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Disability Equality Scheme

1. POLICY STATEMENT

The Lincoln College (LC) is committed to creating a stimulating, supportive and accessible learning and working environment, based on mutual respect and trust, to assist all staff and students to achieve their full potential, irrespective of disability. The College is committed to ensuring that all students and staff are treated fairly and it has a long tradition of promoting disability equality.

The College's approach and policies in the area of disability equality are underpinned by the Social Model of Disability, which does not focus on an individual's medical condition or impairment, but instead identifies the impact of disability in the structural, organisational, physical and attitudinal barriers that prohibit people with disabilities from achieving equality and inclusion, i.e. the response to the disability. The College believes that everyone should have access to the educational and work opportunities provided by the LC and we aim to create barrier-free learning and working.

The Disability Equality Policy sets out the College's commitment to staff and students with disabilities and provides a framework to ensure that the College offers a supportive learning and work environment for all members of the College community. It is also a specific response to the Disability Discrimination Act 2005.

2. THE LEGAL FRAMEWORK

The Disability Discrimination Act 1995 (DDA), makes it unlawful to discriminate against disabled people or those that have had a disability, without justification. Indirect discrimination where a provision, criterion or practice presents barriers, is potentially as unlawful as direct discrimination. Reasonable adjustments must be considered fully before any decision is taken to justify less favourable treatment towards a student or member of staff. Discrimination is only lawful for 'substantial and material' reasons and in limited prescribed circumstances outlined within the DDA.

The Act defines disability as "a physical, sensory or mental impairment", which has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities.

- "Impairment" covers physical impairments and impairments affecting the senses such as sight and hearing. It also covers mental impairments, including learning disabilities and mental illness where the condition is recognised by a respected body of medical opinion. If the impairment is controlled by medication or special aids the person is still considered as disabled for the purposes of the Act. Severe disfigurements are treated as impairments, even though they may have no effect on a person's ability to carry out normal day-to-day activities.

People with stress related illnesses and conditions such as chronic fatigue syndrome may be covered if there is long term, substantial and adverse effects. Those with other long term chronic conditions such as asthma, diabetes, heart disease, arthritis, upper limb disorders (eg repetitive strain injury) or epilepsy may also have legal protection.

- "Substantial" means more than minor or trivial and includes progressive conditions where impairment is likely to become substantial, such as cancer, multiple sclerosis, muscular dystrophy and HIV. One of the changes within the DDA 2005 is that people with HIV, cancer or multiple sclerosis are now deemed to be covered from the point of diagnosis, rather than from when their condition has an adverse effect on their ability to carry out normal day to day activities.
- "Long-term" means effects which have lasted for at least twelve months, or which are likely to last for twelve months or more. Long-term effects include those which are likely to recur.
- "Day-to-day activities" are normal activities carried out by most people on a regular basis, and must involve one of the following broad categories: mobility; manual dexterity; physical co-ordination; continence; the ability to lift, carry or move everyday objects; speech, hearing, or eyesight; memory or ability to concentrate, learn or understand; perception of the risk of physical danger.

The 1995 Disability Discrimination Act was amended by the Special Educational Needs and Disability Act (SENDA) 2001 which meant that public bodies responsible for post-16 provision are required to respond to the law as below, to show that they do not discriminate against disabled students or other disabled people:

- From 1st September 2002 it became unlawful to discriminate against disabled people or students by treating them less favourably than others; responsible bodies are required to provide certain types of reasonable adjustments to provision where disabled students or other disabled people might otherwise be substantially disadvantaged.
- From 1st September 2003 responsible bodies were also required to make adjustments involving the provision of auxiliary aids and services, and
- From 1st September 2005 responsible bodies were required to make adjustments to physical features of premises where these put disabled people or students at a substantial disadvantage. SENDA (DDA Part 4) has now been further amended with the introduction of the DDA (2005).
- The Disability Discrimination Act 2005 amended the DDA 1995 to include people diagnosed with cancer, HIV or multiple sclerosis from the point of diagnosis and removed the requirement that mental illnesses must be 'clinically well recognised'. It also introduced a new positive duty on public authorities to develop a Disability Equality Scheme to eliminate harassment and discrimination against disabled people, promote equality of opportunity and encourage participation of disabled people in public life.

