolment the College and student/potential student recognise that appropriate support could be delayed.

3.5 Referrals and Assessment

The service will carry out those assessments it is able and qualified to undertake which will inform the planning process. However:

1. When students who have a diagnosed disability, which requires significant resources, are referred or self-referred to the College, an assessment may be required through the Reasonable Adjustment Panel.
2. A referral to relevant professionals will be arranged for students where this is appropriate to identify support requirements and to meet the requirements of examining bodies.
3. Where a student has an Education, Health and Care Plan, the College will comply with the requirement for a consultation with the relevant Local Authority. All consultations will be presented to the College's SEND Admissions Panel.

3.6 Reasonable Adjustment

The College has a commitment to make reasonable adjustments for students within certain boundaries. The following factors may be taken into account when considering what is reasonable:

1. The need to maintain academic and other prescribed standards.
2. The financial resources available to the College.
3. Grants or loans likely to be available to the disabled student (and only disabled students) for the purpose of enabling them to receive student services, such as High Needs Funding.
4. The cost of taking a particular step.
5. The extent to which it is practical to take a particular step.
6. The extent to which aids or services will otherwise be provided to disabled people or students.

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7. Health and Safety requirements.
8. The relevant interests of other people including other students.
9. Consideration will be given to these factors through the Reasonable Adjustment Panel.

3.7 Funding

1. The rules which govern funding are made by the Education and Skills Funding Agency and the West Midlands Combined Authority, as a result of the application of Government policy or legislation. Any student with a disability can apply for additional support where required, however, the College will need to ensure that they are eligible within those rules.
2. Students will have access to advice and guidance related to their eligibility for funding and services.
3. Disadvantage Funding is allocated to FE Colleges to provide low cost support for students on Education Funding Agency funded programmes.
4. Education and Skills Funding Agency funded students who have high cost support needs will be supported through the High Needs Funding block subject to the approval of the Student's home Local Authority.
5. Adults, Apprentices and Work Place Learners additional support needs are funded by the Skills Funding Agency, when necessary the College can apply for Exceptional Costs however this is approved on a case by case basis by the Education and Skills Funding Agency
6. Students who apply for 24+ Loans should apply to the Loans Bursary to fund additional support.

4. Related Policies and Procedures

- Admissions Policy.
- Careers, Education, Advice and Guidance Policy.
- Confidentiality Policy.
- Data Protection Policy.
- Equality, Diversity and Inclusion Policy. Reasonable Adjustment Policy.

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