



To:

Higher Education Institutions in Wales providing designated Higher Education courses
Further Education Institutions in Wales providing designated Higher Education courses
Private Institutions providing designated Higher Education courses for Welsh students
The Student Loans Company
UCAS
The Open University in Wales
Student Finance Wales Stakeholder Group
NUS Wales
Higher Education Funding Council for Wales
Universities Wales
Disability Wales
British Assistive Technology Association
Independent Assessments Centres in Wales
Disabled Students Stakeholder Group Members
Equality and Human Rights Commission in Wales

25 March 2015

Dear Colleague

HIGHER EDUCATION STUDENT SUPPORT – PROPOSED CHANGES TO THE WELSH DISABLED STUDENTS’ ALLOWANCES POLICY FOR ACADEMIC YEAR 2016/17

The Equality Act 2010 places a duty on educational institutions to make ‘reasonable adjustments’, which can include:

- making changes to a rule, requirement or practice
- making changes to buildings or premises
- providing equipment that will help.

To date, the provision of individual DSAs may have removed the need for reasonable adjustments in some cases. We are proposing that DSAs funding should no longer be available to students where a reasonable adjustment is expected to be made.

Student Finance England

In a written ministerial statement on the 7 April 2014, David Willetts, Minister for Universities and Science, set out proposals to change DSAs paid to English-domiciled students studying at English, Welsh, Scottish and Northern Irish higher education institutions. Following engagement with stakeholders over the summer, Greg Clark, the

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new Minister for Universities and Science, set out changes to DSAs in a [written ministerial statement](#) on 12 September 2014. A stakeholder communication was released on 11 March 2015 confirming further details regarding the policy changes.

The following changes will be implemented by Student Finance England from the start of academic year (AY) 2015/16 and will apply to all full-time, part-time and postgraduate students (including distance learning), applying for DSAs for the first time in respect of an academic year beginning on or after 1 September 2015:

- (i) DSAs will no longer pay for higher specification and/or higher cost computers simply because of the way in which a course is delivered. These will continue to be available where a student needs one solely by virtue of their disability. Eligible disabled students will be expected to meet the first £200 of the cost of a computer (introduced for 2015/16 in the Education (Student Support) (Amendment) Regulations 2014).
- (ii) Only DSA-QAG registered or accredited assessment centres and assistive technology service providers can provide DSA-funded study needs assessments or assistive technology services.

It is also proposed that from AY 2016/17:

- (i) Additional items such as printers, scanners, consumables and books will no longer be routinely funded through DSAs.
- (ii) Where specialist student accommodation is provided by the institution or its agent any additional costs will be met by the institution, not by DSAs. This does not apply to privately rented accommodation.
- (iii) Disabled students will no longer receive DSAs funding for some non-medical support such as note-taking, transcription, or library or workshop support, with UK higher education institutions expected to deliver their courses in accessible ways. English-domiciled students with more specialised support needs will continue to receive DSAs funding. Where these difficulties are mild, HEIs will be expected to play a role in supporting students as part of their duties to provide reasonable adjustments under the Equality Act. There will be further stakeholder engagement during 2015 in relation to these changes.

An Exceptional Case Process will be established.

Further guidance on the proposed policy changes in England is available here www.practitioners.slc.co.uk/dsas-updates-for-practitioners.

Student Finance Wales

For Welsh-domiciled students, DSAs are part of the statutory student support package provided by the Welsh Government via Student Finance Wales (SFW). In Wales in 2012/13 around £9.2m of DSAs were allocated to 3,729 Welsh students towards a range of support, including the provision of support workers, the purchase of computers and specialised equipment and assistance with travel costs. In AY 2012/13 (the latest figures available) there were 12,270 disabled students studying at publicly funded institutions in Wales. Of these, 6,925 were from Wales and 4,745 were from England. There were also 1,300 Welsh domiciled students studying OU courses.

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Following the announcement in England, the DSAs policy in Wales is being reviewed to ensure that DSAs funding is being targeted effectively. The Welsh Government agrees there is an overlap between the specific duty placed on institutions to make reasonable adjustments under the Equality Act 2010 and the funding provided on an individual basis through DSAs.

The proposed Student Finance Wales policy changes are detailed in the Annex below.

Attached to this letter is a response proforma for stakeholders to complete.

Please share this document with your members and any other organisations you feel would have an interest.

ENQUIRIES

If you have any queries about this Information Notice, please contact the Higher Education Division, Welsh Government at HEDConsultationsMailbox@wales.gsi.gov.uk

Overview In April 2014 the UK Government announced proposals to introduce changes to the Disabled Students' Allowances (DSAs) available to students domiciled in England from academic year 2015/16. The changes will require universities to review current support arrangements.

This engagement exercise seeks views on proposed policy changes to the Disabled Students' Allowances (DSAs) policy in Wales.

Audience Higher Education Institutions; Further Education Institutions; National Union of Students; Student Loans Company; the Open University in Wales; other interested parties.

How to respond Any comments which stakeholders might have on the proposals should be sent to the Welsh Government by **30 June 2015**. Comments should be made on the response sheet that accompanies this letter and be e-mailed to the address below: HEDConsultationsMailbox@wales.gsi.gov.uk.

Further information and related documents **Large print, Braille and alternate language versions of this document and the Response Form are available on request.**

A copy of this SFWIN and Response Form can also be found on the following website: www.studentfinancewales.co.uk

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Contact Details Further information about this engagement exercise can be obtained by e-mailing HEDConsultationsMailbox@wales.gsi.gov.uk or by writing to:

Higher Education Division, Welsh Government, Cathays Park,
Cardiff, CF10 3NQ

Data Protection

How the views and information you give us will be used:

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this engagement exercise is about. It may also be seen by other Welsh Government staff to help them plan future engagement exercises.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the engagement exercise was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though this is unlikely to happen often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would contact the person and ask their views before deciding whether or not to reveal the information.