In order to meet the general duty to promote disability equality, which comes into effect on 5th December 2006, Higher Education Institutions and other public bodies have a specific duty to produce their first Disability Equality Scheme which should also include an action plan by 4th December 2006, and which is to be revised every three years.

3. POLICIES AND PROCEDURES: STUDENTS

3.1 Marketing, admissions and enrolment

The prospectuses are available on the LC website. Prospective students are able to extract text from the prospectuses which can then be run through enlargers, voice-activators etc.

Correspondence and publicity materials regarding Open Days will be reviewed to ensure that the College is aware of any access needs of prospective students and those accompanying them. Events are normally staged in accessible locations and organisers are briefed on access routes. These provide a useful tool for marketing the College and are also helpful for students to give them an idea of how accessible the College's campuses are and for those students with a disability who might be unable to attend an Open Day.

In accordance with the College's Equal Opportunities Policy, applicants are assessed for admission according to the College's Admissions Regulations for Taught Courses. LC will admit students to its courses on the basis of the following principles:

- a) reasonable expectation that the applicant will be able to fulfil the objectives of the course and achieve the standard required for the award;
- b) the College requirements for admission to the course leading to a particular award;
- c) equality of opportunity for all applicants.

Students with disabilities are welcome at the College and there are various ways in which support is provided. Students are actively encouraged to make known their requirements and disability in a timely manner so that appropriate services and practices can be provided where necessary.

International students with disabilities can apply to the International Disability Fund for support.

3.2 Code of Practice for Students with Disabilities

The College's Code of Practice for Students with Disabilities aims to:

- Provide a framework that ensures the College remains within the law and supports all students
- Identify and document good practice and if necessary make further recommendations that strengthen the College's commitment to supporting students with disabilities.

3.3 Code of Practice on Supporting Students with Mental Health Problems

This aims to ensure that the College does not discriminate academically or socially against any student because of their mental health problems and that students with mental health problems are positively encouraged to declare them.

3.4 Teaching and learning

The College will take all reasonable steps to ensure that courses (including placements and other specialist learning environments) are organised in ways which offer the best opportunities for full participation by students with disabilities, subject to the maintenance of academic quality standards.

The needs of students with disabilities will be considered within the College's validation and review processes.

3.5 Assessment

Special arrangements for examinations and assessments for students with disabilities may be provided if judged appropriate, in consultation with the College's Academic Registrar.

The College provides within its regulations, provision for special arrangements for students with disabilities including extra-time allowances, sheltered accommodation and provision of equipment where relevant.

4. POLICIES AND PROCEDURES: STAFF

4.1 Recruitment & Selection

The College's application and selection procedures aim to encourage applications from people with disabilities. Applications for employment from potential employees

who have a disability are considered against the same criteria for the post as applications from potential employees without a disability.

All members of recruitment will have attended the relevant equality and diversity training. Only those selection criteria which are directly relevant to the ability to undertake the duties and responsibilities of the job successfully is specified and care is taken not to use criteria which may unjustifiably place a disabled applicant at a disadvantage in the selection process. Those responsible for writing selection materials are encouraged to specify clearly both the essential and desirable requirements of the post.

The essential criteria are the minimum criteria needed to carry out the job. All candidates are assessed on their abilities, experience and suitability for the post according to objective criteria. Adverts, job descriptions and person specifications do not include requirements that unfairly exclude potential disabled candidates.

Consideration is given to special interview arrangements to ensure that a disabled person is not at a disadvantage compared to other applicants. This may include ensuring that the interview room is accessible for any applicants with mobility difficulties.

Disabled applicants are offered reasonable adjustments in relation to the interview process, for example sign language interpreters, adjustments to any presentations.

5.1 Reasonable Adjustments for Staff

The College will make reasonable adjustments to the workplace and to employment arrangements to ensure that a disabled person is not at any disadvantage when compared to a non-disabled person.

The College is also committed to providing an enabling and accessible learning environment and details of reasonable adjustments and support services for students with specific learning difficulties or disabilities have also been covered in the relevant sections of this policy document.

