



## Student Disability Policy

### Mission Statement

We are a Catholic College dedicated to the education and development of the whole person and supporting all students to realise their full potential. As an outstanding learning organisation SJR will have a strong sense of purpose and a commitment to shared values within a Christian community. We will establish a unique, safe and challenging environment where every individual is valued, talents are recognised and nurtured, achievements are celebrated and dedication is rewarded. To achieve this as a community we will:

- Welcome all students who are happy to be educated within a Christian environment
- Value the uniqueness and dignity of each individual
- Deliver the highest standards of teaching and learning
- All show a commitment to our work, to the Christian values of the College and to the safety of all in our community
- Provide equality of opportunity, with mutual respect and positive encouragement
- Build and further develop local, national and international partnerships

Core values in daily life at St John Rigby College are expressed as:

- Genuine concern for others
- Support for and challenge of one another
- High standards and expectations
- Consistency and perseverance
- Recognition of talents, progress and achievements.

St John Rigby College is committed to the principles of inclusion and equal opportunities. This document describes St John Rigby College's policy for supporting students with disabilities within the context of the Equality and Diversity Policy.

### Legal Context

The Equality Act 2010 harmonises, consolidates and replaces previous legislation, consolidating equality legislation with respect to nine protected characteristics, including disability. The Act sets out the types of discrimination, which in the context of disability include direct and indirect discrimination, discrimination arising from disability, harassment, victimisation and failing to make a reasonable adjustment.

Further information on College's duties under the Equality Act 2010 relating to all protected characteristics is available in the Equality and Diversity Policy.

### Definitions

**Disability** is defined as a physical or mental impairment that has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. Long term means it has lasted for at least 12 months, it is likely to last at least 12 months, or it is likely to last for the rest of the life of the person. Also covered by the definition are people with a severe disfigurement; HIV infection, cancer or multiple sclerosis. Additionally, people who have had a disability in the past are covered, which may be particularly relevant for people with fluctuating and/or reoccurring impairments.

**Reasonable adjustment** is defined as a decision taken by St John Rigby College to allow students non-standard

arrangements in relation to their experience at College. Adjustments will be made within the parameters of the following factors:

- The nature of student circumstances and needs following consultation with the student and examination of available evidence and relevant assessments;
- The nature of the academic programme of study including the existence of competence or fitness to train/practice standards set by the College or applied by the College on behalf of or recommended by a professional, statutory or regulatory body;
- The likely effectiveness of the adjustment in removing the disadvantage;
- The practicality of the adjustment, taking account of: disruption, health and safety issues, the reasonable expectations of others and external factors (for example, factors in relation to student placements);
- The costs, including the availability of external funding sources to assist in the adjustment;
- Legal precedent.

### **Principles of the Student Disability Policy**

- St John Rigby College acknowledges that the disadvantage and exclusion faced by many disabled people is not an inevitable result of an impairment or health condition but can arise from environmental, social and attitudinal barriers and institutional practices.
  - St John Rigby College will not discriminate against disabled students by subjecting them to 'less favourable treatment'.
  - St John Rigby College will, as far as possible through reasonable adjustments, change practices or environments to remove any disabling effects or barriers to participation, in order that disabled students can fully participate in the education, facilities and services provided by the College. This may include triggering the College's Support to Study Policy.
  - St John Rigby College will endeavour to be anticipatory in making reasonable adjustments and in taking proportionate steps to overcome barriers which potentially impede or disadvantage people with disabilities.
  - St John Rigby College will promote a culture of positive attitudes towards disability and endeavour to increase disclosure of disability, as greater disclosure will help the College improve support for disabled students.
- **Policy Application**
    - This policy applies to all disabled students.

### **Policy Implementation**

- The Student Disability Policy will be available on the Student Intranet.
- Staff will be informed about the Policy and its implementation through:
  - The Learning Support Handbook for staff which incorporates this policy and briefings and advice from the **Vice Principal - Students** or the Learning Support Manager.
  - Staff briefings, staff meetings, Head of Department meetings.
  - Departmental meetings of the Learning Support Team.
- Students and their families will be informed about the Policy through:
  - Specialist advice from the Vice Principal - Students and the Learning Support Manager and other additional support specialists in the College at any point of contact.
  - Publication of this Policy on the College website.

