

Skill Scotland: National Bureau for Students with Disabilities

A Changing Landscape for Tertiary Education and Research in Scotland

Skill Scotland: National Bureau for Students with Disabilities promotes opportunities to empower young people and adults with any kind of disability to realise their potential in post-16 education, training and employment across Scotland. Skill Scotland does this by providing information and advice to students and staff across the lifelong learning sectors, promoting good practice, and influencing policy in partnership with disabled people.

Skill Scotland welcomes the proposed legislation to merge the Scottish Further Education Funding Council (SFEFC) and the Scottish Higher Education Funding Council (SHEFC) and views this an opportunity to ensure that *all* of Scotland's people have the skills, qualifications and learning which they need to pursue personal development and strengthen Scotland's economy.

Disabled people are a largely untapped pool of talent, skills and experience which could be of considerable benefit to the Scottish economy. Disabled people are vastly under-represented in post-school education – only one in twenty disabled people are at college or university, compared to one in ten of the rest of the population. 34% of disabled people of working age have no qualifications compared to 11% of the non-disabled population. Particularly due to an ageing and decreasing population, Scotland can no longer afford to exclude disabled people from developing the skills and gaining the qualifications necessary to build the Scottish economy and society.

The merger of the funding councils is an opportunity to make the inclusion of disabled people an integral part of lifelong learning. Tertiary education should not be designed around a 'one size fits all' approach but upon the diversity of individual learners, recognising that some individuals have additional needs. Such an approach reflects a number of Scottish Executive policy developments: the Beattie Committee report; the Education (Additional Support for Learning) (Scotland) Act; implementation of the Disability Discrimination Act Part IV; and 'Life Through Learning: Learning Through Life', the Lifelong Learning Strategy for Scotland. In addition, such an approach reflects the broad definition of equal opportunities within The Scotland Act 1998.

Skill Scotland therefore recommends that the following points be included in the legislation to merge the SFEFC and SHEFC:

Additional Support Needs

Skill Scotland strongly welcomes the extension of the requirement on Scottish Ministers to have regard to the needs of people with learning difficulties in Section 3(1) to higher education as well as further education.

However, Skill Scotland is disappointed that the wording for this clause remains the same as the Further and Higher Education Act 1992. In particular, the term 'suffers from a disability, impairment or condition' is offensive to many disabled people. The terminology used ignores the social model of disability which states that disability is caused by barriers in the environment, people's attitudes etc, and not by the impairment itself. This terminology is also contrary to the whole ethos of inclusiveness.

Skill Scotland strongly recommends that instead, Scottish Ministers should be required to have regard to the requirements of those over school age who have *additional support needs*. The definition of additional support should be similar to that of the Education (Additional Support for Learning)(Scotland) Act i.e. additional support means 'provision which is additional to, or otherwise different from, the educational provision generally provided by' specified tertiary education providers for persons over school age. Skill Scotland recognises that Ministers are concerned to have a piece of legislation which is flexible enough to last over time without needing revision – the terminology of additional support needs is sufficiently broad to include any particular learner needs which may arise or become apparent in future. The term 'additional support needs' also recognises that learners come from different circumstances and may need different kinds of support to overcome barriers to learning. If Scotland is to be a place where 'people have the chance to learn, irrespective of their background or current personal circumstances', one of the five goals of the Lifelong Learning Strategy for Scotland, there must be a commitment to provide the support to ensure that all can learn effectively.

Every STEP should be inclusive

As an opportunity to ensure that disabled people are included within every aspect of learning, Skill Scotland urges the Scottish Executive to make the provision of additional support part of the baseline provision of every STEP.

Firstly, **Skill Scotland recommends that making arrangements which relate to the provision made, or to be made, with respect to persons with additional support needs should be a condition of grant, amending Section 4. STEPs should also be required to publish statements about that**

provision to ensure that all learners and stakeholders are aware of the access and support which is available.

New providers of tertiary education should likewise have to show that they have made arrangements relating to provision of additional support to persons with additional support needs, amending Section 22. This will ensure that the future of lifelong learning is inclusive and builds on the good practice already achieved. Recent research into the experiences of disabled students in Higher Education found that 'there were definite signs of progress in provision for disabled students'.¹ It is crucial that these important steps towards inclusive lifelong learning are not lost when new providers are established as STEPs.

However, this same research emphasised that there are still 'gaps between policy and practice' and 'significant barriers remain to the participation of disabled students in higher education'. Many enquiries to Skill Scotland are around the lack of support for, and participation of, disabled students in many aspects of further and higher education. Therefore, providers must continue to develop their support for students to remove these barriers and open up learning to all. Section 24 of the proposed legislation places a requirement on providers to produce a development plan each financial year and send it to the Council. **Skill Scotland recommends that STEPs should be required to include provision for persons with additional support needs within their development plans.**

Articulation

A potential benefit of having one tertiary education sector in Scotland is the increased ability of students to move smoothly from one learning setting to another, adopting a truly lifelong approach to learning. The increased consistency and partnership working across the sectors which the proposed merger could facilitate could make a critical difference in ensuring that each individual student can pursue the learning opportunities which are right for them.

Improving transitions between different parts of lifelong learning is particularly important for learners who have additional support needs. These learners are often delayed, disadvantaged or prevented from moving from one institution to another because of difficulties in getting the information and advice, the support and adjustments, and the flexibility and accessibility which they need. Skill Scotland is aware that coordination between colleges and universities is often hampered because such partnership working to specifically support disabled

¹ Riddell, Sheila et al Disabled Students and Multiple Policy Innovations in Higher Education, 2004

students is not seen as part of their role. As a consequence, disabled students face unnecessary repeat assessments, delay and stress, often causing students to drop out of courses or not pursue their ambitions. Simple discussion and agreements could resolve many of these difficulties.

