

Briefing

for governors
in FE

This is one of eleven briefings which is part of a range of resources from the project, *The Disability Discrimination Act: taking the work forward 2003–5*, managed by the Learning and Skills Development Agency (LSDA) in partnership with NIACE and Skill, supported by the Disability Rights Commission and funded by the Learning and Skills Council. More than 100 organisations have been involved in a total of 20 projects on topics related to DDA implementation, and this briefing highlights key messages from project findings that are particularly relevant for college governors. Information is provided on governors' responsibilities, staff development, quality, planning and accessibility.

Governor responsibilities

DDA brings new legal rights for disabled learners. It covers everything offered to or provided for learners and potential learners, including: enquiries, admissions, programme delivery, examinations and assessment, work experience placements, canteen and leisure facilities, and the physical environment. It applies to learners with physical or sensory disabilities, those with learning difficulties, and many others with less obvious disabilities such as dyslexia, mental health difficulties, autistic spectrum disorders or medical conditions that might affect learning.

It is likely that up to one in six learners are covered by the definition of disability. Governing bodies carry the ultimate responsibility for implementing DDA. They are legally liable for the actions of the organisation and individual employees. In the event of a claim of discrimination, it is not a legal defence for the governing body to claim that an employee acted without their knowledge. However, proof that the college has taken steps that are reasonably practicable to prevent learners experiencing discrimination would be a defence. Robust staff development plans, and rigorous audits of policy, practice, provision and premises, are central to such a defence.

- **Have you and other governors attended training on DDA that made explicit the roles and legal responsibilities of governors?**

Senior and executive managers play a crucial role in influencing culture and ethos and driving forward change. Creating a culture and ethos that are welcoming to disabled learners and sensitive to their needs will do much to meet the requirements of DDA.

- **Do the governors support senior managers to ensure that they:**

- develop practice beyond minimal levels of compliance?

- continually seek to improve the experience of disabled learners and to further the spirit of the legislation?

- drive forward cultural change?

Because implementing DDA is likely to be a significant, long-term activity, the Disability Rights Commission recommends that DDA is a standing agenda item for governors. In addition, once the public sector's disability equality duty in the disability bill becomes law, colleges will need a disability equality scheme.

- **Is there an organisational action plan for the implementation of DDA?**
- **Are you regularly monitoring progress against this action plan?**
- **Is DDA a standing agenda item at governor meetings?**

Supporting staff development

Many colleges provide DDA information and training. However, research indicates that the message is not getting through to some staff, particularly mainstream teaching staff, first-line managers, and part-time and estates staff. One learner said:

I went to the college to do word processing but kept losing the pointer. The tutor knew I was visually impaired. She became exasperated because I was slow, and I felt a bit stupid so I stopped going.

High-quality and sustained staff development ensures that all staff understand and embed the requirements of DDA.

- **Do all staff share an understanding of DDA?**
- **Have they received training that is appropriate for their current role?**
- **Has the governing body approved staff development plans and resources that explicitly identify the need for ongoing DDA staff development?**

Monitoring quality

In order to monitor quality, governors need accurate information. Difficulties can arise from:

- inadequate processes to encourage disclosure of a disability
- inappropriate language on application and enrolment forms
- ineffective processes to inform management information services (MIS) when learners disclose a disability, particularly if this occurs after admissions
- over-reliance on MIS data, at the expense of other evidence, such as direct feedback from disabled learners. A number of the projects identified the need to listen more closely to disabled learners.

Not all learners will disclose their disability during admissions, perhaps because they are concerned that their disability will jeopardise their chance of a place on a course:

They might ask me that you're dyslexic, you won't be able to do it because of the number of exams and the number of questions ... so therefore I skipped that question.

One college provided training to help staff make meaningful judgements supported by evidence. The outcomes were fed into a college equality action plan, and appropriate targets were identified. The action plan is monitored monthly by a disability equality team, once a term by the equalities committee, and annually by governors. The college is now planning to embed the process within its general self-assessment cycle.