### **Responsibilities arising from the Policy**

- All staff and students of St John Rigby College have a personal responsibility to adhere to and to apply this policy in their dealings with others, both internal and external to the College.
- St John Rigby College expects all staff to be aware of this policy and the related legislation, and to treat disabled people in accordance with this policy.

- Any staff member or student in breach of this policy may be personally liable for their actions and may be subject to College disciplinary processes defined by other College policies.
- Students, or their parents/**carers** on behalf of them, are responsible for disclosing their disability to the College.
- Students have the right not to disclose a disability or to request that the existence or nature of their disability be treated as strictly confidential and therefore not shared with relevant staff across the College. Requests for strict confidentiality may mean that a less satisfactory adjustment is provided or that no adjustment can be provided.
- Where a disability impacts upon professional fitness to train/practice standards, students are personally responsible for disclosing relevant information about their disability/disabilities or medical condition(s) in line with professional accreditation requirements.
- Students are encouraged to disclose their disability/disabilities and to discuss their support needs as early as possible with the additional learning support specialists to enable reasonable adjustments to be implemented.
- The College will manage the process of information sharing and will treat all personal data in accordance with the **Data Protection Act (2018)**; access to disability-related information will be provided on a need to know basis only, in order for reasonable adjustments to be implemented. Where a student is on a placement as part of their programme, relevant information may be shared with the consent of the student to ensure reasonable adjustments will be provided at the host institution / organisation and to ensure no disadvantage is experienced by students engaged on placements.
- Students will have their support adjustments reviewed and students may request any review of implemented reasonable adjustments, if such adjustments are not proving to be effective in meeting their entitlements.
- The College cannot be held liable for not implementing reasonable adjustments retrospectively (i.e. prior to disclosure of disability).

## Disability Policy - Frequently Asked Questions (FAQs)

### How do I know if my condition is considered to be a disability?

The important factor in determining whether something is a disability is whether the impairment resulting from the condition has an **effect** on your ability to carry out normal day-to-day activities and the extent and timescale of this effect. In general you would be considered to have a disability if you have an impairment that is either physical or mental, your impairment has adverse effects which are 'substantial' and the substantial effects are long-term.

### What counts as a 'substantial' adverse effect on my ability to undertake an activity / activities?

A substantial effect is one that is greater than the effect which would be produced by the sort of physical and mental conditions experienced by many people, which result in only minor or trivial effects. A substantial effect is likely to impact upon the length of time it takes to undertake an activity and/or the way it is undertaken. In some cases a substantial effect may be the result of a combination of conditions which alone would only cause a minor effect. People with progressive medical conditions would be defined as disabled even if currently their condition only results in some adverse effects if the adverse effect is likely to become substantial in the future.

### What is defined as a long-term effect?

A long-term effect of an impairment is one:

- which has lasted at least 12 months; or
- where the total period for which it lasts, from the time of the first onset, is likely to be at least 12 months; or
- which is likely to last for the rest of the life of the person affected.

### What is a normal day-to-day activity?

In general, day-to-day activities are things that people do on a regular or daily basis (e.g. shopping, reading and writing, having a conversation or using the telephone, getting washed and dressed, preparing and eating food, walking and travelling by various forms of transport, taking part in social activities etc.). It is not intended to include activities which are normal only for a specific person or small group of people. However, this does not mean that an activity must be carried out by the majority of people as some activities may be carried out only, or more predominantly, by people of a particular gender. Therefore while such activities are not normal for most people they would still be considered to be normal day-to-day activities.

### What sorts of impairments are classified as disabilities?

It isn't possible to give a definitive list of impairments. The important factor to consider is whether the impairment has an **effect** on the ability to carry out normal day-to-day activities and the extent and timescale of this effect. A disability can arise from a wide range of impairments which can be:

- Sensory impairments such as those affecting sight or hearing.
- Developmental conditions such as neurodiversity disorders inc. autism, ADHD etc.
- Specific Learning Disabilities (SpLDs) such as dyslexia, dyspraxia, dyscalculia and dysgraphia.
- Mental health conditions and illnesses, such as depression, schizophrenia, eating disorders, bipolar affective disorders, obsessive compulsive disorders (OCD), as well as personality disorders and some self-harming behaviour
- Fluctuating or recurring conditions such as rheumatoid arthritis, myalgic encephalitis (ME)/chronic fatigue syndrome (CFS), fibromyalgia, depression and epilepsy
- Progressive conditions such as motor neurone disease, muscular dystrophy, forms of dementia and lupus (SLE).
- Organ specific conditions, including respiratory conditions (e.g. asthma) and cardiovascular diseases including thrombosis, stroke and heart disease
- Produced by body or brain injury.