Reasonable adjustments are changes to the duties of the post or employment arrangements to allow a disabled person to undertake, or continue to undertake, a job. Reasonable adjustments might include measures such as:

- altering working hours;
- re-allocating some duties;
- finding alternative accommodation;
- allowing absences during working hours for rehabilitation, assessment or treatment;
- giving additional training;
- modifying physical features of the workplace such as fixtures and fittings, furniture and granting access to specific modifying equipment such as voice activated computer software and telephones adapted with an amplifier;
- making special arrangements for parking and access to buildings;
- translating instructions and reference manuals into accessible formats, such as large print and audio cassette;
- providing a reader or sign language interpreter;
- giving feedback in a particular way;
- modifying assessment or testing procedures.

Please note that the above examples are not exhaustive and other adjustments may be necessary in individual circumstances.

In all cases the person concerned must be consulted on the reasonable accommodation of his or her needs. Decisions on whether an adjustment is reasonable must take into account all relevant factors, including the extent to which the alteration will improve the situation for the disabled employee or job applicant (for example in terms of allowing the individual to carry out the requirements of their post), the cost of the measures, both financial and in terms of disruption caused to others and the ease of making the change.

5.2 Disability arising during employment

When employees become disabled during the course of their employment, all reasonable steps will be taken to accommodate the effects of their impairment by making adjustments to their existing employment, or through appropriate retraining and redeployment, enabling them to remain in employment with the College whenever possible.

Each case will be considered individually, taking into account all the relevant circumstances.

These may include:

- continuing in the same post with reasonable adjustments to the duties and/or the working environment or provision of equipment;
- re-allocation of duties within the team or group;
- re-deployment to another post within the College, which may include a requirement for retraining within a reasonable timescale;
- or, if having considered all other options carefully, it is clearly apparent that the employee cannot realistically continue in employment, then a decision to terminate the employment may be made. In such cases the employee will have the usual right of appeal.

In some cases, the disability will be a progressive condition which develops over time and a number of options will be appropriate at different stages. For example, the individual will probably be able to continue for some time in their existing post, with or without appropriate adjustments, before any of the other options require consideration.

6.0 DISCLOSURE AND CONFIDENTIALITY

Any information that students and staff declare regarding disability is confidential and maintained within the requirements of the Data Protection Act. Where students or staff need support, it may be necessary to provide some limited details of their disability to help the appropriate members of staff understand their needs. However, this would only be done with agreement and after completion of a disclosure form for students or written consent by members of staff. If they disclose but want their status to remain confidential the member of staff should make it clear to the student that the College cannot be held responsible for any lack of support. A student disclosure form must be completed at this point.

Students and members of staff are encouraged to disclose their disabilities and medical conditions so that the appropriate level of support or reasonable adjustments can be provided. As many disabilities are not obvious, we have to rely on the staff member, student or applicant to make the disclosure about his or her own disability and reassure them of our commitment to disability equality and to making reasonable adjustments.

7.0 HEALTH AND SAFETY

It may be necessary on occasion to make special arrangements to ensure that a person's disability or impairment, or any effect of it, does not increase risk to either their health and safety or that of anyone else at the College. Where a conflict arises from differing legislation the College will try to accommodate the requirements as

fully as possible. However, under certain conditions health and safety considerations may take precedence.

This will only arise in very limited and prescribed circumstances. When managers conduct risk assessments for disabled staff, consideration should be given to the provision and review of any reasonable adjustments, as outlined in this policy document.

8.0 DISCRIMINATION AND NON-COMPLIANCE

All employees are expected to treat disabled colleagues, students and visitors with the same dignity and respect as their non-disabled counterparts. Any form of harassment of a person with a disability on account of their impairment is unacceptable behaviour and is potentially unlawful under the terms of the Disability Discrimination Act 1995 and the Protection from Harassment Act 1997.

The College regards incidents of harassment very seriously and as possible grounds for disciplinary action which may lead to dismissal. All members of staff are required to become familiar with and understand the contents of the College's Disability Policies. It should be noted that any intentional breaches of the legislation on equal opportunities or of the College's Policy may lead to disciplinary action. Individuals should also note that they may be personally liable under law.

The College endeavours to provide an environment which is supportive and fair. Where problems arise relating to the operation of this policy do occur staff and students are encouraged to advise an appropriate member of staff as soon as possible. Where a complaint is not dealt with satisfactorily at an informal level any formal complaint or grievance should, in the case of a student, be pursued through the Student Complaints Procedure.