



## Disability Policy 2023-24

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05	Bullying and Harassment Policy		
11	Equal Opportunities and Diversity Policy		
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# Disability Policy 2023-24

## Part 1. POLICY STATEMENT

### 1. Introduction

The College's values are being relational and missional; committed to diversity, excellence, and service. At ForMission College, we are continually working for excellence in developing and implementing good practice in equality and diversity. We believe that excellence will be achieved through recognising the value of every individual. In accordance with Equality Legislation we are committed to promoting equality for disabled students, staff and visitors, and to working proactively to eliminate all forms of discrimination, so that people with disabilities are fully able to participate in the life and work of the institution.

Following the approach of our collaborative partner, Newman University, in accordance with the Social Model of Disability (Oliver 1983), we will seek to identify and remove barriers which prevent full participation by disabled people, in any aspect of College life, prior to admission through to graduation and alumni, and in all aspects of staff application and employment. Our commitment to disability equality is supported by the College's Equality and Diversity Policy, which makes specific reference to disabled students and staff and provides that no student, job applicant or employee will receive less favourable treatment than another on the grounds of a protected characteristic.

### 2. Definition

For the purpose of this policy the following definition of a disabled person will apply, as set out in the Equality Act (2010): 'A disabled person is someone who has a physical or mental impairment which has an effect on his or her ability to carry out normal day-to-day activities. That effect must be:

- Substantial (that is, more than minor or trivial), and
- Adverse, and
- Long-term (that is, it has or is likely to last for at least a year or the rest of the life of the person affected).'

Physical or mental impairment includes hidden impairments such as mental illness, dyslexia, diabetes and epilepsy. A person with HIV, cancer or multiple sclerosis is automatically treated as disabled under the Act from the point of diagnosis.

### 3. DIIF Disability Inclusion Principles

The Disability Inclusion Framework (DIIF) is a framework to support higher education in enhancing Disability Inclusion. The DIIF shows how ForMission emphasises an integrated approach to student and staff disability inclusion. ForMission acknowledges individual differences in learning, and how students make sense of information.

The following DIIF Disability Inclusion Principles<sup>1</sup> are used to explore the ways in which disability is understood at ForMission.

1. Acknowledgement that disability is personal; experiences of disability are not universal (Pfeifer et al., 2021).
2. Awareness of disability as interactional, i.e., recognising the very real and profound impacts of impairments on an individual, and the responsibility of organisations such as ForMission to recognise and address barriers to inclusion (Shakespeare, 2014).
3. Intersectional understandings of disability, recognising that disability intersects with race, ethnicity and nationality, gender, sexuality, social class, and a whole host of individual and contextual variables (Comeaux et al., 2021; Ehlinger, & Ropers, 2020).
4. An anticipatory and intentional approach to disability inclusion whereby ForMission work to embed disability inclusion in all structures and processes (DSUK, 2022; L'Ecuyer, 2019).
5. Emphasis on the holist needs of students and staff with disabilities to include social and relational and academic dimensions (Merchant et al., 2020).
6. The need for shared responsibility (Hill et al., 2020). Recognition of the importance of partnership between students and staff with disabilities (SSWD), to support how ForMission enable students and staff with disabilities to use their skillsets to best effect as part of a shared advocacy model (Cox et al., 2021; Devar et al., 2020; Hewett et al., 2021).

#### **4. Inclusive Practice**

Current government policy expects that institutions should meet the majority of students' needs through inclusive practice and anticipatory arrangements and not by individual reasonable adjustments, although this will still be necessary in some cases.

The College will seek to develop an inclusive environment for disabled staff, students and visitors, by regularly reviewing its policies, practices and procedures and anticipating adjustments and arrangements that will help to make its physical environment and services more accessible and inclusive to all. College curriculum and related materials will endeavour to address and meet the needs of equal opportunities and access.

##### **4.1 Reasonable Adjustments**

Where it is not possible to be fully inclusive, ForMission College aims to support disabled students and staff by making reasonable adjustments wherever practicable to do so, to prevent any disadvantage. Under the Equality Act 2010 people caring for a disabled child, partner or dependent are also protected from discrimination and reasonable adjustments will also be considered in these circumstances.

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<sup>1</sup> *Disability inclusion* (2023) *Inclusive he*. Available at: <https://inclusivehe.org/disability-inclusion/> (Accessed: 25 July 2023).

Although a disabled person will be asked to indicate the types of adjustment that may be helpful, what constitutes a reasonable adjustment is ultimately a managerial decision and will be made within the parameters of the following factors:

- The effectiveness of the adjustment in preventing any disadvantage
- What is practicable, taking account of the financial and other costs of the adjustment and the extent of any disruption caused
- The extent of the College's financial or other resources
- The availability to the College of financial or other assistance to help make an adjustment
- Legal precedent and developing case law.