**I have hayfever which has an adverse effect on me during the summer, is this considered to be a disability?**

Hayfever (seasonal allergic rhinitis) is not considered to be a disability unless it aggravates the effect of another condition.

**I have depression but I'm taking medication and receiving help from the counselling service so do I have a disability?**

If you have depression which has a substantial adverse effect on carrying out normal day-to-day activities then you would be considered to have a disability. Even if the effects may seem minor in isolation (e.g. you find it difficult to get up in the morning), several minor effects can have a substantial cumulative effect. The effects of the condition are considered by reference to what they would be if you were not taking medication or receiving counselling.

**I wear spectacles so do I have a disability?**

If your sight impairment is capable of correction by spectacles or contact lenses then you would not be considered to have a disability unless any adverse effects from the visual impairment remain after correction. If you use any other devices to correct your vision other than spectacles or contact lenses, then you may be considered to have a disability.

**I have a substance addiction so does this mean I have a disability?**

Addiction to, or dependency on, alcohol, nicotine, or any other substance (other than in consequence of the substance being medically prescribed) would not be classified as a disability.

**If I disclose a disability to College who will be told about my disability?**

Access to disability-related information will be provided on a need to know basis only in accordance with the **Data Protection Act (2018)**, in order for reasonable adjustments to be implemented. The Additional Learning Support specialists will co-ordinate the implementation of reasonable adjustments. They may share information with your academic department in order to allow them to implement specific adjustments to enable you to study. The library may be informed if specific library-related support is recommended. The Examinations Officer may be informed where exam adjustments are required and other College staff, such as the First Aid co-ordinator or the Central Services Manager may be informed for health and safety reasons. Information will only be shared with placements or other external institutions where the student has given permission.

**What if I don't want to tell anyone at the College that I have a disability?**

You have the right not to disclose your disability or to request that the existence or nature of your disability be treated as strictly confidential and therefore not shared with relevant staff across the College. However if your disability impacts upon professional fitness to train/practice standards, you are personally responsible for disclosing relevant information about your disability in line with professional accreditation requirements. St John Rigby College promotes disclosure of disability as disclosure enables the College to best support disabled students; requests for strict confidentiality may mean that a less satisfactory adjustment is provided or that no adjustment can be provided.

**I didn't know I had dyslexia until a recent diagnosis as a 2nd year student so I have only just disclosed my disability to the College. Does this mean I can request to have all of my previously assessed work (prior to my diagnosis) re-marked?**

As a student you are responsible for disclosing your disability to the College and the College cannot implement reasonable adjustments retrospectively (i.e. prior to disclosure or diagnosis of disability). From the point of disclosure onwards the College will, as far as possible through reasonable adjustments, change practices or environments to remove any disabling effects or barriers to participation, in order that you can fully participate in the education, facilities and services provided by the College.

### **What are reasonable adjustments? I'm dyslexic, so what reasonable adjustments will be made for me?**

A reasonable adjustment is any action that helps to reduce the effect of an impairment, which places a learner at a substantial disadvantage. Reasonable adjustments must not affect the validity or reliability of assessment outcomes nor must they give the learner an unfair academic advantage over other learners. Reasonable adjustments must not impact on any competence standards and must be permissible and practical for the particular circumstances in which they are implemented. As a result the same adjustments may not always be allowed or possible to implement in all situations. The College do not set specific reasonable adjustments for students with particular disabilities such as dyslexia. All reasonable adjustments will be considered on a case by case basis taking into account a variety of factors as outlined in the Disability Policy.

### **How do I find out what reasonable adjustments can be made for my disability?**

The first point of contact is the additional learning support specialists. You should make an appointment with a specialist to discuss the impact of your disability and the options available to you in terms of reasonable adjustments and support. If you haven't done so already you will need to provide some medical evidence or relevant documentation which confirms your condition and/or explains the impact of your condition on your everyday activities and functioning. To make an appointment with a specialist go to the Learning Services desk in the Open Learning Centre tel: 01942 214797 ext 309.

#### **Related Policies:**

- Equality and Diversity Policy
- Examinations Policy
- SEMH Policy
- Support to Study Policy