- **How does the college elicit comprehensive feedback from all disabled learners?**
- **Does the MIS system record the recruitment and success of learners, by disability?**

- **Does it monitor combined factors, such as disability and ethnicity?**
- **Are governors satisfied that the college is responding to identified weaknesses in provision for disabled learners?**

The DDA duties are anticipatory and it is important to respond, in advance, to learner requirements, such as producing marketing materials in alternative formats, and ensuring that teaching notes are available to learners in advance of the teaching session.

- **Have governors satisfied themselves that the organisation is anticipating the requirements of disabled learners?**

Approving plans and policies

Planning processes will focus on LSC/DfES targets, but it is important that legal duties to disabled learners are not neglected. The college's development plan should clearly articulate the vision for inclusive provision and the strategy for implementing DDA. It should seek to improve, on a continual basis, the experiences of learners with disabilities and learning difficulties.

- **Does the development plan clearly identify the organisational vision for implementing DDA?**
- **Are clear targets for disability equality made explicit within this plan?**
- **How do partnership arrangements shape a vision for current and future provision in the locality?**

Many organisations are producing new or revised policies on disclosure, confidentiality, inclusive risk assessment and mental health.

- **Have you approved new policies such as the above?**
- **How do you ensure all relevant policies, procedures and practice are rigorously assessed in the light of DDA?**

Colleges must produce a disability statement. Many colleges use this as an effective marketing and communication tool to welcome disabled students and provide information about what the college offers, sources of support and named staff with specific responsibilities. This booklet may have a different title, such as *Support for you*.

- **Have governors approved the college's disability statement?**
- **Is it written in learner-friendly language? Is it easy to understand? Is it illustrated with photographs?**
- **Is it widely available?**

Improving accessibility

DDA audits serve as a management tool to plan and prioritise action, and could provide invaluable evidence if a case of alleged discrimination were brought against the college. All aspects of the organisation need to be included in the audit.

Policies, procedures and practice

Examples are disciplinary, complaints and admissions procedures, interview paperwork and enrolment forms. One enrolment form contained this statement:

I declare that I have answered the above questions honestly and fully and that I am not otherwise aware of any physical or mental disability which will, or may, affect my working capacity. I realise that any false or incomplete statement could result in my being asked to withdraw from the course.

Such statements breach learners' rights to confidentiality, damage their perception of the organisation and may deter them from enrolling.

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Provision

Many colleges focus on meeting the needs of learners with learning difficulties, physical and sensory disabilities, and dyslexia. However, fewer focus on learners with disabilities such as mental health difficulties, profound and complex learning difficulties, autistic spectrum disorders, medical conditions that affect learning, and challenging behaviour.

For example:

There needs to be an awareness of people with mental health difficulties and how difficult it can be for them in a classroom environment ... There was a couple of exercises in my first class where we had to go to the front and use the blackboard, and I couldn't do any of those things and I'd be dreading it more and more ... The tutor who I got one-to-one support with, she gave me a lot of encouragement ... she taught me to believe in my own abilities.

Premises

Since October 2004, DDA has required colleges to ensure the accessibility of premises that are open to the public, and of all other premises by September 2005. Guidance on successive rounds of capital funding and on auditing of premises has been circulated by LSC and is available on its website.

- **Has the college carried out a robust access audit including outreach and satellite provision?**
- **Has the college an action plan to ensure that policies, procedures and practice are rigorously assessed in the light of DDA?**
- **Are governors regularly monitoring progress against this action plan?**
- **Have college policies been updated to reflect DDA requirements and audit activities, and submitted to governors for approval?**

It is important that governors are aware of their responsibilities under DDA; that they satisfy themselves that the college has robust plans in place to ensure effective implementation of DDA; and that they support senior managers in ensuring continual improvement in learners' experience.

- **Have governors ensured that sufficient resources are available for the effective and ongoing implementation of DDA?**
- **For example, do financial plans ensure continual improvement in accessibility – not just in premises, but in all practice across the college?**

For further information including other briefings in this series contact LSDA (www.LSDA.org.uk) or these organisations:

Disability Rights Commission
(www.drc-gb.org)
Helpline 0845 762 2633)

Learning and Skills Council
(www.lsc.gov.uk)

NIACE (www.niace.org.uk)

Skill (www.skill.org.uk)

 Disability Rights Commission

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