## **5. Responsibilities**

The College Board of Trustees has overall responsibility for ensuring that ForMission College complies with the requirements of disability legislation, as incorporated into the Equality Act 2010, including the general duty to have due regard to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between disabled people and nondisabled people.
- Foster good relations between disabled people and those with other protected characteristics under the Equality Act 2010.

The College Senior Management Team will take a leadership role in promoting the principles of equality for disabled people, ensuring that the institution is committed to achieving more than the minimum standards required by law. It will uphold the principles of regular review and improvement through promoting impact assessment processes. It will identify institutional barriers to full inclusion of disabled people and develop strategies to address them, in consultation with disabled students and staff.

The College Board of Trustees receives regular reports in relation to staff employment and promotion, and to student retention and progression. It is responsible for monitoring the effectiveness of equality and diversity policies in promoting equality of opportunity for disabled people and those with other protected characteristics.

The Professional Services Manager is responsible for monitoring recruitment and employment, and development policies, as they affect disabled staff.

Programme Directors and Hub Leaders are responsible for ensuring that their service/subject is accessible to disabled staff, students, staff or visitors (as applicable) and that where necessary and practicable, reasonable adjustments are put in place. They are responsible for regularly reviewing their own services and ensuring that new policies, procedures and activities introduced do not discriminate against disabled people and to ensure that their own services are free from all forms of discrimination.

The College's Disability Lead is responsible for promoting inclusive practice and coordinating arrangements throughout the college, in relation to disabled students.

## **6. Confidentiality and Data Protection**

Information relating to an individual's health issues or disability (as defined under the Equality Act 2010), is regarded as personal sensitive information under the Data Protection Act. Any information of this nature disclosed to a staff member is confidential and must only be used and stored for the purposes for which it was intended.

When a student or staff member discloses a disability or health issue the person receiving that disclosure should have an initial conversation to establish whether any reasonable adjustments can be made, and encourage them to seek further support, signposting them to the relevant services. This may of necessity involve liaising with other Hub and Head Office, including the individual's manager, or College Disability Lead. Before this can be done the individual's permission must be obtained. If an individual wishes information to remain confidential between themselves and the person to whom the disclosure has been made, they may do so on the understanding that this may restrict the ability to make appropriate arrangements. A record of this should be kept.

## **7. Dealing with Discrimination**

ForMission College is committed to creating and sustaining a positive and mutually supportive working environment for staff and an excellent teaching and learning experience for students, where individuals are equally valued and respected. Any form of bullying, harassment, victimisation or discrimination of any individual will not be tolerated and any allegations will be taken seriously and dealt with appropriately in line with the College's Student Harassment and Bullying Policy, or the Staff Handbook. For appropriate definitions, please see appendix 1.

## **8. Students and Staff with Caring Responsibilities for a Disabled Person**

The Equality Act (2010) also gives protection to people with a caring responsibility for a disabled dependent. ForMission College will uphold this principle and seek to ensure that students or staff who have caring responsibilities of this nature are not discriminated against, either directly through the application of particular practices or procedures, or indirectly.

## **9. Representation**

In seeking representation on College committees, boards and panels, particular effort will be made to include representatives with different protected characteristics under the Equality Act (2010) and other under-represented groups. Consultative processes, such as the Board of Studies, and other processes will encourage disabled students and staff to stand for nomination and to influence practice.

## **10. Monitoring and Review**

The Senior Management Team is responsible for monitoring the implementation and development of this policy. The timescale for review is given on the cover page of this policy.

## **Part 2: Disability Guidelines for students and staff**

### **1. Disabled Students**

#### **1.1 Access, Admissions and Interviews**

ForMission College holds regular open days and applicant visit days. Prospective students are invited to state whether they or those attending with them will require any particular arrangements to be made, so that reasonable adjustments can be put in place prior to the visit.

Disabled students have the right to equal access to courses and facilities provided by ForMission College and its Partners and are selected on the same academic criteria as other candidates. All relevant factors are taken into consideration when assessing an application. Adjustment may be made where it can be shown that a disabled applicant will be capable of meeting the programme's learning outcomes.

The College prospectus refers to the Disability Policy and encourages prospective disabled students to contact the Disability Lead, Programme Director, or Pathway Leader, to discuss particular requirements regarding access to teaching, study materials and hub facilities. On application, students disclosing a health issue or disability are sent a questionnaire to assess any adjustments or arrangements they may require.