Regulations will soon be introduced to the Scottish Parliament which are likely to place responsibilities on FECs and HEIs in relation to the Additional Support for Learning Act. It is expected that these regulations will require institutions to provide the information and assistance to young people with additional support needs to help them prepare for the transition from school. This is extremely valuable and recognises not only the importance of additional support whilst in learning but the importance of ensuring people can easily transfer across learning opportunities, getting the support they need.

However, over 60% of students in FECs are over 25 years old². 51% of those who gained a sub-degree qualification in 2000-2001 went on to further full-time study, presumably usually within an HEI³. Smoothing transitions for learners with additional needs must mean more than the transition from school – it must mean smoothing transitions from one education sector or institution to another.

Skill Scotland therefore recommends that the proposed legislation places requirements on providers to provide information and assistance to other providers and to potential students regarding transition support for people with additional support needs. This will have the effect of ensuring that links between institutions are a priority for each individual STEP and for the new funding body.

In addition, Section 28 continues to refer to recorded children as established in the Education (Scotland) Act 1980, and Skill Scotland questions whether this should now refer to the Education (Additional Support for Learning) (Scotland) Act and the forthcoming regulations.

Specialist colleges elsewhere in the UK

Some people with particularly complex disabilities or learning difficulties choose to attend specialist colleges in England because these provide the best learning approach and support for the individual, and best suit their personal circumstance. There are no specialist colleges in Scotland. The only Scottish public funding available for such placements is at the discretion of each education

² Association of Scottish Colleges Key Facts on FE, 2004

³ Scottish Executive Statistics Release First Destination of Graduates and Diplomates in Scotland: 2000-01, Jan 2003

authority. Under the Education (Scotland) Act 1980, an education authority has the power, but not the duty, to make payments of bursaries, scholarships or other allowances to people over school age to attend education courses within or outwith Scotland.

Skill Scotland regularly receives enquiries from parents, disabled learners, social workers and advice agencies about young people who want to attend specialist colleges elsewhere in the UK but cannot because of a lack of available funding. When an education authority will not fund such a placement, there is nowhere else to turn to for funding except for charitable trusts. This can lead to young people being forced to attend inappropriate provision or dropping out of the education system altogether. Such adhoc and inconsistent arrangements can cause young people (and their parents) considerable stress and frustration.

Skill Scotland strongly recommends that Scottish Ministers should have the power to fund people attending courses of further education outwith Scotland. This funding should also cover travel and accommodation costs. Implementing this recommendation would have several advantages: the Scottish Executive could bring greater consistency to the funding arrangements, ensuring that there is no longer a 'postcode lottery' over any aspect of student funding in Scotland; some disabled learners would no longer have to access funding on an entirely different basis from others; funding can be redirected from Local Authorities to the Scottish Executive for this purpose; and it would enable the Scottish Executive to have a coherent, joined-up policy framework, ensuring that future planning of post-school education in Scotland fully considers the needs of all learners. Any other arrangement denies the diversity of opportunities to suit the learner which should be available within lifelong learning.

Consult learners

It is very important that the future of tertiary education in Scotland is determined by listening to learners and shaping provision accordingly. For example, on a practical level, institutions which are trying to create an accessible campus can sometimes end up creating new barriers for disabled people because they have not consulted the key stakeholders regarding accessibility - disabled people.

Skill Scotland notes that Section 12 requires the Council to consult the governing body of the STEP or other bodies representing STEPs' interests before imposing terms and conditions on grants, loans or other payments. **Skill Scotland recommends that this Section should be amended to include bodies which appear to the new Council to represent the interests of learners or potential learners.**

Section 15, covering the assessment and enhancement of quality in tertiary education, should likewise be amended to include consultation of bodies which represent the interests of learners or potential learners. Students as users are obviously key stakeholders regarding quality, as recognised by the Funding Councils in their current funding of the Student Participation in Quality Scotland (SPARQS) project, and as recognised by the student reviewer's role within quality assurance processes.

Scottish Public Services Ombudsman

Skill Scotland strongly welcomes the commitment included within the consultation paper to ensure that providers publish arrangements for student complaints. As Skill Scotland highlighted in our response to 'A New Complaints Landscape for FE and HE in Scotland', disabled students are largely unaware of their rights under the DDA⁴ and many students are therefore unaware that they can access conciliation or take court proceedings against disability discrimination. **Skill Scotland urges the Scottish Executive to ensure that the publication of arrangements regarding student complaints includes information for disabled students about what to do in cases of disability discrimination.**

Summary of recommendations

Skill Scotland recommends that:

- **Scottish Ministers should be required to have regard to the requirements of those over school age who have additional support needs.**
- **Section 4 should be amended to make arrangements which relate to the provision made, or to be made, with respect to persons with additional support needs a condition of grant. STEPs should also be required to publish statements about that provision to ensure that all learners are aware of the access and support which is available.**
- **New providers of tertiary education should have to show that they have made arrangements relating to provision of additional support to persons with additional support needs, amending Section 22.**

⁴ Riddell, S, Tinklin, T & Wilson, A. Disabled Students and Multiple Policy Innovations in HE, 2003

- STEPs should be required to include provision for persons with additional support needs within their development plans.
- The proposed legislation should place requirements on providers to provide information and assistance to other providers or to individual students regarding transition support for people with additional support needs.
- Scottish Ministers should have the power to fund people attending courses of further education outwith Scotland.
- Skill Scotland recommends that Sections 12 and 15 should be amended to include consultation of bodies which appear to the new Council to represent the interests of learners or potential learners.
- Skill Scotland urges the Scottish Executive to ensure that the publication of arrangements regarding student complaints includes information for disabled students about what to do in cases of disability discrimination.

Skill Scotland
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