Annex

Summary of proposed changes to support provided via the Disabled Students' Allowances in Wales

Disabled Students' Allowances (DSAs) are available to cover the additional study-related costs faced by disabled students as a direct result of their disability, long-term health condition, mental health condition or specific learning difficulty. The Education (Student Support) (Wales) Regulations 2015 stipulate that DSAs can be awarded to students who incur additional costs while studying as a direct result of their disability.

If adopted, the changes would apply to all full-time, part-time, and postgraduate students (including distance learning), applying for DSAs for the first time in respect of an academic year beginning on or after 1 September 2016.

1. IT Support

The specialist equipment allowance is being used to purchase basic equipment and standard computer software not required solely because of a student's disability.

What is proposed:

'Entry-level' computers will not be funded by DSAs. Computers and assistive software of a higher specification than 'entry level' would only be funded by DSAs if needed solely because of the student's disability, and not because of the way in which a course is delivered. Eligible students would be expected to make a financial contribution towards the cost of the computer (see question 1 on the response form attached).

Where a computer of higher specification than entry level is identified as a necessity, the Welsh Government would continue to provide DSAs funding, subject to the student contributing towards the computer's cost.

2. IT peripherals and consumables

Universities and colleges should provide alternatives such as printing services and books and journals in electronic format under their duty to make reasonable adjustments under the Equality Act 2010.

What is proposed:

IT peripherals and consumables will only be available in limited circumstances. Guidance will set out when DSAs funding will be made available for students in respect of expenditure on IT peripherals and other consumables (such as printers and ink cartridges).

3. Accommodation

The Equality Act places a specific duty on institutions to make reasonable adjustments, including providing appropriate accommodation, to ensure that disabled students are not substantially disadvantaged. These duties extend to organisations that act as an 'agent' of the institution, including a private accommodation provider under contract with

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an institution. Once a reasonable adjustment is made, the cost of provision cannot be passed onto the student.

What is proposed:

DSAs funding will remain available in limited circumstances only. For disabled students who apply for DSAs for the first time in AY 2016/17, DSAs funding will not be available towards the additional costs of specialist accommodation where the accommodation is:

- owned or supplied by the institution or by any organisation acting as an 'agent' of the institution, including a private accommodation provider under contract with an institution;
- covered by a local authority Care/Pathway Plan. The local authority will continue to fund the provision of accommodation.

DSAs will remain available to assist students with the additional cost of specialist accommodation, incurred due to a disability, where the accommodation is privately rented provided by a landlord and not covered in the above examples.

The cost of the accommodation will be compared to other non-specialist accommodation in the same locality to determine the reasonable additional cost. Where the student has opted for en-suite accommodation in a unit where all the accommodation is en-suite and available to all students, then no additional funding will be provided. Other exceptions will be considered under the Exceptional Case Process.

Guidance will clarify the support that is expected to be provided by universities and colleges under their duty to make reasonable adjustments under the Equality Act 2010.

4. Non-medical Help

Universities and colleges are required to make reasonable adjustments under the Equality Act 2010 in relation to any elements of a course which place a disabled student at a substantial disadvantage compared to a non-disabled student.

What is proposed:

From AY 2016/17 eligible disabled students will no longer receive DSAs funding for some non-medical support such as note-taking, transcription, or library or workshop support, with UK higher education institutions expected to deliver their courses in accessible ways. Disabled students with more specialised support needs will continue to receive DSAs funding.

Students with Specific Learning Difficulties will continue to receive support through DSAs where their support needs are considered to be more complex. Where the impact of their difficulties on their study is more straightforward, higher education institutions are expected to support students as part of their duties to provide reasonable adjustments under the Equality Act.

5. Needs Assessments Fees

The fees charged vary from centre to centre, with most ranging between £500 and £780 and one centre charging £954.

What is proposed:

As the fees are paid from public funding, we are considering whether a cap should be applied to control the fees being charged and to ensure the service provides value for money.

6. Needs Assessment Process

Practitioners and students have raised concerns with the length of the process as it can take over 3 months from the initial application to the support being in place.

What is proposed:

We are seeking views on how the needs assessment stage of the application process can be streamlined. We are considering whether, where cases are straightforward, Disability Officers at universities should get involved in the process at an earlier stage to identify where reasonable adjustments can be implemented quickly.

7. Registration of assessors and providers:

Currently, the Education (Student Support) (Wales) Regulations 2015 do not stipulate how a disabled student's need for DSAs support should be assessed or who should undertake such an assessment.

What is proposed:

It is intended that guidance from AY 2016/17 will include provision that DSAs should only be paid out on the basis of a study needs assessment carried out by an approved body, and in respect of expenditure on assistive technology equipment provided by an approved supplier.

It is currently intended that the Disabled Students' Allowances Quality Assurance Group (DSA-QAG) will carry out audits of providers and suppliers to ensure that public funds are being managed effectively and appropriately.

8. Exceptional Case Process

It is recognised that in some rare cases it may be unclear whether it is reasonable to expect an institution to provide an adjustment for the disabled student or whether the support required should be considered under DSAs.

What is proposed:

An Exceptional Case Process will be established to enable Student Finance Wales to consider, in conjunction with the Welsh Government, where funding through DSAs can be provided as a temporary measure or whether an exception should be made, taking into account all the circumstances of the case. This process is expected to be used in limited circumstances. Independent expert advice may be sought.