Admission requires students to attend an interview and/or undergo certain selection tests. On being invited to attend for interview or selection, students are asked if they need any particular arrangements to be made.

#### **1.2 Learning and Teaching**

ForMission's programmes are validated by Newman University. An inclusive practice checklist has been incorporated into the paperwork for validation/re-validation of programmes, was completed before paperwork for validation/re-validation and was formally approved by the validation panel as part of its considerations. A range of delivery methods are used across subjects, with extensive use of Moodle, our virtual learning environment, to make delivery more interactive and accessible.

The use of Moodle enables academic staff to make notes and hand-outs of sessions available to students in advance of lectures and all academic staff are asked to do this as a matter of good practice.

In addition, students with disabilities or health issues may need individual arrangements or reasonable adjustments to be made. Subject to the agreement by the individual student,

the Disability Lead notifies programme, and or Hub Leaders, of the necessary support requirements so that appropriate arrangements can be put in place.

### **1.3 Examinations and Assessments**

All modules have a range of assessment methods. Reasonable adjustments or alternative assessment arrangements are considered for disabled students who would otherwise have difficulty meeting particular assessment criteria. Adjustments and alternative arrangements are agreed in discussion with the Programme Director.

Reasonable adjustments may include:

- Extra time for presentations
- Allocating students a 'room alone' for presentations
- Alternative assignments being provided for students

Non-assessment reasonable adjustment may include the following:

- If students are financially supported by the DSA, we are able to print resources on coloured paper where required.
- For residentials, access and room alone and dietary requirements may also be considered
- **1.4 Support for Students at Work-based Learning**

Where a student is doing work-based learning as part of their degree programme, relevant information may be shared with the work-based learning provider, with the consent of the student, to ensure reasonable adjustments will be considered by the host organisation, to ensure no disadvantage is experienced by disabled students during work-based learning. Students arranging their own work-based learning are encouraged to disclose their needs to their prospective work-based learning provider in order for any reasonable adjustments to be considered. Where necessary the Disability Lead, or Pathway Leader, will assist students in negotiating appropriate arrangements with the work-based learning provider. The ability for the work-based learning provider to make suitable adjustments may be affected by various factors including cost and practicality, health and safety considerations, the need to maintain professional and academic standards, and considerations involving risk to children within a school environment or other similar setting. In certain situations, where work-based learning may pose issues of health and safety, it may be necessary for a risk assessment to be carried out before the student attends their work-based learning. This would normally be carried out by the work-based learning supervisor and student together, with advice from the College's Health and Safety Lead and Disability Lead.

### **1.5 E-learning, Information Technology, Library and Resources**

For Mission College is committed to making its website, Moodle, and all resources accessible to staff and students. Increasingly resources are available as e-books or on-line journals, and in many cases can be accessed audibly as well as on-screen.

### **1.6 Student Support**

1.6.1 Pathway Leaders can provide workshops and advice sessions on various aspects of academic work.

#### 1.6.2 Disability Lead

The Disability Lead can offer advice and practical support for students with a wide range of disabilities liaising with other college staff and external agencies on behalf of students, giving advice on additional funding, assistive technology and equipment, requesting individual reasonable adjustments and exam arrangements and making provision for support workers such as specialist mentors and BSL interpreters. This includes advice regarding dyslexia.

### **1.7 Financial Assistance for Disabled Students**

The majority of disabled students are eligible to apply for Disabled Students Allowance (DSA), which funds personal assistance and assistive equipment. See <https://www.gov.uk/disabled-students-allowance-dsa> for further information.

### **1.8 The Physical Environment**

ForMission College has multiple hubs. We are continually working to improve access and welcome feedback from students. Some of the hubs have areas which are not wheelchair accessible. Wheelchair users who need to see a tutor are advised to contact their tutor by email and arrangements will be made to meet them in an accessible location.

### **1.9 Award Ceremonies**

All graduates have an entitlement to attend and participate in the College award ceremonies. Venues are wheelchair accessible and arrangements are made for signers or other support arrangements, as necessary.

## **2. Disabled Staff**

ForMission College believes that excellence will be achieved through recognising the value of every individual. We aim to create an environment that respects the diversity of staff and enables them to achieve their full potential, contribute fully, and derive maximum benefit and enjoyment from their time at ForMission. To this end, we seek to operate by principles of equality and inclusion in all aspects of employment, encompassing: application and recruitment processes, employment, induction, staff development and promotion. We seek to develop a working environment which is representative of communities from which it recruits and of our own student population.

### **2.1 Application and Recruitment**

Application and recruitment will be conducted in accordance with ForMission's policies and with current Equality Legislation (Equality Act 2010). Selection criteria will be applied equally to all candidates to ensure that those shortlisted are equally capable of doing the job.

### **2.2 Employment**

Employment policies and procedures are regularly reviewed to ensure that they do not discriminate, directly or indirectly, against disabled people or those with other protected characteristics. Where appropriate reasonable adjustments will be made to the application of employment policies, such as disciplinary and conduct procedures, to ensure they do not impact disproportionately against disabled staff.

### **2.3 Staff Development and Promotion**

Promotion and training opportunities will be advertised to all staff. Disabled staff will have equal access with other staff to opportunities for promotion and staff development.

### **2.4 Selection for Redundancy**

Criteria for selection for redundancy will be applied equally to all staff. In agreeing appropriate criteria, an impact assessment will be carried out to ensure that criteria for selection for redundancy do not discriminate against or impact unfairly or disproportionately on disabled staff.

### **2.5 Training and Awareness Programmes**

Equality training should be an integral part of all staff training arranged by ForMission College's Staff Development and Wellbeing Committee, such as training for recruitment, appraisal, management and supervision. Disability and mental health awareness training is offered as part of staff development.

### **2.6 Adapting Working Practices**

Under the Equality Act 2010 employers are required to anticipate the needs of disabled people and to make reasonable adjustments to the working environment to give disabled employees or potential employees, equal opportunity with other staff. Where an employee discloses a disability or health issue, managers are responsible for asking staff what arrangements they need and for implementing reasonable adjustments, where practicable, within their own work areas. Such adjustments might include:

- An ergonomic chair
- Power assisted equipment
- Assistive software
- Changing hours to make travelling to and from work easier
- Considering different forms of flexible working, such as job share, part time working, use of flexitime, working from home.

Disabled employees may be eligible to apply for the **Access to work** scheme, which is a government assisted scheme which pays for some of the costs of making appropriate arrangements for employees. See <https://www.gov.uk/access-to-work> for further information.

### **2.7 Disclosure**

Employees are strongly encouraged to disclose a disability or health issue. The benefits of this are:

- appropriate reasonable adjustments can be considered
- to provide legal protection against discrimination on the grounds of disability
- disclosure enables us to monitor our employment practices and to ensure that we are becoming more representative and inclusive.

## **Appendix 1**

### **Equality Act 2010 – Terms used**

#### **Protected Characteristics**

These are the grounds upon which discrimination is unlawful. The protected characteristics under the Equality Act 2010 are age, disability, gender reassignment, marriage, civil partnership, pregnancy, maternity, race, religion or belief (including lack of belief), sex and sexual orientation

#### **Direct Discrimination**

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have (see ‘perceptive discrimination’ below) or because they associate with someone who has a protected characteristic (see ‘associative discrimination’ below).

#### **Associative Discrimination**

Associative discrimination applies to race, religion or belief, sexual orientation, age, disability, gender reassignment and sex. It means direct discrimination against someone because they associate with another person with a protected characteristic.

#### **Perceptive Discrimination**

Perceptive discrimination applies to age, race, religion or belief, sexual orientation, disability, gender reassignment and sex. It means direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.

#### **Indirect Discrimination**

This applies to age, race, religion or belief, sex, sexual orientation and marriage and civil partnership, disability and gender reassignment. Indirect discrimination can occur when the College has a condition, rule, policy or practice, that applies to everyone but particularly disadvantages people who share a protected characteristic.

#### **Harassment**

Harassment is unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual’. Harassment applies to all protected characteristics except for pregnancy, maternity, marriage and civil partnership. Employees will be able to complain of behaviour they find offensive – even if it is not directed at them. Employees do not need to possess the relevant characteristic themselves and are also protected from harassment because of perception and association.

### **Third Party Harassment**

This applies to sex, age, disability, gender reassignment, race, religion or belief and sexual orientation. The Equality Act makes the College potentially liable for harassment of employees and students by people (third parties) who are not ForMission College employees or students, such as customers, clients and visitors. The College will only be liable when harassment has occurred on at least two previous occasions, they are aware it has taken place, and have not taken reasonable steps to prevent it from happening again.

### **Victimisation**

Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act, or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

### **Discrimination Arising from Disability**

The Act includes a protection from discrimination arising from disability. A disabled person should not be treated unfavourably because of something connected with their disability (e.g. spelling mistakes due to dyslexia). This is unlawful where the College or other persons acting on behalf of the College knows, or could reasonably be expected to know that the person has a disability. This type of discrimination is only justifiable if the College can show that it is a proportionate means of achieving a legitimate aim.

*This policy was adapted from Newman's University's Disability Policy.*